Queensland

Mineral Resources Act 1989

Mineral Resources Regulation 2003

Reprinted as in force on 19 October 2012

Reprint No. 8F

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

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Queensland

Mineral Resources Regulation 2003

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Mineral Resources Regulation 2003

[as amended by all amendments that commenced on or before 19 October 2012]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Mineral Resources Regulation 2003*.

2 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

Part 3 Prospecting permits

4 Conditions of prospecting permits—Act, s 25

For section 25(2) of the Act, the prescribed conditions are that the holder, or another person acting under the authority, of a prospecting permit must—

(a) use, if practicable, only existing roads or tracks on the land to which the permit applies; and

(b) take reasonable steps to ensure no reproductive material of a declared plant is moved onto, within or from the land to which the permit applies; and

(c) not allow an animal in the custody of the holder or person to be on the land to which the permit applies

unless the land is fenced in a way to prevent the animal from leaving the land or the animal is restrained; and

(d) if the permit applies to occupied land—not do the following on the land unless the holder has the written consent of the owner of the land and the consent has been lodged with the mining registrar—

(i) access the land other than at a point designated by the mining registrar;

(ii) discharge a firearm;

(iii) light an open fire.

Editor's note—

See also part 8.

5 Minimum security for district prospecting permit

(1) This section applies only to a district prospecting permit.

(2) For section 26(2) of the Act, the amount prescribed for the permit is $1000.

Part 4 Mining claims

Division 1 Provisions about applications for mining claim

6 Amendment of application after survey of contiguous land

(1) This section applies if—

(a) an application for a mining claim applies to land that is contiguous to affected land; and

(b) at the time the application for the mining claim was made, the affected land had not been surveyed; and

(c) the affected land was later surveyed; and

(d) the mining registrar has given to the applicant a written notice stating—

(i) the survey of the affected land has been completed; and

(ii) all survey marks defining the boundary of the affected land have been placed.

(2) The applicant may do the following so that the land to which the application relates is still contiguous to the affected land—

(a) amend the description of the land stated on the application;

(b) adjust the marking out of the land to which the application relates.

(3) However, the amendment and adjustment mentioned in subsection (2) must—

(a) be made within 14 days after the applicant is given the notice under subsection (1)(d) or, if the mining registrar has approved a longer period, the longer period; and

(b) not cause the land, to which the application relates, to include any land that is not land to which the applicant's prospecting permit applies.

(4) Also, this section does not authorise or entitle the applicant to have the affected land surveyed.

7 Prescribed areas for particular land—Act, s 53

For section 53(3)(b) of the Act, the area prescribed for particular land in a mining district mentioned in schedule 2 is the area stated, in schedule 2, for the land.

Division 2 Conditions of mining claims

8 Application of div 2

This division prescribes conditions of mining claims for section 81(1)(n) of the Act.

9 General conditions

The holder, or a person acting under the authority, of a mining claim must—

(a) use, if practicable, only existing roads or tracks on the land to which the claim applies; and

(b) take reasonable steps to ensure no reproductive material of a declared plant is moved onto, within or from the land to which the claim applies; and

(c) not allow an animal in the custody of the holder or person to be on the land to which the claim applies unless the land is fenced in a way to prevent the animal from leaving the land or the animal is restrained; and

(d) if the claim applies to occupied land—not discharge a firearm on the land unless the holder has the written consent of the owner of the land and the consent has been lodged with the mining registrar.

Editor's note—

See also part 8.

10 Prohibited prospecting or hand mining equipment

(1) A holder must not use prohibited machinery on land to which a mining claim applies.

(2) However, subsection (1) does not apply to—

(a) using machinery to—

(i) transport mineral bearing ore or wash; or

(ii) transport equipment, materials, or water, used for mining operations; or

(iii) build storage facilities for water used for mining operations; or

(iv) rehabilitate the surface area of the land; or

(b) using an eductor dredge in the Mareeba mining district, if the eductor dredge—

(i) has an inlet nozzle diameter of no more than 200mm; and

(ii) is being used while water is flowing in, or in streams leading into, the Palmer River or Mitchell River; or

(c) using a vehicle mounted drill in restricted area 1, 25 or 77 if the drill has a diameter no more than—

(i) if the drill is used for exploration drilling—25cm; or

(ii) if the drill is used for drilling access shafts—1m.

(3) In this section—

prohibited machinery means any of the following—

(a) a backhoe, bobcat, bucket excavator, bulldozer, clamshell, continuous miner, dragline, end-loader, excavator, grader, loader, ripper, rooter, scarifier, scoop, scoopmobile, scraper, tractor or traxcavator;

(b) a cart, crane, locomotive, monorail, motor vehicle with or without a trailer, or a ropeway;

(c) a dredge;

(d) a vehicle mounted drill.

Part 5 Exploration permits

11 Prescribed areas—Act, ss 127 and 133

For sections 127(4) and 133(1)(h)(iii) of the Act, the area prescribed is—

(a) for an exploration permit for the exploration of coal—300 sub-blocks; and

(b) for any other exploration permit—100 sub-blocks.

12 Office where application may be made

For section 133(1)(f) of the Act, each office of a mining registrar is prescribed.

13 Numbering of application

(1) This section prescribes, for section 134 of the Act, the way an application for an exploration permit must be numbered.

(2) The application must be given an identification number that includes—

(a) a sequence of letters to identify the type of exploration permit to which the application relates; and

(b) a consecutive number, following on from the last number given for an application for an exploration permit of the same type.

(3) For subsection (2)(a), the sequence of letters used to identify the type of exploration permit must be decided by using a system approved by the chief executive.

13A Reporting to Minister—Act, s 141

(1) A report mentioned in section 141(1)(f) of the Act must—

(a) be lodged electronically using the system for submission of reports made or approved by the chief executive; and

(b) be in the digital format made or approved by the chief executive.

(2) However, the report may be in hard copy form if the chief executive gives the holder approval before the report is given.

(3) The chief executive must ensure the system and a document detailing the digital format made or approved by the chief executive are available for inspection on the department's website.

Editor's note—

A document about the system for submission of reports is available for inspection at <http://mines.industry.qld.gov.au>.

13B Annual report for exploration permit

(1) For section 141(1)(f) of the Act, the information prescribed for an annual report mentioned in subsection (1)(f)(i) of that section is—

(a) for the first annual report—a statement detailing the philosophy and objectives of the exploration to be carried out under the permit; and

(b) a full technical summary of the authorised activities for the permit carried out during the reporting period, including—

(i) assay results; and

(ii) geological, geophysical, geochemical, drilling or remote sensing data, including maps showing the geophysical and geochemical anomalies and prospects or mineralisation in the area; and

(iii) any three-dimensional models generated as part of exploration in the area; and

(c) a statement detailing whether the program of activities for the permit was complied with during the reporting period, including details of, and reasons for, any failure to comply with the program; and

(d) a statement of the authorised activities proposed to be carried out under the permit for the next reporting period; and

(e) a statement and a map with cross-sections of any resources and reserves identified; and

(f) a statement describing any significant mineralisation identified and related geological or structural features; and

(g) a statement of expenditure (an ***expenditure statement***) itemising the expenditure incurred in relation to each authorised activity carried out under the permit during the reporting period.

(2) The expenditure statement must contain a separate itemisation of expenditure in relation to each of the following, where applicable—

(a) drilling and completion activities;

(b) trenching, costeaning or pitting;

(c) geophysical and geochemical surveys;

(d) technical evaluation and analysis;

(e) data management or data interpretation;

(f) operational and administrative expenses, limited to 10% of the total expenditure;

(g) complying with native title conditions;

(h) allowable costs under a native title agreement or native title conditions.

(3) However, the expenditure statement must not include expenditure in relation to any of the following—

(a) background land tenure searches and assessments;

(b) cultural heritage surveys;

(c) rent, fees and security paid under the Act for the permit;

(d) obtaining legal advice or legal representation, including disbursements and interest on amounts payable for legal services;

(e) environmental rehabilitation;

(f) compensation to owners of land affected by the permit for damage to improvements or loss of business;

(g) compensation to the State or owners under section 145 of the Act;

(h) consultation and negotiation with native title parties, other than allowable costs under a native title agreement or native title conditions;

(i) capital assets.

(4) The expenditure statement must be given with, but be in a separate document from, the remainder of the annual report.

(5) In this section—

reporting period means each 1 year period from the anniversary of the day the exploration permit takes effect.

13C Partial relinquishment report for exploration permit

(1) For section 141(1)(f) of the Act, the information prescribed for a report about a reduction in the area of an exploration permit (a ***partial relinquishment report***) mentioned in subsection (1)(f)(ii) of that section is—

(a) the tenure information for the report; and

(b) the general area information for the report; and

(c) the geological model of the relinquished part of the area of the permit (the ***relinquished area***) and an assessment of the potential for mineral discovery in the relinquished area; and

(d) a summary of the results of all authorised activities for the permit carried out in the relinquished area since the permit took effect and the conclusions drawn by the holder based on the results; and

(e) the reason the holder has relinquished the area.

(2) A map required for this section must overlay a standard topographical or cadastral background, showing major topographic and geographic features, and be at a standard industry-recognised scale.

Examples of geographic features—

bores, homesteads, mine workings, names of streams, peaks, prospects, roads

Examples of standard industry-recognised scales—

1:100000, 1:250000

(3) In this section—

general area information, for a partial relinquishment report, means each of the following—

(a) a location map showing—

(i) the area of the exploration permit immediately before the relinquishment (the ***previous tenure area***); and

(ii) the relinquished area;

(b) a map or spreadsheet showing the location, identified by a global positioning system unit using the Geocentric Datum of Australia 1994, in the relinquished area of—

(i) each hole drilled under the permit; and

(ii) all sampling undertaken in the area for any purpose and the laboratory identification of the sampling; and

(iii) any geochemical and geophysical surveying undertaken and a digital copy of all data in nominated standard formats; and

(iv) any three-dimensional models generated as part of exploration in the relinquished area; and

(v) each seismic line used for a seismic survey carried out under the permit;

(c) a structure contour map or three-dimensional model showing the seismic horizons, or seismic reflectors, in the relinquished area;

(d) a map showing the geophysical and geochemical anomalies and prospects or mineralisation in the relinquished area;

(e) a general description of the topographical features of the previous tenure area and the relinquished area including, for example, access to the areas.

tenure information, for a partial relinquishment report, means each of the following—

(a) the day the exploration permit was granted;

(b) the day the relinquishment takes effect;

(c) the period of the program of work for the permit;

(d) the block and sub-block description comprising the relinquished area.

13D Final report for exploration permit

(1) For section 141(1)(f) of the Act, the information prescribed for a report summarising the results of exploration for the whole of the term of an exploration permit (a ***final report***) mentioned in subsection (1)(f)(iii) of that section is—

(a) the information mentioned in section 13C(1); and

(b) any information that has not been contained in a partial relinquishment report made under section 13C during the term of the exploration permit; and

(c) a statement of expenditure for the whole of the term of the permit (an ***expenditure statement***) containing an itemisation of expenditure in relation to the matters mentioned in section 13B(2).

(2) For subsection (1)(a) or (b), a reference in section 13C to a relinquished area is a reference to the area of the exploration permit immediately before it ended.

(3) The expenditure statement must be given with, but be in a separate document from, the remainder of the final report.

14 Conditions of exploration permits—Act, s 141

For section 141(1)(i) of the Act, the prescribed conditions are that the holder of, or a person acting under the authority of, an exploration permit must—

(a) use, if practicable, only existing roads or tracks on the land to which the permit applies; and

(b) take reasonable steps to ensure no reproductive material of a declared plant is moved onto, within or from the land to which the permit applies; and

(c) not allow an animal in the custody of the holder or person to be on the land to which the permit applies unless the land is fenced in a way to prevent the animal from leaving the land or the animal is restrained; and

(d) if the permit applies to occupied land—not do the following on the land unless the holder has the written consent of the owner of the land and the consent has been lodged with the mining registrar—

(i) discharge a firearm;

(ii) light an open fire.

Editor's note—

See also part 8.

Part 6 Mineral development licences

14A Reporting to Minister—Act, s 194

(1) A report mentioned in section 194(1)(f) of the Act must—

(a) be lodged electronically using the system for submission of reports made or approved by the chief executive; and

(b) be in the digital form made or approved by the chief executive.

(2) However, the report may be in hard copy form if the chief executive gives the holder approval before the report is given.

(3) The chief executive must ensure the system and a document detailing the digital format made or approved by the chief executive are available for inspection on the department's website.

Editor's note—

A document about the system for submission of reports is available for inspection at <http://mines.industry.qld.gov.au>.

14B Annual report for mineral development licence

(1) For section 194(1)(f) of the Act, the information prescribed for a report for each year of the term of a mineral development licence (an ***annual report***) mentioned in subsection (1)(f)(i) of that section is—

(a) for the first annual report—a statement detailing the purpose of the grant of the mineral development licence; and

Examples of the purpose—

- to continue coal exploration drilling to bring coal reserves up to indicated status
- to undertake studies as to the commercial viability or market opportunities for any resource or reserve

(b) a full technical summary of the authorised activities for the licence carried out during the reporting period, including—

(i) assay results; and

(ii) geological, geophysical, geochemical, drilling or remote sensing data including maps showing the

geophysical and geochemical anomalies and prospects or mineralisation in the area; and

(iii) any three-dimensional models generated as part of exploration in the area; and

(c) if applicable, a statement detailing whether the program of activities for the licence was complied with during the reporting period, including details of, and reasons for, any failure to comply with the program; and

(d) if applicable, a statement of the authorised activities proposed to be carried out under the licence for the next reporting period; and

(e) a statement and a map with cross-sections of any resources and reserves identified; and

(f) statements describing any significant mineralisation identified and related geological or structural features; and

(g) a statement of expenditure (an ***expenditure statement***) itemising the expenditure incurred in relation to each authorised activity carried out under the licence during the reporting period.

(2) The expenditure statement must contain a separate itemisation of expenditure in relation to each of the following, where applicable—

(a) drilling and completion activities;

(b) trenching, costeaning or pitting;

(c) geophysical and geochemical surveys;

(d) technical evaluation and analysis;

(e) metallurgical testing;

(f) data management or data interpretation;

(g) mining feasibility, environmental or marketing studies;

(h) engineering and design studies;

(i) operational and administrative expenses, limited to 10% of the total expenditure;

(j) complying with native title conditions;

(k) allowable costs under a native title agreement or native title conditions.

(3) However, the expenditure statement must not include expenditure in relation to any of the following—

(a) background land tenure searches and assessments;

(b) cultural heritage surveys;

(c) rent, fees and security paid under the Act for the licence;

(d) obtaining legal advice or legal representation, including disbursements and interest on amounts payable for legal services;

(e) environmental rehabilitation;

(f) compensation to owners of land affected by the licence for damage to improvements or loss of business;

(g) compensation to the State or owners under section 191 of the Act;

(h) consultation and negotiation with native title parties, other than allowable costs under a native title agreement or native title conditions;

(i) capital assets.

(4) The expenditure statement must be given with, but be in a separate document from, the remainder of the annual report.

(5) In this section—

reporting period means each 1 year period from the anniversary of the day the mineral development licence takes effect.

14C Partial surrender report for mineral development licence

(1) For section 194(1)(f) of the Act, the information prescribed for a report about a reduction in the area of a mineral

development licence (a ***partial surrender report***) mentioned in subsection (1)(f)(ii) of that section is—

(a) the tenure information for the report; and

(b) the general area information for the report; and

(c) the geological model of the surrendered part of the area of the licence (the ***surrendered area***) and an assessment of the potential for mineral discovery in the surrendered area; and

(d) a summary of the results of all authorised activities for the licence carried out in the surrendered area since the licence took effect and the conclusions drawn by the holder based on the results; and

(e) the reason the holder has surrendered the area.

(2) A map required for this section must overlay a standard topographical or cadastral background, showing major topographic and geographic features, and be at a standard industry-recognised scale.

Examples of geographic features—

bores, homesteads, mine workings, names of streams, peaks, prospects, roads

Examples of standard industry-recognised scales—

1:100000, 1:250000

(3) In this section—

general area information, for a partial surrender report, means each of the following—

(a) a location map showing—

(i) the area of the mineral development licence immediately before the surrender (the ***previous licence area***); and

(ii) the surrendered area;

(b) a map or spreadsheet showing the location, identified by a global positioning system unit using the Geocentric Datum of Australia 1994, in the surrendered area of—

(i) each hole drilled under the licence; and

(ii) all sampling undertaken in the area for any purpose and the laboratory identification of the sampling; and

(iii) any geochemical and geophysical surveying undertaken and a digital copy of all data in nominated standard formats; and

(iv) any three-dimensional models generated as part of exploration in the surrendered area; and

(v) each seismic line used for a seismic survey carried out under the licence;

(c) a structure contour map or three-dimensional model showing the seismic horizons, or seismic reflectors, in the surrendered area;

(d) maps showing the geophysical and geochemical anomalies and prospects or mineralisation in the surrendered area;

(e) a general description of the topographical features of the previous licence area and the surrendered area including, for example, access to the areas.

tenure information, for a partial surrender report, means each of the following—

(a) the day the mineral development licence was granted;

(b) the day the surrender takes effect;

(c) the period of the program of work for the licence.

14D Final report for mineral development licence

(1) For section 194(1)(f) of the Act, the information prescribed for a report summarising the results of activities carried out under a mineral development licence during all of its term (a ***final report***) mentioned in subsection (1)(f)(iii) of that section is—

(a) the information mentioned in section 14C(1); and

(b) any information that has not been contained in a partial surrender report made under section 14C during the term of the mineral development licence; and

(c) a statement of expenditure for the whole of the term of the licence (an ***expenditure statement***) containing an itemisation of expenditure in relation to the matters mentioned in section 14B(2).

(2) For subsection (1)(a) or (b), a reference in section 14C to a surrendered area is a reference to the area of the mineral development licence immediately before it ended.

(3) The expenditure statement must be given with, but be in a separate document from, the remainder of the final report.

15 Conditions of mineral development licences

For section 194(1)(i) of the Act, the prescribed conditions are that the holder of, or a person acting under the authority of, a mineral development licence must—

(a) use, if practicable, only existing roads or tracks on the land to which the licence applies; and

(b) take reasonable steps to ensure no reproductive material of a declared plant is moved onto, within or from the land to which the licence applies; and

(c) not allow an animal in the custody of the holder or person to be on the land to which the licence applies unless the land is fenced in a way to prevent the animal from leaving the land or the animal is restrained; and

(d) if the licence applies to occupied land—not do the following on the land unless the holder has the written consent of the owner of the land and the consent has been lodged with the mining registrar—

(i) access the land other than at a point designated by the mining registrar;

(ii) discharge a firearm;

(iii) light an open fire.

Editor's note—

See also part 8.

Part 7 Mining leases

15A Definitions for pt 7

In this part—

adjacent petroleum lease, for coal mining operations, see section 19B(1)(a)(ii).

coal mine has the meaning given under the *Coal Mining Safety and Health Act 1999*, section 9.

coal mining operations has the meaning given under the *Coal Mining Safety and Health Act 1999*, schedule 3.

overlapping petroleum lease, for coal mining operations, see section 19B(1)(a)(i).

petroleum lease means a lease under the *Petroleum Act 1923* or a petroleum lease under the Petroleum and Gas (Production and Safety) Act.

16 Amendment of application after survey of contiguous land

(1) This section applies if—

(a) an application for a mining lease applies to land that is contiguous to affected land; and

(b) at the time the application for the mining lease was made, the affected land had not been surveyed; and

(c) the affected land was later surveyed; and

(d) the mining registrar has given, to the applicant, a written notice stating—

(i) the survey of the affected land has been completed; and

(ii) all survey marks defining the boundary of the affected land have been placed.

(2) The applicant may do the following so that the land to which the application relates is still contiguous to the affected land—

(a) amend the description of the land stated on the application;

(b) adjust the marking out of the land to which the application relates.

(3) However, the amendment and adjustment mentioned in subsection (2) must—

(a) be made within 14 days after the applicant is given the notice under subsection (1)(d) or, if the Minister has approved a longer period, the longer period; and

(b) not cause the land, to which the application relates, to include any land that is not land to which the applicant's prospecting permit, exploration permit or mineral development licence, applies.

(4) Also, this section does not authorise or entitle the applicant to have the affected land surveyed.

17 Person may obtain copy of mining lease application

(1) A person may apply, in writing, to a mining registrar for a copy of an application for a mining lease.

(2) The application for the copy must be accompanied by the prescribed fee.

(3) However, the mining registrar must not give the person a copy of a statement that accompanied the application for the mining lease if the statement contains information about the applicant's financial or technical resources.

18 Conditions of mining lease

For section 276(1)(m) of the Act, the prescribed conditions are that the holder of, or a person acting under the authority of, a mining lease must—

(a) use, if practicable, only existing roads or tracks on the land to which the lease applies; and

(b) take reasonable steps to ensure no reproductive material of a declared plant is moved onto, within or from the land to which the lease applies; and

(c) not allow an animal in the custody of the holder or person to be on the land to which the lease applies unless the land is fenced in a way to prevent the animal from leaving the land or the animal is restrained; and

(d) if the lease applies to occupied land—not discharge a firearm on the land unless the holder has the written consent of the owner of the land and the consent has been lodged with the mining registrar.

Editor's note—

See also part 8.

19A Required level of knowledge about resources or reserves of petroleum

(1) This section prescribes, for section 318BA(1)(c) of the Act, the required level of knowledge about a resource or reserve (the ***deposit***) of petroleum in the land.

(2) The requirements are that the Minister is reasonably satisfied that—

(a) at least 20% of the deposit is a proved or probable reserve under the relevant codes; and

(b) the remainder of the deposit, if any, is a low or best estimate contingent resource under the relevant codes.

(3) Also, for a deposit of coal seam gas, the Minister must be reasonably satisfied that—

(a) there is adequate geological continuity for each coal seam (***relevant coal seam***) in relation to which the deposit occurs; and

(b) there is adequate data to establish each of the following—

(i) the composition of the gas in the natural underground reservoir;

(ii) the volume of the gas in the natural underground reservoir in relation to the mass of the coal seam;

(iii) flow rates for the natural underground reservoir, based on information obtained from drill stem or other tests; and

(c) sufficient production testing for coal seam gas has been undertaken throughout the deposit in the relevant coal seams to provide adequate certainty in relation to the estimations required under subsection (2)(a) and (b); and

(d) there are reasonable prospects for the economic production of coal seam gas from the deposit.

(4) In deciding the amount of data required to make estimates of the resource or reserve for subsection (2)(a) and (b) for a deposit of coal seam gas, and the amount of data required in relation to subsection (3)(a) to (c), the Minister may have regard to the document called 'Australian guidelines for estimating and reporting of inventory coal, coal resources and coal reserves' (2003) published by the Coalfields Geology Council of New South Wales and the Queensland Mining Council.

(5) In this section—

relevant codes see section 318BA of the Act.

19B Condition of mining lease—principal hazard management plan

(1) This section applies in relation to a coal mining lease if—

(a) coal mining operations carried out under the mining lease are carried out—

(i) within the area of a petroleum lease (an ***overlapping petroleum lease***); or

(ii) adjacent to the area of a petroleum lease (an ***adjacent petroleum lease***); and

(b) the coal mining operations physically affect, or may physically affect—

(i) the safety of persons or plant in the area of the petroleum lease; or

(ii) the efficiency with which the authorised activities under the petroleum lease can be carried out.

(2) It is a condition of the mining lease that the holder must—

(a) before the coal mining operations commence, make a principal hazard management plan for the mining lease that complies with section 19D; and

(b) if section 19C applies, before making the plan—

(i) make reasonable attempts to consult with the petroleum lease holder about the plan; and

(ii) subject to section 19C(3), have regard to any reasonable provisions for the plan proposed by the petroleum lease holder; and

(c) implement and maintain the plan.

(3) A principal hazard management plan made by the mining lease holder may also relate to another coal mining lease—

(a) that is held by the same holder; and

(b) under which coal mining operations are carried out in or adjacent to the area of the petroleum lease.

(4) The condition of the holder's mining lease mentioned in subsection (2) is taken to have been complied with if—

(a) a principal hazard management plan (a ***mine's principal hazard management plan***) has been implemented under

the *Coal Mining Safety and Health Act 1999* for each coal mine operated under the lease at which coal mining operations mentioned in subsection (1) are carried out; and

(b) the mine's principal hazard management plan contains all of the matters mentioned in section 19D; and

(c) before the mine's principal hazard management plan was made, the consultation requirements under subsection (2)(b) were complied with to the extent the plan was proposed to contain the matters mentioned in section 19D.

(5) If the holder's mining lease is in force immediately before this section commences, the condition in subsection (2) does not apply for the lease until 6 months after the day this section commences.

19C Consultation requirement for principal hazard management plan

(1) This section applies if—

(a) the holder of a mining lease to which section 19B applies is not the holder of the adjacent or overlapping petroleum lease; and

(b) the coal mining operations are carried out adjacent to the area of the petroleum lease.

(2) For section 19B(2)(b)(i), the mining lease holder is taken to have made reasonable attempts to consult if—

(a) the holder gives the petroleum lease holder a copy of the holder's proposed principal hazard management plan; and

(b) the petroleum lease holder has not, within 20 days after being given the copy, made any proposal to the mining lease holder about the provisions for the plan.

(3) The obligation under section 19B(2)(b)(ii) applies only to the extent the provisions are commercially and technically

feasible for the mining lease holder or the holder of any adjacent or overlapping petroleum lease.

19D Content of principal hazard management plan

(1) For section 19B, a principal hazard management plan must, for the coal mining operations mentioned in section 19B(1)—

(a) identify and assess the physical effects created or that may be created by the coal mining operations in relation to—

(i) the safety of persons or plant in the area of an adjacent or overlapping petroleum lease; or

(ii) the efficiency with which the authorised activities under the adjacent or overlapping petroleum lease can be carried out; and

(b) identify the triggers or material changes or effects, or the likely triggers, material changes or effects, that must be monitored, including for example, specific purpose boundary monitoring, if required; and

(c) for each matter identified under paragraph (b)—

(i) state response procedures and times; and

(ii) state the type of action required for the response; and

Examples of action that may be required—

1 a risk analysis

2 notice to the petroleum lease holder of—

(a) a drop in hydrostatic pressure that may show a potential hazard to persons carrying out authorised activities under the petroleum lease; or

(b) a change in water that may show fluid interconnections with an adjacent petroleum lease

(iii) state the reporting procedures.

(2) The potential hazard guide in schedule 2A is a list of potential hazards that may be created by coal mining operations in relation to exploring for or producing coal seam gas or petroleum.

(3) The guide is intended to help the mining lease holder identify and assess the effects mentioned in subsection (1)(a).

19E Resolving disputes about provision proposed by petroleum lease holder

(1) This section applies if there is a dispute between the holder of the mining lease and a petroleum lease holder about the reasonableness of a provision proposed by the petroleum lease holder for the mining lease holder's proposed principal hazard management plan for the mining lease.

(2) Either party may refer the dispute to the chief inspector of coal mines to decide whether the proposed provision is reasonable.

(3) The referral must be—

(a) written; and

(b) lodged at the following office (the ***relevant office***)—

(i) the office of the department for lodging the referral, as stated in gazette notice by the chief inspector of coal mines;

(ii) if no office is gazetted under subparagraph (i)—the office of the chief inspector of coal mines.

(4) Before deciding the dispute, the chief inspector of coal mines must give each party a reasonable opportunity to lodge at the relevant office submissions about the dispute.

(5) The chief inspector may decide the dispute only with the agreement of the chief inspector, petroleum and gas.

(6) The decision of the chief inspector of coal mines binds each party to the dispute.

(7) The chief inspector of coal mines must give each party written notice of the decision.

(8) In this section—

chief inspector of coal mines means the chief inspector of coal mines under the *Coal Mining Safety and Health Act 1999*.

chief inspector, petroleum and gas means the chief inspector under the Petroleum and Gas (Production and Safety) Act.

19F Requirement to stop particular activities

(1) The holder of a mining lease must ensure coal mining operations carried out under the lease stop immediately if—

(a) the holder becomes aware, or ought reasonably to be aware, that the operations physically affect the efficiency with which authorised activities under an adjacent or overlapping petroleum lease can be carried out; and

(b) the holder of the petroleum lease has not consented to the operations being carried out.

Maximum penalty—20 penalty units.

(2) The holder must ensure the activity does not resume until—

(a) the operations are modified so they do not have a physical effect on the efficiency of the petroleum activities to the extent mentioned in subsection (1); or

(b) the holder of the petroleum lease consents in writing to the operations being carried out.

Maximum penalty—20 penalty units.

(3) In this section—

acceptable level of risk has the meaning given under the Petroleum and Gas (Production and Safety) Act, section 700.

Part 8 Additional conditions on grant of mining tenements in relation to particular restricted areas

20 Application of pt 8

This part—

(a) applies to—

(i) restricted area 1; and

(ii) restricted area 25; and

(iii) restricted area 77; and

(b) prescribes additional conditions for all mining tenements relating to the restricted areas mentioned in paragraph (a).

21 Conditions about access shafts

(1) An access shaft used in the restricted area must—

(a) not have a diameter of more than 1m; and

(b) be backfilled after the mining activity, for which the access shaft was used, ends.

(2) Also—

(a) no more than 3 access shafts may be open, at any time, on the land to which the mining tenement applies; and

(b) an opened access shaft must be interconnected for ventilation and egress while the mining activity, for which the access shaft is used, is being carried on.

Part 9 Royalties

Division 1 Provisions about royalty returns

24 Application of div 1

This division prescribes, for section 320(4) of the Act, the requirements for royalty returns lodged under the Act.

25 Form of royalty returns

A royalty return lodged under the Act must be in the approved form.

26 Information to accompany or support royalty return

The Minister may require—

(a) that a royalty return lodged by a particular person, or for a particular mining operation, be accompanied by information to support the matters stated in the royalty return; or

(b) a person who has lodged a royalty return to provide further information to support the matters stated in the royalty return.

27 Period to which a royalty return must relate

(1) A royalty return lodged by a person must relate to a period of—

(a) 1 year starting on—

(i) 1 July; or

(ii) if the Minister has, by giving written notice to the person, approved another day for the start of the year—the day approved by the Minister; or

(b) if the Minister has decided, having regard to the size of the operation to which the return relates, the return should be lodged for a quarter—1 quarter starting on the first day of the quarter decided by the Minister to be the quarter to which the return must relate.

(2) However, if the royalty return relates to oil shale, the royalty return must relate to a calendar quarter.

28 When royalty return must be lodged

(1) A royalty return lodged under the Act must be lodged—

(a) if the return relates to a year—within 3 months after the day the year ended; or

(b) if the return relates to a quarter—on or before the last business day of the month after the day the quarter ended.

(2) However, if a mining operation ends within the year or quarter, the royalty return must be lodged within 3 months after the day the operation ended.

(3) Also, a person may apply, in writing, to the Minister for approval to lodge the royalty return on a day later than the day mentioned in subsection (1) or (2).

(4) The prescribed fee must accompany a royalty return lodged after—

(a) the day mentioned in subsection (1) or (2); or

(b) if the Minister has approved a later day under subsection (3)—the later day.

(5) The Minister may remit the whole or part of the fee mentioned in subsection (4).

29 No royalty return required in particular circumstances

(1) This section applies in relation to a mining operation if—

(a) the mining operation consists of mining minerals under only 1 or more mining claims; and

(b) no royalty is payable for the mining operation for a return period.

(2) No royalty return is required to be lodged in relation to the mining operation for the return period.

Note—

See, however, section 325 of the Act for the requirement that a person lodge a royalty return if the person assigns or surrenders, otherwise than for the purpose of a grant of a new mining claim, a mining claim in a return period.

(3) Subsection (2)—

(a) does not prevent the Minister requiring, under section 327(1)(d) of the Act, the holder of a mining claim to lodge a royalty return for the return period; and

(b) is taken not to apply for the return period for that purpose.

Division 2 Royalty payable for minerals

Subdivision 1 Royalty payable

30 When royalty payable—yearly return period

The royalty payable by a person under the Act for a return period that is 1 year is payable on the day the royalty return must be lodged for the return period.

30A When and how royalty payable—quarterly return period

(1) Subject to subsection (3), the royalty payable by a person under the Act for a return period that is a quarterly return period is payable as follows—

(a) instalment 1 is payable on or before the last business day of the second month of the return period;

(b) instalment 2 is payable on or before the last business day of the third month of the return period;

(c) instalment 3 is payable on the day a royalty return must be lodged for the return period.

(2) A person must lodge an approved form for a payment under subsection (1) when the payment is made.

(3) If the Minister considers it appropriate to do so, the Minister may by written notice (a ***quarterly payment notice***) allow a person to pay the royalty payable by the person under the Act for a quarterly return period on the day the royalty return must be lodged for the return period.

(4) A quarterly payment notice given to a person must state the period for which the notice applies.

(5) If the Minister considers it appropriate to do so, the Minister may, by written notice, withdraw a quarterly payment notice.

(6) A withdrawal under subsection (5) takes effect from the start of the next return period after the return period in which the notice of the withdrawal is given ends.

(7) In this section—

instalment 1, for a return period, means—

(a) the amount payable by the person for the first month of the return period worked out under section 30B(2); or

(b) if an election under section 30C(3) applies for the first month of the return period—the amount payable by the person for the first month of the return period worked out under section 30C(5).

instalment 2, for a return period, means—

(a) the amount payable by the person for the second month of the return period worked out under section 30B(3); or

(b) if an election under section 30C(3) applies for the second month of the return period—the amount payable by the person for the second month of the return period worked out under section 30C(6).

instalment 3, for a return period, means—

(a) if the sum of instalment 1 and instalment 2 for the return period is less than the royalty payable by the person under the Act for the return period—the amount that is the total amount of royalty payable by the person under the Act for the return period less that sum; or

(b) otherwise—zero.

Note—

Section 45 provides for a refund if the amount of royalty paid for a return period is more than the amount of royalty payable assessed by the chief executive under section 44.

30B Working out monthly payments for quarterly return period generally

(1) This section prescribes, for section 30A(1), the amounts payable by a person for each month of a return period.

Note—

Section 30C allows a person to make an election to change the amount payable for the first or second month of a return period if the person reasonably believes the royalty payable by the person under the Act for the return period will be less than the royalty payable by the person under the Act for the previous return period.

(2) The amount payable by the person for the first month of the return period is an amount that is a third of the total amount of the royalty payable by the person under the Act for the previous return period.

(3) The amount payable by the person for the second month of the return period is an amount that is a third of the total amount of the royalty payable by the person under the Act for the previous return period.

(4) For subsections (2) and (3), the royalty payable by the person under the Act for the previous return period is the royalty payable by the person under the Act for the previous return period—

(a) taking into account any determination under section 330 of the Act, and any reassessment under section 331 of

the Act, for the royalty made before the earlier of the following happens—

(i) the amount for the first month of the return period is paid;

(ii) the amount for the first month of the return period becomes payable; and

(b) disregarding any determination under section 330 of the Act, and any reassessment under section 331 of the Act, for the royalty made when or after the earlier of the following happens—

(i) the amount for the first month of the return period is paid;

(ii) the amount for the first month of the return period becomes payable.

Example—

The royalty paid for the previous return period was $90000. A reassessment for the previous return period was made by the Minister under section 331 of the Act to increase the royalty payable for the previous return period to $120000. The reassessment was made before the amount payable for the first month of the return period is paid or becomes payable (whichever is the earlier). Accordingly, the amount payable under this section for the first month and second month of the return period is $40000 (being a third of $120000).

(5) If the person has not lodged a royalty return for the previous return period as required under the Act—

(a) the Minister—

(i) may estimate the amount of royalty payable by the person under the Act for the previous return period for working out the amounts payable under subsections (2) and (3); and

(ii) must give the person a written notice stating the estimated amount; and

(b) for subsections (2) and (3), the royalty payable by the person under the Act for the previous return period is the estimated amount.

(6) If the previous return period was not a quarter—

(a) the Minister—

(i) may adjust the amount of royalty payable by the person under the Act for the previous return period to estimate an amount representative of the royalty that would have been payable if the previous return period were a quarter; and

(ii) must give the person a written notice stating the estimated amount; and

(b) for subsections (2) and (3), the royalty payable by the person under the Act for the previous return period is the estimated amount.

(7) In estimating an amount for subsection (5) or (6), the Minister may have regard to—

(a) any other royalty returns lodged by the person; and

(b) the size of the operation for which the royalty is payable; and

(c) any other relevant matter.

30C Election to change monthly payments for quarterly return period

(1) This section applies if—

(a) at the relevant time, a person reasonably believes the amount of royalty payable by the person under the Act for a return period that is a quarterly return period (the ***current return period***) will be less than the royalty payable by the person under the Act for the previous return period; and

(b) the Minister has not given the person a written notice stating that the amounts payable by the person for the return period must be worked out under section 30B.

(2) For subsection (1), the royalty payable by the person under the Act for the previous return period is the amount that, under section 30B(4), (5)(b) or (6)(b), is the royalty payable by the

person under the Act for the previous return period for section 30B(2) and (3).

(3) The person may elect to change the amount payable for the first month or the second month of the current return period.

(4) The election must—

(a) be lodged in the approved form; and

(b) state the amount of royalty the person reasonably believes will be payable by the person under the Act for the current return period; and

(c) be lodged on or before the following day unless the Minister has, by giving written notice to the person, approved another day for making the election—

(i) for an election for the first month of the current return period—the last business day of the second month of the return period;

(ii) for an election for the second month of the current return period—the last business day of the third month of the return period.

(5) Subject to subsection (7), if the person makes an election under subsection (3) for the first month of the current return period, the amount payable for that month is a third of the amount mentioned in subsection (4)(b) for the election.

(6) Subject to subsection (7), if the person makes an election under subsection (3) for the second month of the current return period, the amount payable for that month is a third of the amount mentioned in subsection (4)(b) for the election.

(7) The amount payable, as changed under subsection (3) for the first month or the second month of a royalty return period, may be more than the amount payable under subsection (5) or (6).

(8) The Minister may give a notice mentioned in subsection (1)(b) if—

(a) the person has made an election under this section for a month in a return period; and

(b) the Minister considers that the person did not have a reasonable basis for forming the belief mentioned in subsection (1)(a) for the election.

(9) In this section—

relevant time, for an election for the first month or the second month of a return period, means when the amount payable for the month becomes payable under section 30A.

31 Royalty payable

The royalty payable under the Act is payable, for all minerals sold, disposed of or used in a return period, at the following rate—

(a) for a prescribed mineral—the royalty rate stated in schedule 4, part 1, section 2;

(b) otherwise—the royalty rate stated for the mineral in schedule 4, part 2.

32 Royalty on stocks of mineral for mining operation that has ended

(1) This section applies if—

(a) a mining operation has ended; and

(b) there are minerals mined under the operation that have not been sold, disposed of or used; and

(c) the Minister reasonably believes the minerals will not be sold, disposed of or used within 12 months after the day the operation ended.

(2) The royalty payable for the return period in which the mining operation ended must include royalty for the minerals at the rate stated for the minerals in schedule 4.

Subdivision 2 Exemptions for particular minerals

33 Exemption for coal seam gas

(1) No royalty is payable for coal seam gas that is—

(a) flared or vented; or

(b) for incidental coal seam gas mined under a mining lease, or coal seam gas mined under a mineral hydrocarbon mining lease—used beneficially for mining the coal that produced the gas.

Editor's note—

See sections 318CM (Limited entitlement to mine coal seam gas) and 747 (Continuation of particular rights relating to coal seam gas under mineral hydrocarbon mining leases) of the Act.

(2) However, subsection (3) applies if incidental coal seam gas mined under a mining lease, or coal seam gas mined under a mineral hydrocarbon mining lease, is used to generate electricity that is—

(a) partly used for mining under the mining lease; and

(b) partly used for another purpose.

(3) Subsection (1) applies only to the proportion of the gas that is equivalent to the proportion of the electricity generated from the gas that is used for mining under the mining lease.

(4) Despite subsection (1)(b), if the first underground mining of coal under a mining lease started before 31 December 2004, coal seam gas produced under the lease and used beneficially for mining under the lease is exempt from royalty.

34 Threshold exemption for particular minerals

(1) This section applies if 1 or more of the following minerals are being mined under a mining operation—

(a) a prescribed mineral;

(b) corundum, a gemstone or precious stone;

(c) manganese, molybdenum or a rare earth;

(d) tantalum or tungsten;

(e) a mineral mentioned in schedule 4, part 2, section 10.

(2) No royalty is payable on the first $100000 of the combined value of the minerals sold, disposed of or used in a year.

(3) A person must elect to apply the exemption mentioned in subsection (2) to the first $100000 of value of only 1 of the minerals, mentioned in subsection (1), sold, disposed of or used in the year.

(4) However, if less than $100000 of value of the mineral elected for subsection (3) is sold, disposed of or used in the year, the person may apply the unused part for the mineral to another mineral mentioned in subsection (1).

(5) In this section—

unused part, in relation to a mineral, means the difference between $100000 and the value of the mineral sold, disposed of or used in a year.

Subdivision 3 Discounts for particular minerals processed in Queensland

39 Royalty discounts for particular minerals

(1) This section applies to royalty payable for a relevant mineral sold, disposed of or used if—

(a) the mineral is processed in the State; and

(b) the mineral, after it is processed, has a metal content of—

(i) for cobalt—at least 50%; or

(ii) for copper, iron ore, lead, tantalum and zinc—at least 95%; or

(iii) for manganese—at least 75%; or

(iv) for molybdenum—at least 56%; or

(v) for nickel—at least 70%; or

(vi) for tungsten (WO_3)—at least 89%.

(2) For subsection (1), a mineral is processed if it is changed to another substance by a process, including, for example, leaching, refining, smelting and solvent extraction electro winning (SX–EW).

(3) The royalty payable for the relevant mineral is reduced by—

(a) for cobalt, copper, iron ore, nickel, molybdenum and tungsten—20%; or

(b) for lead—25%; or

(c) for manganese, tantalum and zinc—35%.

(4) In this section—

base prescribed mineral means the following—

(a) cobalt;

(b) copper;

(c) lead;

(d) nickel;

(e) zinc.

relevant mineral means each of the following—

(a) a base prescribed mineral;

(b) iron ore;

(c) manganese;

(d) molybdenum;

(e) tantalum;

(f) tungsten.

Division 3 Working out values of minerals

Subdivision 1 Preliminary

40 Application of div 3

This division applies to a mineral for which, under division 2, royalty payable in relation to the mineral must be worked out by reference to the value of the mineral.

Subdivision 2 Value of minerals generally

41 Value of coal seam gas

The value of coal seam gas must be worked out in the same way as the value of petroleum is worked out for the Petroleum and Gas (Production and Safety) Act, section 590(3).

42 Value of minerals other than coal seam gas

(1) The value of a mineral other than coal seam gas must be worked out by—

(a) working out the gross value of the mineral under subdivision 3; and

(b) if the mineral is coal—adding, to the gross value, any amount relating to an early despatch of the coal from a port; and

(c) subtracting the following amounts from the gross value or, if paragraph (b) applies, the amount worked out by adding the gross value and the amount mentioned in paragraph (b)—

(i) any marine cost for the mineral;

(ii) if the mineral is a prescribed mineral—the amount the Minister has decided, on reasonable grounds, is the amount that should be subtracted from the

gross value to allow for the loss of metal content in the processing of the particular prescribed mineral;

(iii) any other cost the Minister has decided, on reasonable grounds, is a type of cost that should be subtracted from the gross value.

(2) Also, in working out the value of a mineral that is sold, regard must be had to any change in the exchange rate from the time the mineral was sold to the time any payment for the sale is received by the producer.

(3) In this section—

marine cost means—

(a) for coal—

(i) a cost relating to a late despatch of the coal from a port; or

(ii) a freight or an insurance cost relating to the transport of the coal by water to a port outside the State; or

(b) for another mineral—a freight or an insurance cost relating to the transport, by water, of the mineral or, if the mineral is oil shale that has been processed, the oil processed from the oil shale, to a port outside the State.

Subdivision 3 Gross value of minerals other than coal seam gas

43 Definitions for sdiv 3

In this subdivision—

gross value royalty decision means a decision made by the Minister under section 43F.

holder, for a mineral, means the holder of a mining authority for mining the mineral.

market value mineral see section 43A.

relevant entity means—

(a) for an individual—an entity associated with the individual; or

(b) for a corporation—an entity that—

(i) is, under the Corporations Act, an associated entity or related entity of the corporation; or

(ii) is a related party of the corporation, within the meaning of the Corporations Act, section 228.

43A Meaning of *market value mineral*

(1) Subject to subsection (4), a mineral mined by the holder for the mineral is a ***market value mineral*** if—

(a) the mineral is sold on the basis of a price listed for the mineral in a recognised international price listing; or

(b) the mineral is disposed of or used and a market value for the mineral can be established on the basis of a price listed for the mineral in a recognised international price listing; or

(c) neither paragraph (a) nor (b) applies to the mineral and—

(i) the mineral is sold in an arms-length transaction to a person other than a relevant entity; and

(ii) the holder has sold a mineral of the same kind in an arms-length transaction in the previous 2 year period to a person other than a relevant entity; or

(d) none of the paragraphs (a) to (c) apply to the mineral and the holder entered into an agreement, before or as soon as practicable after the mineral was mined, to sell the mineral in an arms-length transaction to a person other than a relevant entity.

(2) For subsection (1)(a), a mineral is sold on the basis of a price listed for the mineral in a recognised international price listing if it is sold—

(a) at the price listed for the mineral in the listing at the time it is sold; or

(b) at a price worked out by averaging the prices listed for the mineral in the listing over a particular period of not longer than 3 months.

(3) For subsection (1)(b), the market value for a mineral is established on the basis of a price listed for the mineral in a recognised international price listing if it is either—

(a) the price listed for the mineral in the listing at the time the mineral is disposed of or used; or

(b) a price worked out by averaging the prices listed for the mineral in the listing over a particular period of not longer than 3 months.

(4) A mineral mined by the holder for the mineral is not a ***market value mineral*** if—

(a) the mineral is sold or disposed of to, or used by, a relevant entity for the holder and the relevant entity is involved in the marketing or reselling of the mineral or in the production of a commodity using the mineral; or

Example for paragraph (a)—

The holder mines coal and the coal is used by a related body corporate for the holder to produce electricity in a power station.

(b) the mineral is sold or disposed of to, or used by, a person and the holder receives a non-financial benefit from the sale, disposal or use (whether or not the holder also receives a financial benefit from the sale, disposal or use).

Example for paragraph (b)—

The holder sells coal to another person for a price but also receives goods from the other person in return for the coal.

(5) In this section—

recognised international price listing means a list of quoted or published prices of minerals—

(a) on a recognised international mineral exchange or market; or

Examples of recognised international mineral exchange or market—

London Metal Exchange, London Bullion Market

(b) in a publication recognised for quoting or publishing prices of minerals in an international market.

Example of publication for paragraph (b)—

Metal Bulletin

43B Gross value of a mineral

(1) If a mineral is a market value mineral, the gross value of the mineral is—

(a) for oil shale if it is processed—the amount that would reasonably be expected to be obtained if the oil processed from the oil shale was sold in an arms-length transaction to a person who is not a relevant entity for the seller of the mineral; or

(b) for a prescribed mineral—

(i) if the mineral is a market value mineral under section 43A(1)(a)—the amount obtained for the mineral by selling it as mentioned in section 43A(2), disregarding any cost relating to the processing of the mineral; or

(ii) if the mineral is a market value mineral under section 43A(1)(b)—the market value established for the mineral as mentioned in section 43A(3); or

(iii) if the mineral is a market value mineral under section 43A(1)(c) or (d)—the amount for which the mineral is sold, disregarding any cost relating to the processing of the mineral; or

(c) for another mineral—

(i) if the mineral is a market value mineral under section 43A(1)(a), (c) or (d)—the amount for which the mineral is sold; or

(ii) if the mineral is a market value mineral under section 43A(1)(b)—the market value established for the mineral as mentioned in section 43A(3).

(2) If a mineral is not a market value mineral, the gross value of the mineral is the amount decided by the Minister in a gross value royalty decision.

(3) If a mineral is sold and the producer of the mineral has recovered an amount in relation to the royalty payable for the mineral from the buyer, the gross value of the mineral is the total of the amount worked out under subsection (1) or (2), and the amount recovered.

43C Application for gross value royalty decision by holder

(1) If the holder for a mineral reasonably believes that the mineral is not or may not be a market value mineral, the holder must apply for a gross value royalty decision.

(2) An application under subsection (1) must be made before or as soon as practicable after the mineral is sold, disposed of or used.

43D Minister may request application for gross value royalty decision

(1) If the Minister reasonably believes that a mineral is not or may not be a market value mineral, the Minister may, by written notice, ask the holder for the mineral to apply for a gross value royalty decision for the mineral.

(2) The Minister may make a request under subsection (1) only—

(a) for a mineral that has not been sold, disposed of or used; or

(b) for a mineral that has been sold, disposed of or used—if the holder has not lodged a royalty return for the return

period in which the mineral was sold, disposed of or used.

(3) A request under subsection (1) must be made at least 30 business days before the last day of the period to which the proposed gross value royalty decision is to apply.

(4) A request under subsection (1) may include a request for additional information or documents in the holder's possession that may show the mineral is a market value mineral.

(5) If the Minister makes a request under subsection (1), the holder must comply with the request within—

(a) 15 business days after the request is made; or

(b) if the Minister has, within the 15 business days, agreed to a longer period—the longer period.

(6) If the holder for a mineral does not comply with a request under subsection (1), the Minister may make a gross value royalty decision for the mineral as if the holder has made an application for the decision under this subdivision.

43E Requirements for application for gross value royalty decision

(1) An application for a gross value royalty decision must—

(a) be in writing; and

(b) be lodged at—

(i) the office of the department for lodging applications for gross value royalty decisions as stated in a gazette notice by the chief executive; or

(ii) if no notice is gazetted under subparagraph (i)—the office of the chief executive; and

(c) state whether the application is made under section 43C or 43D; and

(d) state the applicant's proposed method for working out either or both of the following—

(i) the gross value of the mineral;

(ii) the gross value of the mineral for a particular transaction or for a particular period; and

Examples of methods for paragraph (d)—

- a fixed value with adjustments for particular circumstances
- a formula for deciding the market value

(e) state the proposed period for which the gross value royalty decision is to apply.

(2) If the Minister has requested additional information or documents under section 43D(4), the application must include the additional information or documents.

43F Gross value royalty decision

(1) The Minister must make a gross value royalty decision for a mineral if an application for the decision is made under this subdivision.

(2) The Minister may, by written notice, ask the applicant for additional information or documents about a transaction for the mineral for the purpose of making the gross value royalty decision.

(3) The Minister must give the applicant written notice of the gross value royalty decision and the reasons for the decision.

(4) The gross value royalty decision may—

(a) state or otherwise provide for different gross values of the mineral for different periods within the period to which the decision applies; or

(b) state that the gross value of the mineral is the value worked out by using a stated method and adjusted for particular circumstances.

(5) The notice of the gross value royalty decision must state the period to which the decision applies.

(6) The gross value royalty decision—

(a) may apply only to a return period for which the applicant has not lodged a royalty return; and

(b) must be made at least 10 business days before the royalty return, for the return period to which the decision applies, must be lodged.

43G Considerations for gross value royalty decision

In making a gross value royalty decision for a mineral, the Minister may consider the following—

(a) the amount for which a mineral of the same kind has been sold in an arms-length transaction to a person other than a relevant entity for the seller;

(b) the amount for which a product made using the mineral, or a mineral of the same kind, has been sold;

(c) how the value of the mineral can be adjusted to reflect changes to the market value of the mineral;

(d) the expenses incurred or likely to be incurred by the holder for the mineral when selling the mineral in an arms-length transaction to a person other than a relevant entity for the holder;

(e) the nature of the relationship between the holder for the mineral and the entity—

(i) to whom the mineral has been sold or disposed of, or is to be sold or disposed of; or

(ii) who has used or is to use the mineral;

(f) the period to which the gross value royalty decision, or aspects of the decision, will apply;

(g) the need for any future adjustment of the gross value royalty decision, or aspects of the decision;

(h) any submissions made to the Minister about the gross value of the mineral by the holder for the mineral;

(i) any other relevant matter.

43H Minister's power to amend gross value royalty decision

The Minister may amend a gross value royalty decision for a mineral if—

(a) the Minister reasonably believes there was a mistake in any aspects of the decision; or

(b) the circumstances on which the Minister decided the gross value of the mineral have significantly changed.

43I Procedure for amending a gross value royalty decision on Minister's initiative

(1) If the Minister proposes amending a gross value royalty decision for a mineral on his or her own initiative, the Minister must—

(a) give the holder for the mineral written notice of the proposed amendment at least 30 business days before the first day of the period to which the proposed amendment would apply; and

(b) invite the holder to make submissions about the proposed amendment within 15 business days (the ***submission period***) after giving the notice.

(2) In amending the gross value royalty decision, the Minister—

(a) must consider any submissions made by the holder for the mineral in the submission period; and

(b) may consider the matters stated in section 43G(a) to (g) and (i).

43J Procedure for amending a gross value royalty decision on application by holder

(1) The holder for a mineral may apply to the Minister to amend a gross value royalty decision for the mineral.

(2) The application must be made at least 30 business days before the first day of the period to which the amended gross value royalty decision is to apply.

(3) The application must—

(a) be in writing; and

(b) be lodged at—

(i) the office of the department for lodging applications for gross value royalty decisions as stated in a gazette notice by the chief executive; or

(ii) if no notice is gazetted under subparagraph (i)—the office of the chief executive; and

(c) state details of the proposed amendment of the gross value royalty decision; and

(d) state the proposed period to which the amended gross value royalty decision is to apply.

(4) The Minister may ask the applicant for additional information or documents about a transaction for the purpose of deciding whether to amend the gross value royalty decision.

(5) In deciding whether to amend the gross value royalty decision, the Minister may consider the matters mentioned in section 43G(a) to (i).

43K Notice of decision to amend or not amend a gross value royalty decision

(1) If the Minister amends a gross value royalty decision (the ***original decision***) under this subdivision—

(a) the amended gross value royalty decision replaces the original decision; and

(b) the Minister must give the holder for the mineral written notice of the amended gross value royalty decision and the reasons for amending the original decision.

(2) Section 43F(4) to (6) applies to an amended gross value royalty decision as if a reference in the provisions to the gross value royalty decision were a reference to the amended gross value royalty decision.

(3) If under this subdivision the Minister decides not to amend a gross value royalty decision, the Minister must give the holder for the mineral written notice stating that the gross value royalty decision has not been amended and the reasons for not amending the gross value royalty decision.

Division 4 Assessment of royalty payable

44 Assessment of royalty payable

The chief executive must assess the royalty payable under the Act for each royalty return that is lodged under the Act.

45 Refund or credit if royalty paid higher than amount assessed

(1) This section applies if—

(a) a person has lodged a royalty return for a return period; and

(b) the amount of royalty paid for the return period is higher than the amount of royalty payable assessed by the chief executive under section 44.

(2) The chief executive must—

(a) refund the part of the amount paid that exceeds the amount assessed; or

(b) credit the amount paid that exceeds the amount assessed to the royalty payable by the person for the next return period.

46 Notice requirement if royalty paid lower than amount assessed

(1) This section applies if—

(a) a person has lodged a royalty return for a return period; and

(b) either of the following applies—

(i) the amount of royalty paid for the return period is lower than the amount of royalty payable for the return period, assessed by the chief executive under section 44;

(ii) no amount of royalty is paid for the return period and the amount of royalty payable for the return period assessed by the chief executive under section 44 is not $0.

(2) The chief executive must give the person a written notice stating—

(a) there is unpaid royalty payable for the return period; and

(b) the amount of unpaid royalty that is payable; and

(c) the person must pay the unpaid royalty on or before the day stated in the notice; and

(d) if interest is payable on the unpaid royalty—the rate at which the interest is payable.

(3) For subsection (2)(c), the day must be—

(a) if no amount of royalty is paid for the return period—at least 10 days after the day the notice is given to the person; or

(b) otherwise—at least 28 days after the day the notice is given to the person.

Division 4A Civil penalty

46A Imposition of civil penalty—Act, s 321A

(1) This section applies if a person makes a section 30C election and either—

(a) the royalty payable for the current return period exceeds the royalty payable for the previous return period by an

amount that is more than 15% of the royalty payable for the previous return period; or

(b) both of the following apply—

(i) the royalty payable for the current return period is less than the royalty payable for the previous return period;

(ii) the total of the royalty payable for the first month and the second month of the current return period is less than 50% of the total royalty payable for the current return period.

(2) The person is liable to the State for an amount (***civil penalty***) equal to 25% of the default estimate difference, if any, for each month of the current return period for which the person makes the section 30C election.

(3) For subsection (2), the ***default estimate difference*** for a month of the current return period is the difference between—

(a) the amount that would have been payable for the month under section 30B if the person had not made the section 30C election; and

(b) the amount payable for the month under the section 30C election.

(4) However, if the amount mentioned in subsection (3)(a) is less than the amount mentioned in subsection (3)(b), the default estimate difference for the month is taken to be 0.

(5) Subsection (6) applies if, for royalty payable for the current return period—

(a) a determination is made under section 330 of the Act; or

(b) a reassessment is made under section 331 of the Act.

(6) For subsection (1), the royalty payable for the current return period is the amount of royalty payable taking into account the determination or reassessment.

(7) For subsection (1), a reference to the royalty payable for the previous return period is a reference to the amount worked out under section 30C(2).

(8) The Minister may remit the whole or part of the civil penalty.

(9) In this section—

current return period see section 30C(1)(a).

section 30C election means an election under section 30C(3) to change the amount payable to the State for the first month or the second month, or both, of the current return period.

46B Notice of civil penalty

(1) If a person is liable to pay a civil penalty, the Minister must give the person a written notice stating—

(a) the amount of the civil penalty that is payable; and

(b) that the person must pay the civil penalty on or before the day stated in the notice.

(2) For subsection (1)(b), the day must be at least 28 days after the day the notice is given to the person.

46C Civil penalty not payable if proceeding for offence started

(1) This section applies if—

(a) a person is liable to pay a civil penalty because of an act or omission of the person; and

(b) the act or omission constitutes an offence under the Act.

Example of an act or omission for subsection (1)(b)—

giving a false or misleading statement in contravention of the Act, section 329

(2) If a proceeding is started against the person for the offence constituted by the act or omission and the civil penalty has not been paid to the State, the civil penalty is payable only if the proceeding against the person is withdrawn.

(3) If the civil penalty has been paid to the State, but a proceeding is started against the person for an offence against the Act constituted by the act or omission, the amount of the civil penalty must be remitted in full.

(4) However, if the proceeding against the person is withdrawn, the civil penalty remitted under subsection (3) again becomes payable by the person.

Division 5 Unpaid royalty interest

47 Unpaid royalty interest rate—Act, s 332(2)(a)

For section 332(2)(a) of the Act, the rate of interest is the rate prescribed for unpaid tax interest under the *Taxation Administration Act 2001*, section 54(2).

47AA Working out unpaid royalty interest on royalty payable for quarterly return period—Act, s 332(3)

(1) This section applies for working out the period for which unpaid royalty interest accrues under the Act, section 332, if—

(a) royalty is payable by a person under section 30A(1) for a quarterly return period; and

(b) the person has not paid all of the amount payable for instalment 1, instalment 2 or instalment 3 as required under section 30A.

(2) Unpaid royalty interest accrues—

(a) if instalment 1 or instalment 2 is not paid in full by the day required under section 30A—on the amount unpaid from time to time, for the period starting on the day after the day the instalment must be paid and ending on the earlier of the following days, both days inclusive—

(i) the day the instalment is paid in full;

(ii) the lodgement day; and

(b) if the royalty payable for the quarterly return period is not paid in full on the lodgement day—on the total amount unpaid from time to time, for the period starting

on the day after the lodgement day and ending when the total amount is paid in full, both days inclusive.

(3) In this section—

lodgement day means the day a royalty return must be lodged for the quarterly return period, disregarding any later day for lodging the return approved by the Minister under section 28(3).

Division 6 Provisions about royalty estimates

47A Application of div 6

This division prescribes for section 327A(2) of the Act the requirements for royalty estimates.

47B What notice must contain

(1) The notice given by the Minister to a person under section 327A(1) of the Act (a ***royalty estimate notice***) must include the following—

(a) the period (the ***estimate period***) for which the person is to estimate the royalties payable by the person under section 320 of the Act;

(b) the day by which the person must provide the royalty estimate;

(c) the form in which the person must provide the royalty estimate;

(d) a description of the information the person must provide in the royalty estimate.

(2) For subsection (1)(d), the information the Minister may ask the person to provide in the royalty estimate includes the following—

(a) an estimate of the royalties payable by the person under section 320 of the Act for the estimate period;

(b) identification of each type of mineral the person expects to sell, dispose of or use in the estimate period;

(c) for each type of mineral identified for paragraph (b)—an estimate of the volume of each mineral the person expects to sell, dispose of or use in the estimate period;

(d) the exchange rate the person has assumed for working out the estimate of royalties mentioned in paragraph (a).

(3) Subsection (2) does not limit the information the Minister may ask a person to provide in the royalty estimate.

47C Form of and information to be included in royalty estimate

The royalty estimate must—

(a) be in the form stated in the royalty estimate notice; and

(b) include the information the Minister has asked for in the royalty estimate notice.

47D Minister may request information to support royalty estimate

(1) The Minister may, by notice in writing to a person who has lodged a royalty estimate, ask the person to give the Minister, by the day stated in the notice, information to support the matters stated in the royalty estimate.

(2) The Minister may, by notice in writing to a person who must provide a royalty estimate under section 327A(2) of the Act, ask the person to give the Minister, by the day stated in the notice, additional information about the matters that must be included in the royalty estimate.

(3) If the Minister asks a person for information under subsection (1) or (2), the person must provide the information by the day stated in the notice.

Division 7 Other

47E Special provision for transition to calender quarterly return period

(1) This section applies if, under section 27(1)(b), the return period applying to a person is a quarter other than a calendar quarter.

(2) The Minister may by written notice change the return period applying to the person to a calendar quarter.

(3) A notice given under subsection (2) must state—

(a) the day the change will take effect (the ***start day***), which must be the start of a calendar quarter occurring after the return period in which the notice is given ends; and

(b) the period for which a royalty return must be lodged under subsection (4).

(4) For transitioning the return period applying to the person to a calendar quarter, the person must lodge a royalty return for the period (the ***transitioning return period***) that—

(a) starts on the first day of the return period applying to the person immediately before the start day; and

(b) ends on the day immediately before the start day.

(5) The person must lodge a royalty return for the transitioning return period on or before the last business day of the month after the day the period ends.

(6) The royalty payable by the person for the transitioning return period is payable on the day the royalty return must be lodged for the period under subsection (5).

Part 10 Administration and judicial functions

48 Amount held by tribunal for compensation trust decision—Act, s 712

(1) The amount paid to the tribunal under section 712(1)(a) of the Act must be held in the way specified in the *Court Funds Act 1973*, sections 7 and 8.

(2) For subsection (1), a reference in the *Court Funds Act 1973*—

(a) to court or the court is taken to be a reference to the tribunal; and

(b) to the registrar is taken to be a reference to the registrar of the tribunal.

Part 11 Registers

Division 1 Particulars that must be included in register kept by mining registrars

49 Application of div 1

This division prescribes, for section 387(1)(e) of the Act, the particulars that a mining registrar for a mining district must include in the register for the mining district.

50 Particulars about applications for prospecting permits, mining claims or mining leases

The mining registrar must include, in the register, the following particulars for each application, under the Act, for a prospecting permit, mining claim or mining lease—

(a) the date and time the application for the permit, claim or lease was made;

(b) the name of the applicant;

(c) the date the permit, claim or lease is granted or issued under the Act or, if the application was abandoned, rejected or refused, the date the application was abandoned, rejected or refused;

(d) if the application is for a mining claim or mining lease—

(i) the date and time when land was marked out under section 56 or 240 of the Act for the application; and

(ii) the date a certificate of application for the application for the claim or lease is signed, under section 64(3) or 252(3) of the Act, by the person who lodged the application; and

(iii) the date a certificate of public notice relating to the application is given, under section 64A or 252A of the Act, to the applicant for the claim or lease.

51 General particulars about prospecting permits, mining claims and mining leases

The mining registrar must include, in the register, the following particulars for each prospecting permit, mining claim or mining lease granted under the Act—

(a) the name of the holder or, if a mining claim or lease is held by 2 or more persons, the name and interest of each holder;

(b) the address for service of notices on the holder or, if a mining claim or lease is held by 2 or more persons, the name and address of the holder on whom the notices are to be served;

(c) the name or number identifying the permit, claim or lease;

(d) the date on which the permit, claim or lease starts and ends;

(e) the term of the permit, claim or lease;

(f) if the permit, claim or lease is cancelled or surrendered—the date of the cancellation or surrender;

(g) the name of the mining district in which the land to which the permit, claim or lease applies is situated;

(h) the description of any other land the holder may use to access the land to which the permit, claim or lease applies;

(i) the security required to be paid under—

(i) for a prospecting permit—section 26 of the Act; or

(ii) for a mining claim—section 83 of the Act; or

(iii) for a mining lease—section 277 of the Act;

(j) any consents lodged in relation to the permit, claim or lease.

52 Other particulars about prospecting permits

The mining registrar must include, in the register, the following particulars for each prospecting permit granted under the Act—

(a) the category of the permit;

(b) any notice given under section 32 of the Act in relation to the permit.

53 Other particulars about mining claims

The mining registrar must include, in the register, the following particulars for each mining claim granted under the Act—

(a) the area of the land to which the claim applies;

(b) the geographical location of the land to which the claim applies;

(c) the local government for the land to which the claim applies;

(d) the minerals to which the claim applies;

(e) if the claim is renewed—the date of the renewal;

(f) the rental payable for the claim;

(g) any caveats relating to the claim;

(h) any writ of execution relating to the land to which the claim applies;

(i) any assignment, or transmission by death, of the claim or an interest in the claim;

(j) any mortgage over the claim or an interest in the claim;

(k) the record of any exercise of a power of sale in relation to a mortgage over the claim or interest in the claim.

54 Other particulars about mining leases

The mining registrar must include, in the register, the following particulars for each mining lease granted under the Act—

(a) the area, and surface area, of the land to which the lease applies;

(b) the geographical location of the land to which the lease applies;

(c) the local government for the land to which the lease applies;

(d) the minerals to which, or the purpose for which, the lease applies;

(e) if the lease is renewed—the date of the renewal;

(f) the rental payable for the lease;

(g) any caveats relating to the lease;

(h) any writ of execution relating to the lease;

(i) any assignment, sublease, or transmission by death, of the lease or an interest in the lease;

(j) any mortgage over the lease or an interest in the lease;

(k) the record of any exercise of a power of sale in relation to a mortgage over the lease or interest in the lease;

(l) any notice given by the holder under section 652 or 654 of the Act.

Division 2 Particulars that must be included in register kept by chief executive

55 Application of div 2

This division prescribes, for section 387(2)(e) of the Act, the particulars that the chief executive must include in the register maintained by the chief executive.

56 Particulars about applications for exploration permits or mineral development licences

The chief executive must include, in the register, the following particulars for each application, under the Act, for an exploration permit or mineral development licence—

(a) the date and time the application for the permit or licence was made;

(b) the name of the applicant;

(c) the date the permit or licence is granted under the Act or, if the application is abandoned, rejected or refused, the date the application is abandoned, rejected or refused.

57 General particulars about exploration permits and mineral development licences

The chief executive must include, in the register, the following particulars for each exploration permit or mineral development licence granted under the Act—

(a) the name of the holder or, if the permit or licence is held by 2 or more persons, the name and interest of each holder;

(b) the address for service of notices on the holder or, if the permit or licence is held by 2 or more persons, the name and address of the holder on whom the notices are to be served;

(c) the number identifying the permit or licence;

(d) the dates on which the permit or licence starts and ends;

(e) the term of the permit or licence;

(f) if the permit or licence is cancelled or surrendered—the date of the cancellation or surrender;

(g) if the permit or licence is renewed—the date of the renewal;

(h) the name of the mining district in which the land to which the permit or licence applies is situated;

(i) the geographical location of the land to which the permit or licence applies;

(j) the description of any other land the holder may use to access the land to which the permit or licence applies;

(k) the security required to be paid under—

(i) for an exploration permit—section 144 of the Act; or

(ii) for a mineral development licence—section 190 of the Act;

(l) the rental payable for the permit or licence;

(m) any consents lodged in relation to the permit or licence;

(n) any caveats relating to the permit or licence;

(o) any assignment, or transmission by death, of the permit or licence or an interest in the permit or licence.

58 Other particulars about exploration permits

The chief executive must include, in the register, the following particulars for each exploration permit granted under the Act—

(a) the area of the land, after any reduction under section 139, 140 or 177 of the Act, to which the permit applies;

(b) any notice given under sections 163, 164, 486 or 487 of the Act.

59 Other particulars about mineral development licences

The chief executive must include, in the register, the following particulars for each mineral development licence granted under the Act—

(a) the area, after any reduction under section 226A of the Act, to which the licence applies;

(b) the minerals to which the licence applies;

(c) any writ of execution relating to the licence;

(d) any mortgage over the licence or an interest in the licence;

(e) the record of any exercise of a power of sale in relation to a mortgage over the licence or an interest in the licence;

(f) any notice given under section 211 or 212 of the Act.

Division 3 Requirements relating to registration of particular transactions or events

60 Definition for div 3

In this division—

prescribed document means a book, register or other document kept under a law of this or another State relating to—

(a) for section 63 or 65—death of persons in the State; or

(b) for section 66—names of persons in the State.

61 Request for registration of sale under writ of execution

(1) This section applies if a person lawfully exercises, under a writ of execution, a right to sell an interest of a holder of a mining claim, mineral development licence or mining lease.

(2) A request to record the sale in the register must be—

(a) made to—

(i) for a sale relating to an interest in a mining claim or mining lease—the mining registrar; or

(ii) for a sale relating to an interest in a mineral development licence—the chief executive; and

(b) made in the approved form; and

(c) accompanied by—

(i) a certified copy of the writ of execution; and

(ii) the prescribed fee.

Editor's note—

See also sections 96 (Assignment or mortgage of mining claim), 198 (Assignment or mortgage of mineral development licence) and 300 (Assignment, mortgage or sublease of mining lease) of the Act.

62 Request for transmission by death—grant of probate or letters of administration

(1) This section applies if—

(a) a holder of a mining claim, exploration permit, mineral development licence or mining lease has died; and

(b) there has been a transmission by death of the holder's interest in the claim, permit, licence or lease under a grant of probate or letters of administration.

(2) A request to record the transmission in the register must be—

(a) made to—

(i) for a transmission relating to an interest in a mining claim or mining lease—a mining registrar; or

(ii) for a transmission relating to an interest in an exploration permit or a mineral development licence—the chief executive; and

(b) made in the approved form; and

(c) accompanied by the following—

(i) a certified copy of the grant of probate or letters of administration or another document evidencing the transmission;

(ii) the authorising document for the claim, permit, licence or lease;

(iii) the prescribed fee.

63 Request for transmission by death—no grant of probate or letters of administration

(1) This section applies if—

(a) the following person has died—

(i) an applicant for a mining lease;

(ii) the holder of an interest in a mining claim, exploration permit, mineral development licence or mining lease; and

(b) a grant of probate or letters of administration has not been granted; and

(c) there has been a transmission by death.

(2) A request to record the transmission in the register must be—

(a) made to—

(i) for a transmission relating to an interest in an application for a mining lease or a mining claim or mining lease—the mining registrar; or

(ii) for a transmission relating to an interest in an exploration permit or a mineral development licence—the chief executive; and

(b) made in the approved form; and

(c) accompanied by the following—

(i) a certified copy of the entry, in a prescribed document, evidencing the death;

(ii) if the person who has died left a will—a certified copy of the will;

(iii) the authorising document for the claim, permit, licence or lease;

(iv) the prescribed fee.

(3) However, the chief executive or a mining registrar may record the transmission by death only if—

(a) it has been at least 6 months since the person died; and

(b) the Minister is satisfied the value of the estate is not sufficient to justify the expense of an application for a grant of probate or letters of administration.

64 Request for transmission in bankruptcy

(1) This section applies if—

(a) a holder of a mining claim, exploration permit, mineral development licence or mining lease has become bankrupt; and

(b) there has been a transmission in bankruptcy, under a law about bankruptcy, of the holder's interest in the claim, permit, licence or lease.

(2) A request to record the transmission in the register must be—

(a) made to—

(i) for a transmission relating to an interest in a mining claim or mining lease—the mining registrar; or

(ii) for a transmission relating to an interest in an exploration permit or a mineral development licence—the chief executive; and

(b) made in the approved form; and

(c) accompanied by the following—

(i) a certified copy of the document evidencing the transmission;

(ii) the authorising document for the claim, permit, licence or lease;

(iii) the prescribed fee.

65 Request to record death of joint holder

(1) This section applies if—

(a) a person holds an interest in a mining claim, exploration permit, mineral development licence or mining lease jointly with another person; and

(b) the other person has died.

(2) A request to record the death in the register must be—

(a) made to—

(i) if the person who has died held an interest in a mining claim or mining lease—the mining registrar; or

(ii) if the person who has died held an interest in a mineral development licence—the chief executive; and

(b) made in the approved form; and

(c) accompanied by—

(i) a certified copy of the entry, in a prescribed document, evidencing the death; and

(ii) the authorising document for the mining claim, exploration permit, mineral development licence or mining lease; and

(iii) the prescribed fee.

66 Request for change or correction of name

(1) This section applies if a holder of a mining tenement has changed or corrected the holder's name.

(2) A request to record the change or correction in the register must be—

(a) made to—

(i) if the change or correction is in relation to a prospecting permit, mining claim or mining lease—the mining registrar; or

(ii) if the change or correction is in relation to an exploration permit or a mineral development licence—the chief executive; and

(b) made in the approved form; and

(c) accompanied by the following—

(i) a certified copy of the entry, in a prescribed document, evidencing the change or correction;

(ii) the authorising document for the mining tenement;

(iii) the prescribed fee.

Division 4 Form of registers

67 Form of register

A register kept by the chief executive or a mining registrar must be kept in the form decided by the chief executive.

Division 5 Priority of registration

69 Priority of registration

(1) This section applies if—

(a) a document relating to a mining tenement is lodged for registration; and

(b) the document can not be registered because the authorising document for the mining tenement, or an application under the Act for the mining tenement, is not produced with the document; and

(c) another document is lodged together with the authorising document for the mining tenement or an application under the Act for the mining tenement.

(2) The chief executive or mining registrar responsible for registering the document must register the document lodged with the authorising document or application in priority.

Part 12 Miscellaneous

Division 1 Requirements for mortgagees exercising power of sale

75 Definition for div 1

In this division—

mining tenement means a mining claim, mineral development licence or mining lease.

76 Requirements for exercise of power of sale by mortgagee

(1) A mortgagee of a mining tenement, or an interest in a mining tenement, may exercise a power of sale in relation to the mining tenement or interest only if—

(a) the holder of the mining tenement or interest defaults under the mortgage; and

(b) the mortgagee gives the mortgagor a notice to remedy the default; and

(c) the mortgagor has not remedied the default stated in the notice within 30 days after it is given.

(2) However, the mortgagee must not exercise the power until at least 28 days after the mortgagee has published a notice, in the relevant publication for the mining tenement or interest, stating that the mortgagee intends to sell the mining tenement or interest.

(3) In this section—

relevant publication, for a mining tenement or interest in a mining tenement, means—

(a) the gazette; and

(b) a newspaper circulated in the local government area in which the land to which the mining tenement applies is located.

77 Additional information required from mortgagee exercising power of sale

(1) This section applies if—

(a) a mining tenement, or an interest in a mining tenement, is subject to a mortgage; and

(b) the mortgagee of the mining tenement or interest—

(i) exercises a power of sale under the mortgage; and

(ii) makes an application under the Act for an assignment of the mining tenement or interest.

Editor's note—

See section 96 (Assignment or mortgage of mining claim), 198 (Assignment or mortgage of mineral development licence) or 300 (Assignment, mortgage or sublease of mining lease) of the Act.

(2) The mortgagee must ensure the application is accompanied by—

(a) a notice, in the approved form, stating the mortgagee has exercised a power of sale over the mining tenement or interest; and

(b) the mortgage under which the power of sale was exercised; and

(c) a copy of the notices mentioned in section 76(1)(b) and (2); and

(d) the authorising document for the mining tenement.

Division 2 Additional information and lodgement requirements

78 Information to accompany application for duplicate authorising document

(1) This section applies if—

(a) a holder of a mining tenement has lost the authorising document for the tenement; and

(b) the holder makes an application, under section 389 of the Act, for the issue of a duplicate of the authorising document.

(2) The application must be accompanied by a statutory declaration stating how the document was lost.

79 Survey must be lodged with the chief executive

(1) This section applies if the Minister—

(a) has, under section 300(7) of the Act, asked the holder of a mining lease to have a survey of the lease carried out; or

(b) has, under section 407 of the Act, asked the applicant for the grant of or the holder of a mining tenement to have the land, to which the application relates or the tenement applies, surveyed or further surveyed.

(2) The plan of the survey must be lodged with the chief executive.

(3) If the survey does not meet the requirements of the Act, the chief executive may do either or both of the following—

(a) ask the applicant or holder to provide, before a stated time, further information about the survey;

(b) not accept the survey plan.

Examples of a survey not meeting the requirements of the Act—

1 Land is not surveyed in the way approved by the Minister under section 300(7) or 407(2) of the Act.

2 In contravention of section 408(1) of the Act, a survey is carried out by a surveyor who has a share in the relevant tenure.

(4) In this section—

mining tenement means a mining claim, exploration permit, mineral development licence or mining lease.

Division 3 Other miscellaneous provisions

80 Time of lodgement to be noted

(1) This section applies if—

(a) an application, under the Act, is lodged with the chief executive or a mining registrar; and

(b) the application complies with the requirements, under the Act, relating to the application.

(2) The chief executive or mining registrar must endorse the application with the date and time when the application was lodged.

81 Particular applications must not be accepted

(1) This section applies if a person has lodged, at an office of a mining registrar, a document as an application for a mining tenement.

(2) The mining registrar must not accept the document as an application for a mining tenement if—

(a) the person stated in the document as the applicant for the mining tenement is not an eligible person; or

(b) the land, stated in the document as the land for which the application is made, is unavailable land for the mining tenement for which the application is made; or

(c) the document is not in the approved form for an application for the mining tenement; or

Editor's note—

See, however, the *Acts Interpretation Act 1954*, section 49 (Forms).

(d) the person has not paid the prescribed fee for the application.

(3) If, under subsection (2), a mining registrar does not accept a document as an application for a mining tenement, the mining registrar must—

(a) give the person lodging the document a written notice stating—

(i) the document has not been accepted as an application for the mining tenement; and

(ii) the reason why the document has not been accepted; and

(b) keep a copy of the document.

(4) In this section—

unavailable land, in relation to a mining tenement, means land over which the mining tenement can not be granted under the Act.

Examples of land over which a mining tenement can not be granted—

1 land to which an existing mining tenement applies if the holder of the existing mining tenement is not the applicant or has not given the applicant written consent to apply for a mining tenement over the land

2 land that is part of a restricted area if the mining tenement is a prohibited mining tenement for the restricted area

3 land that is part of a protected area

4 land which has been excluded, by a law of the Commonwealth, from the application of the Act

82 Prescribed hours of business

The hours prescribed for the conduct of business for an office of a mining registrar are between 8.30a.m. and 4.30p.m. on each business day.

83 Rental payable for mining tenement

(1) The rental payable under the Act, for a year, for a mining tenement is stated in schedule 5.

Editor's note—

See sections 95 (Rental payable on mining claim), 138 (Rental payable on exploration permit), 193 (Rental payable on mineral development licence) and 290 (Rental payable on mining lease) of the Act.

(2) However, for a mineral development licence that relates to more than 1000ha, the rental payable on each hectare must be worked out at the following rate—

(a) for the first 1000ha—at the rate mentioned in schedule 5;

(b) for the next 1000ha—at 40% of the rate mentioned in schedule 5;

(c) for the next 3000ha—at 25% of the rate mentioned in schedule 5;

(d) for the next 10000ha—at 5% of the rate mentioned in schedule 5;

(e) for each additional hectare—at 1% of the rate mentioned in schedule 5.

(3) In this section—

year means—

(a) for an exploration permit—a period of 1 year starting, in each year, on the day the exploration permit was granted; or

(b) for another mining tenement—a rental year.

84 Fees

The fees payable under the Act are stated in schedule 6.

Part 13 Transitional provisions

Division 1 Transitional provision for Mineral Resources Amendment Regulation (No. 5) 2008

85 Transitional provision for rental

(1) This section applies to a mining tenement if, under section 769 of the Act, an unamended provision continues to apply to the mining tenement up to 31 August 2009.

(2) For working out the rental payable under the Act for the mining tenement up to 31 August 2009, section 83 and schedule 5 as in force immediately before the commencement of this section continue to apply.

(3) In this section—

unamended provision means section 95, 193 or 290 of the Act as in force before the date of assent of the *Mines and Energy Legislation Amendment Act 2008*.

Division 2 Transitional provisions for Mineral Resources Amendment Regulation (No. 4) 2010

86 Definitions for div 2

In this division—

commencement means the commencement of this section.

previous section 42 means section 42 as in force from time to time before the commencement.

87 Existing decisions about gross value

A decision about the gross value of a mineral made by the Minister under previous section 42 is taken to be a gross value decision made under section 43F for the mineral.

88 Existing applications for decision about gross value

(1) This section applies if—

(a) before the commencement, the holder of a mining authority made an application, under previous section 42, to the Minister for a decision about the gross value of a mineral (the ***existing application***); and

(b) at the commencement, the Minister has not decided the existing application.

(2) The existing application is taken to have been made under section 43C, and the Minister must decide it under part 9, division 3, subdivision 3.

(3) For deciding the existing application, the Minister may ask the applicant for information not included in the existing application that, under section 43E, is required to be included in an application under section 43C.

89 Existing provisions apply in relation to working out value of minerals for particular return periods

(1) Part 9, division 3, subdivision 3 as in force from time to time before the commencement continues to apply in relation to working out the value of minerals sold, disposed of or used in a prescribed return period, as if the *Mineral Resources Amendment Regulation (No. 4) 2010* had not been made.

(2) In this section—

prescribed return period means a return period for which a return must be lodged within 45 business days after the commencement.

89A Royalty payable for return period starting before but ending after 1 January 2011

(1) This section applies if royalty payable under the Act is payable for prescribed minerals sold, disposed of or used in a return period—

(a) starting on a day (the ***start day***) before 1 January 2011; and

(b) ending on a day (***end day***) after 1 January 2011.

(2) For the return period, the royalty payable under the Act by a person, for all prescribed minerals sold, disposed of or used in the return period, is the total of—

(a) the royalty payable for all prescribed minerals sold, disposed of or used in the period starting on the start day and ending on 31 December 2011, which is payable at the following rate—

(i) the fixed royalty rate for the prescribed mineral;

(ii) if the person elected to pay royalty at the variable rate—the variable rate for the mineral; and

(b) the royalty payable for all prescribed minerals sold, disposed of or used in the period starting on 1 January 2011 and ending on the end day, which is payable at the royalty rate stated in schedule 4, part 1, section 2.

(3) For working out a royalty rate for subsection (2), the average market price for a prescribed mineral sold, disposed of or used in the return period is—

(a) for a prescribed mineral sold, disposed of or used in the period mentioned in subsection (2)(a)—the average market price worked out as if that period were the return period; and

(b) for a prescribed mineral sold, disposed of or used in the period mentioned in subsection (2)(b)—the average market price worked out as if that period were the return period.

(4) In this section—

average market price see schedule 4, part 1, section 1, definition *average market price*.

elected means elected under section 31A as in force before its repeal.

fixed royalty rate, for a prescribed mineral, means the fixed royalty rate stated for the mineral in schedule 4, part 1 as in force immediately before 1 January 2011.

variable rate, for a prescribed mineral, means the variable rate stated for the mineral in schedule 4, part 1 as in force immediately before 1 January 2011.

Division 3 Transitional provision for Mineral Resources Amendment Regulation (No. 2) 2011

90 Application of s 29

Section 29 does not apply to a return period ending before the commencement of this section.

Division 5 Transitional provision for Resources Legislation Amendment Regulation (No. 1) 2011

91 When royalty payable for particular quarterly return periods

(1) This section applies for a return period that—

(a) is a quarter; and

(b) started before the commencement of this section; and

(c) has not ended at the commencement.

(2) Section 30 as in force before the commencement continues to apply in relation to the return period.

Division 6 Transitional provisions for Resources Legislation and Another Regulation Amendment Regulation (No. 1) 2012

92 Remission of late payment fee under s 28

Section 28(5), as in force on 1 October 2012, applies in relation to a fee paid or payable under section 28(4) before, on or after that date.

93 Application of s 47—unpaid royalty interest rate

(1) This section applies if, immediately before 1 October 2012, an amount of royalty payable by a person to the State is unpaid (the ***unpaid royalty***).

(2) Section 47, as in force on 1 October 2012, applies in relation to the unpaid royalty on and from that day.

94 Application of sch 4, pt 2, s 3—royalty payable for coal

(1) Schedule 4, part 2, section 3, as in force on 1 October 2012, applies for coal sold, disposed of or used on and from that day.

(2) For working out royalty payable under the Act for a return period that started before, and ends on or after, 1 October 2012—

(a) a reference in pre-amended schedule 4, part 2, section 3 to the quarterly return period is taken to be a reference to the days in the return period up to and including 30 September 2012; and

(b) a reference to schedule 4, part 2, section 3, as in force on 1 October 2012, to the return period is taken to be a reference to the days in the return period occurring on and from 1 October 2012.

(3) In this section—

pre-amended, in relation to a provision, means the provision as in force immediately before 1 October 2012.

Division 7 Transitional provision for Mineral Resources Amendment Regulation (No. 3) 2012

95 Transitional provision for sch 7, definition *authorising document*

(1) This section applies if—

(a) before the commencement, the Governor in Council has granted a mining lease; and

(b) immediately before the commencement, an instrument has not been issued for the mining lease.

(2) The unamended provision continues to apply to the mining lease as if the *Mineral Resources Amendment Regulation (No. 3) 2012* had not been made.

(3) In this section—

commencement means the commencement of this section.

unamended provision means schedule 7, definition *authorising document*, paragraph (d)(ii) as in force before the commencement.

Schedule 2 Prescribed area for mining claim land

section 7

Part 1 Emerald mining district

1 Rubyvale designated fossicking land—900m^2

2 Sapphire designated fossicking land—900m^2

3 Reward designated fossicking land—900m^2

4 Divide designated fossicking land—900m^2

5 Willows designated fossicking land—900m^2

6 land within the boundaries of designated fossicking land mentioned in items 1 to 5, but not part of the designated fossicking land—900m^2

Part 2 Georgetown mining district

1 land in restricted area 26 within the boundaries shown on plan no. 31028—900m^2

Part 3 Quilpie mining district

1 land in restricted area 25 within the boundaries shown on plan no. 30953—900m^2

Editor's note—

Including land within the boundaries shown on plan no. 30692.

2 land in restricted area 296 within the boundaries shown on plan no. 36673—900m^2

3 land in restricted area 297 within the boundaries shown on plan no. 36673—900m^2

Part 4 Winton mining district

1 land in restricted area 77 within the boundaries shown on plan no. 30955—900m^2

Schedule 2A Potential hazard guide

section 19D(2)

Type of hazard	Potential impact of hazard
unsealed holes	gas released to the atmosphere (resource lost; safety hazard to personnel)
inaccurately located holes	remedial measures are hindered connection to a petroleum well created
dewatering a significant area of coal	invalidation of prior exploration data if there are permanent geotechnical or quality changes to the coal
	creation of 'free gas' causing a hazard in the petroleum well and at the surface
	impact on horizon stress field and coal strength, with potential shearing or deformation of casing in the well
	problems with coal seam gas exploration activity, including, for example, friable coal unable to be cored for sampling, and changes of coal characteristics
	fluid losses during drilling through a depressurised zone
mine workings or broken strata	if potential hazard is drilled into: influx of gas under pressure; injury to personnel; damage to equipment; compromising of the structural integrity of the mine
	uncontrolled drill string movement
	inability to drill (bogged or lost rods causing personal injury during retrieval; reduced access to lower targets)
	inability to set casing

Type of hazard	Potential impact of hazard
	drilling with air may create an explosive mixture
abandoned mine equipment	if equipment is intersected: inability to drill; injury to personnel; damage to equipment
abandoned spontaneous combustion area	if area is intersected: downhole fire caused by drilling with air
stability of wells in goaf areas	adverse effect on stress field and coal strength, potential shearing or deformation of casing

Schedule 4 Royalty payable for minerals

sections 31 and 32

Part 1 Royalty rates for prescribed minerals

1 Definitions for pt 1

In this part—

average market price, for a prescribed mineral, means the average for a return period of the following price, converted to Australian dollars at the hedge settlement rate for each day of the return period—

(a) for cobalt, copper, lead, nickel or zinc—the spot price quoted on the London Metal Exchange;

(b) for gold—the p.m. fix price quoted on the London Bullion Market;

(c) for silver—the fix price quoted on the London Bullion Market.

reference price 1, for a prescribed mineral, means—

(a) for cobalt—$25 for each pound; or

(b) for copper—$3600 for each tonne; or

(c) for gold—$600 for each troy ounce; or

(d) for lead—$1100 for each tonne; or

(e) for nickel—$12500 for each tonne; or

(f) for silver—$9 for each troy ounce; or

(g) for zinc—$1900 for each tonne.

reference price 2, for a prescribed mineral, means—

(a) for cobalt—$38 for each pound; or

(b) for copper—$9200 for each tonne; or

(c) for gold—$890 for each troy ounce; or

(d) for lead—$2500 for each tonne; or

(e) for nickel—$38100 for each tonne; or

(f) for silver—$16.50 for each troy ounce; or

(g) for zinc—$4400 for each tonne.

2 Royalty rate for prescribed mineral

(1) The royalty rate for a prescribed mineral is—

(a) if the average market price for the mineral is equal to or lower than reference price 1 for the mineral—2.5% of the value of the prescribed mineral; or

(b) if the average market price for the mineral is higher than reference price 1 for the mineral but lower than reference price 2 for the mineral—the prescribed percentage of the value of the prescribed mineral; or

(c) if the average market price for the mineral is equal to or higher than reference price 2 for the mineral—5% of the value of the prescribed mineral.

(2) In this section—

prescribed percentage means the amount, expressed as a percentage, rounded down to nearest increment of 0.02%, worked out by using the following formula—

$$PP = 2.5\% + \left(\frac{PD}{RFD} \times 2.5\% \right)$$

where—

PP is the prescribed percentage.

PD is the difference between the average market price and reference price 1 for the prescribed mineral.

RFD is the difference between reference price 2 and reference price 1 for the prescribed mineral.

Example—

If, for a quarter, the average market price for copper is $5045 for each tonne of copper, the royalty rate for copper for the quarter must be worked out under subsection (1)(b), given the average market price is higher than reference price 1 for copper ($3600) but lower than reference price 2 for copper ($9200). The royalty rate would be 3.14%, being the amount (3.145089%) worked out by using the formula in subsection (2), definition *prescribed percentage*, rounded down to the nearest increment of 0.02%.

Part 2 Royalty rates for minerals other than prescribed minerals

1 Particular minerals

The royalty rate for the following minerals is the rate, for each tonne of the mineral, stated opposite the mineral—

		$
1	Bentonite	1.80
2	Calcite	1.00
3	Clay shale	0.50
4	Clay used for fired clay products	0.50
5	Diatomite	1.50
6	Dolomite	1.00
7	Felspar	0.75
8	Gypsum	0.50
9	Kaolin	1.00
10	Lime, earth	0.50
11	Limestone	0.75
12	Magnesite	1.50
13	Marble	1.00
14	Mica	1.50
15	Perlite	1.00

		$
16	Rock mined in block or slab form for building or monumental purposes	1.00
17	Salt	1.50
18	Sand, gravel and rock, other than rock mined in block or slab form for building or monumental purposes	0.50
19	Silica	0.90
20	Wollastonite	0.75

2 Bauxite

The royalty rate for bauxite is—

(a) if it is sold, disposed of or used outside the State by the holder of the mining lease for the bauxite—the higher of the following—

(i) 10% of the value of the bauxite;

(ii) $2 for each tonne of bauxite; or

(b) if it is sold, disposed of or used within the State by the holder of the mining lease for the bauxite—

(i) for a holder who has sold, disposed of or used bauxite outside the State—the higher of the following—

(A) 75% of the amount per tonne of the rate calculated under paragraph (a)(i);

(B) $1.50 per tonne of bauxite; or

(ii) otherwise—$1.50 per tonne of bauxite.

3 Coal

(1) The royalty rate for coal is—

(a) if the average price per tonne of the coal sold, disposed of or used in the return period is $100 or less—7% of the value of the coal; or

(b) the royalty rate applied to the value of the coal sold, disposed of or used in the return period, rounded down

to 2 decimal places, worked out using the following formula—

(i) if the average price per tonne of the coal sold, disposed of or used in the return period is more than $100 but not more than $150—

$$RR = 7 + \left(\frac{(AP - 100)}{AP} \times 5.5\right)$$

(ii) if the average price per tonne of the coal sold, disposed of or used in the return period is $150 or more—

$$RR = 7 + \left(\frac{(AP - 100)}{AP} \times 5.5\right) + \left(\frac{(AP - 150)}{AP} \times 2.5\right)$$

where—

RR is the royalty rate, expressed as a percentage.

AP is the average price per tonne of the coal sold, disposed of or used in the return period.

Note—

The royalty rate for coal prescribed under this section is not prescribed for the purpose or effect of funding the development or demonstration of technology which will assist in reducing the production or emission of Greenhouse Gas from the use of coal. See the *Clean Coal Technology Special Agreement Act 2007*, schedule, section 2.5.

(2) The royalty rate must be worked out and applied separately for coal sold, disposed of or used inside the State and coal sold, disposed of or used outside the State.

4 Corundum, gemstones and other precious stones

The royalty rate for corundum, gemstones or other precious stones is 2.5% of the value of the corundum, gemstones or precious stones.

5 Coal seam gas

The royalty rate for coal seam gas is the rate applying to petroleum under the Petroleum and Gas (Production and Safety) Act, section 590.

5A Manganese, molybdenum, rare earths, tantalum and tungsten

The royalty rate for any of the following minerals is 2.7% of the value of the mineral—

(a) manganese;

(b) molybdenum;

(c) rare earths;

(d) tantalum;

(e) tungsten.

6 Mineral sands

(1) The royalty rate for a concentrate of a mineral sand is 5% of the value of the concentrate.

(2) In this section—

mineral sand includes the following—

(a) anatase;

(b) ilmenite;

(c) leucoxene;

(d) monazite;

(e) rutile;

(f) zircon.

7 Phosphate rock

(1) The royalty rate for phosphate rock is the higher of the following—

(a) 80 cents for each tonne of phosphate rock;

(b) the rate, rounded down to 2 decimal places, for each tonne of phosphate rock worked out using the following formula—

$$\mathbf{R = \$1 \times \frac{G}{32.3} \times \frac{P_{curr}}{\$72.50}}$$

where—

R is the royalty rate.

G is the average P_2O_5 content of the phosphate rock for the return period.

$\boldsymbol{P_{curr}}$ is the average price for the return period, converted to Australian dollars at the average hedge settlement rate for the return period, of Moroccan phosphate rock with 32.3% P_2O_5 content.

Editor's note—

The price, in US dollars, of Moroccan phosphate rock with 32.3% P_2O_5 content is published in the magazine called Fertilizer Week.

(2) In this section—

average hedge settlement rate, for a return period, means the average, worked out for the return period, of the hedge settlement rates for each day in the return period.

Example for subsection (1)—

For a quarter—

- the average P_2O_5 content of phosphate rock is 24%
- the average price of Moroccan phosphate rock with 32.3% P_2O_5 content is US$46
- the average hedge settlement rate is 65c.

The rate under subsection (1)(b), by applying the formula, is 72.53c. Therefore, the royalty rate is 80c for each tonne of the phosphate rock.

8 Processed oil shale

(1) The royalty rate for oil shale that is processed is the lesser of the following—

(a) 10% of the value of the oil processed from the oil shale; or

(b) the WTI%, rounded to 2 decimal places, of the value of the oil processed from the oil shale.

(2) For subsection (1)(b), the WTI% must be worked out using the following formula—

$$\mathbf{WTI\%} = \left(\left[\frac{\mathbf{CPI_{BASE}}}{\mathbf{CPI_{NOW}}} \times \mathbf{WTI}\right]^{\mathbf{2}} \div \mathbf{1000}\right) + \mathbf{0.5}$$

where—

CPI_{BASE} is 110.0.

CPI_{NOW} is the CPI for the calendar quarter for which the royalty for oil shale is being worked out.

WTI is the average crude oil price.

(3) In this section—

average crude oil price means the 'Crude Oil West Texas—Spot—Last' price published in the Australian Financial Review—

(a) converted to Australian dollars at the hedge settlement rate for each day of trading in the calendar quarter for which the royalty payable for oil shale is being worked out; and

(b) averaged over the calendar quarter for which the royalty payable for oil shale is being worked out.

CPI means the 'Consumer Price Index: All Groups Index Numbers—Weighted Average of 8 Capital Cities' published by the Australian Bureau of Statistics.

Example for subsection (1)—

For a calendar quarter—

- the CPI is 134.2; and
- the WTI is $A30.

The WTI%, worked out using the formula in subsection (2), is 1.10%. Therefore, the royalty rate for oil would be 1.10% of the oil's value.

9 Iron ore

(1) The royalty rate for iron ore is—

(a) if the average price for each tonne of iron ore is $100 or less—$1.25 for each tonne; or

(b) if the average price for each tonne of iron ore is more than $100—the following percentage of the value of the iron ore, whichever is the higher—

(i) 1.25%;

(ii) the amount, expressed as a percentage, worked out using the following formula, rounded down to nearest increment of 0.02%—

$$\mathbf{P = 1.25\% + \left(\frac{(A - 100)}{A} \times 1.25\% \right)}$$

where—

P is the percentage.

A is the average price for each tonne of the iron ore.

(2) In this section—

average price for each tonne, of iron ore, means the average price for each tonne of the iron ore sold, disposed of or used in the return period.

10 Other minerals

The royalty rate for a mineral for which a royalty rate is not already stated in this schedule is 2.5% of the value of the mineral.

Schedule 5 Rental payable

section 83

		$
1	For a mining claim	nil
2	For an exploration permit—for each sub-block to which the exploration permit applies	131.40
3	For a mineral development licence—for each hectare to which the development licence relates—	
	(a) for the first year of the licence	3.75
	(b) for the second year of the licence	7.60
	(c) for the third year of the licence	11.55
	(d) for the fourth year of the licence	19.90
	(e) for a year of the licence after the fourth year	23.90
4	For a mining lease—for each hectare to which the mining lease relates	50.75

Schedule 6 Fees

section 84

Part 1 Prospecting permits

		$
1	Application for district prospecting permit—for each month (Act, s 21)	106.60
2	Application for parcel prospecting permit (Act, s 21)	106.60

Part 2 Mining claims

		$
1	Application for grant of mining claim (Act, s 61)	319.80
2	Application for renewal of mining claim (Act, s 93)	319.80
3	Assigning mining claim or interest in mining claim (Act, s 96)	42.60
4	Mortgaging mining claim or interest in mining claim (Act, s 96)	42.60
5	Lodging caveat (Act, s 97)	42.60
6	Application for approval to mine minerals not specified in mining claim (Act, s 105)	42.60
7	Lodging notice of surrender of mining claim (Act, s 107)	42.60
8	Application for variation of the land used or proposed to be used as access in relation to land the subject of mining claim (Act, s 125)	42.60

Part 3 Exploration permits

		$
1	Application for exploration permit (Act, s 133)—	
	(a) for coal	1 066.00
	(b) for any mineral other than coal—	
	(i) for 4 or fewer sub-blocks in restricted area 256, 257, 258, 259, 260, 261, 262, 263, 264 or 265	266.50
	(ii) otherwise	799.00
2	Application for renewal of exploration permit (Act, s 147)—	
	(a) for coal	533.00
	(b) for any mineral other than coal—	
	(i) for 4 or fewer sub-blocks in restricted area 256, 257, 258, 259, 260, 261, 262, 263, 264 or 265	159.90
	(ii) otherwise	533.00
3	Assigning exploration permit (Act, s 151)	159.90
4	Lodging caveat (Act, s 152)	42.60
5	Application to record agreements, arrangements or other dealings or interests (Act, s 158)	42.60

Part 4 Mineral development licences

		$
1	Application for grant of mineral development licence (Act, s 183)—	
	(a) for coal	2 132.00
	(b) for any mineral other than coal	2 132.00
2	Application for renewal of mineral development licence (Act, s 197)—	
	(a) for coal	746.00
	(b) for any mineral other than coal	746.00
3	Assigning mineral development licence (Act, s 198)	159.90

		$
4	Mortgaging mineral development licence (Act, s 198)	159.90
5	Lodging caveat (Act, s 199)	42.60
6	Application to record agreements, arrangements or other dealings or interests (Act, s 205)	42.60
7	Adding another mineral to mineral development licence (Act, s 208)	533.00
8	Lodging notice of surrender of mineral development licence (Act, s 210)	159.90
9	Application for variation of the land used or proposed to be used as access in relation to land the subject of mineral development licence (Act, s 231)	373.10

Part 5 Mining leases

		$
1	Application for grant of mining lease (Act, s 245)—	
	(a) for coal	3 731.00
	(b) for corundum, gemstones and other precious stones	666.00
	(c) for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin	666.00
	(d) for any other mineral	1 332.00
2	Application for renewal of mining lease (Act, s 286)—	
	(a) for coal	3 731.00
	(b) for corundum, gemstones and other precious stones	666.00
	(c) for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin	666.00
	(d) for any other mineral	1 332.00
3	Application for approval to mine specified minerals not specified in mining lease (Act, s 298(2))	533.00
4	Application to add a purpose (other than mining of minerals) to mining lease granted for purposes other than the mining of minerals (Act, s 298(5))	533.00

		$
5	Application to add a purpose to mining lease granted for mining of minerals (Act, s 298(7))	533.00
6	Application for consolidation of mining leases (Act, s 299(2))	533.00
7	Assigning mining lease or an interest, other than a sublease, in mining lease (Act, s 300)	159.90
8	Assigning sublease of mining lease (Act, s 300)	159.90
9	Mortgaging mining lease or interest in mining lease (Act, s 300)	159.90
10	Subleasing mining lease (Act, s 300)	373.10
11	Assigning application for mining lease, or interest in application for mining lease (Act, s 300)	159.90
12	Lodging caveat (Act, s 301(3)(i))	42.60
13	Lodging notice of surrender of mining lease (Act, s 309(2))	159.90
14	Application for variation of the land used or proposed to be used as access in relation to land the subject of mining lease (Act, s 317(2)(b))	373.10
15	Obtaining copy of mining lease application (s 17(2))	42.60

Part 6 Fees relating to part 7AA of the Act

		$
1	Application for amendment of relinquishment condition (Act, s 318DC(h))	1 066.00
2	Application to consolidate coal mining leases or oil shale mining leases (Act, s 318DM(2)(b))	1 066.00
3	Proposed later development plan lodged within the time required under section 318EB(3) of the Act (Act, s 318EB(6))	1 066.00
4	Lodging proposed initial development plan (Act, s 758(2)(b))	1 066.00

Part 7 Royalty returns

		$
	Lodging royalty return after the last lodgement day for the return (s 28(4))	159.00

Part 8 Register

		$
1	Request to record sale under a writ of execution (s 61(2)(c)(ii))	42.60
2	Request to record transmission by death with or without a grant of probate or letters of administration (s 62(2)(c)(iii) or 63(2)(c)(iv))	42.60
3	Request to record transmission in bankruptcy (s 64(2)(c)(iii))	42.60
4	Request to record death of joint holder (s 65(2)(c)(iii))	42.60
5	Request for change or correction of name, for each mining tenement affected by the change or correction (s 66(2)(c)(iii))	42.60
6	If a public counter is used to search and take extracts from, or obtain a copy of all or part of a notice, document or information in, the register (Act, s 387A(2)(b) and (c))—	
	(a) for a standard departmental public tenure enquiry report	42.60
	(b) otherwise	42.60

Part 9 Other fees

		$
Issue of a duplicate of mining tenement (Act, s 389)—		
(a)	for a prospecting permit	42.60
(b)	for a mining claim	42.60
(c)	for an exploration permit	42.60
(d)	for a mineral development licence	42.60
(e)	for a mining lease	42.60

Schedule 7 Dictionary

section 2

adjacent petroleum lease, for part 7, see section 15A.

affected land means land to which—

(a) a mining claim, mineral development licence or mining lease applies; or

(b) an application for a mining claim, mineral development licence or mining lease relates.

allowable costs, under a native title agreement or native title conditions, is expenditure in relation to—

(a) giving notice to a native title party under the Commonwealth Native Title Act, section 29; or

(b) conducting field inspections; or

(c) monitoring the initial ceremonial breaking or disturbance of soil; or

(d) making an administrative payment, compensation payment, inspection report payment, exploration liaison committee payment or access fee, stated in the native title agreement or native title conditions; or

(e) giving training about aboriginal cultural awareness to the holder of a relevant exploration permit or mineral development licence or the holder's employees.

authorising document, in relation to a mining tenement, means—

(a) for a prospecting permit—the permit; or

(b) for a mining claim—the certificate of grant of the mining claim issued under the Act, and includes a replacement certificate of grant of the mining claim; or

(c) for an exploration permit or mineral development licence—the instrument of the exploration permit or mineral development licence; or

(d) for a mining lease—

(i) the instrument of the mining lease; or

(ii) if an instrument has not been issued for the mining lease—a letter given by the chief executive to the holder of the lease stating that the Minister has granted the holder the mining lease.

block identification map means a map that forms part of the series of maps known as the 'Block Identification Map—Series B' held by the department.

Editor's note—

A copy of each map in the series may be inspected, free of charge, during office hours on business days at—

- the department's office at Level 2, 41 George Street, Brisbane; and
- an office of a mining registrar.

civil penalty see section 46A(2).

coal mine, for part 7, see section 15A.

coal mining operations, for part 7, see section 15A.

commencement, for part 13, division 2, see section 86.

declared plant means a plant that is—

(a) a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*; or

(b) declared, under a local law of a local government, to be a pest.

designated fossicking land means land declared to be designated fossicking land under the *Fossicking Act 1994*, section 42.

gross value, for part 9, division 3, subdivision 3, see section 43B.

gross value royalty decision, for part 9, division 3, subdivision 3, see section 43.

hedge settlement rate, for a day, means the WM/Reuters Australia Fix 10.00a.m. rate on the day.

holder, for part 9, division 3, subdivision 3, see section 43.

instrument, in relation to an exploration permit, mineral development licence, or mining lease, means an instrument of the exploration permit, mineral development licence or mining lease, issued under the Act, and includes a replacement instrument.

market value mineral, for part 9, division 3, subdivision 3, see section 43A.

mining authority means a mining claim, mining lease or other authority under the Act or an authority under another Act relating to mining.

mining operation, for part 9, means—

(a) mining minerals under only 1 mining authority; or

(b) mining minerals under 2 or more mining authorities if—

(i) the authorities are held by the same person or by related persons; and

(ii) any stage of the mining is carried out by using a common mining facility; or

(c) if the Minister has made a determination under section 320(8) of the Act—the operation determined by the Minister, under that section, as being 1 mining operation.

native title agreement means—

(a) a registered indigenous land use agreement under the Commonwealth Native Title Act; or

(b) any of the following under part 2, division 3, subdivision P of the Commonwealth Native Title Act—

(i) an agreement mentioned in section 31(1)(b);

(ii) a determination of the relevant Minister under section 36A;

(iii) a determination of the arbitral body under section 38; or

(c) an access agreement or negotiated agreement under the native title provisions.

native title conditions are conditions to which an exploration permit or mineral development licence is subject if—

(a) a grant of a right to land to which the permit or licence relates is an act that has attracted the expedited procedure under the Commonwealth Native Title Act, section 32; or

(b) the permit or licence is granted under an indigenous land use agreement under the Commonwealth Native Title Act, and the State is a party to the agreement.

native title holder see the Commonwealth Native Title Act, section 224.

overlapping petroleum lease, for part 7, see section 15A.

petroleum lease, for part 7, see section 15A.

prescribed document, for part 11, division 3, see section 60.

prescribed mineral means any of the following minerals—

(a) cobalt;

(b) copper;

(c) gold;

(d) lead;

(e) nickel;

(f) silver;

(g) zinc.

previous return period, in relation to a return period, means the return period immediately preceding the return period.

previous section 42, for part 13, division 2, see section 86.

principal hazard management plan, for a mining lease, means a principal hazard management plan for the lease made as required under the condition of the lease mentioned in section 19B(2).

quarter, in relation to a royalty or a royalty return, means any period of 3 months.

quarterly return period means a return period that is a quarter.

rare earth means each of the following—

(a) cerium;

(b) dysprosium;

(c) erbium;

(d) europium;

(e) gadolinium;

(f) holmium;

(g) lanthanum;

(h) lutetium;

(i) neodymium;

(j) praseodymium;

(k) promethium;

(l) samarium;

(m) scandium;

(n) terbium;

(o) thulium;

(p) ytterbium;

(q) yttrium.

reasonable means reasonable in all the circumstances.

related person includes corporations that are related bodies corporate within the meaning of the Corporations Act, section 50.

relevant entity, for part 9, division 3, subdivision 3, see section 43.

reproductive material, of a plant, see the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3.

restricted area means each area of land that is—

(a) described in a gazette notice by the Minister; and

(b) stated as being a restricted area; and

(c) having the name stated for the area.

return period means—

(a) in relation to a royalty—the period for which the royalty is payable; or

(b) in relation to a royalty return—the period to which the royalty return must relate.

Editor's note—

For paragraph (b), see section 27.

royalty estimate notice see section 47B(1).

specific mineral mining lease means a mining lease granted for the mining of minerals specified in the mining lease.

specific purpose mining lease means a mining lease granted, under section 234(1)(b) of the Act, for a purpose other than mining.

standard departmental public tenure enquiry report means an extract from the register of particular information about a tenure administered under the Act including, for example, details of the tenure holder and a description of the area of the tenure in blocks and sub-blocks.

writ of execution means a writ or warrant of execution after judgment in any court, and includes an enforcement warrant under the *Civil Proceedings Act 2011*, section 90.

year, in relation to a royalty or a royalty return, means a period of 1 year starting on—

(a) 1 July; or

(b) if the Minister has approved another day for the start of the year—the day approved by the Minister.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 October 2012. Future amendments of the Mineral Resources Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	**=**	**Acts Interpretation Act 1954**	**(prev)**	**=**	**previously**
amd	**=**	**amended**	**proc**	**=**	**proclamation**
amdt	**=**	**amendment**	**prov**	**=**	**provision**
ch	**=**	**chapter**	**pt**	**=**	**part**
def	**=**	**definition**	**pubd**	**=**	**published**
div	**=**	**division**	**R[X]**	**=**	**Reprint No. [X]**
exp	**=**	**expires/expired**	**RA**	**=**	**Reprints Act 1992**
gaz	**=**	**gazette**	**reloc**	**=**	**relocated**
hdg	**=**	**heading**	**renum**	**=**	**renumbered**
ins	**=**	**inserted**	**rep**	**=**	**repealed**
lap	**=**	**lapsed**	**(retro)**	**=**	**retrospectively**
notfd	**=**	**notified**	**rv**	**=**	**revised edition**
num	**=**	**numbered**	**s**	**=**	**section**
o in c	**=**	**order in council**	**sch**	**=**	**schedule**
om	**=**	**omitted**	**sdiv**	**=**	**subdivision**
orig	**=**	**original**	**SIA**	**=**	**Statutory Instruments Act 1992**
p	**=**	**page**	**SIR**	**=**	**Statutory Instruments Regulation 2002**
para	**=**	**paragraph**	**SL**	**=**	**subordinate legislation**
prec	**=**	**preceding**	**sub**	**=**	**substituted**
pres	**=**	**present**	**unnum**	**=**	**unnumbered**
prev	**=**	**previous**			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	25 July 2003	
1A	—	27 July 2003	provs exp 26 July 2003
1B	2003 SL No. 253	24 October 2003	
1C	2003 SL No. 253	1 January 2004	
1D	2004 SL No. 67	1 July 2004	
1E	2004 SL No. 205	1 October 2004	
1F	2004 SL No. 309	31 December 2004	
1G	2004 SL No. 236	1 January 2005	
1H	2005 SL No. 2	4 February 2005	R1H withdrawn, see R2
2	—	4 February 2005	
2A	2005 SL No. 53	1 April 2005	
2B	2005 SL No. 118	17 June 2005	
2C	2005 SL No. 11 2005 SL No. 103	1 July 2005	
2D	2005 SL No. 118	12 September 2005	
2E rv	2005 SL No. 302	9 December 2005	
2F rv	2005 SL No. 263	1 January 2006	
2G rv	—	2 January 2006	prov exp 1 January 2006
2H rv	2006 SL No. 110	1 July 2006	
2I rv	2006 SL No. 184	14 July 2006	
3 rv	2006 SL No. 241	29 September 2006	Revision notice issued for R3
3A rv	2006 SL No. 262	27 October 2006	
3B rv	2006 SL No. 293	1 January 2007	
3C	2007 SL No. 5	2 February 2007	
3D	2007 SL No. 29	18 June 2007	
3E	2007 SL No. 132	1 July 2007	
4	2007 SL No. 174	20 July 2007	
4A	2007 SL No. 285	23 November 2007	
4B	2007 SL No. 273	1 January 2008	
4C	2008 SL No. 18	8 February 2008	
4D	2008 SL No. 59	17 March 2008	
4E	2008 SL No. 70	20 March 2008	
4F	2008 SL No. 18	30 March 2008	
5	2008 SL No. 117	9 May 2008	
5A	2008 SL No. 158 2008 SL No. 192	1 July 2008	
5B	2008 SL No. 367	7 November 2008	
5C	2008 SL No. 372	14 November 2008	
5D	2008 SL No. 366	1 January 2009	

Reprint No.	Amendments included	Effective	Notes
5E	2008 SL No. 367	15 February 2009	
5F	2008 SL No. 367	29 March 2009	
5G	2009 SL No. 55	15 May 2009	
5H	2008 SL No. 367	14 June 2009	
5I	2009 SL No. 73	1 July 2009	
6	2009 SL No. 73	1 September 2009	
6A	2009 SL No. 186	4 September 2009	
6B	2009 SL No. 186	28 March 2010	
6C	2010 SL No. 116	1 July 2010	
6D	2010 SL No. 219	27 August 2010	
6E	2010 SL No. 116	1 September 2010	
6F	2010 SL No. 242	3 September 2010	
6G	2010 SL No. 201 2010 SL No. 259 2010 SL No. 264	1 October 2010	
6H	2010 SL No. 264	1 January 2011	prov exp 31 December 2010 R6H withdrawn, see R7
7	—	1 January 2011	
7A	2011 SL No. 23	18 March 2011	
7B	2011 SL No. 23	28 March 2011	
7C	2011 SL No. 32	1 April 2011	
7D	2011 SL No. 114	24 June 2011	
7E	2011 SL No. 79 2011 SL No. 94 2011 SL No. 114	1 July 2011	
7F	2011 SL No. 94	1 September 2011	
7G	2011 SL No. 295	1 January 2012	
8	2012 SL No. 12	25 March 2012	
8A	2012 SL No. 89	1 July 2012	
8B	2012 SL No. 105	23 July 2012	
8C	2012 SL No. 115	27 July 2012	
8D	2012 SL No. 105 2012 SL No. 148	1 September 2012	
8E	2012 SL No. 169	1 October 2012	
8F	2012 SL No. 182	19 October 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Mineral Resources Regulation 2003 SL No. 174
made by the Governor in Council on 24 July 2003
notfd gaz 25 July 2003 pp 1100–2
commenced on date of notification
exp 1 September 2013 (see SIA s 54)
Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
(2) Two regulatory impact statements and an explanatory note were prepared.

amending legislation—

Mineral Resources Amendment Regulation (No. 1) 2003 SL No. 253
notfd gaz 24 October 2003 pp 624–5
ss 1–2 commenced on date of notification
s 5 commenced 1 January 2004 (see s 2)
remaining provisions commenced on date of notification

Natural Resources, Mines and Energy Legislation Amendment Regulation (No. 1) 2004 SL No. 67 pts 1, 12
notfd gaz 28 May 2004 pp 277–80
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)

Mineral Resources Amendment Regulation (No. 1) 2004 SL No. 205
notfd gaz 1 October 2004 pp 393–5
commenced on date of notification

Mineral Resources Amendment Regulation (No. 2) 2004 SL No. 236
notfd gaz 5 November 2004 pp 813–15
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2005 (see s 2)

Petroleum and Gas (Production and Safety) Regulation 2004 SL No. 309 ss 1, 2(2), ch 8 pt 2
notfd gaz 17 December 2004 pp 1277–85
ss 1–2 commenced on date of notification
remaining provisions commenced 31 December 2004 (see s 2(2))
Note—A regulatory impact statement and explanatory note were prepared.

Mineral Resources Amendment Regulation (No. 1) 2005 SL No. 2
notfd gaz 4 February 2005 pp 358–9
commenced on date of notification
Note—An explanatory note was prepared.

Mineral Resources Amendment Regulation (No. 2) 2005 SL No. 11
notfd gaz 18 February 2005 pp 596–7
ss 1, 3 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 3)
Note—A regulatory impact statement and explanatory note were prepared.

Mineral Resources Amendment Regulation (No. 3) 2005 SL No. 53
notfd gaz 1 April 2005 pp 1066–9
commenced on date of notification
Note—An explanatory note was prepared.

Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2005 SL No. 103 pts 1, 11
notfd gaz 3 June 2005 pp 415–19
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 2)

Mineral Resources Amendment Regulation (No. 4) 2005 SL No. 118
notfd gaz 17 June 2005 pp 569–71
s 4(1) commenced 12 September 2005 (see s 2)
remaining provisions commenced on date of notification

Natural Resources and Mines Legislation Amendment Regulation (No. 2) 2005 SL No. 263 pts 1–2
notfd gaz 4 November 2005 pp 869–70
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remaining provisions commenced 1 January 2006 (see s 2)

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notfd gaz 2 June 2006 pp 572–6
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notfd gaz 29 September 2006 pp 481–2
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commenced on date of notification

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notfd gaz 1 December 2006 pp 1587–90
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2007 (see s 2)

Mineral Resources Amendment Regulation (No. 1) 2007 SL No. 5
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notfd gaz 27 June 2008 pp 1268–78
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notfd gaz 7 November 2008 pp 1319–21
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notfd gaz 7 November 2008 pp 1319–21
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notfd gaz 4 September 2009 pp 77–8
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notfd gaz 18 June 2010 pp 529–35
ss 1–2 commenced on date of notification
ch 2 pt 7 commenced 1 July 2010 (see s 2(1))
remaining provisions commenced 1 September 2010 (see s 2(2))

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notfd gaz 6 August 2010 pp 1311–12
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pt 36 (ss 1–3) om 2012 SL No. 115 s 9

PART 37—RESTRICTED AREA 72
pt 37 (ss 1–3) om 2012 SL No. 115 s 9

PART 38—RESTRICTED AREA 73
pt 38 (ss 1–3) om 2012 SL No. 115 s 9

PART 39—RESTRICTED AREA 74
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2010 SL No. 116 s 32(1)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 40—RESTRICTED AREA 75
pt 40 (ss 1–3) om 2012 SL No. 115 s 9

PART 41—RESTRICTED AREA 76
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(9)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 42—RESTRICTED AREA 77
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 amd 2007 SL No. 29 s 6(1)
om 2012 SL No. 115 s 9

Additional conditions for all mining tenements
s 4 om 2012 SL No. 115 s 9

PART 43—RESTRICTED AREA 83
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 amd 2007 SL No. 29 s 6(2)
om 2012 SL No. 115 s 9

PART 44—RESTRICTED AREA 84
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(10)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 45—RESTRICTED AREA 85
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(11)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 46—RESTRICTED AREA 86
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(12)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 47—RESTRICTED AREA 87
pt 47 (ss 1–3) om 2012 SL No. 115 s 9

PART 48—RESTRICTED AREA 88
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 49—RESTRICTED AREA 89
pt 49 (ss 1–3) om 2012 SL No. 115 s 9

PART 50—RESTRICTED AREA 90
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 51—RESTRICTED AREA 91
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(13)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 52—RESTRICTED AREA 92
pt 52 (ss 1–3) om 2012 SL No. 115 s 9

PART 53—RESTRICTED AREA 94
pt 53 (ss 1–3) om 2012 SL No. 115 s 9

PART 54—RESTRICTED AREA 97
pt 54 (ss 1–3) om 2012 SL No. 115 s 9

PART 55—RESTRICTED AREA 98
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 56—RESTRICTED AREA 99
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(14)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 57—RESTRICTED AREA 101
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(15)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 58—RESTRICTED AREA 105
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 53 s 3(1)–(2)
om 2012 SL No. 115 s 9

Maximum grant area for particular exploration permits
s 3 om 2012 SL No. 115 s 9

PART 59—RESTRICTED AREA 107
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 60—RESTRICTED AREA 108
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 61—RESTRICTED AREA 109
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2009 SL No. 186 s 5(1)
om 2012 SL No. 115 s 9

PART 62—RESTRICTED AREA 110
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 63—RESTRICTED AREA 111
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 64—RESTRICTED AREA 112
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 amd 2005 SL No. 302 s 7(8)
sub 2006 SL No. 241 s 3
om 2012 SL No. 115 s 9

PART 65—RESTRICTED AREA 113
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 66—RESTRICTED AREA 114
pt 66 (ss 1–3) om 2012 SL No. 115 s 9

PART 67—RESTRICTED AREA 115
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 68—RESTRICTED AREA 116
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 69—RESTRICTED AREA 117
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 70—RESTRICTED AREA 118
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 amd 2005 SL No. 302 s 7(8)
sub 2006 SL No. 241 s 3
om 2012 SL No. 115 s 9

PART 71—RESTRICTED AREA 119
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 amd 2005 SL No. 302 s 7(8)
sub 2006 SL No. 241 s 3
om 2012 SL No. 115 s 9

PART 72—RESTRICTED AREA 120
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 73—RESTRICTED AREA 121
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(16); 2008 SL No. 59 s 10(5)
om 2012 SL No. 115 s 9

PART 74—RESTRICTED AREA 122
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(16); 2008 SL No. 59 s 10(5)
om 2012 SL No. 115 s 9

PART 75—RESTRICTED AREA 123
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 76—RESTRICTED AREA 124
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(16); 2008 SL No. 59 s 10(5)
om 2012 SL No. 115 s 9

PART 77—RESTRICTED AREA 126
pt 77 (ss 1–3) om 2012 SL No. 115 s 9

PART 78—RESTRICTED AREA 127
pt 78 (ss 1–3) om 2012 SL No. 115 s 9

PART 79—RESTRICTED AREA 128
pt 79 (ss 1–3) om 2012 SL No. 115 s 9

PART 80—RESTRICTED AREA 135
pt 80 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 81—RESTRICTED AREA 136
pt 81 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 82—RESTRICTED AREA 138
pt 82 (ss 1–3) om 2012 SL No. 115 s 9

PART 83—RESTRICTED AREA 140
pt 83 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 84—RESTRICTED AREA 141
pt 84 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 85—RESTRICTED AREA 143
pt 85 (ss 1–3) om 2012 SL No. 115 s 9

PART 86—RESTRICTED AREA 145
pt 86 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 87—RESTRICTED AREA 146
pt 87 (ss 1–3) om 2012 SL No. 115 s 9

PART 88—RESTRICTED AREA 147
pt 88 (ss 1–3) om 2012 SL No. 115 s 9

PART 89—RESTRICTED AREA 148
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(17)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 90—RESTRICTED AREA 149
pt 90 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 91—RESTRICTED AREA 154
pt 91 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 92—RESTRICTED AREA 155
pt 92 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 93—RESTRICTED AREA 156
pt 93 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 94—RESTRICTED AREA 157
pt 94 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 95—RESTRICTED AREA 163
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2010 SL No. 116 s 32(2)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 96—RESTRICTED AREA 164
pt 96 (ss 1–3) om 2012 SL No. 115 s 9

PART 97—RESTRICTED AREA 165
pt 97 (ss 1–3) om 2012 SL No. 115 s 9

PART 98—RESTRICTED AREA 167
pt 98 (ss 1–3) om 2012 SL No. 115 s 9

PART 99—RESTRICTED AREA 168
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2004 SL No. 205 s 3
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 100—RESTRICTED AREA 172
pt 100 (ss 1–3) om 2012 SL No. 115 s 9

PART 101—RESTRICTED AREA 173
pt 101(ss 1–3) om 2012 SL No. 115 s 9

PART 102—RESTRICTED AREA 176
pt 102 (ss 1–3) om 2012 SL No. 115 s 9

PART 103—RESTRICTED AREA 177
pt 103 (ss 1–3) om 2012 SL No. 115 s 9

PART 104—RESTRICTED AREA 183
pt 104 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 105—RESTRICTED AREA 185
pt 105 (ss 1–3) om 2012 SL No. 115 s 9

PART 106—RESTRICTED AREA 186
pt 106 (ss 1–3) om 2012 SL No. 115 s 9

PART 107—RESTRICTED AREA 187
pt 107 (ss 1–3) om 2012 SL No. 115 s 9

PART 108—RESTRICTED AREA 188
pt 108 (ss 1–3) om 2012 SL No. 115 s 9

PART 109—RESTRICTED AREA 189
pt 109 (ss 1–3) om 2012 SL No. 115 s 9

PART 110—RESTRICTED AREA 190
pt 110 (ss 1–3) om 2012 SL No. 115 s 9

PART 111—RESTRICTED AREA 191
pt 111 (ss 1–3) om 2012 SL No. 115 s 9

PART 112—RESTRICTED AREA 192
pt 112 (ss 1–3) om 2012 SL No. 115 s 9

PART 113—RESTRICTED AREA 195
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 114—RESTRICTED AREA 196
pt 114 (ss 1–3) om 2012 SL No. 115 s 9

PART 115—RESTRICTED AREA 197
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 116—RESTRICTED AREA 198
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(16); 2008 SL No. 59 s 10(5)
om 2012 SL No. 115 s 9

PART 117—RESTRICTED AREA 199
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 118—RESTRICTED AREA 200
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 119—RESTRICTED AREA 201
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 120—RESTRICTED AREA 202
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 121—RESTRICTED AREA 203
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 122—RESTRICTED AREA 206
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 123—RESTRICTED AREA 207
pt 123 (ss 1–3) om 2012 SL No. 115 s 9

PART 124—RESTRICTED AREA 208
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 125—RESTRICTED AREA 209
pt 125 (ss 1–3) om 2012 SL No. 115 s 9

PART 126—RESTRICTED AREA 210
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2009 SL No. 186 s 5(2)
om 2012 SL No. 115 s 9

PART 127—RESTRICTED AREA 211
pt 127 (ss 1–3) om 2012 SL No. 115 s 9

PART 128—RESTRICTED AREA 212
pt 128 (ss 1–3) om 2012 SL No. 115 s 9

PART 129—RESTRICTED AREA 213
pt 129 (ss 1–3) om 2005 SL No. 302 s 7(1)

PART 130—RESTRICTED AREA 214
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(6); 2008 SL No. 59 s 10(3)
om 2012 SL No. 115 s 9

PART 131—RESTRICTED AREA 215
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 132—RESTRICTED AREA 216
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 133—RESTRICTED AREA 217
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(3); 2008 SL No. 59 s 10(1)
om 2012 SL No. 115 s 9

PART 134—RESTRICTED AREA 218
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(16); 2008 SL No. 59 s 10(5)
om 2012 SL No. 115 s 9

PART 135—RESTRICTED AREA 219
pt 135 (ss 1–3) om 2012 SL No. 115 s 9

PART 136—RESTRICTED AREA 220
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(16); 2008 SL No. 59 s 10(5)
om 2012 SL No. 115 s 9

PART 137—RESTRICTED AREA 221
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 138—RESTRICTED AREA 222
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Nominated referral entity
s 3 amd 2005 SL No. 302 s 7(8); 2008 SL No. 59 s 10(4)
om 2012 SL No. 115 s 9

PART 139—RESTRICTED AREA 223
pt 139 (ss 1–3) om 2012 SL No. 115 s 9

PART 140—RESTRICTED AREA 224
pt 140 (ss 1–3) om 2012 SL No. 115 s 9

PART 141—RESTRICTED AREA 225
pt 141 (ss 1–3) om 2012 SL No. 115 s 9

PART 142—RESTRICTED AREA 226
pt 142 (ss 1–3) om 2012 SL No. 115 s 9

PART 143—RESTRICTED AREA 227
pt 143 (ss 1–3) om 2012 SL No. 115 s 9

PART 144—RESTRICTED AREA 228
pt 144 (ss 1–3) om 2012 SL No. 115 s 9

PART 145—RESTRICTED AREA 229
pt 145 (ss 1–3) om 2012 SL No. 115 s 9

PART 146—RESTRICTED AREA 230
pt 146 (ss 1–3) om 2012 SL No. 115 s 9

PART 147—RESTRICTED AREA 232
pt 147 (ss 1–3) om 2012 SL No. 115 s 9

PART 148—RESTRICTED AREA 235
pt hdg om 2010 SL No. 219 s 3

Name
s 1 om 2010 SL No. 219 s 3

Description
s 2 amd 2005 SL No. 302 s 7(18)
om 2010 SL No. 219 s 3

Prohibited mining tenements
s 3 sub 2005 SL No. 302 s 7(2)
om 2010 SL No. 219 s 3

PART 149—RESTRICTED AREA 236
pt 149 (ss 1–3) om 2012 SL No. 115 s 9

PART 150—RESTRICTED AREA 240
pt 150 (ss 1–3) om 2012 SL No. 115 s 9

PART 151—RESTRICTED AREA 242
pt 151 (ss 1–3) om 2012 SL No. 115 s 9

PART 152—RESTRICTED AREA 243
pt 152 (ss 1–3) om 2012 SL No. 115 s 9

PART 153—RESTRICTED AREA 244
pt 153 (ss 1–3) om 2012 SL No. 115 s 9

PART 154—RESTRICTED AREA 245
pt 154 (ss 1–3) om 2012 SL No. 115 s 9

PART 155—RESTRICTED AREA 246
pt 155 (ss 1–3) om 2012 SL No. 115 s 9

PART 156—RESTRICTED AREA 247
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(19); 2010 SL No. 116 s 32(3)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 157—RESTRICTED AREA 248
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(20); 2010 SL No. 116 s 32(4)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 158—RESTRICTED AREA 249
pt 158 (ss 1–3) om 2012 SL No. 115 s 9

PART 159—RESTRICTED AREA 250
pt 159 (ss 1–3) om 2012 SL No. 115 s 9

PART 160—RESTRICTED AREA 251
pt 160 (ss 1–3) om 2012 SL No. 115 s 9

PART 161—RESTRICTED AREA 252
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(21)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 162—RESTRICTED AREA 253
pt 162 (ss 1–3) om 2012 SL No. 115 s 9

PART 163—RESTRICTED AREA 254
pt 163 (ss 1–3) om 2012 SL No. 115 s 9

PART 164—RESTRICTED AREA 255
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(22); 2010 SL No. 116 s 32(5)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 om 2012 SL No. 115 s 9

PART 165—RESTRICTED AREA 256
pt 165 (ss 1–4) om 2012 SL No. 115 s 9

PART 166—RESTRICTED AREA 257
pt 166 (ss 1–4) om 2012 SL No. 115 s 9

PART 167—RESTRICTED AREA 258
pt 167 (ss 1–4) om 2012 SL No. 115 s 9

PART 168—RESTRICTED AREA 259
pt 168 (ss 1–4) om 2012 SL No. 115 s 9

PART 169—RESTRICTED AREA 260
pt 169 (ss 1–4) om 2012 SL No. 115 s 9

PART 170—RESTRICTED AREA 261
pt 170 (ss 1–4) om 2012 SL No. 115 s 9

PART 171—RESTRICTED AREA 262
pt 171 (ss 1–4) om 2012 SL No. 115 s 9

PART 172—RESTRICTED AREA 263
pt 172 (ss 1–4) om 2012 SL No. 115 s 9

PART 173—RESTRICTED AREA 264
pt 173 (ss 1–4) om 2012 SL No. 115 s 9

PART 174—RESTRICTED AREA 265
pt 174 (ss 1–4) om 2012 SL No. 115 s 9

PART 175—RESTRICTED AREA 269
pt 175 (ss 1–3) om 2012 SL No. 115 s 9

PART 176—RESTRICTED AREA 270
pt 176 (ss 1–3) om 2012 SL No. 115 s 9

PART 177—RESTRICTED AREA 273
pt 177 (ss 1–3) om 2012 SL No. 115 s 9

PART 178—RESTRICTED AREA 279
pt 178 (ss 1–3) om 2012 SL No. 115 s 9

PART 179—RESTRICTED AREA 290
pt 179 (ss 1–3) om 2005 SL No. 118 s 4(1)

PART 180—RESTRICTED AREA 291
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(23)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 sub 2005 SL No. 302 s 7(2)
om 2012 SL No. 115 s 9

PART 181—RESTRICTED AREA 292
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 sub 2005 SL No. 302 s 7(2)
om 2012 SL No. 115 s 9

PART 182—RESTRICTED AREA 293
pt 182 (ss 1–3) om 2012 SL No. 115 s 9

PART 183—RESTRICTED AREA 294
pt 183 (ss 1–3) om 2012 SL No. 115 s 9

PART 184—RESTRICTED AREA 295
pt 184 (ss 1–3) om 2012 SL No. 115 s 9

PART 185—RESTRICTED AREA 296
pt hdg om 2012 SL No. 115 s 9

Name
s 1 om 2012 SL No. 115 s 9

Description
s 2 amd 2005 SL No. 302 s 7(24)
om 2012 SL No. 115 s 9

Prohibited mining tenement
s 3 amd 2010 SL No. 116 s 32(6)
om 2012 SL No. 115 s 9

PART 186—RESTRICTED AREA 297
pt 186 (ss 1–3) om 2012 SL No. 115 s 9

PART 187—RESTRICTED AREA 310
pt 187 (ss 1–3) om 2012 SL No. 115 s 9

PART 188—RESTRICTED AREA 315
pt 188 (ss 1–3) om 2012 SL No. 115 s 9

PART 188A—RESTRICTED AREA 316
pt 188A (ss 1–3) ins 2008 SL No. 70 s 3(2)
om 2012 SL No. 115 s 9

PART 189—RESTRICTED AREA 320
pt 189 (ss 1–3) ins 2004 SL No. 205 s 3
om 2012 SL No. 115 s 9

PART 189A—RESTRICTED AREA 321
pt hdg ins 2005 SL No. 118 s 4(2)
om 2008 SL No. 367 s 6(3)

Name
s 1 ins 2005 SL No. 118 s 4(2)
om 2008 SL No. 367 s 6(3)

Description
s 2 ins 2005 SL No. 118 s 4(2)
amd 2008 SL No. 367 s 6(1)–(2)
om 2008 SL No. 367 s 6(3)

Prohibited mining tenements
s 3 ins 2005 SL No. 118 s 4(2)
om 2008 SL No. 367 s 6(3)

PART 190—RESTRICTED AREA 336
pt hdg ins 2005 SL No. 2 s 3
om 2012 SL No. 115 s 9

Name
s 1 ins 2005 SL No. 2 s 3
om 2012 SL No. 115 s 9

Description
s 2 ins 2005 SL No. 2 s 3
amd 2005 SL No. 53 s 3(3); 2010 SL No. 116 s 32(7)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 ins 2005 SL No. 2 s 3
om 2012 SL No. 115 s 9

PART 191—RESTRICTED AREA 339
pt 191 (ss 1–3) ins 2006 SL No. 184 s 3
om 2007 SL No. 29 s 6(3)

PART 192—RESTRICTED AREA 340
pt 192 (ss 1–3) ins 2006 SL No. 184 s 3
om 2007 SL No. 29 s 6(3)

PART 193—RESTRICTED AREA 341
pt hdg ins 2006 SL No. 184 s 3
om 2012 SL No. 12 s 4

Name
s 1 ins 2006 SL No. 184 s 3
om 2012 SL No. 12 s 4

Description
s 2 ins 2006 SL No. 184 s 3
amd 2008 SL No. 18 s 4(1)–(2)
om 2012 SL No. 12 s 4

Prohibited mining tenements
s 3 ins 2006 SL No. 184 s 3
sub 2008 SL No. 18 s 4(3)
om 2012 SL No. 12 s 4

PART 194—RESTRICTED AREA 342
pt hdg ins 2006 SL No. 184 s 3
om 2012 SL No. 12 s 4

Name
s 1 ins 2006 SL No. 184 s 3
om 2012 SL No. 12 s 4

Description
s 2 ins 2006 SL No. 184 s 3
amd 2008 SL No. 18 s 4(4)–(5)
om 2012 SL No. 12 s 4

Prohibited mining tenements
s 3 ins 2006 SL No. 184 s 3

sub 2008 SL No. 18 s 4(6)
om 2012 SL No. 12 s 4

PART 195—RESTRICTED AREA 343
pt hdg ins 2006 SL No. 184 s 3
om 2012 SL No. 12 s 4

Name
s 1 ins 2006 SL No. 184 s 3
om 2012 SL No. 12 s 4

Description
s 2 ins 2006 SL No. 184 s 3
amd 2008 SL No. 18 s 4(7)–(8)
om 2012 SL No. 12 s 4

Prohibited mining tenements
s 3 ins 2006 SL No. 184 s 3
sub 2008 SL No. 18 s 4(9)
om 2012 SL No. 12 s 4

PART 196—RESTRICTED AREA 344
pt 196 (ss 1–3) ins 2006 SL No. 184 s 3
om 2007 SL No. 29 s 6(3)

PART 197—RESTRICTED AREA 345
pt 197 (ss 1–3) ins 2006 SL No. 184 s 3
om 2007 SL No. 29 s 6(3)

PART 198—RESTRICTED AREA 346
pt 198 (ss 1–3) ins 2006 SL No. 184 s 3
om 2011 SL No. 23 s 8

PART 199—RESTRICTED AREA 347
pt 199 (ss 1–3) ins 2006 SL No. 262 s 3
om 2008 SL No. 18 s 4(10)

PART 200—RESTRICTED AREA 348
pt 200 (ss 1–3) ins 2006 SL No. 262 s 3
om 2008 SL No. 18 s 4(10)

PART 201—RESTRICTED AREA 349
pt 201 (ss 1–3) ins 2006 SL No. 262 s 3
om 2008 SL No. 18 s 4(10)

PART 202—RESTRICTED AREA 350
pt 202 (ss 1–3) ins 2006 SL No. 262 s 3
om 2008 SL No. 18 s 4(10)

PART 203—RESTRICTED AREA 351
pt 203 (ss 1–3) ins 2006 SL No. 262 s 3
om 2012 SL No. 115 s 9

PART 204—RESTRICTED AREA 352
pt hdg ins 2007 SL No. 5 s 3
om 2012 SL No. 115 s 9

Name
s 1 ins 2007 SL No. 5 s 3
om 2012 SL No. 115 s 9

Description
s 2 ins 2007 SL No. 5 s 3
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 ins 2007 SL No. 5 s 3
amd 2010 SL No. 116 s 32(8)
om 2012 SL No. 115 s 9

PART 205—RESTRICTED AREA 353
pt 205 (ss 1–3) ins 2007 SL No. 174 s 3
om 2012 SL No. 115 s 9

PART 206—RESTRICTED AREA 354
pt 206 (ss 1–3) ins 2007 SL No. 174 s 3
om 2012 SL No. 115 s 9

PART 206A—RESTRICTED AREA 356
pt 206A (ss 1–3) ins 2008 SL No. 18 s 4(11)
om 2012 SL No. 115 s 9

PART 207—RESTRICTED AREA 357
pt 207 (ss 1–3) ins 2007 SL No. 285 s 3
om 2009 SL No. 186 s 5(3)

PART 208—RESTRICTED AREA 358
pt 208 (ss 1–3) ins 2007 SL No. 285 s 3
om 2009 SL No. 186 s 5(3)

PART 209—RESTRICTED AREA 359
pt hdg ins 2008 SL No. 18 s 4(12)
om 2012 SL No. 115 s 9

Name
s 1 ins 2008 SL No. 18 s 4(12)
om 2012 SL No. 115 s 9

Description
s 2 ins 2008 SL No. 18 s 4(12)
amd 2010 SL No. 116 s 32(9)
om 2012 SL No. 115 s 9

Prohibited mining tenements
s 3 ins 2008 SL No. 18 s 4(12)
om 2012 SL No. 115 s 9

PART 210—RESTRICTED AREA 360
pt 210 (ss 1–3) ins 2008 SL No. 18 s 4(12)
om 2012 SL No. 115 s 9

PART 211—RESTRICTED AREA 361
pt 211 (ss 1–3) ins 2008 SL No. 18 s 4(12)
om 2011 SL No. 23 s 8

PART 212—RESTRICTED AREA 362
pt 212 (ss 1–3) ins 2008 SL No. 18 s 4(12)
om 2011 SL No. 23 s 8

PART 213—RESTRICTED AREA 363
pt 213 (ss 1–3) ins 2008 SL No. 18 s 4(12)
om 2011 SL No. 23 s 8

PART 214—RESTRICTED AREA 364
pt 214 (ss 1–3) ins 2008 SL No. 18 s 4(12)
om 2011 SL No. 23 s 8

PART 215—RESTRICTED AREA 365
pt 215 (ss 1–3) ins 2008 SL No. 117 s 3
om 2012 SL No. 12 s 4

PART 216—RESTRICTED AREA 366
pt 216 (ss 1–3) ins 2008 SL No. 117 s 3
om 2012 SL No. 12 s 4

PART 217—RESTRICTED AREA 367
pt 217 (ss 1–3) ins 2008 SL No. 117 s 3
om 2012 SL No. 12 s 4

PART 218—RESTRICTED AREA 368
pt 218 (ss 1–3) ins 2008 SL No. 117 s 3
om 2012 SL No. 12 s 4

PART 219—RESTRICTED AREA 369
pt 219 (ss 1–3) ins 2008 SL No. 117 s 3
om 2012 SL No. 12 s 4

SCHEDULE 4—ROYALTY PAYABLE FOR MINERALS
sch hdg amd 2008 SL No. 158 s 10(1)

PART 1—ROYALTY RATES FOR PRESCRIBED MINERALS
Definitions for pt 1
s 1 def **"average market price"** amd 2011 SL No. 114 s 5(1)–(3)
def **"reference price 1"** sub 2010 SL No. 264 s 13(1)–(2)
def **"reference price 2"** sub 2010 SL No. 264 s 13(1)–(2)
def **"reference price 3"** om 2010 SL No. 264 s 13(1)

Royalty rate for prescribed mineral
s 2 sub 2010 SL No. 264 s 13(3)

Variable royalty rate
s 3 amd 2010 SL No. 116 s 33
om 2010 SL No. 264 s 13(3)

PART 2—ROYALTY RATES FOR MINERALS OTHER THAN PRESCRIBED MINERALS
Particular minerals
s 1 amd 2005 SL No. 11 s 7(1)–(3)
sub 2008 SL No. 158 s 10(2)

Bauxite
s 2 sub 2008 SL No. 158 s 10(3)

Coal
s 3 sub 2008 SL No. 158 s 10(4)
amd 2012 SL No. 169 s 11

Corundum, gemstones and other precious stones
s 4 amd 2008 SL No. 158 s 10(5)

Coal seam gas
s 5 sub 2004 SL No. 309 s 182

Manganese, molybdenum, rare earths, tantalum and tungsten
s 5A ins 2005 SL No. 11 s 7(4)
sub 2008 SL No. 158 s 10(6)

Phosphate rock
s 7 prov hdg amd 2008 SL No. 158 s 10(7)

Iron ore
s 9 sub 2005 SL No. 11 s 7(5); 2008 SL No. 158 s 10(8); 2010 SL No. 201 s 5
amd 2011 SL No. 114 s 5(4)

Other minerals
s 10 amd 2008 SL No. 158 s 10(9)

SCHEDULE 5—RENTAL PAYABLE
sub 2004 SL No. 236 s 4; 2005 SL No. 263 s 5; 2006 SL No. 293 s 6; 2007 SL No. 273 s 6
amd 2008 SL No. 372 s 5
sub 2008 SL No. 366 s 6; 2009 SL No. 73 s 26; 2010 SL No. 116 s 34; 2010 SL No. 116 s 51; 2011 SL No. 94 s 18; 2012 SL No. 105 s 31

SCHEDULE 6—FEES
sub 2004 SL No. 67 s 26
amd 2004 SL No. 309 s 183; 2005 SL No. 103 s 22
sub 2006 SL No. 110 s 24; 2007 SL No. 132 s 12
amd 2008 SL No. 59 s 11
sub 2008 SL No. 192 s 18; 2009 SL No. 73 s 27
amd 2009 SL No. 186 s 6
sub 2010 SL No. 259 s 4; 2011 SL No. 94 s 18
amd 2012 SL No. 89 s 9; 2012 SL No. 105 s 32

SCHEDULE 7—DICTIONARY

def **"adjacent petroleum lease"** ins 2004 SL No. 309 s 184(2)
def **"allowable costs"** ins 2008 SL No. 367 s 7
amd 2009 SL No. 55 s 9(1)
def **"apportioned prescribed amount"** om 2008 SL No. 158 s 11
def **"authorising document"** amd 2012 SL No. 182 s 4
def **"base prescribed mineral"** om 2011 SL No. 79 s 11(1)
def **"civil penalty"** ins 2012 SL No. 169 s 12
def **"coal mine"** ins 2004 SL No. 309 s 184(2)
def **"coal mining operations"** ins 2004 SL No. 309 s 184(2)
def **"commencement"** ins 2010 SL No. 264 s 14(2)
def **"gross value"** amd 2010 SL No. 264 s 14(1)
def **"gross value royalty decision"** ins 2010 SL No. 264 s 14(2)
def **"hedge settlement rate"** sub 2011 SL No. 295 s 10
def **"holder"** ins 2010 SL No. 264 s 14(2)
def **"hydrocarbon"** om 2004 SL No. 309 s 184(1)
def **"market value mineral"** ins 2010 SL No. 264 s 14(2)
def **"mining authority"** reloc from s 29 2010 SL No. 264 s 4
def **"mining operation"** sub 2011 SL No. 79 s 11
def **"native title agreement"** ins 2008 SL No. 367 s 7
def **"native title conditions"** ins 2008 SL No. 367 s 7
amd 2009 SL No. 55 s 9(2)–(3)
def **"native title holder"** ins 2008 SL No. 367 s 7
def **"overlapping petroleum lease"** ins 2004 SL No. 309 s 184(2)
def **"petroleum lease"** ins 2004 SL No. 309 s 184(2)
def **"previous return period"** ins 2012 SL No. 169 s 12
def **"previous section 42"** ins 2010 SL No. 264 s 14(2)
def **"principal hazard management plan"** ins 2004 SL No. 309 s 184(2)
def **"quarterly prescribed amount"** om 2008 SL No. 158 s 11
def **"quarterly return period"** ins 2012 SL No. 169 s 12
def **"rare earth"** ins 2005 SL No. 11 s 8
def **"related person"** ins 2011 SL No. 79 s 11(2)
def **"relevant entity"** ins 2010 SL No. 264 s 14(2)
def **"relevant prescribed amount"** om 2008 SL No. 158 s 11
def **"restricted area"** sub 2012 SL No. 115 s 10
def **"royalty estimate notice"** ins 2011 SL No. 32 s 4
def **"standard departmental public tenure enquiry report"** ins 2011 SL No. 94 s 19
def **"threshold quarter"** om 2008 SL No. 158 s 11
def **"unused part"** om 2008 SL No. 158 s 11
def **"variable rate"** ins 2005 SL No. 263 s 6
om 2011 SL No. 23 s 9
def **"writ of execution"** sub 2012 SL No. 148 s 11
def **"yearly prescribed amount"** om 2008 SL No. 158 s 11

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