



Queensland

# **Environmental Protection and Other Legislation Amendment Act 2008**

**Act No. 37 of 2008**





Queensland

# Environmental Protection and Other Legislation Amendment Act 2008

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Queensland

# **Environmental Protection and Other Legislation Amendment Act 2008**

## **Act No. 37 of 2008**

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**An Act to amend the *Environmental Protection Act 1994*, and  
for related purposes**

**[Assented to 21 May 2008]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Environmental Protection and Other Legislation Amendment Act 2008*.

## **Part 2 Amendment of Environmental Protection Act 1994**

### **2 Act amended in pt 2**

This part amends the *Environmental Protection Act 1994*.

### **3 Amendment of s 520 (Dissatisfied person)**

(1) Section 520(1)(s), ‘section 621’—

*omit, insert—*

‘section 616ZC or 621’.

(2) Section 520(1)—

*insert—*

‘(t) if the decision is to give a notice under section 623 that the risk of environmental harm from carrying out a chapter 4 activity under an environmental authority is no longer insignificant—the registered operator to whom the notice is given.’.



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**4 Amendment of s 584 (Definitions for pt 2)**

Section 584—

*insert*—

‘*amendment notice* see section 606(2)(a).’

**5 Replacement of ch 13, pt 2, div 6 hdg**

Chapter 13, part 2, division 6, heading—

*omit, insert*—

**‘Division 6 Original provisions about special agreement Acts’.**

**6 Relocation and renumbering of s 613 (Requirement to seek advice from MRA chief executive)**

Section 613—

*relocate* and *renumber* in chapter 13, part 2, division 8 as inserted under this Act, as section 616ZD.

**7 Amendment of s 614 (Existing Act continues to apply for special agreement Acts)**

(1) Section 614, heading, after ‘Acts’—

*insert*—

‘**until div 7 commences**’.

(2) Section 614(2), definition *special agreement Act*—

*relocate* to section 584.

(3) Section 614(2), as amended—

*omit, insert*—

‘(2) Subsection (1) ceases to apply when division 7 commences.

‘(3) Subsection (2) does not limit section 616D or 616K(2B).’

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**8 Omission of s 616 (Reference to renumbered provision)**

Section 616—

*omit.*

**9 Insertion of new ch 13, pt 2, div 7 and div 8 hdg**

Chapter 13, part 2—

*insert—*

**‘Division 7 Provisions about special agreement Acts inserted under Environmental Protection and Other Legislation Amendment Act 2008**

**‘Subdivision 1 Preliminary**

**‘615 Definitions for div 7**

‘In this division—

*commencement* means the commencement of this section.

*condition*, under a special agreement Act, see section 616.

*current Act* means this Act as in force from time to time.

*new authority application* see section 616N.

*pre-amended MRA* means the Mineral Resources Act—

(a) as it was in force immediately before 1 January 2001;  
and

(b) as it has applied under section 735 of that Act.

*relevant transitional authority* see section 616N.

*SAA environmental authority (mining)* means an environmental authority for an SAA mining activity under the existing Act as it has applied under section 614(1).

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**SAA mining activity** means a mining activity provided for under a special agreement Act, or to which a special agreement Act applies.

**transitional authority (SAA)** see section 616B(3).

## **‘616 What is a *condition* under a special agreement Act**

‘(1) For this division, a ***condition*** under a special agreement Act means any of the following—

- (a) a condition of a mining lease or special lease provided for under the special agreement Act and determined, imposed or prescribed under the pre-amended MRA or the repealed *Land Act 1962*;

*Note—*

For special leases, see the *Land Act 1994*, section 476 (Existing leases continue).

- (b) a condition of, or stated in, a mining lease, special lease or agreement provided for under the special agreement Act;
- (c) a requirement under, or stated in, the most recent version of the following planning documents for a mining lease or special lease provided for under the special agreement Act—
  - (i) for a mining lease provided for under the *Mount Isa Mines Limited Agreement Act 1985*—the relevant provisions of a mining plan approved under part 2 of the agreement defined under that Act relating to the lease;
  - (ii) for a lease mentioned in this subsection, other than a lease mentioned in subparagraph (i), each of the following—
    - (A) an environmental management overview strategy, however called, for the lease;
    - (B) a plan of operations for the lease under part 7 of the pre-amended MRA or, if there is no

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plan of operations in force for the lease immediately before the commencement, the most recently expired plan of operations for the lease under part 7 of the pre-amended MRA.

- ‘(2) For deciding, under subsection (1)(c), the most recent version of a planning document mentioned in subsection (1)(c)(ii), section 585(2) and (3) applies as if—
- (a) a reference to the Mineral Resources Act were a reference to the pre-amended MRA; and
  - (b) a reference to the MRA department were a reference to the department through which the pre-amended MRA was administered.
- ‘(3) In this section—
- requirement* includes a commitment, obligation or undertaking.

### ‘616A EPA provisions prevail

- ‘(1) Subsection (2) applies if there is an inconsistency between—
- (a) a provision of the current Act (an *EPA provision*); and
  - (b) a provision of a special agreement Act.
- ‘(2) To remove any doubt, it is declared that the EPA provision prevails to the extent of the inconsistency.

## ‘Subdivision 2 Conversion of SAA environmental authorities (mining)

### ‘616B Conversion to transitional authority (SAA)

- ‘(1) This section applies to an SAA environmental authority (mining) that was in force immediately before the commencement.

- 
- ‘(2) On the commencement, the SAA environmental authority (mining) is taken to be an environmental authority (mining lease).
  - ‘(3) An SAA environmental authority (mining) that is taken to be an environmental authority (mining lease) under subsection (2) is a *transitional authority (SAA)*.
  - ‘(4) Chapter 5 and section 316 apply to a transitional authority (SAA), subject to subdivisions 4 to 7.

### **‘616C Conditions of transitional authority (SAA)**

‘The conditions of a transitional authority (SAA) for an SAA mining activity are all of the following—

- (a) the conditions of the authority immediately before the commencement;
- (b) each condition under the special agreement Act that, had an environmental authority (mining activities) been granted for the SAA mining activity on the commencement, would reasonably be expected to have been a condition of the environmental authority (mining activities), having regard to the conditions that—
  - (i) under section 210, may or must be included in a draft environmental authority; or
  - (ii) under section 305, may be imposed on an environmental authority (mining activities);
- (c) the condition about financial assurance imposed under section 616I.

### **‘616D Changing conditions of transitional authority (SAA)**

- ‘(1) Subsection (2) applies for changing a condition of a transitional authority (SAA).
- ‘(2) Subject to subsection (3), the special agreement Act to which the transitional authority (SAA) relates and the existing Act continue to apply for changing the condition of the authority

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as if the amending Act, other than for the insertion of section 584, had not been enacted.

*Note—*

See also the Mineral Resources Act, section 735(3) and (4).

- ‘(3) Subsection (2)—
- (a) does not apply for making or deciding an application under section 616H(b) to amend the authority; and
  - (b) does not limit subdivision 6; and
  - (c) stops applying if the authority is amended under subdivision 6 and the amended authority has taken effect under the current Act.

## **‘Subdivision 3      Unfinished applications**

### **‘616E Procedure for unfinished applications**

- ‘(1) This section applies if—
- (a) before the commencement, a person applied under the existing Act for, or in relation to, an SAA environmental authority (mining) for a mining lease provided for under a special agreement Act; and
  - (b) the application has not been decided.
- ‘(2) Subject to subsections (3) to (7)—
- (a) the application is taken to have been made on the commencement; and
  - (b) chapter 5 applies to the application, with necessary changes, as if it were a non-code compliant application for a level 1 mining project.
- ‘(3) If the application was accompanied by an environmental management overview strategy under the pre-amended MRA, section 245, the strategy is taken to be an environmental management plan submitted by the applicant under section 201.

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- ‘(4) If a certificate of application for the mining lease was endorsed by the mining registrar under the pre-amended MRA, section 252, the person is taken to have given and published an application notice under section 211 for the application.
- ‘(5) If the person gave an environmental impact statement under the pre-amended MRA, section 264, the EIS process is taken to have been completed under section 60.
- ‘(6) If an objection was lodged with the mining registrar under the pre-amended MRA, section 260, and not heard by the tribunal under that Act, the objection is taken to be a properly made objection under section 217.
- ‘(7) If the tribunal made a recommendation under section 269 of the pre-amended MRA relating to an environmental matter, an objections decision on the same terms as the recommendation is taken to have been made under section 222.

*Editor’s notes—*

- 1 Pre-amended MRA, sections 252 (Certificate of application etc.), 245 (Application for grant of mining lease), 260 (Objection to application for grant of mining lease), 264 (What happens after environmental impact statement is prepared?) and 269 (Tribunal’s recommendation on hearing)
- 2 Sections 60 (When process is completed), 201 (Environmental management plan required), 211 (Public notice of application), 217 (Acceptance of objections) and 222 (Nature of objections decision) of the Act

## **‘Subdivision 4 Special provisions for transitional authorities (SAA)**

### **‘616F Transitional authority (SAA) taken to be non-code compliant**

‘A transitional authority (SAA) is taken to be a non-code compliant authority under chapter 5, issued for mining activities for a level 1 mining project.

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**‘616G Limited application of s 426 for transitional authority (SAA)**

- ‘(1) Section 426 does not apply to a person carrying out an SAA mining activity that is not authorised under a transitional authority (SAA) if—
- (a) the person was carrying out the activity immediately before the commencement; and
  - (b) either—
    - (i) the holder of the authority has made a relevant amendment application or a relevant new application about the activity under the authority and the application has not been decided; or
    - (ii) the holder of the authority has given the administering authority notice of the activity (an ***activity notice***) and no more than 30 days have passed since the notice was given.
- ‘(2) However, an activity notice can not be given if an activity notice has already been given for the activity or another activity that is substantially the same as the activity.
- ‘(3) An activity notice must state—
- (a) the mining lease or agreement under which the activity is being carried out; and
  - (b) the nature of the activity; and
  - (c) that the activity is not authorised under the conditions of the authority.
- ‘(4) To remove any doubt, it is declared that this section does not limit the application of sections 430 and 431 to the holder of the authority.
- ‘(5) In this section—
- relevant amendment application***, about an SAA mining activity under a transitional authority (SAA), means an application to amend the authority that, if granted, would allow the carrying out of the activity under the transitional authority (SAA).



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*relevant new application*, about an SAA mining activity under a transitional authority (SAA), means an application under the current Act for an environmental authority (mining activities) for a level 1 mining project, that, if granted, would allow the carrying out of the activity under the environmental authority (mining activities).

**‘616H Requirement to apply for new authority or amend etc. transitional authority (SAA)**

‘The holder of a transitional authority (SAA) must, within 3 years after the commencement, apply under the current Act for—

- (a) an environmental authority (mining activities) for a level 1 mining project; or
- (b) an amendment of the transitional authority (SAA) for converting it to an environmental authority (mining activities) for a level 1 mining project; or
- (c) the transfer or surrender of the transitional authority (SAA).

*Note—*

If this section is not complied with, the transitional authority (SAA) ends. See section 616M.

**‘616I Financial assurance for transitional authority (SAA)**

- ‘(1) This section applies if, under the Mineral Resources Act or a special agreement Act, security has been deposited, lodged or required in relation to a relevant mining lease for a transitional authority (SAA).
- ‘(2) A condition is taken to have been imposed, under section 364, on the authority that the authority holder must give the administering authority financial assurance for each relevant mining lease.
- ‘(3) If the security has been deposited under the Mineral Resources Act or a special agreement Act for a relevant mining lease, the requirement under the condition to give the

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financial assurance is taken to have been complied with for the lease—

- (a) from the time the whole amount of the security has been deposited; and
  - (b) until the plan of operations for the lease is amended or replaced under section 235.
- ‘(4) The financial assurance required under the condition is taken to be security for the matters mentioned in section 364(1)(a) and (b) in relation to the authority.
- ‘(5) Subsection (4) applies despite the Mineral Resources Act or the terms of an instrument granting the security or other document, including, for example, a term that the security or its benefit is not transferable.
- ‘(6) The form of each security given or required to be given for a relevant mining lease is taken to be the form of the financial assurance for the lease decided under section 364(3).
- ‘(7) However, the financial assurance for the relevant mining lease is taken to have been given for valuable consideration and any instrument granting it is taken to have been executed as a deed under seal by each party to the instrument.
- ‘(8) The amount of financial assurance for each relevant mining lease is taken to have been decided under section 364(3) as the lesser of the following—
- (a) the amount of security given or required for each relevant mining lease;
  - (b) any amount the administering authority decides would have been the amount under section 364(3) for the financial assurance had the amount been decided on the commencement.
- ‘(9) Section 365 and chapter 11, part 3 do not apply to financial assurance under this section or to a decision under subsection (8)(b).

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**‘616J Effect of financial assurance on security**

- ‘(1) The financial assurance condition under section 616I only affects a security to the extent provided under that section.
- ‘(2) Without limiting subsection (1), section 616I does not affect or change—
  - (a) the security as a security under the Mineral Resources Act or a special agreement Act; or
  - (b) the matters for which the security was given under the Mineral Resources Act or special agreement Act; or
  - (c) the enforcement of the security under the Mineral Resources Act or special agreement Act.
- ‘(3) Section 616I, or any thing done under it, does not—
  - (a) discharge a security; or
  - (b) discharge or release a surety or other obligee, wholly or partly, from an obligation; or
  - (c) fulfil a condition allowing a person to terminate an instrument or be released, wholly or partly, from an obligation or modify the operation or effect of an instrument or obligation.
- ‘(4) If the advice or consent of, or giving notice to, a person would be necessary to give effect to the giving of the financial assurance—
  - (a) the advice is taken to have been obtained; and
  - (b) the consent or notice is taken to have been given.

**‘616K Plan of operations**

- ‘(1) This section applies if a plan of operations for a relevant mining lease for a transitional authority (SAA) was in force under the Mineral Resources Act immediately before the commencement.
- ‘(2) The plan of operations—

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- (a) is taken to be the plan of operations for the authority submitted under section 233; and
  - (b) continues in force only until the earlier of the following—
    - (i) the end of the period, stated in the plan, to which the plan applies;
    - (ii) the plan is replaced under section 235.
- ‘(2A) Subsection (2)(a) is subject to subsection (2B) and the Mineral Resources Act, section 735(4A).
- ‘(2B) The special agreement Act to which the authority relates and the existing Act continue to apply for amending the plan of operations as if the amending Act, other than for the insertion of section 584, had not been enacted.
- ‘(3) Section 540(1)(e)(vi) does not apply to a plan of operations that, under this section, is taken to be the plan of operations for a transitional authority (SAA).
- ‘(4) For this section, the relevant provisions of a mining plan approved under part 2 of the agreement defined under the *Mount Isa Mines Limited Agreement Act 1985* are taken to be a plan of operations for each mining lease to which they relate.

#### **‘616L First anniversary day for transitional authority (SAA)**

‘The first anniversary day for a transitional authority (SAA) is—

- (a) if the SAA environmental authority (mining) forming the basis for the transitional authority (SAA) was a licence under the existing Act—the next occurring anniversary of the anniversary day of the authority under the existing Act; or
- (b) otherwise—1 year after the commencement.

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### **‘616M End of transitional authority (SAA)**

- ‘(1) A transitional authority (SAA) ends if—
- (a) the holder of the authority does not comply with section 616H; or
  - (b) the authority is amended under subdivision 6 and the amended authority has taken effect under the current Act; or
  - (c) the authority is transferred under chapter 5, part 9 and the transfer has taken effect under the current Act; or
  - (d) the surrender of the authority is approved under the current Act; or
  - (e) an environmental authority (mining activities) for the SAA mining activity the subject of the transitional authority (SAA) is issued and has taken effect under the current Act.
- ‘(2) To remove any doubt, it is declared that subsection (1) does not limit chapter 5, part 12.

### **‘Subdivision 5 Applications for new authorities**

#### **‘616N Application of sdiv 5**

‘This subdivision applies if the holder of a transitional authority (SAA) (the *relevant transitional authority*) makes an application under section 616H(a) (the *new authority application*) for an environmental authority (mining activities) for a level 1 mining project of which the SAA mining activity the subject of the relevant transitional authority is a part.

#### **‘616O Application of current Act to new authority application**

‘Chapter 5, parts 2 and 6 apply to the making and deciding of the new authority application, subject to sections 616P and 616Q.

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**‘616P No public notice or EIS requirement for particular new authority application**

- ‘(1) This section applies for processing the new authority application if each mining activity that forms the mining project to which the application relates is authorised under the conditions of the relevant transitional authority.
- ‘(2) Sections 211 to 215, 216(1)(a), 217(1)(c), 219(4)(c) and 219(5)(a) do not apply for the application.
- ‘(3) For applying sections 216(1), 217(1)(b) and 218(1) a reference to an entity, each entity or the entity is taken to be a reference to the applicant.
- ‘(4) For applying section 219(5)(b), the reference to each objector is taken to be a reference to the applicant.
- ‘(5) The objection period for the application starts on the day the administering authority gives the applicant a draft environmental authority and ends 20 business days after that day.
- ‘(6) Subsections (7) and (8) apply for processing the application if—
  - (a) no part of the application relates to a wild river area; and
  - (b) an EIS is not required for the application under section 162(3A).
- ‘(7) The administering authority is taken to have decided under section 162(1) that no EIS is required for the application.
- ‘(8) Section 163 does not apply for the application.

**‘616Q Reference to State government agreement includes particular rights**

- ‘(1) Subsection (2) applies to the administering authority for considering the standard criteria in making a decision under section 207 to refuse the new authority application or allow it to proceed.
- ‘(1A) If there is a current objection relating to the new authority application, subsection (2) also applies to the Land Court for

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considering the standard criteria under section 223 in making the objections decision for the application.

- ‘(2) The reference to a state government agreement in schedule 3, definition *standard criteria*, paragraph (c) includes a reference to—
- (a) an agreement under, or mentioned in, a special agreement Act; and
  - (b) the rights granted under an agreement mentioned in paragraph (a).

## **‘Subdivision 6      Amendment of transitional authorities (SAA) for conversion to new authorities**

### **‘616R Application of sdiv 6**

‘This subdivision applies if an application is made under section 616H(b) to amend a transitional authority (SAA) for converting it to an environmental authority (mining activities) for a level 1 mining project.

### **‘616S Application of current Act to amendment application**

‘Chapter 5, part 8 applies to the making and deciding of the amendment application for the transitional authority (SAA), subject to sections 616T and 616U.

### **‘616T No public notice or EIS requirement for particular amendment applications**

- ‘(1) This section applies for processing the amendment application for the transitional authority (SAA) if each mining activity to which the application relates is authorised under the conditions of the authority.
- ‘(2) Chapter 5, part 6, division 6, and section 254 do not apply for the application.

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- ‘(3) Subsection (4) applies if the assessment level decision for the application under section 246(1)(a) or 247(3) is that the level of environmental harm is likely to be significantly increased.
- ‘(4) The EIS decision for the application is taken to be that an EIS is not required for the proposed amendment.

**‘616U Reference to State government agreement includes particular rights**

- ‘(1) This section applies to the administering authority for considering the standard criteria in making a decision under section 257 to grant or refuse the amendment application for the transitional authority (SAA).
- ‘(2) The reference to a state government agreement in schedule 3, definition *standard criteria*, paragraph (c) includes a reference to—
  - (a) an agreement under, or mentioned in, a special agreement Act; and
  - (b) the rights granted under an agreement mentioned in paragraph (a).

**‘616V Consolidation of conditions for same mining project**

‘Section 607 applies for consolidating conditions for the same mining project as if—

- (a) a reference to a transitional authority were a reference to a transitional authority (SAA); and
- (b) the reference to section 605 were a reference to section 616W.

**‘Subdivision 7 Amendment of transitional authorities (SAA) other than by application**



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**‘616W Additional grounds for amendment by administering authority**

‘For applying section 292 for a transitional authority (SAA), the following grounds apply, as well as the grounds under section 292(2)—

- (a) the administering authority can not, by applying section 616C, work out the conditions of the authority;
- (b) a condition of the authority under section 616C creates a right or imposes an obligation that the administering authority considers is uncertain or not reasonably enforceable;
- (c) the holder of the authority submits or amends a plan of operations for the authority;
- (d) the amendment of the transitional authority (SAA) is necessary to prevent environmental harm not already authorised under the authority.

**‘616X Ministerial power to amend**

‘(1) The Minister may amend a transitional authority (SAA) if the Minister—

- (a) gives the authority holder an amendment notice proposing the amendment; and
- (b) considers the written representations, if any, made by the holder within the stated period in the notice.

‘(2) If the Minister decides to amend the authority under subsection (1), the administering authority must, within 10 business days after the decision—

- (a) make the amendment proposed in the notice; and
- (b) give the authority holder a copy of the amended authority; and
- (c) record particulars of the amendment in the appropriate register.

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- ‘(3) If the Minister gives an amendment notice under subsection (1) and decides not to make the amendment proposed in the notice, the administering authority must, within 10 business days after the decision is made, give the holder a written notice of the decision.

## **‘Subdivision 8 Provisions for chapter 4 activities**

### **‘616Y Application of sdiv 8**

- ‘(1) This subdivision applies if—
- (a) immediately before the commencement, an environmental authority was in force under the existing Act as it applied under section 614(1); and
  - (b) the authority is for a chapter 4 activity to which a special agreement Act applies.
- ‘(2) Subsection (3) applies to an activity that—
- (a) is carried out under a sublease of a mining lease; and
  - (b) would be a chapter 4 activity if it were not carried out under a sublease of a mining lease.
- ‘(3) To remove any doubt, it is declared that the activity is a chapter 4 activity.

### **‘616Z Continuing effect of environmental authority as a registration certificate and development approval**

- ‘(1) From the commencement—
- (a) the environmental authority has effect as if it were a registration certificate for the activity; and
  - (b) the environmental authority has effect as if the holder of the authority were the registered operator for the activity; and
  - (c) the environmental authority has effect as if it were—

- 
- (i) if the activity would, after the commencement, be a mobile and temporary activity—a development approval for a material change of use under the Integrated Planning Act, schedule 8, part 1, table 5, item 3; or
  - (ii) in any other case—a development approval for a material change of use under the Integrated Planning Act, schedule 8, part 1, table 2, item 1; and
- (d) any condition of the environmental authority has effect as if it were a development condition of the development approval.
- ‘(2) The conditions of the environmental authority are taken to include any condition that the administering authority is, under section 73B(2), required to impose under a regulatory requirement had it been deciding a development application for the chapter 4 activity at the commencement.
- ‘(3) This section stops applying if the environmental authority ends under section 616ZB.

### **‘616ZA Additional ground for changing or cancelling development conditions**

- ‘(1) The administering authority may change or cancel a condition of the environmental authority if—
- (a) the change or cancellation is necessary because the condition is no longer appropriate as a development condition of a development approval for the activity; or
  - (b) the condition needs to be changed or cancelled so that the administering authority, in applying section 616Z, can accurately and reliably identify the conditions of the development approval; or
  - (c) the conditions are otherwise unclear, uncertain or contradictory.
- ‘(2) However, the administering authority must not act under subsection (1) if the change or cancellation adversely affects

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the interests of the registered operator for the activity.

- ‘(3) If the condition is changed it must in substance reflect the intent of the condition as included in the environmental authority as it existed before the commencement.
- ‘(4) If the administering authority changes or cancels a condition, it must within 10 business days—
  - (a) record the particulars of the change or cancellation in the appropriate register; and
  - (b) give the registered operator—
    - (i) a copy of the development conditions as applying after the change or cancellation; and
    - (ii) a registration certificate.
- ‘(5) In this section—  
*condition*, of the environmental authority, does not include any condition taken to be included under section 616Z(2).

### **‘616ZB End of environmental authority**

‘An environmental authority for a chapter 4 activity under this subdivision ends if any of the following happens—

- (a) the person carrying out the activity changes;
- (b) there is a material change of use of premises for the activity, as defined under the Integrated Planning Act, section 1.3.5, definition *material change of use*, paragraph (a) or (b);
- (c) if the activity is carried out under a sublease of a mining lease—the sublease expires or is cancelled or surrendered;
- (d) a development approval for the activity takes effect.

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**‘616ZC Administering authority may issue replacement documents**

- ‘(1) The administering authority may give to the person carrying out the chapter 4 activity—
- (a) if the activity was carried out at 1 location—a development approval for the location; or
  - (b) if the activity was carried out at more than 1 location and is not a mobile and temporary environmentally relevant activity—a development approval for each location; or
  - (c) if the activity is a mobile and temporary environmentally relevant activity—a development approval for a mobile and temporary environmentally relevant activity.
- ‘(2) If the person carrying out the activity does not have a registration certificate for the activity, the administering authority may also give the person a registration certificate for the activity.
- ‘(3) The development approval must contain the same details about the activity and conditions for carrying out the activity as were contained in the authority or included in it under section 616Z(2).
- ‘(4) If the administering authority acts under subsection (1) or subsections (1) and (2), the administering authority must give the person carrying out the activity an information notice about the administering authority’s decision to give the approval or approval and certificate.
- ‘(5) The approval or approval and certificate have effect and the environmental authority ends—
- (a) if there is no appeal against the administering authority’s decision under subsection (4)—from the day after the appeal period expires; or
  - (b) if there is an appeal against the administering authority’s decision under subsection (4)—from the day after the appeal is finally decided or is otherwise ended.

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## **‘Subdivision 9      Other matters**

### **‘616ZCA Continuing effect of particular environmental authorities**

- ‘(1) This section applies to an environmental authority that—
- (a) is for a chapter 4 activity to which a special agreement Act applies; and
  - (b) was a constituent part of an integrated authority under the pre-2005 Act; and
  - (c) was in force immediately before the commencement.
- ‘(2) To remove any doubt, it is declared that sections 619 to 621 apply, and have always applied, to the environmental authority.
- ‘(3) In this section—
- pre-2005 Act* means this Act as it was in force immediately before 1 January 2005.

### **‘616ZCB Validation of particular development approvals and registration certificates**

- ‘(1) This section applies if, before the commencement, a development approval was issued or a registration certificate was granted for a chapter 4 activity to which a special agreement Act applies.
- ‘(2) The development approval or registration certificate is, and always has been, as valid as it would have been if section 614(1) had not been enacted.

## **‘Division 8              Miscellaneous provision’.**

### **10      Replacement of ch 13, pt 7, div 1 hdg**

Chapter 13, part 7, division 1, heading—  
*omit, insert—*

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**‘Division 1            Original provisions**

**‘Subdivision 1      Preliminary’.**

**11      Amendment of s 635 (Definitions for pt 7)**

(1) Section 635, heading, ‘pt 7’—

*omit, insert—*

**‘div 1’.**

(2) Section 635, ‘In this part’—

*omit, insert—*

**‘In this division’.**

**12      Amendment of ch 13, pt 7, divs 2 and 3 hdgs**

Chapter 13, part 7, divisions 2 and 3, headings, ‘Division’—

*omit, insert—*

**‘Subdivision’.**

**13      Amendment of s 636 (Application of div 2)**

(1) Section 636, heading, ‘div 2’—

*omit, insert—*

**‘sdiv 2’.**

(2) Section 636, ‘division’—

*omit, insert—*

**‘subdivision’.**

**14      Renumbering of ch 13, pt 7, div 4**

Chapter 13, part 7, division 4—

*renumber* as chapter 13, part 7, division 2.

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**15 Amendment of s 641A (Definition for div 4)**

Section 641A, heading, ‘div 4’—

*omit, insert—*

‘div 2’.

**16 Amendment of sch 1 (Original decisions)**

Schedule 1, part 2, division 8, ‘621(4)’—

*omit, insert—*

‘616ZC(4) or 621(4)’.

## **Part 3 Amendment of Integrated Planning Act 1997**

**17 Act amended in pt 3**

This part amends the *Integrated Planning Act 1997*.

**18 Amendment of sch 10 (Dictionary)**

(1) Schedule 10, definitions *mining activity* and *special agreement Act*—

*omit.*

(2) Schedule 10—

*insert—*

‘*mining activity* see the *Environmental Protection Act 1994*, section 147.’.



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## Part 4                      Amendment of Mineral Resources Act 1989

### 19      Act amended in pt 4

This part amends the *Mineral Resources Act 1989*.

### 20      Amendment of s 382 (Definitions for pt 10A)

Section 382, definition *special agreement Act*—  
*omit.*

### 21      Amendment of s 735 (Existing Act continues to apply for special agreement Acts)

(1) Section 735, heading, after ‘Acts’—

*insert—*

**‘until Environmental Protection Act, ch 13, pt 2, div 7 commences’.**

(2) Section 735(2), definition *special agreement Act*—

*omit.*

(3) Section 735(2)—

*renumber* as section 735(5).

(4) Section 735—

*insert—*

‘(2) Subject to subsections (3) and (4A), subsection (1) ceases to apply when the Environmental Protection Act, chapter 13, part 2, division 7 commences.

‘(3) The existing Act continues to apply for changing a condition of a transitional authority (SAA) as if the amending Act had not been enacted.

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*Note—*

See also the Environmental Protection Act, section 616D (Changing conditions of transitional authority (SAA)).

- ‘(4) However, subsection (3)—
- (a) does not apply for making or deciding an application under the Environmental Protection Act, section 616H(b) to amend the authority; and
  - (b) does not limit chapter 13, part 2, division 7, subdivision 6 of that Act; and
  - (c) stops applying if the authority is amended under chapter 13, part 2, division 7, subdivision 6 of that Act and the amended authority has taken effect under that Act.

*Editor’s notes—*

- Environmental Protection Act, chapter 13 (Savings, transitional and related provisions), part 2 (Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2000), division 7 (Provisions about special agreement Acts inserted under Environmental Protection and Other Legislation Amendment Act 2008), subdivision 6 (Amendment of transitional authorities (SAA) for conversion to new authorities)
- Environmental Protection Act, section 616H (Requirement to apply for new authority or amend etc. transitional authority (SAA))

‘(4A) Section 292(1) and (2) of the existing Act continues to apply for amending a plan of operations under the existing Act for a relevant mining lease for a transitional authority (SAA) as if the amending Act had not been enacted.’.

(5) Section 735(5) as renumbered—

*insert—*

‘*transitional authority (SAA)* see the Environmental Protection Act, section 615.’.

## 22 Amendment of schedule (Dictionary)

Schedule, definition *special agreement Act*—

*omit, insert—*

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*‘special agreement Act* means any of the following Acts and any agreement or lease under or mentioned in the Acts—

- (a) *Alcan Queensland Pty. Limited Agreement Act 1965;*
- (b) *Central Queensland Coal Associates Agreement Act 1968;*
- (c) *Central Queensland Coal Associates Agreement and Queensland Coal Trust Act 1984;*
- (d) *Central Queensland Coal Associates Agreement (Amendment) Act 1986;*
- (e) *Central Queensland Coal Associates Agreement Amendment Act 1989;*
- (f) *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957;*
- (g) *Greenvale Agreement Act Amendment Act 1974;*
- (h) *Greenvale Agreement Act Amendment Act 1975;*
- (i) *Mount Isa Mines Limited Agreement Act 1985;*
- (j) *Queensland Cement & Lime Company Limited Agreement Act 1977;*
- (k) *Queensland Nickel Agreement Act 1970;*
- (l) *Queensland Nickel Agreement Act 1988;*
- (m) *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962;*
- (n) *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965.’.*