

Laid before the Legislative Assembly on 12 May 2008

Record of Proceedings (Hansard 13 May 2008)

Clean Energy Bill 2008

Erratum to Explanatory Notes

Title of the Bill

Clean Energy Bill 2008

Reasons for Erratum

The erratum is necessary to ensure the explanatory notes accurately reflect the provisions of the Bill and to clearly explain the tenure processes for underground coal gasification.

Notes on Provisions

Clause 86 Amendment of s 137 (Grant of exploration permit)

The fifth paragraph reads ‘Where there is more than one application in an area of land and one of the applications has been granted, any remaining applications over the subject land will be rejected. Where only part of the area is within the subject land, the Minister will only reject that part.’

This paragraph refers to a proposed sub-subsection of section 137 which is not in the Bill. The paragraph should therefore be omitted from the explanatory notes.

Clause 95 Amendment of s 232 (Land subject to mining lease)

This section reads:

‘Clause 95 also relates to the tenure processes for underground coal gasification.

To proceed to any production using underground coal gasification technology, in all instances it will be necessary to hold a mineral development licence that also includes the mineral “f” before obtaining a mining lease.

For example, where the holder of a mineral development licence has conducted a trial burn on the mineral development licence and the mineral development licence is a concurrent tenure with an exploration permit held by the same person, the person must apply for and be granted a mineral development licence over that concurrent exploration permit and must also apply to include the mineral “f” in that mineral development licence to enable that person to further apply for a mining lease to produce using underground coal seam technology.’

This section should read:

‘Clause 95 also relates to the tenure processes for underground coal gasification.

For a person to proceed to any production using underground coal gasification technology, in all instances it will be necessary for the person to hold a mineral development licence that includes the mineral “f” before obtaining a mining lease. It is the intention of the amendment to prevent the holder of an exploration permit for coal from applying for a mining lease for underground coal gasification without first holding a mineral development licence that includes the mineral “f”.

For example, where the holder of a mineral development licence (that includes the mineral “f”) has conducted a trial burn on the mineral development licence and the mineral development licence abuts an exploration permit held by the same person, this holder may only apply for and be granted, a mining lease over the area of the mineral development licence, and not the whole area of the mineral development licence and the exploration permit.

If exploration under the exploration permit and the trial burn conducted on the mineral development licence indicate that the feedstock resource to obtain the mineral “f” extends into the area of the exploration permit and is also suitable for underground gasification, the holder would be required to

apply for another mineral development licence over the area of the resource within the exploration permit, and then apply to the Minister to have the mineral “f” added into the mineral development licence. If and when this application is approved, the holder may then use the two mineral development licences to apply for a single mining lease to produce the mineral “f” using underground gasification technology.’

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