

Queensland



MINERAL RESOURCES AMENDMENT BILL 1998

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**MINERAL RESOURCES AMENDMENT
BILL 1998**

TABLE OF PROVISIONS

Section	Page
1	Short title 4
2	Act amended 4
3	Amendment of s 5 (Definitions) 4
4	Amendment of s 194 (Conditions of mineral development licence) 4
5	Insertion of new s 194A 4
	194A Land Court's jurisdiction for At Risk agreement 5
6	Amendment of s 276 (Conditions of mining leases) 5
7	Insertion of new s 278A 6
	278A Land Court's jurisdiction for At Risk agreement 6
8	Insertion of new part 7

PART 12—FURTHER TRANSITIONAL PROVISIONS

1998

A BILL

FOR

An Act to amend the Mineral Resources Act 1989

*Mineral Resources Amendment***The Parliament of Queensland enacts—**

1

Short title

2

Clause 1. This Act may be cited as the *Mineral Resources Amendment Act 1998*.

3

Act amended

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Clause 2. This Act amends the *Mineral Resources Act 1989*.

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Amendment of s 5 (Definitions)

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Clause 3. Section 5—

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insert—

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‘**“At Risk agreement”** means the document called the ‘At Risk’ agreement endorsed by Cabinet on 5 April 1988, and that document as amended and endorsed by Cabinet from time to time.’

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Amendment of s 194 (Conditions of mineral development licence)

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Clause 4. Section 194—

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insert—

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‘(6) A mineral development licence granted after the commencement of the *Mineral Resources Amendment Act 1998* is subject to a condition that the holder comply with the At Risk agreement.’

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Insertion of new s 194A

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Clause 5. After section 194—

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insert—

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¹ A copy of the agreement is available from the department’s offices at 61 Mary Street, Brisbane.

Mineral Resources Amendment

‘Land Court’s jurisdiction for At Risk agreement	1
‘194A.(1) The Land Court has jurisdiction to hear and decide a proceeding about the following matters under a condition of a mineral development licence requiring compliance with the At Risk agreement—	2 3 4
(a) whether hardship, as defined under the agreement, exists;	5
(b) the fair market value of a property for the purposes of the agreement.	6 7
‘(2) A proceeding under subsection (1)(a) is to be by way of review of a decision of the committee unaffected by the committee’s decision other than as provided by subsection (3).	8 9 10
‘(3) In a proceeding under subsection (1)(a), the Land Court must consider the following matters—	11 12
(a) the evidence considered by the committee in reaching its decision;	13
(b) the conclusions reached by the committee in its decision.	14
‘(4) In a proceeding, a copy of the agreement as at a particular date, certified as a true copy by the chief executive, is admissible as evidence of the agreement at that date until the contrary is proved.	15 16 17
‘(5) Despite the <i>Limitations of Actions Act 1974</i> , a proceeding must start—	18 19
(a) for a matter that arose before the commencement of this section—within 1 year after the commencement; or	20 21
(b) for a matter that arose after the commencement of this section—within 1 year after the committee makes its decision about whether hardship, as defined under the agreement, exists.	22 23 24
‘(6) In this section—	25
“committee” means the committee mentioned in the At Risk agreement.’.	26
 Amendment of s 276 (Conditions of mining leases)	 27
Clause 6. Section 276—	28
<i>insert—</i>	29
‘(5) A mining lease granted after the commencement of the <i>Mineral</i>	30

Mineral Resources Amendment

Resources Amendment Act 1998 is subject to a condition that the holder comply with the At Risk agreement.’. 1
2

Insertion of new s 278A 3

Clause 7. After section 278— 4

insert— 5

‘Land Court’s jurisdiction for At Risk agreement 6

‘**278A.(1)** The Land Court has jurisdiction to hear and decide a proceeding about the following matters under a condition of a mining lease requiring compliance with the At Risk agreement— 7
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(a) whether hardship, as defined under the agreement, exists; 10

(b) the fair market value of a property for the purposes of the agreement. 11
12

‘**(2)** A proceeding under subsection (1)(a) is to be by way of review of a decision of the committee unaffected by the committee’s decision other than as provided by subsection (3). 13
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‘**(3)** In a proceeding under subsection (1)(a), the Land Court must consider the following matters— 16
17

(a) the evidence considered by the committee in reaching its decision; 18

(b) the conclusions reached by the committee in its decision. 19

‘**(4)** In a proceeding, a copy of the agreement as at a particular date, certified as a true copy by the chief executive, is admissible as evidence of the agreement at that date until the contrary is proved. 20
21
22

‘**(5)** Despite the *Limitations of Actions Act 1974*, a proceeding must start— 23
24

(a) for a matter that arose before the commencement of this section—within 1 year after the commencement; or 25
26

(b) for a matter that arose after the commencement of this section—within 1 year after the committee makes its decision about whether hardship, as defined under the agreement, exists. 27
28
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Mineral Resources Amendment

‘(6) In this section—
 “committee” means the committee mentioned in the At Risk agreement.’.

Insertion of new part

Clause **8.** After part 11—

insert—

‘PART 12—FURTHER TRANSITIONAL PROVISIONS**‘At Risk agreement conditions**

‘419.(1) This section applies to the following—

(a) a mining lease granted under the repealed *Mining Act 1968*,
 No. 51;

(b) a mineral development licence or mining lease granted before the
 commencement of the *Mineral Resources Amendment Act 1998*.

‘(2) To remove doubt, a condition contained in the licence or lease
 requiring the holder to comply with the At Risk agreement is and always
 was a valid condition.’.