

Queensland



**CENTRAL QUEENSLAND  
COAL ASSOCIATES  
AGREEMENT AMENDMENT  
ACT 1997**

**Act No. 72 of 1997**



**Queensland**



**CENTRAL QUEENSLAND COAL  
ASSOCIATES AGREEMENT  
AMENDMENT ACT 1997**

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*Central Queensland Coal Associates Agreement* No. 72, 1997  
*Amendment*

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Queensland



**Central Queensland Coal Associates  
Agreement Amendment Act 1997**

**Act No. 72 of 1997**

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**An Act to amend the *Central Queensland Coal Associates Agreement Act 1968***

*[Assented to 1 December 1997]*

**The Parliament of Queensland enacts—**

**Short title**

1. This Act may be cited as the *Central Queensland Coal Associates Agreement Amendment Act 1997*.

**Commencement**

2. This Act commences on 1 January 1998.

**Act amended**

3. This Act amends the *Central Queensland Coal Associates Agreement Act 1968*.

**Amendment of s 2 (Execution of agreement authorised)**

4. Section 2, from ‘(herein with’ to ‘the schedule’—

*omit, insert—*

‘the agreement, a copy of which is set out in schedule 1’.

**Amendment of s 4 (Variation of agreement)**

5.(1) Section 4(1), from ‘Premier’ to ‘order in council’—

*omit, insert—*

‘parties to the agreement under the authority of any Act’.

(2) Section 4(3), from ‘unless and until’ to ‘section 5(4)’—

*omit.*

### **Amendment of s 5 (Proclamations and orders in council)**

**6.(1)** Section 5(1), from ‘from time to time’ to ‘orders in council’—

*omit, insert—*

‘make regulations’.

**(2)** Section 5(2) to (4)—

*omit, insert—*

‘(2) A proclamation or order in council made under subsection (1) is subordinate legislation.’.

### **Insertion of new s 6**

**7.** After section 5—

*insert—*

#### **‘Making of agreement authorised**

‘**6.(1)** The Premier is authorised, for the State, to make an agreement with the parties named in the agreement in schedule 2.

‘**(2)** The agreement must be substantially in the form set out in schedule 2.

‘**(3)** After the agreement in schedule 2 is made, the Premier is authorised, for the State, to make an agreement with the parties named in the agreement in schedule 3.

‘**(4)** The agreement must be substantially in the form set out in schedule 3.

‘**(5)** The Premier must notify the date of the making of each agreement by gazette notice.’.

**Amendment of schedule**

8. Schedule, heading—

*omit, insert—*

**‘SCHEDULE 1****‘THE AGREEMENT’.****Insertion of new schs 2 and 3**

9. After schedule 1 (as renumbered)—

*insert—*

**‘SCHEDULE 2****‘CENTRAL QUEENSLAND COAL ASSOCIATES  
AMENDMENT AGREEMENT 1997**

section 6

**AN AGREEMENT** made the                      day of                      199

**BETWEEN: THE STATE OF QUEENSLAND**

**AND: BHP COAL PTY LTD** (ACN 010 595 721), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**MITSUBISHI DEVELOPMENT PTY LTD** (ACN 009 779 873), a company duly incorporated according to law and having its registered office at Level 22, Riverside Centre, 123 Eagle Street, Brisbane, Queensland



**AUSTRALIAN MUTUAL PROVIDENT SOCIETY** (ARBN 008 387 371), a body corporate duly constituted according to law having its principal office at A.M.P. Place, 10 Eagle Street, Brisbane, Queensland

**UMAL CONSOLIDATED PTY LTD** (ACN 000 767 386), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**BHP QUEENSLAND COAL LIMITED** (ARBN 010 506 073), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**QCT INVESTMENT PTY LTD** (ACN 010 487 831), a company duly incorporated according to law and having its registered office at 8th Floor, 410 Queen Street, Brisbane, Queensland

**QCT MINING PTY LTD** (ACN 010 487 840), a company duly incorporated according to law and having its registered office at 8th Floor, 410 Queen Street, Brisbane, Queensland.

**QCT RESOURCES LIMITED** (ACN 010 808 705), a company duly incorporated according to law and having its registered office at 10th Floor, 307 Queen Street, Brisbane, Queensland

### **Agreement amended**

1. This Agreement amends the Central Queensland Coal Associates Agreement 1969 under the *Central Queensland Coal Associates Agreement Act 1968*.

### **Replacement of pt I, cl 1**

2. Part I, clause 1—

*omit, insert—*

## ‘PART 1—PRELIMINARY

‘1. This Agreement is divided into the following parts—

PART I—PRELIMINARY

PART III—SPECIAL COAL MINING LEASES

PART V—PROVISIONS RELATING TO HARBOUR AND WORKS

PART VI—PROVISIONS RELATING TO LOCAL GOVERNMENT

PART VII—WATER FOR AND IN CONNECTION WITH MINING OPERATIONS

PART VIIA—DIVERSION OF ISAAC RIVER AND CERTAIN TRIBUTARIES

PART VIII—PROVISIONS RELATING TO LANDS (INCLUDING BRIGALOW LANDS)

PART IX—GENERAL’.

### **Amendment of pt I, cl 2**

**3.(1)** Part I, clause 2, definitions “**Authority to Prospect No. 6C**”, “**The Authority to Prospect**”, “**The Harbours Acts**”, “**The Land Acts**”, “**The Local Government Acts**”, “**The Minister**”, “**The Railways Acts**” and “**The Water Acts**”—

*omit.*

**(2)** Part I, clause 2—

*insert—*

‘ “**coking coal**” means coal that can be used to manufacture coke.

“**Companies**” means—

(a) BHP Coal Pty Ltd; and

(b) Mitsubishi Development Pty Ltd; and

- (c) Australian Mutual Provident Society; and
- (d) Umal Consolidated Pty Ltd; and
- (e) BHP Queensland Coal Limited; and
- (f) QCT Investment Pty Ltd; and
- (g) QCT Mining Pty Ltd; and
- (h) QCT Resources Limited.

**“Harbours Acts”** means the *Transport Infrastructure Act 1994*.

**“Initial Expiry Date”** means 31 December 2010.

**“Land Acts”** means the *Land Act 1994*.

**“Local Government Acts”** means the *Local Government Act 1993*.

**“Minister”** means—

- (a) for Part III—the Minister administering Part III of the Act; or
- (b) otherwise—the Premier of Queensland.

**“Railways Acts”** means the *Transport Infrastructure Act 1994*.

**“Special Coal Mining Lease”**—

- (a) means a Special Coal Mining Lease granted, under the Coal Mining Acts, in accordance with this Agreement; but
- (b) does not include a Special Coal Mining Lease granted in accordance with Part III, Clause 25.

**“Water Acts”** means the *Water Resources Act 1989*.

#### **Amendment of pt I, cl 4**

**4.** Part I, clause 4—

*insert—*

‘(2) This clause expires on 31 December 2002.’.

### **Amendment of pt I, cl 5**

**5.** Part I, clause 5, ‘or with the approval of the Governor in Council by Order in Council’—

*omit.*

### **Omission of pt I, cl 6**

**6.** Part I, clause 6—

*omit.*

### **Omission of pt II**

**7.** Part II—

*omit.*

### **Amendment of pt III, cl 5**

**8.(1)** Part III, clause 5(1)(a) and (b), ‘export from the State’—

*omit, insert—*

‘sell, or otherwise dispose of,’.

**(2)** Part III, clause 5(1), eighth paragraph, second sentence, ‘coking coal recovered from the Special Coal Mining Leases’—

*omit, insert—*

‘coal recovered from the Special Coal Mining Leases, and sold or otherwise disposed of,’.

**(3)** Part III, clause 5(1), ninth paragraph, ‘export’—

*omit, insert—*

‘sell, or otherwise dispose of,’.

**(4)** Part III, clause 5(1), tenth paragraph, from ‘for the purpose’ to ‘coking’—

*omit, insert—*

‘such further quantities of’.

(5) Part III, clause 5(2), fourth paragraph, ‘five hundredths per centum (0.50%)’—

*omit, insert—*

‘0.05%’.

### **Amendment of pt III, cl 7**

9.(1) Part III, clause 7(1), ‘the Initial Expiry Date—

*omit, insert—*

‘31 December 1997’.

(2) Part III, clause 7—

*insert—*

‘(1A) From 1 January 1998 until the 31 December 2010, the Companies must pay an annual rent of—

- (a) for land leased under Special Coal Mining Lease 1763—\$1 for each acre of land; and
- (b) for land leased under Special Coal Mining Leases 1775, 1781 and 1782—\$15 for each hectare of land.’.

(3) Part III, clause 7(2), from ‘such rent’ to ‘Coal Mining Acts’—

*omit, insert—*

‘the rent prescribed under the *Mineral Resources Act 1989*’.

### **Amendment of pt III, cl 9**

10. Part III, clause 9(d), from ‘a fine’ to ‘such fine’—

*omit, insert—*

‘the penalty prescribed under the *Mineral Resources Act 1989* and if the penalty is not paid’.

Central Queensland Coal Associates Agreement  
Amendment

No. 72, 1997

**Omission of pt III, cls 10, 11, 13–18 and 20–24**

**11.** Part III, clauses 10,11, 13 to 18 and 20 to 24—

*omit.*

**SIGNED** by )  
**PREMIER OF THE STATE OF** )  
**QUEENSLAND, FOR THE STATE** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**BHP COAL PTY LTD** ) .....  
in the presence of: )

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**MITSUBISHI DEVELOPMENT PTY LTD** ) .....  
in the presence of:

.....  
Witness

Central Queensland Coal Associates Agreement  
Amendment

No. 72, 1997

**SIGNED** by )  
a duly constituted Attorney of )  
**AUSTRALIAN MUTUAL PROVIDENT** ) .....  
**SOCIETY** )  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**UMAL CONSOLIDATED PTY LTD** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**BHP QUEENSLAND COAL LIMITED** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**QCT INVESTMENT PTY LTD** ) .....  
in the presence of:

.....  
Witness

*Central Queensland Coal Associates Agreement No. 72, 1997  
Amendment*

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**SIGNED** by )  
a duly constituted Attorney of )  
**QCT MINING PTY LTD** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**QCT RESOURCES LIMITED** ) .....  
in the presence of:

.....  
Witness



### **'SCHEDULE 3**

## **'CENTRAL QUEENSLAND COAL ASSOCIATES AMENDMENT AGREEMENT 1997**

section 6

**AN AGREEMENT** made the \_\_\_\_\_ day of \_\_\_\_\_ 1997

**BETWEEN: THE STATE OF QUEENSLAND**

**AND:** **BHP COAL PTY LTD** (ACN 010 595 721), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**MITSUBISHI DEVELOPMENT PTY LTD** (ACN 009 779 873), a company duly incorporated according to law and having its registered office at Level 22, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**AUSTRALIAN MUTUAL PROVIDENT SOCIETY** (ARBN 008 387 371), a body corporate duly constituted according to law having its principal office at A.M.P. Place, 10 Eagle Street, Brisbane, Queensland

**UMAL CONSOLIDATED PTY LTD** (ACN 000 767 386), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**BHP QUEENSLAND COAL LIMITED** (ARBN 010 506 073), a company duly incorporated according to law and having its registered office at Level 13, Riverside Centre, 123 Eagle Street, Brisbane, Queensland

**QCT INVESTMENT PTY LTD** (ACN 010 487 831), a company duly incorporated according to law and having its registered office at 8th Floor, 410 Queen Street, Brisbane,

Queensland

**QCT MINING PTY LTD** (ACN 010 487 840), a company duly incorporated according to law and having its registered office at 8th Floor, 410 Queen Street, Brisbane, Queensland

**QCT RESOURCES LIMITED** (ACN 010 808 705), a company duly incorporated according to law and having its registered office at 10th Floor, 307 Queen Street, Brisbane, Queensland

**QCT MANAGEMENT LIMITED** (ACN 010 472 036), a company duly incorporated according to law and having its registered office at 10th Floor, 307 Queen Street, Brisbane, Queensland

### **Agreement amended**

1. This Agreement amends the Central Queensland Coal Associates Agreement 1969 under the *Central Queensland Coal Associates Agreement Act 1968*.

### **Amendment of pt I, cl 2**

2. Part I, clause 2, definition “**Companies**”—  
*omit, insert—*

‘ “**Companies**” means—

- (a) BHP Coal Pty Ltd; and
- (b) Mitsubishi Development Pty Ltd; and
- (c) Umal Consolidated Pty Ltd; and
- (d) BHP Queensland Coal Limited; and
- (e) QCT Investment Pty Ltd; and
- (f) QCT Mining Pty Ltd; and
- (g) QCT Management Limited.’.

**Amendment of pt IX, cls 11 and 12**

3. Part IX, clauses 11 and 12, from ‘thirty eight point three seven per centum (38.37%)’ to ‘QCT Resources Limited.’—

*omit, insert—*

‘42.85% as to BHP Coal Pty Ltd, 15.53% as to Mitsubishi Development Pty Ltd, 0.75% as to Umal Consolidated Pty Ltd, 8.50% as to BHP Queensland Coal Limited, 12% as to QCT Investment Pty Ltd, 15.78% as to QCT Mining Pty Ltd and 4.59% as to QCT Management Limited.’

**SIGNED** by )  
**PREMIER OF THE STATE OF** )  
**QUEENSLAND, FOR THE STATE** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**BHP COAL PTY LTD** ) .....  
in the presence of: )

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**MITSUBISHI DEVELOPMENT PTY LTD** ) .....  
in the presence of:

.....  
Witness

Central Queensland Coal Associates Agreement No. 72, 1997  
Amendment

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**SIGNED** by )  
a duly constituted Attorney of )  
**AUSTRALIAN MUTUAL PROVIDENT** ) .....  
**SOCIETY** )  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**UMAL CONSOLIDATED PTY LTD** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**BHP QUEENSLAND COAL LIMITED** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**QCT INVESTMENT PTY LTD** ) .....  
in the presence of:

.....  
Witness

Central Queensland Coal Associates Agreement No. 72, 1997  
Amendment

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**SIGNED** by )  
a duly constituted Attorney of )  
**QCT MINING PTY LTD** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**QCT RESOURCES LIMITED** ) .....  
in the presence of:

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**QCT MANAGEMENT LIMITED** ) .....  
in the presence of:

.....  
Witness'.