

Queensland



**CENTRAL QUEENSLAND  
COAL ASSOCIATES  
AGREEMENT AMENDMENT  
BILL 1997**



Queensland



**CENTRAL QUEENSLAND COAL  
ASSOCIATES AGREEMENT  
AMENDMENT BILL 1997**

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**1997**

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**A BILL**

**FOR**

***An Act to amend the Central Queensland Coal Associates Agreement  
Act 1968***

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Amendment*

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**The Parliament of Queensland enacts—**

1

**Short title**

2

Clause **1.** This Act may be cited as the *Central Queensland Coal Associates Agreement Amendment Act 1997*.

3

4

**Commencement**

5

Clause **2.** This Act commences on 1 January 1998.

6

**Act amended**

7

Clause **3.** This Act amends the *Central Queensland Coal Associates Agreement Act 1968*.

8

9

**Amendment of s 2 (Execution of agreement authorised)**

10

Clause **4.** Section 2, from ‘(herein with’ to ‘the schedule’—

11

*omit, insert—*

12

‘the agreement, a copy of which is set out in schedule 1’.

13

**Amendment of s 4 (Variation of agreement)**

14

Clause **5.(1)** Section 4(1), from ‘Premier’ to ‘order in council’—

15

*omit, insert—*

16

‘parties to the agreement under the authority of any Act’.

17

**(2)** Section 4(3), from ‘unless and until’ to ‘section 5(4)’—

18

*omit.*

19

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	<b>Amendment of s 5 (Proclamations and orders in council)</b>	1
Clause	<b>6.(1)</b> Section 5(1), from ‘from time to time’ to ‘orders in council’—	2
	<i>omit, insert—</i>	3
	‘make regulations’.	4
	<b>(2)</b> Section 5(2) to (4)—	5
	<i>omit, insert—</i>	6
	‘(2) A proclamation or order in council made under subsection (1) is subordinate legislation.’.	7 8
	<b>Insertion of new s 6</b>	9
Clause	<b>7.</b> After section 5—	10
	<i>insert—</i>	11
	<b>‘Making of agreement authorised</b>	12
	‘ <b>6.(1)</b> The Premier is authorised, for the State, to make an agreement with the parties named in the agreement in schedule 2.	13 14
	‘ <b>(2)</b> The agreement must be substantially in the form set out in schedule 2.	15 16
	‘ <b>(3)</b> After the agreement in schedule 2 is made, the Premier is authorised, for the State, to make an agreement with the parties named in the agreement in schedule 3.	17 18 19
	‘ <b>(4)</b> The agreement must be substantially in the form set out in schedule 3.	20 21
	‘ <b>(5)</b> The Premier must notify the date of the making of each agreement by gazette notice.’.	22 23

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	<b>Amendment of schedule</b>	1
Clause	<b>8.</b> Schedule, heading—	2
	<i>omit, insert—</i>	3
	<b>‘SCHEDULE 1</b>	4
	<b>‘THE AGREEMENT’.</b>	5
	<b>Insertion of new schs 2 and 3</b>	6
Clause	<b>9.</b> After schedule 1 (as renumbered)—	7
	<i>insert—</i>	8
	<b>‘SCHEDULE 2</b>	9
	<b>‘CENTRAL QUEENSLAND COAL ASSOCIATES</b>	10
	<b>AMENDMENT AGREEMENT 1997</b>	11
	section 6	12
	<b>AN AGREEMENT</b> made the                      day of                      199	13
	<b>BETWEEN: THE STATE OF QUEENSLAND</b>	14
<b>AND:</b>	<b>BHP COAL PTY LTD</b> (ACN 010 595 721), a company	15
	duly incorporated according to law and having its registered	16
	office at Level 13, Riverside Centre, 123 Eagle Street,	17
	Brisbane, Queensland	18
	<b>MITSUBISHI DEVELOPMENT PTY LTD</b> (ACN 009	19
	779 873), a company duly incorporated according to law and	20
	having its registered office at Level 22, Riverside Centre,	21
	123 Eagle Street, Brisbane, Queensland	22



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<b>AUSTRALIAN MUTUAL PROVIDENT SOCIETY</b>	1
(ARBN 008 387 371), a body corporate duly constituted	2
according to law having its principal office at A.M.P. Place,	3
10 Eagle Street, Brisbane, Queensland	4
<b>UMAL CONSOLIDATED PTY LTD</b> (ACN 000 767	5
386), a company duly incorporated according to law and	6
having its registered office at Level 13, Riverside Centre,	7
123 Eagle Street, Brisbane, Queensland	8
<b>BHP QUEENSLAND COAL LIMITED</b> (ARBN 010	9
506 073), a company duly incorporated according to law and	10
having its registered office at Level 13, Riverside Centre,	11
123 Eagle Street, Brisbane, Queensland	12
<b>QCT INVESTMENT PTY LTD</b> (ACN 010 487 831), a	13
company duly incorporated according to law and having its	14
registered office at 8th Floor, 410 Queen Street, Brisbane,	15
Queensland	16
<b>QCT MINING PTY LTD</b> (ACN 010 487 840), a	17
company duly incorporated according to law and having its	18
registered office at 8th Floor, 410 Queen Street, Brisbane,	19
Queensland.	20
<b>QCT RESOURCES LIMITED</b> (ACN 010 808 705), a	21
company duly incorporated according to law and having its	22
registered office at 10th Floor, 307 Queen Street, Brisbane,	23
Queensland	24
<b>Agreement amended</b>	25
<b>1.</b> This Agreement amends the Central Queensland Coal Associates	26
Agreement 1969 under the <i>Central Queensland Coal Associates Agreement</i>	27
<i>Act 1968.</i>	28
<b>Replacement of pt I, cl 1</b>	29
<b>2.</b> Part I, clause 1—	30
<i>omit, insert—</i>	31

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**‘PART 1—PRELIMINARY**

‘1. This Agreement is divided into the following parts—	1
PART I—PRELIMINARY	2
PART III—SPECIAL COAL MINING LEASES	3
PART V—PROVISIONS RELATING TO HARBOUR AND WORKS	4
PART VI—PROVISIONS RELATING TO LOCAL GOVERNMENT	5
PART VII—WATER FOR AND IN CONNECTION WITH MINING OPERATIONS	6
PART VIIA—DIVERSION OF ISAAC RIVER AND CERTAIN TRIBUTARIES	7
PART VIII—PROVISIONS RELATING TO LANDS (INCLUDING BRIGALOW LANDS)	8
PART IX—GENERAL’.	9
<b>Amendment of pt I, cl 2</b>	10
3.(1) Part I, clause 2, definitions “ <b>Authority to Prospect No. 6C</b> ”, “ <b>The Authority to Prospect</b> ”, “ <b>The Harbours Acts</b> ”, “ <b>The Land Acts</b> ”, “ <b>The Local Government Acts</b> ”, “ <b>The Minister</b> ”, “ <b>The Railways Acts</b> ” and “ <b>The Water Acts</b> ”—	11
<i>omit.</i>	12
(2) Part I, clause 2—	13
<i>insert—</i>	14
‘ <b>“coking coal”</b> means coal that can be used to manufacture coke.	15
<b>“Companies”</b> means—	16
(a) BHP Coal Pty Ltd; and	17
(b) Mitsubishi Development Pty Ltd; and	18

*Central Queensland Coal Associates Agreement  
Amendment*

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(c) Australian Mutual Provident Society; and	1
(d) Umal Consolidated Pty Ltd; and	2
(e) BHP Queensland Coal Limited; and	3
(f) QCT Investment Pty Ltd; and	4
(g) QCT Mining Pty Ltd; and	5
(h) QCT Resources Limited.	6
<b>“Harbours Acts”</b> means the <i>Transport Infrastructure Act 1994</i> .	7
<b>“Initial Expiry Date”</b> means 31 December 2010.	8
<b>“Land Acts”</b> means the <i>Land Act 1994</i> .	9
<b>“Local Government Acts”</b> means the <i>Local Government Act 1993</i> .	10
<b>“Minister”</b> means—	11
(a) for Part III—the Minister administering Part III of the Act; or	12
(b) otherwise—the Premier of Queensland.	13
<b>“Railways Acts”</b> means the <i>Transport Infrastructure Act 1994</i> .	14
<b>“Special Coal Mining Lease”</b> —	15
(a) means a Special Coal Mining Lease granted, under the Coal Mining Acts, in accordance with this Agreement; but	16 17
(b) does not include a Special Coal Mining Lease granted in accordance with Part III, Clause 25.	18 19
<b>“Water Acts”</b> means the <i>Water Resources Act 1989</i> .’.	20
 <b>Amendment of pt I, cl 4</b>	 21
<b>4.</b> Part I, clause 4—	22
<i>insert—</i>	23
‘(2) This clause expires on 31 December 2002.’.	24

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Amendment*

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<b>Amendment of pt I, cl 5</b>	1
5. Part I, clause 5, ‘or with the approval of the Governor in Council by Order in Council’—	2 3
<i>omit.</i>	4
<b>Omission of pt I, cl 6</b>	5
6. Part I, clause 6—	6
<i>omit.</i>	7
<b>Omission of pt II</b>	8
7. Part II—	9
<i>omit.</i>	10
<b>Amendment of pt III, cl 5</b>	11
8.(1) Part III, clause 5(1)(a) and (b), ‘export from the State’—	12
<i>omit, insert—</i>	13
‘sell, or otherwise dispose of,’.	14
(2) Part III, clause 5(1), eighth paragraph, second sentence, ‘coking coal recovered from the Special Coal Mining Leases’—	15 16
<i>omit, insert—</i>	17
‘coal recovered from the Special Coal Mining Leases, and sold or otherwise disposed of,’.	18 19
(3) Part III, clause 5(1), ninth paragraph, ‘export’—	20
<i>omit, insert—</i>	21
‘sell, or otherwise dispose of,’.	22
(4) Part III, clause 5(1), tenth paragraph, from ‘for the purpose’ to ‘coking’—	23 24
<i>omit, insert—</i>	25

*Central Queensland Coal Associates Agreement  
Amendment*

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‘such further quantities of’.	1
(5) Part III, clause 5(2), fourth paragraph, ‘five hundredths per centum (0.50%)’—	2
omit, insert—	3
omit, insert—	4
‘0.05%’.	5
<b>Amendment of pt III, cl 7</b>	6
9.(1) Part III, clause 7(1), ‘the Initial Expiry Date—	7
omit, insert—	8
‘31 December 1997’.	9
(2) Part III, clause 7—	10
insert—	11
‘(1A) From 1 January 1998 until the 31 December 2010, the Companies must pay an annual rent of—	12
(a) for land leased under Special Coal Mining Lease 1763—\$1 for each acre of land; and	13
(b) for land leased under Special Coal Mining Leases 1775, 1781 and 1782—\$15 for each hectare of land.’.	14
(3) Part III, clause 7(2), from ‘such rent’ to ‘Coal Mining Acts’—	15
omit, insert—	16
‘the rent prescribed under the <i>Mineral Resources Act 1989</i> ’.	17
‘the rent prescribed under the <i>Mineral Resources Act 1989</i> ’.	18
<b>Amendment of pt III, cl 9</b>	19
10. Part III, clause 9(d), from ‘a fine’ to ‘such fine’—	20
omit, insert—	21
‘the penalty prescribed under the <i>Mineral Resources Act 1989</i> and if the penalty is not paid’.	22
	23
	24
	25

Central Queensland Coal Associates Agreement  
Amendment

**Omission of pt III, cls 10, 11, 13–18 and 20–24** 1

**11.** Part III, clauses 10,11, 13 to 18 and 20 to 24— 2

*omit.* 3

**SIGNED** by ) 4

**PREMIER OF THE STATE OF** ) 5

**QUEENSLAND, FOR THE STATE** ) ..... 6

in the presence of: 7

..... 8

..... 9

Witness 10

**SIGNED** by ) 11

a duly constituted Attorney of ) 12

**BHP COAL PTY LTD** ) ..... 13

in the presence of: ) 14

..... 15

..... 16

Witness 17

**SIGNED** by ) 18

a duly constituted Attorney of ) 19

**MITSUBISHI DEVELOPMENT PTY LTD** ) ..... 20

in the presence of: 21

..... 22

..... 23

Witness 24

Central Queensland Coal Associates Agreement  
Amendment

**SIGNED** by ) 1  
 a duly constituted Attorney of ) 2  
**AUSTRALIAN MUTUAL PROVIDENT** ) ..... 3  
**SOCIETY** ) 4  
 in the presence of: 5  
 ..... 6  
 Witness 7  
 ..... 8

**SIGNED** by ) 9  
 a duly constituted Attorney of ) 10  
**UMAL CONSOLIDATED PTY LTD** ) ..... 11  
 in the presence of: 12  
 ..... 13  
 Witness 14  
 ..... 15

**SIGNED** by ) 16  
 a duly constituted Attorney of ) 17  
**BHP QUEENSLAND COAL LIMITED** ) ..... 18  
 in the presence of: 19  
 ..... 20  
 Witness 21  
 ..... 22

**SIGNED** by ) 23  
 a duly constituted Attorney of ) 24  
**QCT INVESTMENT PTY LTD** ) ..... 25  
 in the presence of: 26  
 ..... 27  
 Witness 28  
 ..... 29

*Central Queensland Coal Associates Agreement  
Amendment*

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<b>SIGNED</b> by	)	1
a duly constituted Attorney of	)	2
<b>QCT MINING PTY LTD</b>	) .....	3
in the presence of:		4

.....		6
Witness		7

<b>SIGNED</b> by	)	8
a duly constituted Attorney of	)	9
<b>QCT RESOURCES LIMITED</b>	) .....	10
in the presence of:		11

.....		13
Witness		14





*Central Queensland Coal Associates Agreement  
Amendment*

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Queensland	1
<b>QCT MINING PTY LTD</b> (ACN 010 487 840), a company duly incorporated according to law and having its registered office at 8th Floor, 410 Queen Street, Brisbane, Queensland	2 3 4 5
<b>QCT RESOURCES LIMITED</b> (ACN 010 808 705), a company duly incorporated according to law and having its registered office at 10th Floor, 307 Queen Street, Brisbane, Queensland	6 7 8 9
<b>QCT MANAGEMENT LIMITED</b> (ACN 010 472 036), a company duly incorporated according to law and having its registered office at 10th Floor, 307 Queen Street, Brisbane, Queensland	10 11 12 13
<b>Agreement amended</b>	14
1. This Agreement amends the Central Queensland Coal Associates Agreement 1969 under the <i>Central Queensland Coal Associates Agreement Act 1968</i> .	15 16 17
<b>Amendment of pt I, cl 2</b>	18
2. Part I, clause 2, definition “ <b>Companies</b> ”— <i>omit, insert—</i>	19 20
“ <b>Companies</b> ” means—	21
(a) BHP Coal Pty Ltd; and	22
(b) Mitsubishi Development Pty Ltd; and	23
(c) Umal Consolidated Pty Ltd; and	24
(d) BHP Queensland Coal Limited; and	25
(e) QCT Investment Pty Ltd; and	26
(f) QCT Mining Pty Ltd; and	27
(g) QCT Management Limited.’.	28

Central Queensland Coal Associates Agreement  
Amendment

**Amendment of pt IX, cls 11 and 12**

3. Part IX, clauses 11 and 12, from ‘thirty eight point three seven per centum (38.37%)’ to ‘QCT Resources Limited.’—

*omit, insert—*

‘42.85% as to BHP Coal Pty Ltd, 15.53% as to Mitsubishi Development Pty Ltd, 0.75% as to Umal Consolidated Pty Ltd, 8.50% as to BHP Queensland Coal Limited, 12% as to QCT Investment Pty Ltd, 15.78% as to QCT Mining Pty Ltd and 4.59% as to QCT Management Limited.’

**SIGNED** by )  
**PREMIER OF THE STATE OF** )  
**QUEENSLAND, FOR THE STATE** ) .....  
in the presence of: )

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**BHP COAL PTY LTD** ) .....  
in the presence of: )

.....  
Witness

**SIGNED** by )  
a duly constituted Attorney of )  
**MITSUBISHI DEVELOPMENT PTY LTD** ) .....  
in the presence of: )

.....  
Witness

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Central Queensland Coal Associates Agreement  
Amendment

**SIGNED** by ) 1  
a duly constituted Attorney of ) 2  
**AUSTRALIAN MUTUAL PROVIDENT** ) ..... 3  
**SOCIETY** ) 4  
in the presence of: 5  
..... 6  
..... 7  
Witness 8

**SIGNED** by ) 9  
a duly constituted Attorney of ) 10  
**UMAL CONSOLIDATED PTY LTD** ) ..... 11  
in the presence of: 12  
..... 13  
..... 14  
Witness 15

**SIGNED** by ) 16  
a duly constituted Attorney of ) 17  
**BHP QUEENSLAND COAL LIMITED** ) ..... 18  
in the presence of: 19  
..... 20  
..... 21  
Witness 22

**SIGNED** by ) 23  
a duly constituted Attorney of ) 24  
**QCT INVESTMENT PTY LTD** ) ..... 25  
in the presence of: 26  
..... 27  
..... 28  
Witness 29

*Central Queensland Coal Associates Agreement  
Amendment*

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<b>SIGNED</b> by	)	1
a duly constituted Attorney of	)	2
<b>QCT MINING PTY LTD</b>	) .....	3
in the presence of:		4

.....		6
Witness		7

<b>SIGNED</b> by	)	8
a duly constituted Attorney of	)	9
<b>QCT RESOURCES LIMITED</b>	) .....	10
in the presence of:		11

.....		13
Witness		14

<b>SIGNED</b> by	)	15
a duly constituted Attorney of	)	16
<b>QCT MANAGEMENT LIMITED</b>	) .....	17
in the presence of:		18

.....		20
Witness'.		21