



Queensland

Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 37

made under the

Fossicking Act 1994

Geothermal Energy Act 2010

Greenhouse Gas Storage Act 2009

Mineral Resources Act 1989

Petroleum Act 1923

Petroleum and Gas (Production and Safety) Act 2004

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013*.

2 Commencement

- (1) Part 2 commences immediately after the commencement of the *Mining and Other Legislation Amendment Act 2013*, part 4, other than sections 22, 25 and 28.
- (2) Part 3 commences immediately after the commencement of the *Mines Legislation (Streamlining) Amendment Act 2012*, section 132.
- (3) Part 4 commences immediately after the commencement of the *Mines Legislation (Streamlining) Amendment Act 2012*, section 146.
- (4) Part 5, divisions 2 and 4 commence immediately after the commencement of sections 162, 174, 182 and 216 of the *Mines Legislation (Streamlining) Amendment Act 2012*.
- (5) Part 5, division 3 commences immediately after the commencement of the following provisions of the *Mining and Other Legislation Amendment Act 2013*—
 - (a) part 7, division 3;
 - (b) schedule 1.
- (6) Part 6 commences immediately after the commencement of the *Mines Legislation (Streamlining) Amendment Act 2012*, section 256.
- (7) Part 7, division 2 commences immediately after the commencement of the *Mines Legislation (Streamlining) Amendment Act 2012*, section 273.
- (8) Part 7, division 3 commences immediately after the commencement of the *Mining and Other Legislation Amendment Act 2013*, part 10, division 3.

[s 15]

Column 1 Provision	Column 2 Words omitted	Column 3 Words inserted
section 14B(1)	subsection (1)(f)(i)	subsection (1)(e)(i)
section 14C(1)	subsection (1)(f)(ii)	subsection (1)(e)(ii)
section 14D(1)	subsection (1)(f)(iii)	subsection (1)(e)(iii)
Schedule 6, part 6, item 1	s 318DC(h)	s 318DC(g)

15 Amendment of pt 11, div 3, hdg (Requirements relating to registration of particular transactions or events)

Part 11, division 3, heading, ‘transactions or’—
omit.

16 Omission of ss 60–62

Sections 60 to 62—
omit.

17 Amendment of s 63 (Request for transmission by death—no grant of probate or letters of administration)

(1) Section 63, heading, ‘Request for’—
omit, insert—

Registration of

(2) Section 63(1)(a), ‘the following person’—
omit, insert—

either of the following persons

(3) Section 63(1)—
insert—

Note—

See the Act, chapter 7, part 1, division 2 about the registration of dealings with mining tenements generally.

(4) Section 63(2) and (3)—

omit, insert—

(2) The chief executive may register 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.

18 Omission of ss 64–66

Sections 64 to 66—

omit.

19 Amendment of s 77 (Additional information required from mortgagee exercising power of sale)

(1) Section 77(1)(b)(ii), ‘an assignment’—

omit, insert—

a transfer

(2) Section 77(1), editor’s note—

omit.

20 Amendment of section 79 (Survey must be lodged with the chief executive)

Section 79(1)—

omit, insert—

[s 21]

- (1) This section applies if the Minister 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.

21 Amendment of sch 6 (Fees)

- (1) Schedule 6, part 2, items 3 to 5—
omit.
- (2) Schedule 6, part 2, items 6 to 8—
renumber as schedule 6, part 2, items 3 to 5.
- (3) Schedule 6, part 2—
insert—
- | | | |
|----|---|--------|
| 6 | Registration of a dealing with a mining tenement that is a mining claim, other than an assessable transfer—Act, s 318AAT(3) | 42.15 |
| 7 | Application for indicative approval of an assessable transfer of a mining tenement that is a mining claim—Act, s 318AAV(2)(c)(ii) | 42.15 |
| 8 | Application for approval of an assessable transfer of a mining tenement that is a mining claim—Act, s 318AAW(2)(c)(iv) | 42.15 |
| 9 | Registration of an associated agreement for a mining tenement that is a mining claim—Act, s 318AAZC(3) | 42.15 |
| 10 | Lodging caveat in relation to a mining tenement that is a mining claim—Act, s 318AAZF(1)(h) | 112.80 |
- (4) Schedule 6, part 3, items 3 to 5—

omit, insert—

3	Registration of a dealing with a mining tenement that is an exploration permit, other than an assessable transfer—Act, s 318AAT(3)—	
	(a) if the dealing is a change to the exploration permit holder’s name	42.15
	(b) otherwise	112.80
4	Application for indicative approval of an assessable transfer of a mining tenement that is an exploration permit—Act, s 318AAV(2)(c)(ii)—	
	(a) if the permit is for coal	316.20
	(b) if the permit is for any mineral other than coal and is for 4 or fewer sub-blocks in restricted area 256, 257, 258, 259, 260, 261, 262, 263, 264 or 265	79.10
	(c) otherwise	237.30
5	Application for approval of an assessable transfer of a mining tenement that is an exploration permit—Act, s 318AAW(2)(c)(iv)—	
	(a) if the Minister has given an indicative approval of the transfer	150.00
	(b) otherwise—	
	(i) if the permit is for coal	466.20
	(ii) if the permit is for any mineral other than coal and is for 4 or fewer sub-blocks in restricted area 256, 257, 258, 259, 260, 261, 262, 263, 264 or 265	229.10
	(iii) for any other mineral	387.30
6	Registration of an associated agreement for a mining tenement that is an exploration permit—Act, s 318AAZC(3)	42.15
7	Lodging caveat in relation to a mining tenement that is an exploration permit—Act, s 318AAZF(1)(h)	112.80
	(5) Schedule 6, part 4, items 3 to 6—	
	<i>omit.</i>	
	(6) Schedule 6, part 4, items 7 to 9—	

[s 21]

renumber as schedule 6, part 4, items 3 to 5.

(7) Schedule 6, part 4—

insert—

6	Registration of a dealing with a mining tenement that is a mineral development licence, other than an assessable transfer—Act, s 318AAT(3)—	
	(a) if the dealing is a change to the mineral development licence holder’s name	42.15
	(b) otherwise	112.80
7	Application for indicative approval of an assessable transfer of a mining tenement that is a mineral development licence—Act, s 318AAV(2)(c)(ii)	632.70
8	Application for approval of an assessable transfer of a mining tenement that is a mineral development licence—Act, s 318AAW(2)(c)(iv)—	
	(a) if the Minister has given an indicative approval of the transfer	150.00
	(b) otherwise	782.70
9	Registration of an associated agreement for a mining tenement that is a mineral development licence—Act, s 318AAZC(3)	42.15
10	Lodging caveat in relation to a mining tenement that is a mineral development licence—Act, s 318AAZF(1)(h)	112.80

(8) Schedule 6, part 5, items 1 to 15—

omit, insert—

1	Obtaining copy of mining lease application (s 17(2))	42.60
2	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
3	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
4	Application for approval to mine specified minerals not specified in mining lease (Act, s 298(2)).	533.00
5	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
6	Application to add a purpose to mining lease granted for mining of minerals (Act, s 298(7))	533.00
7	Application for consolidation of mining leases (Act, s 299(2)).	533.00
8	Lodging notice of surrender of mining lease (Act, s 309(2)(c)).	159.90
9	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
10	Registration of a dealing with a mining tenement that is a mining lease, other than an assessable transfer—Act, s 318AAT(3)—	
	(a) if the dealing is a change to the lease holder’s name . . .	42.15
	(b) otherwise	112.80
11	Application for indicative approval of an application transfer—Act, s 318AAV(2)(c)(ii)—	
	(a) if the application is for coal	1 107.30
	(b) if the application is for corundum, gemstones and other precious stones	193.15
	(c) if the application is for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin	193.15
	(d) if the application is for any other mineral	386.25
12	Application for indicative approval of an assessable transfer of a mining tenement that is a mining lease—Act, s 318AAV(2)(c)(ii)—	
	(a) if the lease is for coal	1 107.30
	(b) if the lease is for corundum, gemstones and other precious stones.	193.15

[s 22]

(c)	if the lease is for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin	193.15
(d)	if the lease is for any other mineral	386.25
13	Application for approval of an application transfer—Act, s 318AAW(2)(c)(iv)—	
(a)	if the Minister has given an indicative approval of the transfer	150.00
(b)	otherwise—	
(i)	if the application is for coal	1 257.30
(ii)	if the application is for corundum, gemstones and other precious stones	343.15
(iii)	if the application is for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin	343.15
(iv)	if the application is for any other mineral	536.25
14	Application for approval of an assessable transfer of a mining lease—Act, s 318AAW(2)(c)(iv)—	
(a)	if the Minister has given an indicative approval of the transfer	150.00
(b)	otherwise—	
(i)	if the lease is for coal	1 257.30
(ii)	if the lease is for corundum, gemstones and other precious stones	343.15
(iii)	if the lease is for elluvial, colluvial and alluvial gold and elluvial, colluvial and alluvial tin	343.15
(iv)	if the lease is for any other mineral	536.25
15	Registration of an associated agreement of a mining tenement that is a mining lease—Act, s 318AAZC(3) . . .	42.15
16	Lodging caveat in relation to a mining tenement that is a mining lease or an application for a mining lease—Act, s 318AAZF(1)(h)	112.80

22 Amendment of sch 7 (Dictionary)

Schedule 7, definition *prescribed document*—

omit.

Division 3 **Amendments relating to Mining and Other Legislation Amendment Act 2013**

23 **References to mining registrar**

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

Column 1 Provision	Column 2 Words omitted	Column 3 Words inserted
section 4(d) and (d)(i)	mining registrar	chief executive
section 6(1)(d) and (3)(a)	mining registrar	chief executive
section 9(d)	mining registrar	chief executive
section 14(d)	mining registrar	chief executive
section 15(d) and (d)(i)	mining registrar	chief executive
section 16(1)(d)	mining registrar	chief executive
section 17(1)	a mining registrar	the chief executive
section 17(3)	mining registrar	chief executive
section 18(d)	mining registrar	chief executive
section 69(2)	chief executive or mining registrar responsible for registering the document	chief executive

[s 24]

Column 1 Provision	Column 2 Words omitted	Column 3 Words inserted
section 79A(1)(b)	Minister, chief executive or mining registrar	Minister or chief executive
section 80(1)(a)	chief executive or a mining registrar	chief executive
section 80(2)	chief executive or mining registrar	chief executive
section 81(2)	mining registrar	chief executive
section 82	chief executive or mining registrar	chief executive

24 Amendment of s 10 (Prohibited prospecting or hand mining equipment)

(1) Section 10(1), ‘on land to which a mining claim applies’—

omit, insert—

in the area of a mining claim

(2) Section 10(3)—

renumber as section 10(4).

(3) Section 10—

insert—

(3) Also, subsection (1) does not apply to using prohibited machinery in the area of a prescribed mining claim, other than in any part of the area of a prescribed mining claim that is within the boundaries shown on any of the following plans—

(a) MP34341;

- (b) MP34342;
- (c) MP34343;
- (d) MP36464;
- (e) MP40825;
- (f) MP30692;
- (g) MP31027;
- (h) MP31028;
- (i) MP30955;
- (j) MP30971.

(4) Section 10(4), as renumbered—

insert—

prescribed mining claim means a mining claim that—

- (a) applies to corundum, gemstones or other precious stones, and the area of which has been decided by the Minister under the Act, section 53; or
- (b) has been converted from a mining lease under the Act, section 816.

25 Insertion of new pt 12, div 2A

Part 12—

insert—

Division 2A Small scale mining code

79B Small scale mining code—Act, s 391C

- (1) For section 391C(1) of the Act, the small scale mining code consists of—
 - (a) the guidelines stated in parts 2 and 3 of the document called ‘Small Scale Mining

[s 25]

Code', dated March 2013 and published by the department (the *code document*); and

Editor's note—

The code document may be inspected, free of charge—

- (a) on the department's website at <www.dnrm.qld.gov.au>; or
 - (b) during the hours prescribed, under section 82, for the conduct of business at one of the department's mines lodgment offices listed on the department's website.
- (b) schedule 4A.
- (2) However, all of the following apply for compiling any copy of the small scale mining code—
- (a) schedule 4A must be inserted into the code document;
 - (b) the schedule heading may be substituted with the heading 'Part 4—mandatory conditions';
 - (c) the reference to the authorising section may be omitted;
 - (d) the part headings may be omitted;
 - (e) the division headings may be omitted;
 - (f) a reference to 'this schedule' may be substituted with a reference to 'this part';
 - (g) the compilation may use whatever numbering system the chief executive considers appropriate;
 - (h) a provision may be relocated to a place the chief executive considers appropriate;
 - (i) each cross-reference must be amended to ensure a correct reflection of the relocation or numbering system used.

- (3) A compilation made under subsection (2) is taken to be the code prescribed under subsection (1).

26 Insertion of new sch 4A

After schedule 4—

insert—

Schedule 4A Small scale mining code—mandatory conditions

section 79B

Part 1 Preliminary

1 What this schedule is about

- (1) This schedule provides for the mandatory conditions for the following (each a *small scale mining tenement*)—
- (a) a mining claim, other than an authorised mining claim, under which a small scale mining activity is carried out (a *small scale mining claim*);
 - (b) an exploration permit, other than an authorised exploration permit, under which a small scale mining activity is carried out (a *small scale exploration permit*).
- (2) In this section—
- authorised exploration permit* means an exploration permit for a mining activity the subject of an environmental authority.

[s 26]

authorised mining claim means a mining claim for a mining activity the subject of an environmental authority.

environmental authority see the *Environmental Protection Act 1994*, schedule 4.

mining activity see the *Environmental Protection Act 1994*, section 110.

2 Definitions

In this schedule—

holder means a person who, under the Act, holds a small scale mining tenement.

relevant person, for a small scale mining tenement, means—

- (a) the holder of the tenement; or
- (b) a person acting for the holder of the tenement.

small scale mining activity see the *Environmental Protection Act 1994*, schedule 4.

Part 2 Mandatory conditions

Division 1 Small scale mining tenements

3 Excavation

- (1) A relevant person for a small scale mining tenement must, before starting to excavate in the area of a small scale mining tenement—
 - (a) strip all topsoil and overburden from the part of the area to be excavated; and

-
- (b) keep the topsoil and overburden in a separate part of the area for the purpose of rehabilitating excavated areas for the tenement.

Note—

Under the *Environmental Protection Act 1994*, section 21A(1), a regulation may, for a small scale mining activity, prescribe a condition about rehabilitating land.

- (2) For subsection (1)(a), the topsoil and the overburden must not be mixed during stripping, other than to the extent that is unavoidable as part of the stripping process.
- (3) For subsection (1)(b), the topsoil and overburden must not be kept together.
- (4) In this section—

excavate means to use machinery to dig, but does not include stripping.

excavated area, for a small scale mining tenement, means a part of the area of the tenement that has been excavated.

stripping means the use of machinery to remove topsoil or overburden from land.

4 General waste

- (1) This section applies to all general waste in the area of a small scale mining tenement.
- (2) As soon as is reasonably practicable after the waste is generated, a relevant person for the small scale mining tenement must—
- (a) bury the waste at least 1 metre underground;
or
- (b) take the waste to a waste facility at which the waste may be disposed of.

[s 26]

(3) In this section—

general waste, for a small scale mining tenement, includes any thing that is left over, or an unwanted by-product, from any activity carried out in the area of the tenement, other than the following—

(a) topsoil, overburden or wash;

(b) regulated waste.

regulated waste see the *Environmental Protection Regulation 2008*, section 65.

wash means sand or gravel separated from corundum, gemstones or other precious stones during their processing.

waste facility see the *Waste Reduction and Recycling Act 2011*, schedule.

5 Fuel storage

(1) A relevant person for a small scale mining tenement must ensure all fuel stored in the area of a small scale mining tenement is stored as required under AS 1940.

(2) In this section—

AS 1940 means Australian Standard 1940 ‘The storage and handling of flammable and combustible liquids’.

Division 2 Small scale mining claims

6 Dams

A relevant person for a small scale mining claim must not do either of the following to a puddling dam, slimes dam or silt dam in the area of a small scale mining claim unless there is no water in the dam—

- (a) re-contour the dam;
- (b) cover the dam with topsoil.

7 Chemicals

A relevant person for a small scale mining claim must ensure chemicals are not used for mineral separation or processing in the area of a small scale mining claim.

Division 3 Small scale exploration permits

8 Drilling and sampling

- (1) A relevant person for a small scale exploration permit must, as soon as is reasonably practicable after the drilling of a hole in the area of a small scale exploration permit, remove from the area all drill cores, trays and sample bags relating to the drilling of the hole.
- (2) A relevant person for a small scale exploration permit must, before the expiry day for the permit ends, ensure all marker pegs are removed from the area of the permit.

27 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definition *holder*—

omit.

- (2) Schedule 7—

insert—

holder—

- (a) for part 9, division 3, subdivision 3, see section 43; and

[s 28]

(b) for schedule 4A, see schedule 4A, section 2.

relevant person, for schedule 4A, see schedule 4A, section 2.

small scale mining activity, for schedule 4A, see schedule 4A, section 2.

(3) Schedule 7, definition *block identification map*, editor's note—

omit, insert—

Editor's note—

A copy of each map in the series may be inspected, free of charge, during the hours prescribed, under section 82, for the conduct of business at the department's Geological Survey of Queensland sales centre at level 10, 119 Charlotte Street, Brisbane.

Division 4 Miscellaneous amendments

28 **Amendment of s 4 (Conditions of prospecting permits—Act, s 25)**

Section 4, editor's note—

omit, insert—

Note—

See also part 8.

29 **Amendment of s 9 (General conditions)**

Section 9, editor's note—

omit, insert—

Note—

See also part 8.

-
- 30 Amendment of s 13B (Annual report for exploration permit)**
Section 13B(3)(g), ‘section 145’—
omit, insert—
schedule 1, section 13
- 31 Amendment of s 14 (Conditions of exploration permits—Act, s 141)**
Section 14, editor’s note—
omit, insert—
Note—
See also part 8.
- 32 Amendment of s 14B (Annual report for mineral development licence)**
Section 14B(3)(g), ‘section 191’—
omit, insert—
schedule 1, section 13
- 33 Amendment of s 15 (Conditions of mineral development licences)**
Section 15, editor’s note—
omit, insert—
Note—
See also part 8.
- 34 Amendment of s 18 (Conditions of mining lease)**
Section 18, editor’s note—
omit, insert—
Note—

[s 35]

See also part 8.

35 Amendment of s 33 (Exemption for coal seam gas)

Section 33(1)(b), editor's note—

omit, insert—

Note—

See the Act, sections 318CM and 747.

36 Amendment of s 58 (Other particulars about exploration permits)

Section 58(b), '164, 486'—

omit, insert—

486

37 Amendment of s 59 (Other particulars about mineral development licences)

Section 59(f), 'or 212'—

omit.

38 Omission of pt 11, divs 1, 2 and 4

Part 11, divisions 1, 2 and 4—

omit.

39 Renumbering of pt 11, divs 3 and 5

Part 11, divisions 3 and 5—

renumber as part 11, divisions 1 and 2.

40 Amendment of s 83 (Rental payable for mining tenement)

Section 83(1), editor's note—

omit, insert—

Note—

See also the Act, sections 95, 138, 193 and 290.

- 41 Renumbering of pt 13, div 5 (Transitional provision for Resources Legislation Amendment Regulation (No. 1) 2011)**
Part 13, division 5—
renumber as part 13, division 4.
- 42 Renumbering of pt 13, div 6 (Transitional provisions for Resources Legislation and Another Regulation Amendment Regulation (No. 1) 2012)**
Part 13, division 6—
renumber as part 13, division 5.
- 43 Renumbering of pt 13, div 7 (Transitional provision for Mineral Resources Amendment Regulation (No. 3) 2012)**
Part 13, division 7—
renumber as part 13, division 6.
- 44 Amendment of sch 7 (Dictionary)**
Schedule 7, definition *return period*, editor's note—
omit, insert—
Note—
For paragraph (b), see section 27.

6	Registration of an associated agreement for a 1923 Act petroleum tenure—Act, s 80KG(3)	42.15
7	Lodging caveat in relation to a 1923 Act petroleum tenure—Act, s 80KI(1)(h)	112.80

Part 7 **Amendment of Petroleum and Gas (Production and Safety) Regulation 2004**

Division 1 **Preliminary**

47 **Regulation amended**

This part amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

Division 2 **Amendments relating to Mines Legislation (Streamlining) Amendment Act 2012**

48 **Amendment of sch 9 (Fees)**

(1) Schedule 9, part 5, item 5—
renumber as schedule 9, part 5, item 8.

(2) Schedule 9, part 5, items 3 and 4—
omit, insert—

3	Registration of a dealing with a petroleum authority, or of a share in a petroleum authority, other than an assessable transfer—Act, s 573(3)— (a) if the dealing is a change to the petroleum authority holder's name.	42.15
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[s 49]

	(b) otherwise	112.80
4	Application for indicative approval of an assessable transfer relating to a petroleum authority or to a share in a petroleum authority—Act, s 573B(2)(b)—	
	(a) if the petroleum authority is an authority to prospect	632.70
	(b) if the petroleum authority is a petroleum lease, a pipeline licence or a petroleum facility licence	107.30
	(c) otherwise	474.60
5	Application for approval of an assessable transfer relating to a petroleum authority or to a share in a petroleum authority—Act, s 573C(3)(d)—	
	(a) if the Minister has given an indicative approval of the transfer	150.00
	(b) otherwise—	
	(i) if the petroleum authority is an authority to prospect	782.70
	(ii) if the petroleum authority is a petroleum lease, a pipeline licence or a petroleum facility licence	257.30
	(iii) otherwise	624.60
6	Registration of an associated agreement for a petroleum authority or a share in a petroleum authority—Act, s 573H(3)	42.15
7	Lodging caveat in relation to petroleum authority—Act, s 573J(1)(h)	112.80

Division 3 Amendments relating to Mining and Other Legislation Amendment Act 2013

49 Insertion of new s 58A

Chapter 2, part 2—

insert—

58A Stated pipeline licence incidental activities

- (1) This section prescribes a safety requirement for a stated pipeline licence incidental activity.

Note—

See also schedule 1, part 6, entry for AS 2885 ‘Pipelines—gas and liquid petroleum’ Part 0 ‘General Requirements’ (2008) Part 1 ‘Design and construction’ (2012) Part 2 ‘Welding’ (2007) Part 3 ‘Operation and maintenance’ (2012) Part 4 ‘Offshore submarine pipeline systems’ (2010) Part 5 ‘Field pressure testing’ (2002).

- (2) A relevant person must not, in the area of the pipeline licence, carry out a stated pipeline licence incidental activity if the activity causes, or is likely to cause, a relevant pipeline to stop being compliant with AS 2885 ‘Pipelines—gas and liquid petroleum’ (2008).
- (3) In this section—

relevant person means—

- (a) the holder of the pipeline licence; or
- (b) a person acting for the holder of the pipeline licence.

relevant pipeline, for a pipeline licence, means either of the following—

- (a) an existing pipeline in the area of the licence;
- (b) a pipeline in the area of the licence whose construction has started, but is not complete.

Division 4 Miscellaneous amendments

50 Amendment of s 12 (Definitions for div 1)

Section 12, definition *prediction period*—

[s 51]

omit.

51 Amendment of s 100A (Prescribed persons, installation stage and period for giving gas inspection certificate for installation—Act, s 734)

Section 100A(3)(b), ‘gas system’—

omit, insert—

gas fuel system

52 Insertion of new pt 9

After section 173—

insert—

**Part 9 Transitional provisions
for Natural Resources
and Mines Legislation
Amendment Regulation
(No. 1) 2013**

174 Superseded version of amended mandatory or preferred standard taken to apply until changeover date

- (1) This section applies if there is an amended mandatory standard or an amended preferred standard for a safety requirement.
- (2) A person is taken, until the changeover date, to comply with an amended mandatory standard for a safety requirement if the person complies with the superseded version of the standard.
- (3) For an amended preferred standard for a safety requirement, a person is taken, until the changeover date—

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- (a) to comply with the standard if the person complies with the superseded version of the standard; and
 - (b) to comply with the safety requirement without complying with the standard if the person—
 - (i) gives the chief inspector a notice that the person is not complying with the superseded version of the standard; and
 - (ii) has written evidence showing the level of risk for the activity or thing to which the safety requirement applies is equal to or less than the level of risk that would be achieved by complying with the superseded version of the standard.

Example of written evidence—

a report setting out a risk assessment carried out by a competent person

- (4) If the superseded version of an amended mandatory standard or an amended preferred standard for a safety requirement allows a competent person, or any other person, to grant an exemption from, or in any other way change, the requirements stated in the superseded version, the exemption or change may only be granted or made by the chief inspector.

Example—

The superseded version of an amended preferred standard might provide that a competent person can grant an exemption from provisions of the superseded standard. For the purpose of this regulation, the exemption can only be granted by the chief inspector.

- (5) If a safety requirement taken to be complied with under this section is inconsistent with an other safety requirement, the other safety requirement prevails to the extent of the inconsistency.
- (6) In this section—

[s 52]

amended mandatory standard means a mandatory standard whose title is amended at the commencement of this section.

amended preferred standard means a preferred standard whose title is amended at the commencement of this section.

changeover date means the day that is 6 months after the commencement of this section.

superseded version, of an amended mandatory standard or an amended preferred standard, means the version of the amended standard stated in schedule 1, column 1, immediately before the commencement of this section.

175 Superseded version of amended transmission pipeline standard applies for pipeline being constructed

- (1) This section applies if, at the commencement of this section, the holder of a pipeline licence has started, but has not completed, construction of a pipeline in the area of the licence.
- (2) For the pipeline being constructed, the holder, or a person acting for the holder, is taken to comply with the amended transmission pipeline standard for a safety requirement if the person complies with the superseded version of the standard.
- (3) In this section—

amended transmission pipeline standard means the transmission pipeline standard, as amended at the commencement of this section.

superseded version, of the amended transmission pipeline standard, means the version of the amended transmission pipeline standard stated in schedule 1, part 2, column 1, immediately before the commencement of this section.

transmission pipeline standard means the standard stated in schedule 1, part 2, column 1 immediately before the commencement of this section.

53 Amendment of sch 1 (Mandatory and preferred standards for safety requirements)

- (1) Schedule 1, part 1, entry for APIA code of practice, column 1, ‘version 1.1 (October 2011)’—

omit, insert—

version 2.0 (January 2013)

- (2) Schedule 1, part 1, entry for ISO 10414, column 1, ‘(2002)’—

omit, insert—

(2008)

- (3) Schedule 1, part 1, entry for ISO 11960, column 1, ‘(2004)’—

omit, insert—

(2011)

- (4) Schedule 1, part 1, entry for ISO 15546, column 1, ‘(2007)’—

omit, insert—

(2011)

- (5) Schedule 1, part 2, entry for AS 2885, column 1—

omit, insert—

AS 2885 ‘Pipelines—gas and liquid petroleum’ Part 0 ‘General Requirements’ (2008) Part 1 ‘Design and construction’ (2012) Part 2 ‘Welding’ (2007) Part 3 ‘Operation and maintenance’ (2012) Part 4 ‘Offshore submarine pipeline systems’ (2010) Part 5 ‘Field pressure testing’ (2012)

- (6) Schedule 1, part 5, entry for AS 61508, column 1—

omit, insert—

[s 53]

AS 61508 'Functional safety of electrical / electronic / programmable electronic safety-related systems' Part 0 'Functional safety and AS61508' (2006) Part 1 'General requirements' (2011) Part 2 'Requirements for electrical / electronic / programmable electronic safety-related systems' (2011) Part 3 'Software requirements' (2011) Part 4 'Definitions and abbreviations' (2011) Part 5 'Examples of methods for the determination of safety integrity levels' (2011) Part 6 'Guidelines on the application of AS 61508.2 and AS 61508.3' (2011) Part 7 'Overview of techniques and measures' (2011)

- (7) Schedule 1, part 6, entry for AS 1210 'Pressure vessels' (1997), column 1, '(1997)'—

omit, insert—

(2010)

- (8) Schedule 1, part 6, entry for AS/NZS 60079 'Explosive atmospheres', column 1—

omit, insert—

AS/NZS 60079 'Explosive atmospheres' Part 0 'Equipment—General requirements' (2012) Part 10.1 'Classification of areas—Explosive gas atmospheres' (2009)

- (9) Schedule 1, part 6—

insert—

AS 2885 ‘Pipelines—gas and liquid petroleum’ Part 0 ‘General Requirements’ (2008) Part 1 ‘Design and construction’ (2012) Part 2 ‘Welding’ (2007) Part 3 ‘Operation and maintenance’ (2012) Part 4 ‘Offshore submarine pipeline systems’ (2010) Part 5 ‘Field pressure testing’ (2002)	a stated pipeline licence incidental activity to which the standard applies	mandatory
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54 Amendment of sch 12 (Dictionary)

Schedule 12, definitions *affected aquifer*, *impact report* and
prediction period—
omit.

ENDNOTES

- 1 Made by the Governor in Council on 28 March 2013.
- 2 Notified in the gazette on 28 March 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources and Mines.