
Mining and Other Legislation Amendment Bill 2012

Amendments agreed to during Consideration

1 Before clause 4

Page 13, before line 1—

insert—

‘3A Insertion of new ch 12, pt 4C

‘Chapter 12—

insert—

‘Part 4C Declaration

‘579D Declaration about commencement of amendment of Act

- ‘(1) The *Mines Legislation (Streamlining) Amendment Act 2012*, section 127 is taken to have commenced immediately after the commencement of the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*, section 8.

Note—

The *Mines Legislation (Streamlining) Amendment Act 2012*, section 127 inserts new section 309A (Particular requirement for annual return for existing petroleum tenure under P&G Act).

- ‘(2) Subsection (1) has effect despite the proclamation made by the Governor on 6 December 2012, SL No. 225.
- ‘(3) This part expires the day after it commences.’.’

2 Clause 4 (Insertion of new ch 13, pt 19)

Page 13, line 4, ‘provision’—

omit, insert—

‘provisions’.

3 Clause 4 (Insertion of new ch 13, pt 19)

Page 13, line 7—

omit, insert—

‘711 Provision about cancellation of environmental authority

‘(1) This section applies if, on the cancellation of an environmental authority under section 277A, there is no prescribed condition requiring the holder of the mining tenure for carrying out the small scale activity to which the authority relates—

(a) to give the administering authority financial assurance;
or

(b) to rehabilitate land.

‘(2) On the cancellation of the environmental authority, a current condition of the authority is taken to be a prescribed condition for carrying out the small scale mining activity.

‘(3) Subsection (2) applies in relation to the carrying out of the small scale mining activity until a regulation under section 21A prescribes a condition requiring the holder of the mining tenure for carrying out the small scale mining activity—

(a) to give the administering authority financial assurance;
or

(b) to rehabilitate land.

‘(4) In this section—

current condition, of an environmental authority, means a condition of the authority requiring the holder of the authority—

(a) to give the administering authority financial assurance;
or

(b) to rehabilitate land.

‘712 Provision about financial assurance’.

4 Clause 4 (Insertion of new ch 13, pt 19)

Page 13, lines 15 to 17—

omit, insert—

‘(c) the chief executive cancels the environmental authority under section 277A; and’.

5 Clause 20 (Amendment of s 62 (Amendment of sch 4 (Dictionary)))

Page 25, lines 7 and 32, ‘wild river area’—

omit, insert—

‘wild river high preservation area or wild river special floodplain management area’.

6 Clause 42 (Amendment of sch 2 (Dictionary))

Page 35, line 2, ‘Schedule 2’—

omit, insert—

‘(1) Schedule 2’.

7 Clause 42 (Amendment of sch 2 (Dictionary))

Page 35, after line 5—

insert—

‘(2) Schedule 2, definition *occupier*, paragraph (b), ‘by a person’—

omit, insert—

‘by an owner of the place or another person’.

8 Clause 44 (Amendment of sch 2 (Dictionary))

Page 35, line 11, ‘Schedule 2’—

omit, insert—

‘(1) Schedule 2’.

9 Clause 44 (Amendment of sch 2 (Dictionary))

Page 35, after line 14—

insert—

‘(2) Schedule 2, definition *occupier*, paragraph (b), ‘by a person’—

omit, insert—

‘by an owner of the place or another person’.’.

10 Clause 51 (Replacement of s 137 (Grant of exploration permit))

Page 47, lines 6 and 7—

omit, insert—

‘(e) the Minister has not, under subsection (4), decided the person is disqualified from being granted the permit.’.

11 Clause 51 (Replacement of s 137 (Grant of exploration permit))

Page 47, lines 21 to 34 and page 48, lines 1 and 2—

omit, insert—

‘(4) The Minister may decide an applicant is disqualified from being granted an exploration permit if—

(a) the Minister reasonably believes the applicant or, if the applicant is a company, an associate of the applicant has, at any time, contravened a provision of this Act, the repealed Acts or other mining legislation (whether or not the applicant or associate has been charged or convicted of an offence for the contravention); and

(b) having regard to the matters mentioned in subsection (5), the Minister considers the applicant is not a suitable person to carry out activities under the exploration permit.

‘(5) For subsection (4)(b), the matters to which the Minister may have regard are as follows—

- (a) the nature of the contravention, including, for example—
 - (i) whether it relates to an administrative or procedural requirement; and
 - (ii) the extent to which the applicant or applicant’s associate was involved in the contravention; and
 - (iii) whether the contravention involved the applicant or associate engaging in fraudulent or dishonest conduct; and
 - (iv) the degree of harm caused or likely to be caused by the contravention to persons other than the applicant or to the environment;
 - (b) whether the applicant or applicant’s associate has been proceeded against for the contravention and, if so, the outcome of the proceeding;
 - (c) whether the applicant or an associate of the applicant has previously engaged in similar contraventions or other contraventions of a kind mentioned in subsection (4)(a), and the nature of the contraventions and the outcome of any proceedings for the contraventions;
 - (d) any other matters the Minister considers relevant.
- ‘(6) In this section—
- associate***, for an applicant that is a company, means—
- (a) an officer or employee of the company; or
 - (b) another person who in the Minister’s opinion is in a position to control or influence substantially the company’s affairs.’.

12 Clause 78 (Amendment of sch 2 (Dictionary))

Page 57, after line 4—

insert—

- ‘(6) Schedule 2, definition *occupier*, paragraph (b), ‘an occupier’—
-

omit, insert—

‘an owner of the place or another occupier’.

13 Clause 109 (Amendment of s 141 (Conditions of exploration permit))

Page 73, line 7, ‘it’—

omit, insert—

‘it applies’.

14 Clause 109 (Amendment of s 141 (Conditions of exploration permit))

Page 73, line 9, ‘codes’—

omit, insert—

‘codes apply’.

15 Clause 161 (Amendment of s 2 (Definitions))

Page 105, line 2, ‘Section 2’—

omit, insert—

‘(1) Section 2’.

16 Clause 161 (Amendment of s 2 (Definitions))

Page 105, after line 5—

insert—

‘(2) Section 2, definition *occupier*, paragraph (b), ‘an occupier’—

omit, insert—

‘an owner of the place or another occupier’.

17 Clause 178 (Amendment of sch 2 (Dictionary))

Page 111, after line 20—

insert—

‘(3) Schedule 2, definition *occupier*, paragraph (b), ‘an occupier’—

omit, insert—

‘an owner of the place or another occupier’.’.

18 Clause 188 (Amendment of s 669 (Making safety requirement))

Page 116, line 4—

omit, insert—

‘(e) about an incidental activity under section 33, 112, 403 or 442, or a stated pipeline licence incidental activity.’.’.

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Authorised by the Parliamentary Counsel