



Mineral and Energy Resources (Common Provisions) Act 2014

Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016

Current as at 27 September 2016—revised version

Reprint note

This reprint includes retrospective amendments from 2016 SL No. 214 and 2017 SL No. 32 that were consolidated on 14 March 2017.

This is the last reprint before expiry. Expired on 27 September 2017. See 2014 Act No. 47 s 211(4).



Queensland

Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016

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Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016*.

2 Commencement

This regulation commences on 27 September 2016.

3 Declaration that regulation is a transitional regulation—Act, s 211

This regulation is a transitional regulation.

Note—

Under section 211(4) of the Act, this regulation expires 1 year after the commencement of that section.

4 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Land access

5 Existing consent given by reserve owner to exploration permit holder or mineral development licence holder

(1) This section applies if—

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- (a) the owner of any part of the area of an exploration permit that is the surface area of a reserve (the *reserve owner*) has given consent, under the pre-amended Mineral Resources Act, section 129(1)(a)(ii), to the holder of an exploration permit or any person who acts for the purpose of carrying out any activity authorised by the exploration permit (the *resource authority holder*); or
 - (b) the owner of any part of the area of a mineral development licence that is the surface area of a reserve (also the *reserve owner*) has given consent, under the pre-amended Mineral Resources Act, section 181(4)(b)(ii), to the holder of a mineral development licence or any person who acts for the purpose of carrying out any activity authorised by the licence (also the *resource authority holder*).
- (2) For section 58(1) of the Act, the resource authority holder is taken to have given the reserve owner, as a public land authority, a periodic entry notice under section 57 of the Act.
 - (3) Subsection (2) applies even if the consent, as a periodic entry notice, does not comply with section 57 of the Act.
 - (4) For the purpose of dealing with the consent as a periodic entry notice, the entry period under section 57(2)(a) of the Act is taken to be the period for entry under the consent.
 - (5) Subsection (4) applies even if the period for entry under the consent, as an entry period, does not comply with section 57 of the Act.
 - (6) Any conditions of the consent are taken to be conditions imposed by the reserve owner, as a public land authority, under section 59(2) of the Act.
 - (7) However, section 59(8)(a) of the Act does not apply to a condition of the consent.
 - (8) In this section—
exploration permit see the *Mineral Resources Act 1989*, schedule 2.

mineral development licence means a mineral development licence under chapter 5, part 1 or 2, of the *Mineral Resources Act 1989*.

reserve see the *Mineral Resources Act 1989*, schedule 2.

6 Continuing notifiable road use

- (1) This section applies if—
 - (a) before the commencement, a resource authority holder used a road for a notifiable road use within the meaning of a Resource Act, as in force before the commencement; and
 - (b) after the commencement, the resource authority holder continues to use the road for the same use.
- (2) If, before the commencement, the resource authority holder gave notice of the notifiable road use to a road authority for the road in accordance with the provisions of a Resource Act that applied to the notice at that time—
 - (a) the resource authority holder is taken to have given the public road authority for the road a notice about the use under section 63(1)(a) of the Act; and
 - (b) the notice has effect for section 63(1)(a) of the Act even if the notice does not comply with the prescribed requirements for it under section 63(1)(a) of the Act.
- (3) A written consent to carry out the use of the road given before the commencement to the resource authority holder by the road authority is taken to be written consent given to the resource authority holder by the public road authority for the road under section 63(1)(b)(ii) of the Act.
- (4) If, before the commencement—
 - (a) the road authority applied under a Resource Act to the Land Court for the Court to decide the resource authority holder's compensation liability to the road authority for the road; and

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- (b) the application had not lapsed, been decided, been withdrawn or otherwise finally dealt with;

the application is taken to be an application to the Land Court for the Court to decide the resource authority holder's compensation liability to the public road authority for the road under section 100(1) of the Act.

- (5) In this section—

road authority means—

- (a) a road authority under the pre-amended Mineral Resources Act, section 318EN; or
- (b) a public road authority under any of the following provisions as in force immediately before the commencement—
- P&G Act, schedule 2
 - 1923 Act, section 2
 - Geothermal Act, schedule 2
 - Greenhouse Gas Act, schedule 2.

6A Land access requirements for particular applications under Mineral Resources Act not decided before commencement

- (1) This section applies if—
- (a) before the commencement, a person applied for a prospecting permit, exploration permit or mineral development licence under the pre-amended Mineral Resources Act; and
- (b) the prospecting permit, exploration permit or mineral development licence is granted after the commencement; and
- (c) if the permit or licence had been granted under the pre-amended Mineral Resources Act—the holder of the permit or licence would have been permitted under section 19(4), 129(3) or 181(8) of that Act to enter, or

enter the surface of, restricted land only with the written consent of the owner of the land where the relevant permanent building or relevant feature, was situated.

- (2) The pre-amended Mineral Resources Act continues to apply in relation to entry to the restricted land as if—
- (a) the new restricted land entry provisions had not commenced; and
 - (b) the Mineral Resources Act, sections 19, 20, 129 and 181, and schedule 2, definitions *restricted land*, *restricted land (category A)* and *restricted land (category B)* had not been repealed.

6B Land access requirements for particular applications under Geothermal Act not decided before commencement

- (1) This section applies if—
- (a) before the commencement, a person applied for a geothermal tenure under the pre-amended Geothermal Act; and
 - (b) the geothermal tenure is granted after the commencement; and
 - (c) if the geothermal tenure had been granted under the pre-amended Geothermal Act, an authorised activity for the geothermal tenure—
 - (i) would have been permitted, under the pre-amended Geothermal Act, section 358(2), to be carried out on land within 300m laterally of a permanent building mentioned in section 358(2) of that Act only with the written consent of the owner or occupier of the building; or
 - (ii) would have been permitted, under the pre-amended Geothermal Act, section 358(3), to be carried out on land within 50m laterally of a thing mentioned in section 358(3) of that Act only with the written consent of the owner or occupier of the thing.

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- (2) The pre-amended Geothermal Act continues to apply in relation to entry to the land as if—
 - (a) the new restricted land entry provisions had not commenced; and
 - (b) the Geothermal Act, section 358 had not been repealed.

- (3) In this section—

pre-amended Geothermal Act means the Geothermal Act as in force immediately before the commencement.

6C Land access requirements for relevant resource authorities applied for before commencement

- (1) This section applies if—
 - (a) before the commencement, a person applied for a relevant resource authority; and
 - (b) the relevant resource authority was granted before the commencement or is granted after the commencement.
- (2) The new restricted land entry provisions do not apply in relation to the relevant resource authority.

- (3) In this section—

relevant resource authority means—

- (a) a mining claim or a mining lease under the Mineral Resources Act; or
- (b) a resource authority under the P&G Act; or
- (c) a lease under the 1923 Act; or
- (d) a resource authority under the Greenhouse Gas Act.

Part 3 **Overlapping coal and petroleum resource authorities**

6D Petroleum production notice and information exchange obligations for preferred tenderer

- (1) This section makes further provision for the matters mentioned in sections 141 and 154 of the Act.
- (2) This section applies if—
 - (a) the Minister publishes a call for tenders for a petroleum lease under the P&G Act, section 127; and
 - (b) the Minister appoints a preferred tenderer on the tenders made in response to the call.
- (3) For applying the requirements under sections 141 and 154 of the Act—
 - (a) the only PL holder required to give a petroleum production notice to a coal resource authority holder under section 141(1) of the Act is a PL holder appointed under the P&G Act, chapter 2, part 2, division 3, subdivision 3 as preferred tenderer; and
 - (b) a PL holder mentioned in paragraph (a) complies with section 141(2) of the Act if the PL holder gives the petroleum production notice to the coal resource authority holder within 10 business days after the PL holder is appointed as preferred tenderer; and
 - (c) a PL holder mentioned in paragraph (a) complies with section 154(3)(a) of the Act if the PL holder gives the information required to be given under section 154 of the Act within 20 business days after the PL holder gives the petroleum production notice to the coal resource authority holder; and
 - (d) a coal resource authority holder given a petroleum production notice under paragraph (b) complies with section 154(3)(a) of the Act if the coal resource authority holder gives the information required to be

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given under section 154 of the Act within 20 business days after the coal resource authority holder is given the petroleum production notice.

7 Application for ML (coal) and application for PL both undecided before commencement

- (1) This section makes further provision for the matters mentioned in section 241A of the Act.
- (2) This section applies if, under section 241A(3)(b) or (4) of the Act, the new overlap provisions apply to the circumstances of the applications mentioned in section 241A(1) of the Act.
- (3) For applying the requirements under the new overlap provisions relating to joint development plans, the PL holder is not required to comply with section 141(1)(c), 142 or 144 of the Act if the ML (coal) holder has given the PL holder an advance notice for the ML (coal).

8 Arrangement made in relation to application for ML (coal) and application for PL both undecided before commencement

- (1) This section applies if—
 - (a) before the commencement—
 - (i) an application was made under the pre-amended Mineral Resources Act for the grant of an ML (coal); and
 - (ii) an application was made under the pre-amended P&G Act for the grant of a PL; and
 - (b) each application was made over some or all of the area over which the other application was made; and
 - (c) neither application was decided before the commencement; and
 - (d) the applicants for the applications are parties to an arrangement that was—

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- (i) made under the pre-amended P&G Act, section 234(1) to (4) before the commencement; and
 - (ii) approved by the Minister under the pre-amended P&G Act, section 236(1) before the commencement, whether or not the approval has taken effect under the P&G Act.
 - (2) For this section, it does not matter in which order the applications for the ML (coal) and the PL were made before the commencement.
 - (3) The pre-amended Mineral Resources Act and pre-amended P&G Act apply to the circumstances of the applications as if the Common Provisions Act had not been enacted.
 - (4) Despite subsection (3), the new overlap provisions apply to the circumstances of the applications if—
 - (a) the applicants agree that the new overlap provisions apply; and
 - (b) the applicants jointly give written notice to the chief executive of the agreement.
 - (5) If, under subsection (4), the new overlap provisions apply to the circumstances of the applications, for applying the requirements under the new overlap provisions to give an advance notice for the ML (coal), the application for the ML (coal) is taken to have been made when the written notice is given to the chief executive under subsection (4)(b).
 - (6) Despite section 115(2) of the Act, the mining commencement date for an IMA to be included in the advance notice must be at least 6 years after the day the advance notice is given by the ML (coal) holder.
 - (7) If neither the ML (coal) nor the PL is granted within 6 years after the day the advance notice is given by the ML (coal) holder, the mining commencement date for an IMA must be—
 - (a) if the ML (coal) application is the first application to be granted after the 6 years have ended—at least 3 months after the grant of the ML (coal), unless the ML (coal)

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holder and the petroleum resource authority holder otherwise agree; or

- (b) if the PL application is the first application to be granted after the 6 years have ended—at least 5 years after the 6 years have ended, unless the PL holder and the coal resource authority holder otherwise agree.
- (8) This section applies despite chapter 7, part 4, divisions 3 and 4 of the Act.
- (9) This section does not limit section 241A of the Act.
- (10) In this section—

IMA see section 109 of the Act.

ML (coal) means a mining lease for coal granted under the Mineral Resources Act.

ML (coal) holder see section 105 of the Act.

PL means a petroleum lease granted under the P&G Act if coal seam gas is proposed to be produced under the lease.

PL holder see section 106 of the Act.

Part 4 Joint interaction management plans for overlapping areas

9 Requirement for joint interaction management plan under P&G Act

- (1) This section applies in relation to an operating plant, area or activity mentioned in the P&G Act, section 990(1) if, on 27 March 2017, a joint interaction management plan has not been made under the P&G Act, section 705B in relation to the operating plant, area or activity.
- (2) The principal hazard management plan applying in relation to the operating plant, area or activity is taken to be a joint interaction management plan for the purposes of the P&G Act, section 705B(1)(a).

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- (3) Subsection (2) applies until a joint interaction management plan is made under the P&G Act, section 705B in relation to the operating plant, area or activity.
 - (4) The operator of an authorised activities operating plant responsible for making the joint interaction management plan must—
 - (a) make reasonable attempts to consult with the site senior executive, as mentioned in the P&G Act, section 705B(1)(b)(i), before 27 May 2017; and
 - (b) if the operator seeks to rely on the P&G Act, section 705B(2)—give the site senior executive a proposed plan, as mentioned in that subsection, before 27 May 2017.
 - (5) In this section—

overlapping area see the P&G Act, section 705(a).

principal hazard management plan, applying in relation to an operating plant, area or activity, means—

 - (a) if a principal hazard management plan applying in relation to the operating plant, area or activity has been made under the pre-amended P&G Act, section 705A—the principal hazard management plan; or
 - (b) otherwise—the part of the safety management system under the P&G Act applying in relation to the operating plant, area or activity that deals with hazards and risks relating to carrying out activities in an overlapping area.

10 Requirement for joint interaction management plan under Mineral Resources Regulation 2013

- (1) This section applies in relation to coal mining operations mentioned in the *Mineral Resources Regulation 2013*, section 111(1) if, on 27 March 2017, a joint interaction management plan has not been made under the *Mineral Resources Regulation 2013*, section 25 in relation to the coal mining operations.

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- (2) The plan mentioned in the *Mineral Resources Regulation 2013*, section 111(2) made in relation to the coal mining operations is taken to be a joint interaction management plan for the purposes of the *Mineral Resources Regulation 2013*, section 25(1)(a).
- (3) Subsection (2) applies until a joint interaction management plan is made under the *Mineral Resources Regulation 2013*, section 25 for the coal mining operations.
- (4) The holder of the coal mining lease responsible for making the joint interaction management plan must—
 - (a) make reasonable attempts to consult with the operator of each authorised activities operating plant, as mentioned in the *Mineral Resources Regulation 2013*, section 25(1)(b)(i), before 27 May 2017; and
 - (b) if the holder seeks to rely on the *Mineral Resources Regulation 2013*, section 25(2)—give the operator of each authorised activities operating plant a copy of the proposed plan, as mentioned in that subsection, before 27 May 2017.

11 Requirement for joint interaction management plan under Coal Mining Safety and Health Act 1999

- (1) This section applies if, on 27 March 2017, a joint interaction management plan has not been made under the *Coal Mining Safety and Health Act 1999*, section 64E in relation to the coal mining operations—
 - (a) mentioned in the *Coal Mining Safety and Health Act 1999*, section 303(2); or
 - (b) carried out in an overlapping area the subject of a mining lease (coal) if an activity for an authority to prospect (csg) is also carried out in the overlapping area.
- (2) The overlapping safety plan applying in relation to the coal mining operations is taken to be a joint interaction management plan for the purposes of the *Coal Mining Safety and Health Act 1999*, section 64E(1)(a).

- (3) Subsection (2) applies until a joint interaction management plan is made under the *Coal Mining Safety and Health Act 1999*, section 64E for the coal mining operations.
- (4) The site senior executive of the coal mine responsible for making the joint interaction management plan must—
 - (a) make reasonable attempts to consult with the operator of each authorised activities operating plant, as mentioned in the *Coal Mining Safety and Health Act 1999*, section 64E(1)(b)(i), before 27 May 2017; and
 - (b) if the site senior executive seeks to rely on the *Coal Mining Safety and Health Act 1999*, section 64E(2)—give the operator of each authorised activities operating plant a copy of the proposed plan, as mentioned in that subsection, before 27 May 2017.
- (5) In this section—

overlapping area see section 104 of the Act.

overlapping safety plan, applying in relation to coal mining operations, means the part of the safety and health management system under the *Coal Mining Safety and Health Act 1999* applying in relation to the coal mining operations that deals with hazards and risks relating to carrying out activities in an overlapping area.

Schedule 1 Dictionary

section 4

commencement means the commencement of the Act, chapter 3.

new overlap provisions means chapter 4 of the Act.

new restricted land entry provisions means chapter 3, part 4 of the Act.

pre-amended Mineral Resources Act means the Mineral Resources Act as in force immediately before the commencement.

pre-amended P&G Act means the P&G Act as in force immediately before the commencement.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum m	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
27 September 2016 rv	2016 SL No. 214 2017 SL No. 32	

4 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 and Energy Resources (Common Provisions) Transitional Regulation 2016 SL No. 170

made by the Governor in Council on 22 September 2016
notfd <www.legislation.qld.gov.au> 23 September 2016
ss 1–2 commenced on date of notification
remaining provisions commenced 27 September 2016 (see s 2)
exp 27 September 2017 (see 2014 Act No. 47 s 211(4))
amending legislation—

Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation 2016 SL No. 214

notfd <www.legislation.qld.gov.au> 25 November 2016
ss 1–2 commenced on date of notification
remaining provisions commenced 27 September 2016 (see s 2)

Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation (No. 1) 2017 SL No. 32

notfd <www.legislation.qld.gov.au> 10 March 2017
ss 1–2 commenced on date of notification
ss 3–9 commenced 27 September 2016 (see s 2)

5 List of annotations

PART 1—PRELIMINARY

pt hdg ins 2017 SL No. 32 s 4 (retro)

PART 2—LAND ACCESS

pt hdg ins 2017 SL No. 32 s 5 (retro)

Land access requirements for particular applications under Mineral Resources Act not decided before commencement

s 6A ins 2017 SL No. 32 s 6 (retro)

Land access requirements for particular applications under Geothermal Act not decided before commencement

s 6B ins 2017 SL No. 32 s 6 (retro)

Land access requirements for relevant resource authorities applied for before commencement

s 6C ins 2017 SL No. 32 s 6 (retro)

PART 3—OVERLAPPING COAL AND PETROLEUM RESOURCE AUTHORITIES

pt hdg ins 2017 SL No. 32 s 6 (retro)

Petroleum production notice and information exchange obligations for preferred tenderer

s 6D ins 2017 SL No. 32 s 6 (retro)

Application for ML (coal) and application for PL both undecided before commencement

s 7 ins 2016 SL No. 214 s 6 (retro)

Arrangement made in relation to application for ML (coal) and application for PL both undecided before commencement

s 8 ins 2016 SL No. 214 s 4 (retro)
amd 2017 SL No. 32 s 7 (retro)

PART 4—JOINT INTERACTION MANAGEMENT PLANS FOR OVERLAPPING AREAS

pt hdg ins 2017 SL No. 32 s 8 (retro)

Requirement for joint interaction management plan under P&G act

s 9 ins 2017 SL No. 32 s 8 (retro)

Requirement for joint interaction management plan under Mineral Resources Regulation 2013

s 10 ins 2017 SL No. 32 s 8 (retro)

Requirement for joint interaction management plan under Coal Mining Safety and Health Act 1999

s 11 ins 2017 SL No. 32 s 8 (retro)

SCHEDULE 1—DICTIONARY

def *new overlap provisions* ins 2016 SL No. 214 s 5 (retro)

def *new restricted land entry provisions* ins 2017 SL No. 32 s 9 (retro)

def *pre-amended P&G Act* ins 2017 SL No. 32 s 9 (retro)