

Queensland



# **MINERAL RESOURCES AMENDMENT ACT 1994**

**Act No. 18 of 1994**

# Queensland



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## **Mineral Resources Amendment Act 1994**

### **Act No. 18 of 1994**

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***An Act to amend the *Mineral Resources Act 1989****

***[Assented to 10 May 1994]***

**The Parliament of Queensland enacts—****Short title**

1. This Act may be cited as the *Mineral Resources Amendment Act 1994*.

**Commencement**

2. Sections 4, 6 and 7 are taken to have commenced on 1 September 1990.

**Act amended**

3. This Act amends the *Mineral Resources Act 1989*.

**Amendment of s 7.43 (Renewal of mining lease)**

4. Section 7.43(5) and (6)—

*omit, insert—*

‘(5) If a mining lease is renewed under this section before or on the day the lease expires under its terms (the “**expiry day**”), the term of the lease starts on the day after the expiry day.

‘(6) If—

- (a) an application for renewal of a mining lease is properly made by the holder, but is not withdrawn, rejected or granted, before or on the day the lease expires under its terms; and
- (b) after the expiry day, the holder of the lease—
  - (i) continues to pay rental on the lease, and to pay royalties and other amounts, required to be paid under this Act; and
  - (ii) otherwise complies with this Act and the conditions of the lease;

the lease continues in force until the application is withdrawn, rejected or granted.

‘(7) If the mining lease mentioned in subsection (6) is renewed under this section after the expiry day, the term of the lease is taken to have started on the day after the expiry day.

‘(8) If a renewed mining lease contains conditions (“**new conditions**”) different from, or not included in, the conditions of the expired mining lease, the new conditions apply from the later of—

- (a) the start of the term of the renewed lease; or
- (b) the day the renewal is granted.

‘(9) However, the holder must pay rental on a mining lease continued in force under subsection (6) from the day after the expiry day at the rate that would have been payable, from time to time, if the lease had been renewed on the day after the expiry day, even though payment of rental may be a condition of the lease.’.

### **Insertion of new s 7.43A**

5. After section 7.43—

*insert—*

#### **‘Application of s 7.43(5)–(9)**

‘**7.43A.(1)** To remove any doubt, section 7.43(5) to (9) does not affect the rental payable on a mining lease before the date of assent because of a decision of a court made before the introduction day about the rental payable on that mining lease.

‘(2) In subsection (1)—

“**introduction day**” means the day on which the *Mineral Resources Amendment Bill 1994* was introduced into the Legislative Assembly.

‘(3) This section expires the day after the date of assent.’.

### **Amendment of s 7.47 (Rental payable on mining lease)**

6.(1) Section 7.47(3) and (4), ‘as prescribed by subsection (2)’—

*omit.*

(2) Section 7.47—

*insert—*

‘**(6A)** Subsections (2) to (6) apply to a mining lease continued in force under section 7.43(6), with all necessary changes and with any changes prescribed by regulation, in the same way as they would apply if the lease had been renewed on the last day of its term.’.

### **Amendment of Sch 2 (Savings, transitional and validation)**

**7.(1)** Schedule 2, after clause 3(1)—

*insert—*

‘**(1AA)** A lease mentioned in subclause (1)(a) or (b) that was, immediately before the commencement of this Act, continued in effect under section 26(6) of the *Mining Act 1968* is taken, for the purposes of subclause (1), to be current immediately before the commencement, even though the term of the lease has expired and the lease has not been renewed.’.

**(2)** Schedule 2, table following clause 3(1B)—

*relocate* (after clause 3(1) and before clause 3(1AA)).

**(3)** Schedule 2, clause 3(2), after ‘subclause (3)’—

*insert—*

‘and (3A)’.

**(4)** Schedule 2, clause 3(3)—

*omit, insert—*

‘**(3)** Until a lease taken to be a mining lease under subclause (1) (other than a lease mentioned in subclause (1AA)) expires under its terms, terminates or is renewed under this Act rental is payable after the commencement of this Act in accordance with the provisions applying to the payment of rental under the lease before the commencement.

‘**(3A)** Until a lease mentioned in subclause (1AA) terminates or is renewed under this Act, rental is payable in accordance with this Act,<sup>1</sup> from the day after the lease expired, for any period for which the lease was

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<sup>1</sup> See section 7.43(9).

continued in force under the *Mining Act 1968* or is continued in force under this Act.

‘**(3B)** From the renewal under this Act of a lease taken to be a mining lease under subclause (1) (including a lease mentioned in subclause (1AA)), rental is payable in accordance with this Act.<sup>2</sup>’

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<sup>2</sup> See section 7.43(9).