

Mineral Resources (Peak Downs Mine) Amendment Bill 2008

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Geoff Wilson MP

Title of the Bill

Mineral Resources (Peak Downs Mine) Amendment Bill 2008

Objectives of the Amendments

The objectives of the amendments are to ensure the objectives of the Bill are achieved through ensuring—

- the long-standing tenure dispute between Queensland Coal Associates (CQC Associates) and BHP Mitsubishi Alliance Coal Operations Pty Ltd (BMA) and Cherwell Creek Coal Pty Ltd (Cherwell Creek) is resolved; and
- the current and future operations of the Peak Downs Coal Mine are secured.

Consistency with Fundamental Legislative Principles

The proposed **amendments raise** no further **issues related** to fundamental legislative principles.

Consultation

Subsequent to introduction of the *Mineral Resources (Peak Downs Mine) Amendment Bill 2008* in to Parliament, both BMA and Cherwell Creek made representations to the Department of Mines and Energy about possible amendments to the Bill. BMA and Cherwell Creek have generally been consulted in relation to the proposed amendments to the Bill that have been made as a result of their representations.

Notes on Provisions

Amendment 1 amends clause 3 of the Bill by replacing proposed section 722B with a new section 722B that renews EPC545 in relation to the land not affected by the dispute between CQC, BMA and Cherwell Creek. The new provision ensures the objective achieved is the same as that proposed by the original section 722B, in that EPC545 will no longer apply over the areas of the dispute. But under the new provision Cherwell Creek will retain entitlements under a renewed EPC545 in relation to those areas not the subject of the dispute or the future Peak Downs Mine expansion.

Amendment 2 amends clause 3 of the Bill by amending the heading to proposed section 722D to correctly reflect technical language.

Amendment 3 amends clause 3 of the Bill by amending subsection (1) of proposed section 722D to ensure that no party will be able to apply for any form of mining tenure over the land prescribed in the section during the prescribed period, other than BMA.

Amendment 4 is a technical amendment made as a result of amendment 2 that amends clause 3 of the Bill by amending subsection (2) of proposed section 722D.

Amendment 5 is a technical amendment made as a result of amendment 2 that amends clause 3 of the Bill by amending subsection (4) of proposed section 722D.

Amendment 6 amends clause 3 of the Bill by amending the definition of prescribed land in subsection (7) of proposed section 722D to add a small area of land. This land is adjacent to the area subject to Cherwell Creek's application for mineral development licence and is needed by BMA and CQCA for road-works as part of the development of the Caval Ridge Mine.

Amendment 7 amends clause 3 of the Bill by amending the heading to proposed section 722E to correctly reflect technical language.

Amendment 8 amends clause 3 of the Bill by amending subsection (1) of proposed section 722E to ensure that no party will be able to apply for any form of mining tenure over the land prescribed in the section during the prescribed period, other than BMA.

Amendment 9 is a technical amendment made as a result of amendment 8 that amends clause 3 of the Bill by amending subsection (2) of proposed section 722E.

Amendment 10 is a technical amendment made as a result of amendment 8 that amends clause 3 of the Bill by amending subsection (4) of proposed section 722E.

Amendment 11 amends clause 3 of the Bill by amending the definition of “prescribed land” in subsection (7) of proposed section 722E to more precisely identify the land affected by the dispute between CQC, BMA and Cherwell Creek, and to ensure the objective of the Bill is achieved.

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