



Queensland

Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016

Subordinate Legislation 2016 No. 170

made under the

Mineral and Energy Resources (Common Provisions) Act 2014

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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.

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

- (1) This section applies if—
 - (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

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- (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
 - (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.

Schedule 1 Dictionary

section 4

commencement means the commencement of the Act, chapter 3.

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

ENDNOTES

- 1 Made by the Governor in Council on 22 September 2016.
- 2 Notified on the Queensland legislation website on 23 September 2016.
- 3 The administering agency is the Department of Natural Resources and Mines.

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