

North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Andrew Cripps MP the Minister for Natural Resources and Mines

Title of the Bill

The short title of the Bill is the *North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013*.

Objectives of the Amendments

The objects of the amendments are to correct a small number of errors in the Bill.

Clarification of ability to win minerals

It is necessary to clarify that the winning of a mineral from the place where it occurs in the area of the Enterprise mining leases may occur on the leases until 2035. The amendment will ensure that the policy objectives of the Bill are achieved with sufficient certainty.

No refusal of a properly made application

New section 11G(2), inserted by clause 9 of the Bill, currently provides that where a properly made application is made and subject to certain conditions being met the lease continues in force until the application is withdrawn, refused or granted. It is not intended that the Minister be entitled to refuse a properly made application. Accordingly the word “refused” must be removed.

The amendment is consistent with the original policy.

Replacement environmental authority

Clause 14 of the Bill inserts a replacement environmental authority in new schedule 2A. Since introduction of the Bill some minor errors in the environmental authority have been identified and require correction. The corrections are mostly due to typographic errors or the need to clarify terminology. A small amount of text was also omitted in error during the embedding of the text into the Bill. The full and complete replacement environmental authority will be incorporated into the Bill by these amendments.

The amendment is consistent with the original policy.

Correction to name of Act

The Bill currently references the *Environmental Protection Act 1994* incorrectly in clause 12. These amendments will correct this minor error.

Achievement of Policy Objectives

Clarification of ability to win minerals

The amendment to clause 9 of the Bill provides further certainty in achieving the policy objectives by explicitly providing that in relation to any renewal of the Enterprise mining leases the winning of a mineral from the place where it occurs in the area of the lease is an authorised activity for the lease until 2035.

No refusal of properly made application

The amendment to clause 9 of the Bill omits the word “refused” which will clarify that where a properly made application for renewal is made the lease continues in force subject to the rights, entitlements and obligations in effect immediately before the expiry of the lease until the application for renewal is withdrawn or granted.

Replacement environmental authority

The amendment to clause 14 of the Bill which inserts Schedule 2A will ensure that the environmental authority is fully and accurately incorporated into the Bill.

Correction to name of Act

The amendment to clause 12 corrects the reference to the *Environmental Protection Act 1994*.

Alternative Ways of Achieving Policy Objectives

There is no alternative way of achieving the policy objectives as they require amendment to existing clauses of the Bill.

Estimated Cost for Government Implementation

The amendments to the Bill do not result in any additional cost for government implementation.

Consistency with Fundamental Legislative Principles

The proposed amendments do not breach fundamental legislative principles beyond as discussed in the Explanatory Notes provided for the Bill.

Consultation

No consultation has been undertaken in relation to the additional amendments. Given the minor and technical nature of the amendments consultation is not warranted. The amendments seek to ensure the policy intent of the Bill is achieved.

Notes on Provisions

Amendment 1

Amendment 1 amends clause 9 (Insertion of new ss 11A – 11J) to restructure new section 11E(2) to provide that in relation to the renewal of mining leases 1105, 117 or 1120 the winning of a mineral from the place where it occurs in the area of the lease is an authorised activity for the lease until 2035.

After 2035, the winning of a mineral from the place where it occurs in the area of the lease ceases to be an authorised activity and the mining lease ends at the end of 2040.

Any winning as described would be subject to the relevant environmental authority.

Amendment 2

Amendment 2 amends clause 9 (Insertion of new ss 11A – 11J) new section 11B(2) to remove the word “refused”. This amendment clarifies that the lease continues in force subject to the rights, entitlements and obligations in effect immediately before the expiry of the lease until an application for renewal is withdrawn or granted.

Amendment 3

Amendment 3 amends clause 12 (Replacement of ss 16 to 21) to remedy the misdescription of the Environmental Protection Act as defined in Schedule 3 of the *North Stradbroke Island Protection and Sustainability Act 2011*.

Amendment 4

Amendment 4 amends clause 14 (Insertion of new sch 2A) to insert into the Bill a complete and accurate copy of Environmental Authority EPML00575913.