Queensland

Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation (No. 1) 2017

Subordinate Legislation 2017 No. 32

made under the

Mineral and Energy Resources (Common Provisions) Act 2014

Contents

1 Short title

This regulation may be cited as the *Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation (No. 1) 2017*.

2 Commencement

This regulation is taken to have commenced on 27 September 2016.

3 Regulation amended

This regulation amends the *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016*.

4 Insertion of new pt 1, hdg

Before section 1—

insert—

Part 1 Preliminary

5 Insertion of new pt 2, hdg

After section 4—

insert—

Part 2 Land access

6 Insertion of new ss 6A–6C, pt 3, hdg and s 6D

After section 6—

insert—

6A Land access requirements for particular applications under Mineral Resources Act not decided before commencement

(1) This section applies if—

(a) before the commencement, a person applied for a prospecting permit, exploration permit or mineral development licence under the pre-amended Mineral Resources Act; and

(b) the prospecting permit, exploration permit or mineral development licence is granted after the commencement; and

(c) if the permit or licence had been granted under the pre-amended Mineral Resources Act—the holder of the permit or licence would have been permitted under section 19(4), 129(3) or 181(8) of that Act to enter, or enter the surface of, restricted land only with the written consent of the owner of the land where the relevant permanent building or relevant feature, was situated.

(2) The pre-amended Mineral Resources Act continues to apply in relation to entry to the restricted land as if—

(a) the new restricted land entry provisions had not commenced; and

(b) the Mineral Resources Act, sections 19, 20, 129 and 181, and schedule 2, definitions *restricted land*, *restricted land (category A)* and *restricted land (category B)* had not been repealed.

6B Land access requirements for particular applications under Geothermal Act not decided before commencement

(1) This section applies if—

(a) before the commencement, a person applied for a geothermal tenure under the pre-amended Geothermal Act; and

(b) the geothermal tenure is granted after the commencement; and

(c) if the geothermal tenure had been granted under the pre-amended Geothermal Act, an authorised activity for the geothermal tenure—

(i) would have been permitted, under the pre-amended Geothermal Act, section 358(2), to be carried out on land within 300m laterally of a permanent building mentioned in section 358(2) of that Act only with the written consent of the owner or occupier of the building; or

(ii) would have been permitted, under the pre-amended Geothermal Act, section 358(3), to be carried out on land within 50m laterally of a thing mentioned in section 358(3) of that Act only with the written consent of the owner or occupier of the thing.

(2) The pre-amended Geothermal Act continues to apply in relation to entry to the land as if—

(a) the new restricted land entry provisions had not commenced; and

(b) the Geothermal Act, section 358 had not been repealed.

(3) In this section—

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

6C Land access requirements for relevant resource authorities applied for before commencement

(1) This section applies if—

(a) before the commencement, a person applied for a relevant resource authority; and

(b) the relevant resource authority was granted before the commencement or is granted after the commencement.

(2) The new restricted land entry provisions do not apply in relation to the relevant resource authority.

(3) In this section—

relevant resource authority means—

(a) a mining claim or a mining lease under the Mineral Resources Act; or

(b) a resource authority under the P&G Act; or

(c) a lease under the 1923 Act; or

(d) a resource authority under the Greenhouse Gas Act.

Part 3 Overlapping coal and petroleum resource authorities

6D Petroleum production notice and information exchange obligations for preferred tenderer

(1) This section makes further provision for the matters mentioned in sections 141 and 154 of the Act.

(2) This section applies if—

(a) the Minister publishes a call for tenders for a petroleum lease under the P&G Act, section 127; and

(b) the Minister appoints a preferred tenderer on the tenders made in response to the call.

(3) For applying the requirements under sections 141 and 154 of the Act—

(a) the only PL holder required to give a petroleum production notice to a coal resource authority holder under section 141(1) of the Act is a PL holder appointed under the P&G Act, chapter 2, part 2, division 3, subdivision 3 as preferred tenderer; and

(b) a PL holder mentioned in paragraph (a) complies with section 141(2) of the Act if the PL holder gives the petroleum production notice to the coal resource authority holder within 10 business days after the PL holder is appointed as preferred tenderer; and

(c) a PL holder mentioned in paragraph (a) complies with section 154(3)(a) of the Act if the PL holder gives the information required to be given under section 154 of the Act within 20 business days after the PL holder gives the petroleum production notice to the coal resource authority holder; and

(d) a coal resource authority holder given a petroleum production notice under paragraph (b) complies with section 154(3)(a) of the Act if the coal resource authority holder gives the information required to be given under section 154 of the Act within 20 business days after the coal resource authority holder is given the petroleum production notice.

7 Amendment of s 8 (Arrangement made in relation to application for ML (coal) and application for PL both undecided before commencement)

Section 8(10), definition *pre-amended P&G Act*—

omit.

8 Insertion of new pt 4

After section 8—

insert—

Part 4 Joint interaction management plans for overlapping areas

9 Requirement for joint interaction management plan under P&G Act

(1) This section applies in relation to an operating plant, area or activity mentioned in the P&G Act, section 990(1) if, on 27 March 2017, a joint interaction management plan has not been made under the P&G Act, section 705B in relation to the operating plant, area or activity.

(2) The principal hazard management plan applying in relation to the operating plant, area or activity is taken to be a joint interaction management plan for the purposes of the P&G Act, section 705B(1)(a).

(3) Subsection (2) applies until a joint interaction management plan is made under the P&G Act, section 705B in relation to the operating plant, area or activity.

(4) The operator of an authorised activities operating plant responsible for making the joint interaction management plan must—

(a) make reasonable attempts to consult with the site senior executive, as mentioned in the P&G Act, section 705B(1)(b)(i), before 27 May 2017; and

(b) if the operator seeks to rely on the P&G Act, section 705B(2)—give the site senior executive a proposed plan, as mentioned in that subsection, before 27 May 2017.

(5) In this section—

overlapping area see the P&G Act, section 705(a).

principal hazard management plan, applying in relation to an operating plant, area or activity, means—

(a) if a principal hazard management plan applying in relation to the operating plant, area or activity has been made under the pre-amended P&G Act, section 705A—the principal hazard management plan; or

(b) otherwise—the part of the safety management system under the P&G Act applying in relation to the operating plant, area or activity that deals with hazards and risks relating to carrying out activities in an overlapping area.

10 Requirement for joint interaction management plan under Mineral Resources Regulation 2013

(1) This section applies in relation to coal mining operations mentioned in the *Mineral Resources Regulation 2013*, section 111(1) if, on 27 March 2017, a joint interaction management plan has not been made under the *Mineral Resources Regulation 2013*, section 25 in relation to the coal mining operations.

(2) The plan mentioned in the *Mineral Resources Regulation 2013*, section 111(2) made in relation to the coal mining operations is taken to be a joint interaction management plan for the purposes of the *Mineral Resources Regulation 2013*, section 25(1)(a).

(3) Subsection (2) applies until a joint interaction management plan is made under the *Mineral Resources Regulation 2013*, section 25 for the coal mining operations.

(4) The holder of the coal mining lease responsible for making the joint interaction management plan must—

(a) make reasonable attempts to consult with the operator of each authorised activities operating plant, as mentioned in the *Mineral Resources Regulation 2013*, section 25(1)(b)(i), before 27 May 2017; and

(b) if the holder seeks to rely on the *Mineral Resources Regulation 2013*, section 25(2)—give the operator of each authorised activities operating plant a copy of the proposed plan, as mentioned in that subsection, before 27 May 2017.

11 Requirement for joint interaction management plan under Coal Mining Safety and Health Act 1999

(1) This section applies if, on 27 March 2017, a joint interaction management plan has not been made under the *Coal Mining Safety and Health Act 1999*, section 64E in relation to the coal mining operations—

(a) mentioned in the *Coal Mining Safety and Health Act 1999*, section 303(2); or

(b) carried out in an overlapping area the subject of a mining lease (coal) if an activity for an authority to prospect (csg) is also carried out in the overlapping area.

(2) The overlapping safety plan applying in relation to the coal mining operations is taken to be a joint interaction management plan for the purposes of the *Coal Mining Safety and Health Act 1999*, section 64E(1)(a).

(3) Subsection (2) applies until a joint interaction management plan is made under the *Coal Mining Safety and Health Act 1999*, section 64E for the

coal mining operations.

(4) The site senior executive of the coal mine responsible for making the joint interaction management plan must—

(a) make reasonable attempts to consult with the operator of each authorised activities operating plant, as mentioned in the *Coal Mining Safety and Health Act 1999*, section 64E(1)(b)(i), before 27 May 2017; and

(b) if the site senior executive seeks to rely on the *Coal Mining Safety and Health Act 1999*, section 64E(2)—give the operator of each authorised activities operating plant a copy of the proposed plan, as mentioned in that subsection, before 27 May 2017.

(5) In this section—

overlapping area see section 104 of the Act.

overlapping safety plan, applying in relation to coal mining operations, means the part of the safety and health management system under the *Coal Mining Safety and Health Act 1999* applying in relation to the coal mining operations that deals with hazards and risks relating to carrying out activities in an overlapping area.

9 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

new restricted land entry provisions means chapter 3, part 4 of the Act.

pre-amended P&G Act means the P&G Act as in force immediately before the commencement.

ENDNOTES

1 Made by the Governor in Council on 9 March 2017.

2 Notified on the Queensland legislation website on 10 March 2017.

3 The administering agency is the Department of Natural Resources and Mines.