

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, May 2020*



Queensland

**No.
A BILL for**

An Act to amend the Coal Mining Safety and Health Act 1999, the Energy and Water Ombudsman Act 2006, the Explosives Act 1999, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral and Energy Resources (Common Provisions) Regulation 2016, the Mineral and Energy Resources (Financial Provisioning) Act 2018, the Mineral Resources Act 1989, the Mineral Resources Regulation 2013, the Mining and Quarrying Safety and Health Act 1999, the National Energy Retail Law (Queensland) Act 2014, the New South Wales-Queensland Border Rivers Act 1946, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the Water Supply (Safety and Reliability) Act 2008 and the legislation mentioned in schedule 1 for particular purposes



Queensland

Mineral and Energy Resources and Other Legislation Amendment Bill 2020

Contents

		Page
Part 1	Preliminary	
1	Short title	20
2	Commencement	20
Part 2	Amendment of Coal Mining Safety and Health Act 1999	
Division 1	Preliminary	
3	Act amended	20
Division 2	Amendments relating to statutory office holders	
4	Amendment of s 54 (Appointment of site senior executive)	21
5	Amendment of s 57 (Appointment of another site senior executive during temporary absence)	21
6	Amendment of s 59 (Additional requirements for management of surface mines)	22
7	Amendment of s 60 (Additional requirements for management of underground mines)	22
8	Amendment of s 61 (Appointment of ventilation officer)	22
9	Amendment of s 61A (Absence of ventilation officer)	23
10	Insertion of new pt 20, div 9	23
	Division 9 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	319 Deferral of obligation of coal mine operators to ensure employees are appointed to particular positions	23
	320 Particular appointments of persons who are not employees of coal mine operators made before commencement . .	24
Division 3	Amendments relating to other matters	
11	Insertion of new pt 3A	25
	Part 3A Industrial manslaughter	
	48A Definitions for part	25

Contents

	48B	Exception for the Criminal Code, s 23	26
	48C	Industrial manslaughter—employer	26
	48D	Industrial manslaughter—senior officer	27
12		Amendment of s 255 (Proceedings for offences)	28
13		Amendment of s 256B (Procedure if prosecution not brought) . .	28
14		Amendment of s 257 (Limitation on time for starting proceedings)	29
15		Amendment of s 264 (Costs of investigation)	29
15A		Amendment of s 275AA (Protection from reprisal)	30
16		Insertion of new s 321	30
	321	Validation of particular orders for costs	30
17		Amendment of sch 3 (Dictionary)	31
Part 3		Amendment of Energy and Water Ombudsman Act 2006	
18		Act amended	32
19		Amendment of s 6D (Who is a relevant energy customer)	32
20		Amendment of s 7 (What is an energy entity)	32
21		Amendment of s 12 (Restrictions on functions—energy entities)	33
22		Amendment of s 64 (Scheme participation—energy entities) . . .	33
23		Amendment of s 66 (When participation fee is payable)	33
24		Amendment of s 67 (Amount of participation fee—energy entity)	34
25		Amendment of s 68 (When user-pays fee is payable)	34
26		Amendment of s 69 (Working out user-pays fee)	34
27		Insertion of new s 69A	34
	69A	User-pays fees for prescribed energy entities	35
28		Amendment of schedule (Dictionary)	35
Part 4		Amendment of Explosives Act 1999	
29		Act amended	35
30		Insertion of new pt 4A	35
	Part 4A	Industrial manslaughter	
	54A	Definitions for part	36
	54B	Exception for the Criminal Code, s 23	36
	54C	Industrial manslaughter—employer	36
	54D	Industrial manslaughter—senior officer	37
31		Amendment of s 118 (Proceeding for offence)	38
32		Amendment of s 118C (Procedure if prosecution not brought) . .	38
33		Amendment of s 135 (Regulation-making power)	39
34		Amendment of sch 2 (Dictionary)	39

Part 5	Amendment of Geothermal Energy Act 2010	
35	Act amended	39
36	Insertion of new s 36A	40
	36A Rejection of application if applicant disqualified	40
37	Insertion of new s 78A	40
	78A Rejection of application if applicant disqualified	40
38	Insertion of new s 133A	40
	133A Power to impose or amend condition if changed holder of geothermal tenure	41
39	Amendment of ch 7, hdg (Conferences, enforcement, offences and proceedings)	42
40	Omission of ch 7, pt 1 (Conferences with eligible claimants or owners and occupiers)	43
41	Renumbering of ch 7, pts 2 to 5	43
42	Amendment of s 346 (Offences under Act are summary)	43
43	Insertion of new ch 9, pt 6	43
	Part 6 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	414 Power to impose or amend condition if changed holder of geothermal tenure	44
	415 Conferences with eligible claimants or owners or occupiers started before commencement	44
44	Amendment of sch 2 (Dictionary)	45
Part 6	Amendment of Greenhouse Gas Storage Act 2009	
45	Act amended	45
46	Insertion of new s 35A	45
	35A Rejection of tender if tenderer disqualified	45
47	Insertion of new s 92A	45
	92A Power to impose or amend condition if changed holder of GHG permit	46
48	Insertion of new s 115	47
	115 Rejection of permit-related application if applicant disqualified	48
49	Insertion of new s 126A	48
	126A Rejection of tender if tenderer disqualified	48
50	Insertion of new s 173A	48
	173A Power to impose or amend condition if changed holder of GHG lease	48

Contents

51	Amendment of ch 6, hdg (Conferences, investigations and enforcement)	50
52	Omission of ch 6, pt 1A (Conferences with eligible claimants or owners and occupiers)	50
53	Amendment of s 407 (Offences under Act are summary)	51
54	Insertion of new ch 8, pt 5	51
	Part 5 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	450 Power to impose or amend condition if changed holder of GHG permit or GHG lease	51
	451 Conferences with eligible claimants or owners or occupiers started before commencement	52
55	Amendment of sch 2 (Dictionary)	52
Part 7	Amendment of Mineral and Energy Resources (Common Provisions) Act 2014	
56	Act amended	52
57	Amendment of s 3 (Main purposes)	53
58	Amendment of s 4 (How main purposes are achieved)	53
59	Amendment of s 16 (What is a dealing)	53
60	Replacement of s 17 (Prescribed dealings require registration)	53
	17 Prescribed dealings require approval of Minister and registration	54
	17A Notifiable dealings require notice to chief executive and registration	54
61	Amendment of s 19 (Application for Minister's approval to register dealing)	54
62	Insertion of new ss 19A and 19B	55
	19A Rejection of application if intended transferee disqualified	55
	19B Notice to chief executive to register notifiable dealing	56
63	Replacement of s 20 (Unpaid royalties prevent transfer of resource authority)	57
	20 Unpaid royalties prevent registration of dealing	57
64	Amendment of s 20A (Failure to pay contribution to scheme fund or give surety prevents registration of prescribed dealing)	58
65	Amendment, relocation and renumbering of s 22 (Effect of registration and Minister's approval)	58
66	Renumbering of ss 20A and 21	59
67	Amendment of s 32 (What is an associated agreement)	59
68	Insertion of new ch 3, pt 8	59

	Part 8	Conferences held by authorised officer	
	101D	Notice of concern may be given to authorised officer	59
	101E	Authorised officer may call conference	60
	101F	Conduct of conference	61
69		Amendment of s 103 (Definitions for ch 4)	62
70		Omission of ch 4, pt 6, div 2 (Ministerial powers)	62
71		Renumbering of ch 4, pt 6, div 3 (Compensation)	62
72		Renumbering of chs 5 to 8	62
73		Insertion of new ch 5	62
	Chapter 5	General provisions for overlapping and co-existing resource authorities	
	Part 1	Preliminary	
	174A	Definitions for chapter	63
	Part 2	Ministerial powers	
	174B	Requirement to give copy of agreed plan	63
	174C	Amendment of agreed plan	64
	174D	Request for information	65
	174E	Right of appeal	65
74		Relocation and renumbering of ch 4, pt 6, div 4 (Dispute resolution)	66
75		Amendment of s 175 (Application of div 4)	66
76		Amendment of s 176 (Definitions for div 4)	67
77		Amendment of s 178 (Arbitrator's functions)	67
78		Amendment of s 179 (Expert appointed by arbitrator)	68
79		Insertion of new ch 7	68
	Chapter 7	Disqualification of applicants	
	196A	Definitions for chapter	69
	196B	Application of chapter	71
	196C	Disqualification from grant or transfer of resource authority	71
	196D	Requirement for further information	74
	196E	Criminal history check	74
	196F	Costs of criminal history report	75
	196G	Notice of intended disqualification	76
	196H	Notice of disqualification	76
80		Insertion of new ch 10, pt 3	76
	Part 3	Transitional provisions for Mineral and Energy	

Contents

	Resources and Other Legislation Amendment Act 2020	
	247	Application for approval to register particular prescribed dealings taken to be notification of particular notifiable dealings 77
	248	Disqualification of applicants 77
81		Amendment of sch 2 (Dictionary) 78
Part 8	Amendment of Mineral and Energy Resources (Common Provisions) Regulation 2016	
82		Regulation amended 79
83		Amendment of s 4 (Prescribed dealings—Act, s 17) 79
84		Insertion of new s 4A 80
	4A	Notifiable dealings—Act, s 17A 80
85		Amendment of s 6 (Transmission by death—Act, s 19) 80
86		Amendment of s 7 (Sale by mortgagee—Act, s 19) 81
87		Amendment of s 8 (Bankruptcy—Act, s 19) 81
88		Amendment of s 9 (Administration, receivership or liquidation—Act, s 19) 82
89		Amendment of s 10 (Deciding application for registration of prescribed dealing that is assessable transfer—Act ss 19 and 194) 82
90		Amendment of s 11 (Deciding application for registration of prescribed dealing other than assessable transfer—Act ss 19 and 194) 83
91		Amendment of s 15 (Instruments not prevented from being registered— Act, s 26) 83
92		Insertion of new s 35A 84
	35A	Conduct of conference about concerns—Act, s 101F 84
93		Replacement of s 53 (Prescribed arbitration institutes—Act, s 176) 85
	53	Prescribed arbitration institutes—Act, sch 2, def prescribed arbitration institute 85
94		Insertion of new ch 7 85
	Chapter 7	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020
	63	Application for registration of prescribed dealing that is assessable transfer made before commencement—ERC decision not relevant 86
	64	Particular prescribed dealings taken to be notifiable dealings 86
95		Amendment of sch 2 (Fees) 87
Part 9	Amendment of Mineral and Energy Resources (Financial	

	Provisioning) Act 2018	
96	Act amended	87
97	Insertion of new s 31A	87
	31A Meaning of changed holder event	88
98	Amendment of s 32 (Scheme manager may review risk category allocation if changed holder)	89
99	Amendment of s 33 (Application to scheme manager if proposed changed holder)	89
100	Amendment of s 34 (Scheme manager must notify interested entity of indicative changed holder review allocation)	90
101	Replacement of s 37 (When changed holder review decision takes effect)	91
	37 When changed holder review decision takes effect	91
102	Replacement of s 42 (Holder must give scheme manager notice if changed holder)	93
	42 Holder must give scheme manager notice if changed holder	93
103	Amendment of sch 1 (Dictionary)	94
Part 10	Amendment of Mineral Resources Act 1989	
104	Act amended	94
105	Amendment of s 16 (Land excluded from prospecting permit)	94
106	Amendment of s 51 (Land for which mining claim not to be granted)	95
107	Insertion of new s 61A	95
	61A Rejection of application if applicant disqualified	95
108	Amendment of s 64 (Issue of mining claim notice)	95
109	Amendment of s 85A (Minister may refuse to grant mining claim if compensation not determined)	95
110	Amendment of s 132 (Exclusion of land from area of exploration permit if subject to other authority under Act)	96
111	Insertion of new s 133A	97
	133A Rejection of application if applicant disqualified	97
112	Amendment of s 136A (Obtaining exploration permit by competitive tender)	97
113	Amendment of s 136C (Call for tenders)	97
114	Insertion of new s 136EA	98
	136EA Rejection of tender if tenderer disqualified	98
115	Amendment of s 137 (Prescribed criteria for grant of exploration permit)	98

Contents

116	Insertion of new ss 137AA and 137AB	98
	137AA Area of exploration permit does not include particular land	98
	137AB Minister’s power to decide excluded land	98
117	Insertion of new s 141BA	99
	141BA Power to impose or amend condition if changed holder of exploration permit	100
118	Amendment of s 148 (Continuation of exploration permit if application for other tenure)	101
119	Amendment of s 182 (Land is excluded from area of mineral development licence if covered by other authority under Act) . . .	102
120	Insertion of new s 185A	102
	185A Rejection of application if applicant disqualified	102
121	Insertion of new ss 186AA and 186AB	103
	186AA Area of mineral development licence does not include particular land	103
	186AB Minister’s power to decide excluded land	103
122	Insertion of new s 194ABA	104
	194ABA Power to impose or amend condition if changed holder of mineral development licence	104
123	Amendment of s 230 (Plant remaining on former mineral development licence may be sold etc.)	106
124	Amendment of s 232 (Eligible person may apply for mining lease)	106
125	Insertion of new s 233A	107
	233A Rejection of application if applicant disqualified	107
126	Amendment of s 245 (Application for grant of mining lease)	107
127	Insertion of new s 246	107
	246 Additional requirement for applications for particular mining leases for prescribed minerals	107
128	Amendment of s 248 (Applicant must obtain consent or views of existing authority holders)	109
129	Amendment of s 252 (Issue of mining lease notice)	110
130	Amendment of s 271A (Deciding mining lease application)	110
131	Insertion of new s 271AB	110
	271AB Application for later specific purpose mining lease or transportation mining lease	111
132	Insertion of new s 276C	114
	276C Power to impose or amend condition if changed holder of mining lease	114

133	Amendment of s 277 (Provision of security)	116
134	Amendment of s 279A (Minister may refuse to grant mining lease if compensation not determined)	117
135	Insertion of new s 286AA	118
	286AA Additional requirements for application for renewal of particular mining leases for prescribed minerals	118
136	Amendment of s 286A (Decision on application)	119
137	Amendment of s 286C (Continuation of lease while application being dealt with)	120
138	Amendment of s 313 (Application for approval to remove mineral and property)	120
139	Amendment of s 314 (Property remaining on former mining lease may be sold)	120
140	Amendment of s 316 (Mining lease for transportation through land)	121
141	Renumbering of s 318 (Improvement restoration for mining lease)	121
142	Insertion of new ch 6, pts 1A and 1B	122
	Part 1A Development plans for particular mining leases for prescribed minerals	
	Division 1 Preliminary	
	317B Function and purpose of development plans	122
	317C What is a prescribed mineral mining lease	123
	317D What is a new prescribed mineral mining lease	124
	317E What is a development plan and its plan period	125
	Division 2 Requirements for development plans	
	317F Requirement to have development plan	125
	317G Obligation to comply with development plan	126
	317H Development plan for new prescribed mineral mining lease	126
	317I Consequence of failure to comply with notice to lodge proposed initial development plan	127
	317J Initial development plan requirements—proposed mining lease	128
	317K Initial development plan requirements—mining lease	130
	Division 3 Initial development plans	
	317L Ministerial approval of proposed plan	132
	317M Before approval of proposed plan	132
	317N Deciding whether to approve proposed plan	133
	Division 4 Later development plans	

Contents

317O	Obligation to lodge proposed later development plan	134
317P	Consequence of failure to comply with notice to lodge proposed later development plan	135
317Q	Later development plan requirements	136
317R	Mining lease taken to have development plan until decision about approval	137
317S	Ministerial approval of proposed plan	137
317T	Deciding whether to approve proposed plan	138
317U	Power to require partial surrender application	139
Division 5	Miscellaneous	
317V	Steps after, and taking effect of, decision	140
317W	Right of appeal against cancellation, deferral or refusal	141
317X	Changes to prescribed minerals or prescribed thresholds	141
Part 1B	Competitive tenders for proposed mining leases	
Division 1	Preliminary	
317Y	Operation of part	143
Division 2	Competitive tenders	
317Z	Call for tenders	143
317ZA	Right to tender	145
317ZB	Requirements for making tender	145
317ZC	Rejection of tender if tenderer disqualified	146
317ZD	Right to terminate call for tenders	146
317ZE	Amendment of tender	146
317ZF	Withdrawal of tender	147
Division 3	Deciding tenders	
317ZG	Process for deciding tenders	148
317ZH	Deciding to appoint preferred tenderer	148
317ZI	Provisions for preferred tenderers	149
317ZJ	Notice to unsuccessful tenderers	150
143	Amendment of s 318DO (Requirement for coordination arrangement to transfer or sublet mining lease in area of petroleum lease)	151
144	Amendment of s 325 (Royalty return and payment upon transfer or surrender of mining claim or mining lease)	151
145	Omission of ch 13, pt 2 (Conferences with eligible claimants or owners and occupiers)	152
146	Replacement of ch 13, pt 4, hdg (Access to abandoned mines and final rehabilitation sites)	152

147	Replacement of ss 344 to 344D	152
	Division 1 Preliminary	
	344 Definitions for part	152
	344A Meaning of remediation activity	154
	344B Meaning of rehabilitation activity	157
	Division 2 Authorisation to carry out remediation activities or rehabilitation activities	
	344C Authorisation to carry out remediation activities on abandoned mine site or affected land	158
	344D Authorisation to carry out rehabilitation activities on final rehabilitation site	158
	344E Entering land to carry out remediation activities or rehabilitation activities	159
	344F Notice of entry	160
	344G Consent of owner or occupier to enter affected land .	161
	344H Obligation of authorised person in carrying out activities	163
	344I Report to owner and occupier after entry of affected land	163
	Division 3 Compensation	
148	Replacement of s 399 (Mode of service of documents)	164
	399 Service of documents by prescribed persons	164
	399A Service of documents generally	165
149	Amendment of s 411 (Indemnity against liability)	167
150	Amendment of s 412 (Offences and recovery of penalties etc.) .	167
151	Insertion of new ch 15, pt 19	167
	Part 19 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	871 Power of Minister to refuse application for mining claim if compensation not determined	168
	872 Application or tender for exploration permit made before commencement	168
	873 Power to impose or amend condition if changed holder of particular resource authorities	168
	874 Application for later specific purpose mining lease or transportation mining lease made before commencement	169
	875 Provision of security for particular mining leases . . .	169
	876 Provision of security for existing applications for grant or	

Contents

	renewal of mining lease	169
877	Power of Minister to refuse application for mining lease if compensation not determined	169
878	Existing applications for grant or renewal of mining lease for prescribed mineral	170
879	Application of amended Act to particular mining leases for prescribed minerals	170
880	Mining lease granted or renewed after transitional period on existing application	172
881	Application for renewal of transitioning mining lease during transitional period	172
882	Application of ch 6, pt 1A, div 3 to proposed initial development plan for transitioning mining lease	173
883	Conferences with eligible claimants or owners or occupiers started before commencement	173
884	Existing authority to carry out remediation activities or rehabilitation activities	174
152	Amendment of sch 2 (Dictionary)	174
Part 11	Amendment of Mineral Resources Regulation 2013	
153	Regulation amended	178
154	Insertion of new s 97A	178
	97A Prescribed minerals and prescribed thresholds	179
155	Insertion of new sch 2A	179
	Schedule 2A Prescribed minerals and prescribed thresholds	179
Part 12	Amendment of Mining and Quarrying Safety and Health Act 1999	
156	Act amended	180
157	Insertion of new pt 3A	180
	Part 3A Industrial manslaughter	
	45A Definitions for part	181
	45B Exception for the Criminal Code, s 23	181
	45C Industrial manslaughter—employer	182
	45D Industrial manslaughter—senior officer	182
158	Amendment of s 234 (Proceedings for offences)	183
159	Amendment of s 235B (Procedure if prosecution not brought)	184
160	Amendment of s 236 (Limitation on time for starting proceedings)	184
161	Amendment of s 243 (Costs of investigation)	184
161A	Amendment of s 254A (Protection from reprisal)	185
162	Insertion of new pt 20, div 7	185

	Division 7	Validation provision for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	294	Validation of particular orders for costs	185
163		Amendment of sch 2 (Dictionary)	186
Part 13		Amendment of National Energy Retail Law (Queensland) Act 2014	
164		Act amended	187
165		Amendment of schedule (Modification of application of National Energy Retail Law)	187
Part 14		Amendment of New South Wales-Queensland Border Rivers Act 1946	
166		Act amended	188
167		Insertion of new s 22A	188
	22A	Authorisation of department in which Water Act 2000 administered	188
Part 15		Amendment of Petroleum Act 1923	
168		Act amended	188
169		Amendment of s 2 (Definitions)	188
170		Insertion of new s 40AA	189
	40AA	Rejection of application if applicant disqualified	189
171		Amendment of s 53E (Deciding whether to approve proposed plan)	189
172		Insertion of new s 74TA	189
	74TA	Power to impose or amend condition if changed holder of lease	190
173		Omission of pt 6R (Conferences with eligible claimants or owners and occupiers)	191
174		Insertion of new pt 17	192
	Part 17	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	208	Power to impose or amend condition if changed holder of lease	192
	209	Conferences with eligible claimants or owners or occupiers started before commencement	192
Part 16		Amendment of Petroleum and Gas (Production and Safety) Act 2004	
175		Act amended	193
176		Insertion of new s 37A	193
	37A	Rejection of tender if tenderer disqualified	193
177		Amendment of s 66 (Part usually required to be relinquished)	193

Contents

178	Insertion of new ss 66A and 66B	194
	66A Standard relinquishment condition deferred while petroleum lease application is undecided	194
	66B Sub-blocks that may be counted towards relinquishment	194
179	Amendment of s 67 (Sub-blocks that can not be counted towards relinquishment)	195
180	Amendment of s 68 (Adjustments for sub-blocks that can not be counted)	195
181	Insertion of new s 80A	195
	80A Power to impose or amend condition if changed holder of authority to prospect	195
182	Amendment of s 107AD (Term of declaration)	197
183	Insertion of new s 118A	198
	118A Rejection of ATP-related application if applicant disqualified	198
184	Insertion of new s 128A	198
	128A Rejection of tender if tenderer disqualified	198
185	Amendment of s 147 (Deciding whether to approve proposed plan)	199
186	Insertion of new s 160A	199
	160A Power to impose or amend condition if changed holder of petroleum lease	199
187	Omission of s 170A (Application of subdivision)	201
188	Amendment and renumbering of s 170B (Applying to amalgamate)	201
189	Insertion of new s 170B	201
	170B Applying to amalgamate 1923 Act leases	201
190	Amendment of s 317 (Proposed mining lease declared a coordinated project)	202
191	Amendment of s 379 (Requirement for coordination arrangement to transfer petroleum lease in tenure area of mining lease)	203
192	Replacement of s 400 (Restriction if there is an existing geothermal, GHG or mining lease)	203
	400 Restriction if there is an existing geothermal, GHG or mining lease	203
193	Insertion of new s 409B	206
	409B Rejection of application if applicant disqualified	206
194	Insertion of new s 424A	206
	424A Power to impose or amend condition if changed holder of pipeline licence	206

195	Replacement of s 440 (Restriction if there is an existing mining lease)	208
	440 Restriction if there is an existing mining lease	208
196	Insertion of new s 445B	211
	445B Rejection of application if applicant disqualified	211
197	Insertion of new s 455A	211
	455A Power to impose or amend condition if changed holder of petroleum facility licence	212
198	Amendment of ch 10, hdg (Conferences, investigations and enforcement)	214
199	Omission of ch 10, pt 1AA (Conferences with eligible claimants or owners and occupiers)	214
200	Amendment of s 799B (Definitions for part)	214
201	Insertion of new s 799CA	215
	799CA Meaning of remediation activity	215
202	Replacement of ss 799D–799G	217
	799D Authorised person to carry out remediation activities	217
	799E Entering land to carry out remediation activities	218
	799F Notice of entry	219
	799G Consent of owner or occupier to enter affected land	219
	799GA Obligation of authorised person in carrying out remediation activities	221
	799GB Report to owner and occupier after entry of affected land	222
203	Insertion of new ch 11, pt 1AA	222
	Part 1AA Industrial manslaughter	
	799I Definitions for part	223
	799J Exception for the Criminal Code, s 23	223
	799K Industrial manslaughter—employer	224
	799L Industrial manslaughter—senior officer	224
204	Amendment of s 837 (Offences under Act are summary)	225
205	Amendment of s 837C (Procedure if prosecution not brought)	226
205A	Amendment of s 857 (Delegation by Minister, chief executive, CEO or chief inspector)	226
206	Insertion of new s 991A	226
	991A Validation of particular orders for costs	227
207	Insertion of new ch 15, pt 27	228

Contents

	Part 27	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	1013	Power to impose or amend condition if changed holder of particular petroleum authorities	228
	1014	Restriction on pipeline licence if there is an existing geothermal, GHG or mining lease	228
	1015	Restriction on petroleum facility licence if there is an existing mining lease	228
	1016	Conferences with eligible claimants or owners or occupiers started before commencement	229
	1017	Existing authority to carry out remediation activities	229
208		Amendment of sch 2 (Dictionary)	230
Part 17		Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	
209		Act amended	231
210		Amendment of 99BRCF (Power to adopt charges by board decision)	231
211		Amendment of s 99BT (Keeping particular documents available for inspection and purchase)	232
212		Replacement of s 99BU (Requirements for infrastructure charges register)	233
	99BU	Requirements for infrastructure charges register	233
213		Insertion of new ch 6, pt 13	237
	Part 13	Transitional provision for Mineral and Energy Resources and Other Legislation Amendment Act 2020	
	153	Obligation of distributor-retailer to include documents and information in infrastructure charges register	237
Part 18		Amendment of Water Supply (Safety and Reliability) Act 2008	
214		Act amended	238
215		Amendment of s 41 (Restricting water supply)	238
216		Amendment of s 390 (Minister may declare temporary full supply level)	238
217		Amendment of s 399B (Dam owner may reduce full supply level in certain circumstances)	239
Part 19		Minor and consequential amendments	
218		Legislation amended	240
Schedule 1		Minor and consequential amendments	241
		Coal Mining Safety and Health Act 1999	241

Geothermal Energy Act 2010	241
Greenhouse Gas Storage Act 2009	242
Mineral and Energy Resources (Common Provisions) Act 2014	243
Mineral and Energy Resources (Common Provisions) Regulation 2016	248
Mineral and Energy Resources (Financial Provisioning) Act 2018	249
Mineral Resources Act 1989	251
Mineral Resources Regulation 2013	252
Mining and Quarrying Safety and Health Act 1999	254
North Stradbroke Island Protection and Sustainability Act 2011	254
Petroleum Act 1923	254
Petroleum and Gas (Production and Safety) Act 2004	255
Planning Regulation 2017	256

2020

A Bill

for

An Act to amend the Coal Mining Safety and Health Act 1999, the Energy and Water Ombudsman Act 2006, the Explosives Act 1999, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral and Energy Resources (Common Provisions) Regulation 2016, the Mineral and Energy Resources (Financial Provisioning) Act 2018, the Mineral Resources Act 1989, the Mineral Resources Regulation 2013, the Mining and Quarrying Safety and Health Act 1999, the National Energy Retail Law (Queensland) Act 2014, the New South Wales-Queensland Border Rivers Act 1946, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the Water Supply (Safety and Reliability) Act 2008 and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Mineral and Energy Resources and Other Legislation Amendment Act 2020*.

2 Commencement

This Act, other than the following provisions, commences on a day to be fixed by proclamation—

- (a) part 2, divisions 1 and 2;
- (b) parts 3 and 13;
- (c) part 4, heading and sections 29 and 33;
- (d) part 14;
- (e) part 17, heading and sections 209 and 210;
- (f) part 18.

Part 2 Amendment of Coal Mining Safety and Health Act 1999

Division 1 Preliminary

3 Act amended

This part amends the *Coal Mining Safety and Health Act 1999*.

Note—

See also the amendments in schedule 1.

Division 2 Amendments relating to statutory office holders

4 Amendment of s 54 (Appointment of site senior executive)

(1) Section 54—

insert—

(4A) A coal mine operator for a coal mine or for a separate part of a surface mine must not appoint a person to be site senior executive for the coal mine or the separate part of the surface mine unless the person is an employee of the coal mine operator.

Maximum penalty—500 penalty units.

(2) Section 54(4A) and (5)—

renumber as section 54(5) and (6).

5 Amendment of s 57 (Appointment of another site senior executive during temporary absence)

(1) Section 57—

insert—

(1A) A coal mine operator for a coal mine must not appoint a person under subsection (1) to act as the site senior executive during an absence unless the person is an employee of the coal mine operator.

Maximum penalty—500 penalty units.

(2) Section 57(1A) and (2)—

[s 6]

renumber as section 57(2) and (3).

6 Amendment of s 59 (Additional requirements for management of surface mines)

Section 59—

insert—

- (2) The coal mine operator for the surface mine must ensure that the site senior executive appoints a person under subsection (1) only if the person is an employee of the coal mine operator.

Maximum penalty—500 penalty units.

7 Amendment of s 60 (Additional requirements for management of underground mines)

Section 60—

insert—

- (12) The coal mine operator for the underground mine must ensure that a site senior executive required to appoint a person under subsection (2) or (4), or an underground mine manager required to appoint a person under subsection (8), (9) or (10), appoints a person under the subsection only if the person is an employee of the coal mine operator.

Maximum penalty—500 penalty units.

8 Amendment of s 61 (Appointment of ventilation officer)

- (1) Section 61—

insert—

- (3A) Also, the coal mine operator for the underground mine must ensure that the underground mine manager appoints a person under subsection (2) only if the person is an employee of the coal mine

operator.

Maximum penalty—500 penalty units.

- (2) Section 61(5), penalty, ‘for subsection (5)’—

omit.

- (3) Section 61(3A) to (6)—

renumber as section 61(4) to (7).

9 Amendment of s 61A (Absence of ventilation officer)

Section 61A—

insert—

- (5) Also, the coal mine operator for the underground mine must ensure the underground mine manager appoints a person under subsection (3) only if the person is an employee of the coal mine operator.

Maximum penalty—500 penalty units.

10 Insertion of new pt 20, div 9

Part 20—

insert—

Division 9 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020

319 Deferral of obligation of coal mine operators to ensure employees are appointed to particular positions

Sections 54(5), 57(2), 59(2), 60(12), 61(4) and

[s 10]

61A(5), as inserted by the *Mineral and Energy Resources and Other Legislation Amendment Act 2020*, do not apply to a coal mine operator for a coal mine until 18 months after the commencement.

320 Particular appointments of persons who are not employees of coal mine operators made before commencement

- (1) This section applies if, immediately before the commencement, a person (the *appointee*) held any of the following appointments in relation to a coal mine—
 - (a) an appointment under section 54 as the site senior executive for the coal mine or, if the coal mine is or includes a separate part of a surface mine, the separate part;
 - (b) an appointment under section 57 to act as the site senior executive;
 - (c) an appointment under section 59 to carry out the responsibilities and duties prescribed under a regulation in 1 or more surface mine excavations;
 - (d) an appointment under section 60(2) as the underground mine manager;
 - (e) an appointment under section 60(4) as the alternate underground mine manager;
 - (f) an appointment under section 60(8) to be responsible for the control and management of underground activities when the underground mine manager is not in attendance;
 - (g) an appointment under section 60(9) to have control of activities in 1 or more explosion risk zones;

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- (h) an appointment under section 60(10) to control and manage the mechanical and electrical engineering activities;
 - (i) an appointment under section 61(2) as the ventilation officer;
 - (j) an appointment under section 61A(3) to act as the ventilation officer.
- (2) The appointee is taken to hold a valid appointment under the provision mentioned in subsection (1) even if the appointee is not an employee of the coal mine operator for the mine.
 - (3) However, if the appointee is not an employee of a coal mine operator, the appointee is taken to hold a valid appointment under the provision mentioned in subsection (1) only until the day that is 18 months after the commencement.
 - (4) No compensation is payable to an appointee because of this section.

Division 3 Amendments relating to other matters

11 Insertion of new pt 3A

After part 3—

insert—

Part 3A Industrial manslaughter

48A Definitions for part

- (1) In this part—

conduct means an act or omission to perform an

[s 11]

act.

employer, for a coal mine, means a person who employs or otherwise engages a coal mine worker.

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

senior officer, of an employer for a coal mine, means—

- (a) if the employer is a corporation—an executive officer of the corporation; or
 - (b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer's functions.
- (2) For this part, a person's conduct **causes** death if it substantially contributes to the death.

48B Exception for the Criminal Code, s 23

The Criminal Code, section 23 does not apply in relation to an offence against this part.

48C Industrial manslaughter—employer

- (1) An employer for a coal mine commits an offence if—
 - (a) a coal mine worker—
 - (i) dies in the course of carrying out work at the coal mine; or

- (ii) is injured in the course of carrying out work at the coal mine and later dies; and
- (b) the employer's conduct causes the death of the coal mine worker; and
- (c) the employer is negligent about causing the death of the coal mine worker by the conduct.

Maximum penalty—

- (a) for an individual—20 years imprisonment; or
- (b) for a body corporate—100,000 penalty units.

Note—

See section 261 in relation to imputing to a body corporate particular conduct of officers, employees or agents of the body corporate.

- (2) An offence against subsection (1) is a crime.

48D Industrial manslaughter—senior officer

- (1) A senior officer of an employer for a coal mine commits an offence if—
 - (a) a coal mine worker—
 - (i) dies in the course of carrying out work at the coal mine; or
 - (ii) is injured in the course of carrying out work at the coal mine and later dies; and
 - (b) the senior officer's conduct causes the death of the coal mine worker; and

[s 12]

- (c) the senior officer is negligent about causing the death of the coal mine worker by the conduct.

Maximum penalty—20 years imprisonment.

- (2) An offence against subsection (1) is a crime.

12 Amendment of s 255 (Proceedings for offences)

- (1) Section 255(1), after ‘this Act’—

insert—

, other than an offence against part 3A,

- (2) Section 255(4)—

insert—

Note—

See, however, section 264 in relation to particular orders for costs.

- (3) Section 255—

insert—

(9A) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.

- (4) Section 255(10), definition *serious offence*—

insert—

(aa) an offence against part 3A; or

- (5) Section 255(10), definition *serious offence*, paragraphs (aa) and (b)—

renumber as paragraphs (b) and (c).

13 Amendment of s 256B (Procedure if prosecution not brought)

Section 256B(1)(c)—

omit, insert—

- (c) the following period has elapsed from when the act or omission happened—
 - (i) if the act or omission constitutes an offence against part 3A—at least 6 months;
 - (ii) otherwise—at least 6 months but no more than 12 months.

14 Amendment of s 257 (Limitation on time for starting proceedings)

Section 257—

insert—

- (2) Subsection (1) does not apply to a proceeding for an offence against part 3A.

15 Amendment of s 264 (Costs of investigation)

- (1) Section 264, heading—

omit, insert—

264 Orders for costs

- (2) Section 264, before subsection (1)—

insert—

- (1A) This section applies in relation to a proceeding for an offence against this Act.
 - (1B) An Industrial Magistrates Court may award a represented party for the proceeding costs of the representation.
 - (1C) Subsection (2) applies despite section 255(4) and the *Industrial Relations Act 2016*, section 530(6).
- (3) Section 264—

[s 15A]

insert—

(3) In this section—

represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.

(4) Section 264(1A) to (3)—

renumber as section 264(1) to (6).

15A Amendment of s 275AA (Protection from reprisal)

Section 275AA(1), penalty, ‘40 penalty units’—

omit, insert—

1,000 penalty units

16 Insertion of new s 321

After section 320, as inserted by this Act—

insert—

321 Validation of particular orders for costs

- (1) This section applies to a costs order purportedly made by an Industrial Magistrates Court before the commencement in relation to a proceeding for an offence against this Act.
- (2) The making of the costs order is, and is taken to always have been, as valid as it would have been if amended section 264 had been in effect from 16 March 2001.
- (3) Anything done under the costs order is, and is taken to always have been, as valid as it would have been if amended section 264 had been in effect from 16 March 2001.
- (4) If the repealed *Industrial Relations Act 1999*

applied to the proceeding, amended section 264 applies as if the reference in section 264(3) to the *Industrial Relations Act 2016*, section 530(6) were a reference to section 319(3) of the repealed Act.

(5) In this section—

amended section 264 means section 264 as amended by the *Mineral and Energy Resources and Other Legislation Amendment Act 2020*.

costs order means an order awarding a represented party for a proceeding costs of the representation.

Industrial Magistrates Court includes an Industrial Magistrates Court under the repealed *Industrial Relations Act 1999*.

represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.

17 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

causes, for part 3A, see section 48A(2).

conduct, for part 3A, see section 48A(1).

employer, for a coal mine, for part 3A, see section 48A(1).

executive officer, of a corporation, for part 3A, see section 48A(1).

senior officer, of an employer for a coal mine, for part 3A, see section 48A(1).

[s 18]

Part 3 **Amendment of Energy and Water Ombudsman Act 2006**

18 **Act amended**

This part amends the *Energy and Water Ombudsman Act 2006*.

19 **Amendment of s 6D (Who is a *relevant energy customer*)**

(1) Section 6D(1)—

insert—

(c) a person who, under an energy Act, is supplied energy by a prescribed energy entity.

(2) Section 6D(2), after ‘on-supplier’—

insert—

, who is not a prescribed energy entity,

20 **Amendment of s 7 (What is an *energy entity*)**

(1) Section 7, heading, after ‘entity’—

insert—

and a *prescribed energy entity*

(2) Section 7—

insert—

(e) a prescribed energy entity.

(3) Section 7—

insert—

(2) A ***prescribed energy entity*** is an exempt seller or another entity prescribed to be an energy entity by regulation.

21 Amendment of s 12 (Restrictions on functions—energy entities)

Section 12(1)(d)—

omit, insert—

- (d) disputes between—
 - (i) a small customer under an energy Act, or an eligible non-residential energy customer: and
 - (ii) an on-supplier under an energy Act, other than a prescribed energy entity;

22 Amendment of s 64 (Scheme participation—energy entities)

Section 64(1), after ‘seller’—

insert—

, other than a prescribed energy entity,

23 Amendment of s 66 (When participation fee is payable)

Section 66—

insert—

- (5) However, if a scheme participant is a prescribed energy entity—
 - (a) despite subsections (1) and (2), the energy and water ombudsman must comply with the requirements prescribed by regulation about giving an invoice for a participation fee to the prescribed energy entity; and
 - (b) despite subsection (4), the participation fee for a prescribed energy entity is payable within the period prescribed by regulation.

[s 24]

24 Amendment of s 67 (Amount of participation fee—energy entity)

(1) Section 67(1)(f), after ‘an exempt seller’—

insert—

other than a prescribed energy entity

(2) Section 67(1)—

insert—

(g) if it is a prescribed energy entity—the amount prescribed by regulation.

25 Amendment of s 68 (When user-pays fee is payable)

Section 68—

insert—

(5) This section does not apply to a scheme participant that is a prescribed energy entity.

26 Amendment of s 69 (Working out user-pays fee)

(1) Section 69, heading, after ‘fee’—

insert—

generally

(2) Section 69—

insert—

(5A) This section does not apply to a scheme participant that is a prescribed energy entity.

27 Insertion of new s 69A

After section 69—

insert—

69A User-pays fees for prescribed energy entities

- (1) A regulation may prescribe—
 - (a) the amount of a user-pays fee for a prescribed energy entity; and
 - (b) requirements about giving an invoice for a user-pays fee to a prescribed energy entity; and
 - (c) when a user-pays fee is payable by a prescribed energy entity.
- (2) The energy and water ombudsman must comply with the requirements prescribed by regulation about—
 - (a) giving an invoice for a user-pays fee to a prescribed energy entity; and
 - (b) when a user-pays fee is payable by a prescribed energy entity.

28 Amendment of schedule (Dictionary)

Schedule—

insert—

prescribed energy entity see section 7(2).

Part 4 Amendment of Explosives Act 1999

29 Act amended

This part amends the *Explosives Act 1999*.

30 Insertion of new pt 4A

After part 4—

insert—

Part 4A Industrial manslaughter

54A Definitions for part

(1) In this part—

conduct means an act or omission to perform an act.

employee means an individual who does an act involving explosives.

employer means a person who employs or otherwise engages an employee.

senior officer, of an employer, means—

(a) if the employer is a corporation—an executive officer of the corporation; or

(b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer's functions.

(2) For this part, a person's conduct *causes* death if it substantially contributes to the death.

54B Exception for the Criminal Code, s 23

The Criminal Code, section 23 does not apply in relation to an offence against this part.

54C Industrial manslaughter—employer

(1) An employer commits an offence if—

(a) an employee of the employer—

- (i) dies in the course of doing an act involving explosives; or
- (ii) is injured in the course of doing an act involving explosives and later dies; and
- (b) the employer's conduct causes the death of the employee; and
- (c) the employer is negligent about causing the death of the employee by the conduct.

Maximum penalty—

- (a) for an individual—20 years imprisonment; or
- (b) for a body corporate—100,000 penalty units.

Note—

See section 119 in relation to imputing to a body corporate particular conduct of executive officers, employees or agents of the body corporate.

- (2) An offence against subsection (1) is a crime.

54D Industrial manslaughter—senior officer

- (1) A senior officer of an employer commits an offence if—
 - (a) an employee of the employer—
 - (i) dies in the course of doing an act involving explosives; or
 - (ii) is injured in the course of doing an act involving explosives and later dies; and
 - (b) the senior officer's conduct causes the death of the employee; and
 - (c) the senior officer is negligent about causing the death of the employee by the conduct.

[s 31]

Maximum penalty—20 years imprisonment.

(2) An offence against subsection (1) is a crime.

31 Amendment of s 118 (Proceeding for offence)

(1) Section 118(1), after ‘this Act’—

insert—

, other than an offence against part 4A,

(2) Section 118—

insert—

(6A) Subsection (6) does not apply to a proceeding for an offence against part 4A.

(6B) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.

(3) Section 118(7), definition *serious offence*—

insert—

(aa) an offence against part 4A; or

(4) Section 118(7), definition *serious offence*, paragraphs (aa) and (b)—

renumber as paragraphs (b) and (c).

32 Amendment of s 118C (Procedure if prosecution not brought)

Section 118C(1)(c)—

omit, insert—

(c) the following period has elapsed from when the act or omission happened—

(i) if the act or omission constitutes an offence against part 4A—at least 6 months;

- (ii) otherwise—at least 6 months but no more than 12 months.

33 Amendment of s 135 (Regulation-making power)

- (1) Section 135(2)(j), after ‘authority’—

insert—

or security clearance

- (2) Section 135(2)—

insert—

- (1) the keeping of a register of authorities and security clearances, including the disclosure and publication of information in the register.

34 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

causes, for part 4A, see section 54A(2).

conduct, for part 4A, see section 54A(1).

employee, for part 4A, see section 54A(1).

employer, for part 4A, see section 54A(1).

senior officer, of an employer, for part 4A, see section 54A(1).

Part 5 Amendment of Geothermal Energy Act 2010

35 Act amended

This part amends the *Geothermal Energy Act 2010*.

[s 36]

Note—

See also the amendments in schedule 1.

36 Insertion of new s 36A

After section 36—

insert—

36A Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a geothermal permit if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the geothermal permit.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

37 Insertion of new s 78A

After section 78—

insert—

78A Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a geothermal lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the geothermal lease.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

38 Insertion of new s 133A

After section 133—

insert—

133A Power to impose or amend condition if changed holder of geothermal tenure

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a geothermal tenure under the Corporations Act, section 50AA;
 - (b) the holder of a geothermal tenure starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the geothermal tenure has the financial and technical resources to comply with the conditions of the geothermal tenure.
- (3) If the Minister considers the holder of the geothermal tenure may not have the financial and technical resources to comply with conditions of the geothermal tenure, the Minister may impose another condition on, or amend a condition of, the geothermal tenure.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the geothermal tenure to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister may require the holder of the geothermal tenure to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and

[s 39]

- (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister must give the holder of the tenure a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the geothermal tenure.
- (9) In deciding whether to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the geothermal tenure under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

39 Amendment of ch 7, hdg (Conferences, enforcement, offences and proceedings)

Chapter 7, heading, ‘Conferences, enforcement’—

omit, insert—

Enforcement

40 Omission of ch 7, pt 1 (Conferences with eligible claimants or owners and occupiers)

Chapter 7, part 1—

omit.

41 Renumbering of ch 7, pts 2 to 5

Chapter 7, parts 2 to 5—

renumber as chapter 7, parts 1 to 4.

42 Amendment of s 346 (Offences under Act are summary)

Section 346(2)—

omit, insert—

- (2) A proceeding for an offence against this Act must be started within—
 - (a) 1 year after the commission of the offence;
or
 - (b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

43 Insertion of new ch 9, pt 6

Chapter 9—

insert—

Part 6

Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020

414 Power to impose or amend condition if changed holder of geothermal tenure

The power of the Minister to impose another condition on, or amend a condition of, a geothermal tenure under section 133A applies—

- (a) whether the tenure was granted before or after the commencement; and
- (b) only if the change mentioned in section 133A(1) happens after the commencement.

415 Conferences with eligible claimants or owners or occupiers started before commencement

- (1) This section applies if—
 - (a) an authorised officer asked parties to attend a conference under section 313 as in force before the commencement; and
 - (b) immediately before the commencement the conference had not taken place.
- (2) The conference must take place under chapter 7, part 1 as in force immediately before the commencement.
- (3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.

44 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *conference election notice* and *parties*—
omit.

**Part 6 Amendment of Greenhouse
Gas Storage Act 2009**

45 Act amended

This part amends the *Greenhouse Gas Storage Act 2009*.

Note—

See also the amendments in schedule 1.

46 Insertion of new s 35A

After section 35—

insert—

35A Rejection of tender if tenderer disqualified

- (1) The Minister must reject a tender for a GHG permit if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the GHG permit.
- (2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.

47 Insertion of new s 92A

After section 92—

insert—

[s 47]

92A Power to impose or amend condition if changed holder of GHG permit

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a GHG permit under the Corporations Act, section 50AA;
 - (b) the holder of a GHG permit starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the GHG permit has the financial and technical resources to comply with the conditions of the GHG permit.
- (3) If the Minister considers the holder of the GHG permit may not have the financial and technical resources to comply with conditions of the GHG permit, the Minister may impose another condition on, or amend a condition of, the GHG permit.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the GHG permit to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister may require the holder of the GHG permit to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and

- (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister must give the holder of the permit a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the GHG permit.
- (9) In deciding whether to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the GHG permit under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

48 Insertion of new s 115

After section 114—

insert—

[s 49]

115 Rejection of permit-related application if applicant disqualified

- (1) The Minister must reject a permit-related application for a GHG lease if the Minister decides the person making the application is disqualified under the Common Provisions Act, chapter 7 from being granted the GHG lease.
- (2) On rejection of the application, the Minister must give the person making the application a notice about the decision.

49 Insertion of new s 126A

After section 126—

insert—

126A Rejection of tender if tenderer disqualified

- (1) The Minister must reject a tender for a proposed GHG lease if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the GHG lease.
- (2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.

50 Insertion of new s 173A

After section 173—

insert—

173A Power to impose or amend condition if changed holder of GHG lease

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a GHG lease under the Corporations Act, section 50AA;

- (b) the holder of a GHG lease starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the GHG lease has the financial and technical resources to comply with the conditions of the GHG lease.
- (3) If the Minister considers the holder of the GHG lease may not have the financial and technical resources to comply with conditions of the GHG lease, the Minister may impose another condition on, or amend a condition of, the GHG lease.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the GHG lease to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister may require the holder of the GHG lease to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister must give the holder of the lease a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and

[s 51]

- (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the GHG lease.
- (9) In deciding whether to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the GHG lease under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

51 Amendment of ch 6, hdg (Conferences, investigations and enforcement)

Chapter 6, heading, ‘Conferences, investigations’—
omit, insert—

Investigations

52 Omission of ch 6, pt 1A (Conferences with eligible claimants or owners and occupiers)

Chapter 6, part 1A—
omit.

53 Amendment of s 407 (Offences under Act are summary)

Section 407(2)—

omit, insert—

- (2) A proceeding for an offence against this Act must be started within—
- (a) 1 year after the commission of the offence; or
 - (b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

54 Insertion of new ch 8, pt 5

Chapter 8—

insert—

**Part 5 Transitional provisions
for Mineral and Energy
Resources and Other
Legislation
Amendment Act 2020**

**450 Power to impose or amend condition if
changed holder of GHG permit or GHG lease**

The power of the Minister to impose another condition on, or amend a condition of, a GHG permit under section 92A or a GHG lease under section 173A applies—

- (a) whether the permit or lease was granted before or after the commencement; and
- (b) only if the change mentioned in section 92A(1) or 173A(1) happens after the commencement.

[s 55]

451 Conferences with eligible claimants or owners or occupiers started before commencement

- (1) This section applies if—
 - (a) an authorised officer asked parties to attend a conference under section 377B as in force before the commencement; and
 - (b) immediately before the commencement the conference had not taken place.
- (2) The conference must take place under chapter 6, part 1A as in force immediately before the commencement.
- (3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.

55 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *conference election notice*, *eligible claimant* and *parties*—

omit.

Part 7 Amendment of Mineral and Energy Resources (Common Provisions) Act 2014

56 Act amended

This part amends the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Note—

See also the amendments in schedule 1.

57 Amendment of s 3 (Main purposes)

(1) Section 3—

insert—

(ca) to provide for the disqualification of persons from grant or transfer of particular resource authorities; and

(2) Section 3(ca) and (d)—

renumber as section 3(d) and (e).

58 Amendment of s 4 (How main purposes are achieved)

(1) Section 4(1)—

insert—

(ca) the disqualification from grant or transfer of particular resource authorities;

(2) Section 4(1)(ca) to (e)—

renumber as section 4(1)(d) to (f).

(3) Subsection 4(2), ‘be the first step’—

omit, insert—

lead

59 Amendment of s 16 (What is a *dealing*)

Section 16(b), ‘or arrangement’—

omit, insert—

, arrangement or circumstance

60 Replacement of s 17 (Prescribed dealings require registration)

Section 17—

[s 61]

omit, insert—

17 Prescribed dealings require approval of Minister and registration

- (1) A regulation may prescribe the dealings with a resource authority (each a *prescribed dealing*) that must be approved by the Minister under this part, and registered, to have effect.
- (2) A prescribed dealing has no effect unless, and until, it is approved by the Minister under this part and registered.

17A Notifiable dealings require notice to chief executive and registration

- (1) A regulation may prescribe the dealings with a resource authority (each a *notifiable dealing*) that must be notified to the chief executive under this part, and registered, to have effect.
- (2) A notifiable dealing has no effect unless, and until, it is notified to the chief executive under this part and registered.

61 Amendment of s 19 (Application for Minister’s approval to register dealing)

- (1) Section 19, heading, from ‘to’—

omit, insert—

of prescribed dealing

- (2) Section 19(1), from ‘The’ to ‘register’—

omit, insert—

The following entities may apply to the Minister for approval of

- (3) Section 19(2)—

omit.

(4) Section 19(3), ‘Chapter 5’—

omit, insert—

Chapter 6

(5) Section 19—

insert—

(3A) If the Minister decides to give the approval, the chief executive must register the prescribed dealing as soon as possible after the approval is given.

(3B) To remove any doubt, it is declared that registration under subsection (3) is subject to sections 20 and 21.

(6) Section 19(3) to (4)—

renumber as section 19(2) to (5).

62 Insertion of new ss 19A and 19B

After section 19—

insert—

19A Rejection of application if intended transferee disqualified

(1) The Minister must reject an application for approval of a prescribed dealing that is a transfer of a resource authority or a share in a resource authority if the Minister decides the intended transferee of the resource authority or share is disqualified under section 196C from being transferred the resource authority or share.

(2) However, subsection (1) does not apply to a transfer of a share in a resource authority if—

(a) the share is being transferred to a person who already holds a share in the resource authority; and

[s 62]

- (b) the person transferring the share continues, after the transfer, to hold a share in the resource authority.

19B Notice to chief executive to register notifiable dealing

- (1) The *ordinary rule* is that the following entities may give notice to the chief executive of a notifiable dealing to enable its registration—
 - (a) the affected resource authority holder;
 - (b) any other entity with the affected resource authority holder's consent.
- (2) However, if a notifiable dealing is required to be executed because of the operation of a law, a regulation may change the ordinary rule by prescribing the following—
 - (a) who may or must give notice to the chief executive;
 - (b) the period within which the notice must be given.

Example of dealing required to be executed because of the operation of a law—

the transfer of an interest in a resource authority because of the death of the resource authority holder

- (3) The notice must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee prescribed by regulation.
- (4) The chief executive must register the notifiable dealing as soon as possible after the notice is given.
- (5) Subsection (6) applies if the notifiable dealing is—

-
- (a) a transmission by death of a resource authority or a share in a resource authority; or
 - (b) a transfer of a resource authority or a share in a resource authority by operation of law.
- (6) The chief executive may register the notifiable dealing only if the proposed transferee is—
- (a) an eligible person; and
 - (b) for a resource authority other than a small scale mining tenure within the meaning of the Environmental Protection Act—a registered suitable operator under the Environmental Protection Act.
- (7) To remove any doubt, it is declared that registration under subsection (4) or (6) is subject to sections 20 and 21.
- (8) In this section—
- affected resource authority holder* means—
- (a) for a notifiable dealing affecting the whole of a resource authority—the holder of the resource authority; or
 - (b) for a notifiable dealing affecting a share in a resource authority—the holder of the share.

63 Replacement of s 20 (Unpaid royalties prevent transfer of resource authority)

Section 20—

omit, insert—

20 Unpaid royalties prevent registration of dealing

- (1) This section applies if a prescribed dealing or notifiable dealing is a transfer of a resource

[s 64]

authority or a share in a resource authority.

- (2) However, this section does not apply to a transfer of a share in a resource authority if—
 - (a) the share is being transferred to a person who already holds a share in the resource authority; and
 - (b) the person transferring the share continues, after the transfer, to hold a share in the resource authority.
- (3) The prescribed dealing or notifiable dealing must not be registered, and can not take effect, under this part while any royalty payable by the holder of the resource authority remains unpaid.

64 Amendment of s 20A (Failure to pay contribution to scheme fund or give surety prevents registration of prescribed dealing)

- (1) Section 20A, heading, ‘prescribed’—
omit.
- (2) Section 20A(1)(a), after ‘prescribed dealing’—
insert—

, or the chief executive is given notice of a notifiable dealing,
- (3) Section 20A(2), after ‘prescribed dealing’—
insert—

or notifiable dealing

65 Amendment, relocation and renumbering of s 22 (Effect of registration and Minister’s approval)

- (1) Section 22, ‘, or the Minister’s approval to register the dealing’—

omit, insert—

or notifiable dealing under this part, or an approval of the Minister

(2) Section 22—

relocate to chapter 2, part 1 after section 23 and *renumber* as section 23A.

66 Renumbering of ss 20A and 21

Section 20A, as amended by this Act, and section 21—
renumber as sections 21 and 22.

67 Amendment of s 32 (What is an *associated agreement*)

(1) Section 32(2)—

insert—

(aa) a notifiable dealing;

(2) Section 32(2)(aa) and (b)—

renumber as section 32(2)(b) and (c).

68 Insertion of new ch 3, pt 8

Chapter 3—

insert—

**Part 8 Conferences held by
authorised officer**

101D Notice of concern may be given to authorised officer

(1) An owner or occupier of land that may be affected by a resource authority may give notice to an authorised officer of any of the following

[s 68]

- concerns relating to the resource authority—
- (a) a concern about the authority of the resource authority holder to enter or be on the land;
 - (b) a concern about activities of the resource authority holder that may affect the land;
 - (c) a concern about the conduct of the resource authority holder.
- (2) A resource authority holder may give notice to an authorised officer of a concern involving the holder and an owner or occupier of land.
 - (3) For subsection (1), a resource authority holder includes a person acting, or purporting to act, for a resource authority holder or for a purpose relating to a resource authority.

101E Authorised officer may call conference

- (1) This section applies if an authorised officer—
 - (a) receives under section 101D notice of a concern relating to a resource authority; or
 - (b) is aware of a concern about a resource authority.
- (2) The authorised officer may ask any of the following persons (each a *party*) to participate in a conference conducted by the authorised officer to discuss the concern—
 - (a) the resource authority holder;
 - (b) an owner or occupier of land that may be affected by the resource authority;
 - (c) another person interested in the concern.

101F Conduct of conference

- (1) This section applies if an authorised officer asks a party to participate in a conference under section 101E(2).
- (2) The conference must be conducted under the prescribed requirements.
- (3) In conducting the conference, the authorised officer must endeavour to help the parties reach an early and inexpensive settlement of the concern the subject of the conference.
- (4) If a party does not attend the conference—
 - (a) the authorised officer may continue to conduct the conference; and
 - (b) a party who attends the conference may apply to the Land Court for an order requiring a party who did not attend the conference to pay the attending party's reasonable costs of attending.
- (5) The Land Court must not order a party to pay costs under subsection (4)(b) if the party had a reasonable excuse for not attending the conference.
- (6) If the Land Court makes an order under subsection (4)(b), the Land Court must decide the amount of the costs.
- (7) Nothing said by a person at the conference is admissible in evidence in a proceeding without the person's consent.
- (8) If parties asked to participate in the conference make an agreement about the concern the subject of the conference, the agreement must be written and signed by the parties.
- (9) In this section—

[s 69]

party see section 101E(2).

69 Amendment of s 103 (Definitions for ch 4)

Section 103, definition *mining safety legislation*—
omit.

70 Omission of ch 4, pt 6, div 2 (Ministerial powers)

Chapter 4, part 6, division 2—
omit.

71 Renumbering of ch 4, pt 6, div 3 (Compensation)

Chapter 4, part 6, division 3—
renumber as chapter 4, part 6, division 2.

72 Renumbering of chs 5 to 8

Chapters 5, 6, 7 and 8—
renumber as chapters 6, 8, 9 and 10.

73 Insertion of new ch 5

After section 174—
insert—

**Chapter 5 General provisions
for overlapping and
co-existing resource
authorities**

Part 1

Preliminary

174A Definitions for chapter

In this chapter—

agreed co-existence plan means an agreed co-existence plan under—

- (a) the Mineral Resources Act, section 271AB; or
- (b) the P&G Act, section 400 or 440.

agreed joint development plan see section 103.

agreed plan means—

- (a) an agreed joint development plan; or
- (b) an agreed co-existence plan.

co-existing area means land that is the subject of—

- (a) a later mining lease and an existing authority as mentioned in the Mineral Resources Act, section 271AB; or
- (b) a pipeline licence and an existing geothermal lease, GHG lease or mining lease as mentioned in the P&G Act, section 400; or
- (c) a petroleum facility licence and an existing mining lease as mentioned in the P&G Act, section 440.

overlapping area see section 104.

Part 2 Ministerial powers

174B Requirement to give copy of agreed plan

- (1) The Minister may, by written notice, require a resource authority holder to whom an agreed plan applies to give the Minister a copy of the agreed

[s 73]

plan.

- (2) The resource authority holder must give the copy to the Minister within 30 business days after the notice is given under subsection (1).
- (3) This section does not apply if the agreed plan has stopped having effect.

174C Amendment of agreed plan

- (1) The Minister may, by written notice, require a resource authority holder to whom an agreed plan applies to amend the agreed plan.
- (2) The matters the Minister must consider in deciding whether to require an amendment include each of the following—
 - (a) the potential of each of the resource authority holders to whom the plan applies—
 - (i) for an agreed joint development plan—to develop coal and coal seam gas resources to optimise the development and use of the State’s coal and coal seam gas resources; or
 - (ii) for an agreed co-existence plan—to optimise the development and use of the State’s resources;
 - (b) the extent to which each of the resource authority holders to whom the plan applies have complied with the plan;
 - (c) whether, if the amendment was made, compliance with the plan would continue to be commercially and technically feasible for the resource authority holders to whom the plan applies;

- (d) the content of any development plan under the Mineral Resources Act or P&G Act for each of the resource authorities to which the agreed plan applies.
- (3) A notice given under subsection (1) must include an information notice about the Minister's decision to require the amendment.

174D Request for information

The Minister may, by written notice, ask a resource authority holder to give the Minister any information the Minister considers appropriate to—

- (a) for an overlapping area—
 - (i) optimise the development and use of the State's coal and coal seam gas resources; or
 - (ii) ensure safe mining in the overlapping area; or
- (b) for a co-existing area—
 - (i) optimise the development and use of the State's resources; or
 - (ii) ensure safe operations in the co-existing area.

174E Right of appeal

- (1) This section applies if the Minister decides to exercise a power under section 174C(1).
- (2) The P&G Act, chapter 12, part 2 applies, with necessary changes, to the decision as if—
 - (a) the decision were mentioned in the P&G Act, schedule 1, table 2; and

[s 74]

- (b) the P&G Act, schedule 1, table 2 stated the Land Court as the appeal body for the decision; and
- (c) a reference in the P&G Act, chapter 12, part 2 to an information notice included a reference to an information notice under section 174C(3).

74 Relocation and renumbering of ch 4, pt 6, div 4 (Dispute resolution)

Chapter 4, part 6, division 4—

relocate to chapter 5, as inserted by this Act, and *renumber* as chapter 5, part 3.

75 Amendment of s 175 (Application of div 4)

- (1) Section 175, after ‘following disputes’—

insert—

(each an *overlap dispute*)

- (2) Section 175—

insert—

- (2) This division also applies to the following disputes (each a *co-existence dispute*) between persons (each a *party*)—
 - (a) a dispute mentioned in the Mineral Resources Act, section 271AB(9);
 - (b) a dispute mentioned in the P&G Act, section 400(7);
 - (c) a dispute mentioned in the P&G Act, section 440(7).

76 Amendment of s 176 (Definitions for div 4)

(1) Section 176, definitions *party* and *prescribed arbitration institute*—

omit.

(2) Section 176—

insert—

co-existence dispute see section 175(2).

dispute means—

- (a) an overlap dispute; or
- (b) a co-existence dispute.

overlap dispute see section 175(1).

party—

- (a) for an overlap dispute—see section 175(1);
or
- (b) for a co-existence dispute—see section 175(2).

77 Amendment of s 178 (Arbitrator's functions)

Section 178(2)—

omit, insert—

(2) The award must be consistent with—

(a) for an overlap dispute—

- (i) optimising the development and use of the State's coal and coal seam gas resources; and
- (ii) safety and health requirements under mining safety legislation; or

(b) for a co-existence dispute—

[s 78]

- (i) optimising the development and use of the State's resources; and
- (ii) safety and health requirements under mining safety legislation.

78 Amendment of s 179 (Expert appointed by arbitrator)

Section 179(1)(a) and (b)—

omit, insert—

- (a) for an overlap dispute—
 - (i) must appoint at least 1 qualified person with expertise in coal mining, and 1 qualified person with expertise in coal seam gas exploration and production (each an ***appointed expert***), to report to the arbitrator on specific issues decided by the arbitrator; and
 - (ii) may appoint another appropriately qualified person (also an ***appointed expert***) to report to the arbitrator on specific issues decided by the arbitrator; and
- (b) for a co-existence dispute—may appoint an appropriately qualified person (also an ***appointed expert***) to report to the arbitrator on specific issues decided by the arbitrator; and

79 Insertion of new ch 7

After section 196—

insert—

Chapter 7 Disqualification of applicants

196A Definitions for chapter

In this chapter—

applicant—

- (a) for an application for the grant of a prescribed resource authority—see section 196C(1)(a); or
- (b) for a tender for a prescribed resource authority—see section 196C(1)(b); or
- (c) for an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority—see section 196C(1)(c).

associate, of an applicant for a prescribed matter, means either—

- (a) an entity the decision-maker for the prescribed matter considers is in a position to control or substantially influence the applicant's affairs in connection with the prescribed resource authority the subject of the prescribed matter; or
- (b) if the applicant is a body corporate—
 - (i) a director of the applicant; or
 - (ii) if the applicant is a subsidiary of another body corporate (the ***parent company***)—
 - (A) the parent company; or
 - (B) a director of the parent company.

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

[s 79]

decision-maker, for a prescribed matter, means the Minister.

director, of a body corporate, has the meaning given by the Corporations Act, section 9.

prescribed matter see section 196B.

prescribed resource authority means—

- (a) any of the following under the Mineral Resources Act—
 - (i) a mining claim;
 - (ii) an exploration permit;
 - (iii) a mineral development licence;
 - (iv) a mining lease; or
- (b) any of the following under the P&G Act—
 - (i) an authority to prospect;
 - (ii) a petroleum lease;
 - (iii) a pipeline licence;
 - (iv) a petroleum facility licence; or
- (c) a lease under the 1923 Act; or
- (d) any of the following under the Geothermal Act—
 - (i) a geothermal exploration permit;
 - (ii) a geothermal production lease; or
- (e) any of the following under the Greenhouse Gas Act—
 - (i) a GHG exploration permit;
 - (ii) a GHG injection and storage lease.

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

196B Application of chapter

This chapter applies in relation to each of the following (each a *prescribed matter*)—

- (a) an application for the grant of a prescribed resource authority;
- (b) a tender for a prescribed resource authority;
- (c) an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority.

196C Disqualification from grant or transfer of resource authority

- (1) The decision-maker for the prescribed matter may decide—
 - (a) for an application for the grant of a prescribed resource authority—the entity making the application (the *applicant*) is disqualified from being granted the authority; or
 - (b) for a tender for a prescribed resource authority—the entity making the tender (also the *applicant*) is disqualified from being granted the authority; or
 - (c) for an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a

[s 79]

prescribed resource authority—the intended transferee (also the *applicant*) is disqualified from being transferred the authority.

- (2) In making a decision under subsection (1), the decision-maker may consider the following matters—
- (a) whether the applicant, or an associate of the applicant, has contravened this Act or a Resource Act, other than the P&G Act, chapter 9;
 - (b) whether the applicant, or an associate of the applicant, has been convicted of an offence against—
 - (i) this Act or a Resource Act; or
 - (ii) the *Coal Mining Safety and Health Act 1999*; or
 - (iii) the *Environmental Protection Act 1994*; or
 - (iv) the *Mining and Quarrying Safety and Health Act 1999*; or
 - (v) the *Water Act 2000*;
 - (c) whether the applicant, or an associate of the applicant, has been convicted of an offence against a corresponding law;
 - (d) whether the applicant, or an associate of the applicant, has, within 10 years before the application or tender was made, been convicted of an offence involving fraud or dishonesty;
 - (e) whether the applicant, or an associate of the applicant, is an insolvent under administration;

- (f) whether the applicant, or an associate of the applicant, is or was, within 10 years before the application or tender was made, a director of a body corporate that is or was the subject of a winding-up order or for which a controller or administrator is or was appointed;
 - (g) whether the applicant, or an associate of the applicant, is disqualified from managing corporations because of the Corporations Act, part 2D.6;
 - (h) submissions, if any, made under section 196G;
 - (i) any other matter the decision-maker considers relevant to making the decision.
- (3) However, the decision-maker may disregard a contravention, or conviction for an offence, mentioned in subsection (2) having regard to—
- (a) the degree of seriousness of the contravention or offence; and
 - (b) the degree of harm caused by the contravention or offence; and
 - (c) the length of time that has elapsed from the commission of the contravention or offence; and
 - (d) the extent to which the applicant or associate was involved in the commission of the contravention or offence; and
 - (e) any other matter the decision-maker considers relevant.
- (4) In this section—
- corresponding law*** means a law of the Commonwealth or another State that—

[s 79]

- (a) provides for the same, or substantially the same, matter as an Act mentioned in subsection (2)(b); or
- (b) is prescribed by regulation for this definition.

196D Requirement for further information

- (1) The decision-maker for a prescribed matter may, before deciding an applicant for the matter is disqualified under section 196C, require the applicant to give the decision-maker further information or a document the decision-maker requires to make the decision.
- (2) The requirement must—
 - (a) be made by notice given to the applicant; and
 - (b) state a period of at least 10 business days within which the applicant must comply with the requirement.
- (3) The decision-maker may extend the period mentioned in subsection (2)(b) by notice given to the applicant.
- (4) If the applicant does not comply with the requirement, the decision-maker may make a decision under section 196C without the further information or document.

196E Criminal history check

- (1) To help decide whether an applicant for a prescribed matter is disqualified under section 196C, the decision-maker for the matter may ask the police commissioner for a report about the criminal history of the applicant or an associate of the applicant.

- (2) However, the decision-maker may make the request only if the applicant, or associate of the applicant, has given the decision-maker written consent for the request.
- (3) The police commissioner must comply with the request.
- (4) However, subsection (3) applies only to information in the police commissioner's possession or to which the commissioner has access.
- (5) If the criminal history of the person includes a conviction recorded against the person, the police commissioner's report must be written.
- (6) The decision-maker must destroy the report as soon as practicable after the decision under section 196C is made.

196F Costs of criminal history report

- (1) The decision-maker for a prescribed matter may require an applicant for the matter to pay the reasonable, but no more than actual, costs of obtaining a report under section 196E about the applicant or an associate of the applicant.
- (2) The decision-maker for a prescribed matter must refund to the applicant an amount paid under subsection (1) if—
 - (a) the decision-maker refuses the application without asking for the report; or
 - (b) the applicant withdraws the application before the decision-maker asks for the report.

196G Notice of intended disqualification

- (1) The decision-maker for a prescribed matter must, before deciding an applicant for the matter is disqualified under section 196C, give the applicant a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the applicant may, within 20 business days after the notice is given, make submissions to the decision-maker about the proposed decision.
- (2) The decision-maker may extend the period mentioned in subsection (1)(c) by notice given to the applicant.

196H Notice of disqualification

- (1) This section applies if a decision-maker for a prescribed matter decides an applicant for the matter is disqualified under section 196C.
- (2) The decision-maker must, as soon as practicable after making the decision, give the applicant a notice stating the decision and the reasons for the decision.

80 Insertion of new ch 10, pt 3

Chapter 10—

insert—

Part 3

Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020

247 Application for approval to register particular prescribed dealings taken to be notification of particular notifiable dealings

- (1) This section applies if —
 - (a) before the commencement, an application was made under section 19 for approval to register a prescribed dealing mentioned in the *Mineral and Energy Resources (Common Provisions) Regulation 2016*, section 4(1)(a) or (f) as in force before the commencement; and
 - (b) immediately before the commencement, the prescribed dealing mentioned in paragraph (a) had not been registered.
- (2) The application is taken to be a notice to the chief executive of a notifiable dealing to enable its registration under section 19B(1).

248 Disqualification of applicants

The power of a decision-maker for a prescribed matter to decide an applicant for the matter is disqualified under section 196C applies only if the application or tender constituting the prescribed matter was made after the commencement.

[s 81]

81 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *mining safety legislation*, *party* and *prescribed arbitration institute*—
omit.

(2) Schedule 2—
insert—

agreed co-existence plan, for chapter 5, see section 174A.

agreed plan, for chapter 5, see section 174A.

applicant, for chapter 7, see section 196A.

associate, of an applicant for a prescribed matter, for chapter 7, see section 196A.

co-existing area, for chapter 5, see section 174A.

criminal history, of a person, for chapter 7, see section 196A.

decision-maker, for a prescribed matter, for chapter 7, see section 196A.

director, of a body corporate, for chapter 7, see section 196A.

insolvent under administration means a person who is an insolvent under administration under the Corporations Act, section 9.

mining safety legislation means—

- (a) the *Coal Mining Safety and Health Act 1999*; or
- (b) the *Mining and Quarrying Safety and Health Act 1999*; or
- (c) the P&G Act; or
- (d) the *Mineral Resources Regulation 2013*, chapter 2, part 4, division 4.

notifiable dealing see section 17A(1).

party, for chapter 5, part 3, see section 176.

prescribed arbitration institute means an entity for nominating arbitrators that is prescribed by regulation.

prescribed matter, for chapter 7, see section 196B.

prescribed resource authority, for chapter 7, see section 196A.

spent conviction, for chapter 7, see section 196A.

- (3) Schedule 2, definitions *agreed joint development plan* and *overlapping area*, ‘chapter 4’—

omit, insert—

chapters 4 and 5

Part 8 Amendment of Mineral and Energy Resources (Common Provisions) Regulation 2016

82 Regulation amended

This part amends the *Mineral and Energy Resources (Common Provisions) Regulation 2016*.

Note—

See also the amendments in schedule 1.

83 Amendment of s 4 (Prescribed dealings—Act, s 17)

- (1) Section 4(1)(a) and (f)—

omit.

- (2) Section 4(1)(b) to (e)—

renumber as section 4(1)(a) to (d).

84 Insertion of new s 4A

After section 4—

insert—

4A Notifiable dealings—Act, s 17A

For section 17A(1) of the Act, each of the following is a notifiable dealing—

- (a) a change to the resource authority holder's name even if the holder continues to be the same person after the change;
- (b) a non-assessable transfer.

85 Amendment of s 6 (Transmission by death—Act, s 19)

- (1) Section 6, heading, 's 19'—

omit, insert—

s 19B

- (2) Section 6(1), 'prescribed dealing'—

omit, insert—

notifiable dealing

- (3) Section 6(2)—

omit, insert—

- (2) For section 19B(2) of the Act, the executor, administrator or public trustee administering the holder's estate must give notice to the chief executive of the notifiable dealing to enable its registration.

- (4) Section 6(3) and (4), 'application must be made'—

omit, insert—

notice must be given

- (5) Section 6(4), ‘Minister’—

omit, insert—

chief executive

86 Amendment of s 7 (Sale by mortgagee—Act, s 19)

- (1) Section 7, heading, from ‘—Act’—

omit, insert—

or holder of charge—Act, s 19B

- (2) Section 7(1), ‘prescribed dealing’—

omit, insert—

notifiable dealing

- (3) Section 7(1), after ‘mortgagee’—

omit, insert—

or the holder of a charge

- (4) Section 7(2)—

omit, insert—

- (2) For section 19B(2) of the Act, the mortgagee or holder of the charge must give notice to the chief executive of the notifiable dealing to enable its registration.

87 Amendment of s 8 (Bankruptcy—Act, s 19)

- (1) Section 8, heading, ‘s 19’—

omit, insert—

s 19B

- (2) Section 8(1), ‘prescribed dealing’—

omit, insert—

notifiable dealing

(3) Section 8(2)—

omit, insert—

(2) For section 19B(2) of the Act, the trustee administering the bankruptcy must give notice to the chief executive of the notifiable dealing to enable its registration.

88 Amendment of s 9 (Administration, receivership or liquidation—Act, s 19)

(1) Section 9, heading, ‘s 19’—

omit, insert—

s 19B

(2) Section 9(1), ‘prescribed dealing’—

omit, insert—

notifiable dealing

(3) Section 9(2)—

omit, insert—

(2) For section 19B(2) of the Act, the administrator, receiver or liquidator must give notice to the chief executive of the notifiable dealing to enable its registration.

89 Amendment of s 10 (Deciding application for registration of prescribed dealing that is assessable transfer—Act ss 19 and 194)

(1) Section 10(2)—

insert—

(fa) for a transfer of a resource authority that authorises the carrying out of a resource activity under an environmental authority in

relation to which an ERC decision has been made—whether the proposed transferee has the financial resources to fund the estimated rehabilitation cost for the resource activity as stated in the ERC decision; and

(2) Section 10(2)(fa) and (g)—
renumber as section 10(2)(g) and (h).

(3) Section 10—
insert—

(7) In this section—

ERC decision means a decision of the administering authority under the Environmental Protection Act, section 300 about the estimated rehabilitation cost for a resource activity.

90 Amendment of s 11 (Deciding application for registration of prescribed dealing other than assessable transfer—Act ss 19 and 194)

Section 11(3) and (4)—
omit.

91 Amendment of s 15 (Instruments not prevented from being registered—Act, s 26)

(1) Section 15(2)(d)—
omit, insert—

- (d) an application under section 19(1) of the Act for registration of a prescribed dealing mentioned in section 4(1)(a), (b) or (c) has been made;
- (e) a notice under section 19B of the Act to enable registration of a notifiable dealing has been given.

(2) Section 15(3)—

insert—

(c) for subsection (2)(e)—the notifiable dealing.

92 Insertion of new s 35A

After section 35—

insert—

35A Conduct of conference about concerns—Act, s 101F

- (1) This section prescribes, for section 101F(2) of the Act, the requirements for conducting a conference to discuss a concern relating to a resource authority.
- (2) The authorised officer conducting the conference must give the parties a written notice—
 - (a) requesting their attendance at the conference; and
 - (b) stating—
 - (i) when and where the conference will be held; and
 - (ii) the concern to be discussed at the conference.
- (3) A party given notice of the conference may attend and take part in the conference.
- (4) A party must not be represented by a lawyer at the conference unless—
 - (a) each other party agrees; and
 - (b) the authorised officer is satisfied there is no disadvantage to each other party.
- (5) A person, other than a party or a lawyer

representing a party, may attend the conference to help a party only with the authorised officer's approval.

- (6) Other than as provided for under the Act and subsections (2) to (5), the conference must be conducted in the way decided by the authorised officer.

93 Replacement of s 53 (Prescribed arbitration institutes—Act, s 176)

Section 53—

omit, insert—

53 Prescribed arbitration institutes—Act, sch 2, def *prescribed arbitration institute*

For schedule 2 of the Act, definition *prescribed arbitration institute*, the following entities are prescribed—

- (a) the Queensland Law Society ABN 33 423 389 441;
- (b) the Resolution Institute ABN 69 008 651 232.

94 Insertion of new ch 7

After section 62—

insert—

Chapter 7 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020

63 Application for registration of prescribed dealing that is assessable transfer made before commencement—ERC decision not relevant

- (1) This section applies if—
 - (a) before the commencement, an application to the Minister for approval to register a prescribed dealing that is an assessable transfer was made under section 19 of the Act; and
 - (b) immediately before the commencement, the application mentioned in paragraph (a) had not been finally dealt with.
- (2) The Minister must decide the application under section 10 as in force immediately before the commencement.

64 Particular prescribed dealings taken to be notifiable dealings

- (1) This section applies if, before the commencement, a prescribed dealing mentioned in section 4(1)(a) or (f) as in force before the commencement was registered.
- (2) The prescribed dealing is taken to be a notifiable

dealing under section 4A.

95 Amendment of sch 2 (Fees)

Schedule 2, item 3—

omit, insert—

- 3 Application for approval of a prescribed dealing, other than an assessable transfer, under section 19 of the Act—
- (a) for a mining claim under the Mineral Resources Act 51.15
 - (b) otherwise 136.80
- 3A Notifying chief executive of notifiable dealing under section 19B of the Act 51.15

Part 9 Amendment of Mineral and Energy Resources (Financial Provisioning) Act 2018

96 Act amended

This part amends the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.

Note—

See also the amendments in schedule 1.

97 Insertion of new s 31A

Before section 32—

insert—

31A Meaning of *changed holder event*

- (1) A *changed holder event*, in relation to an authority, means any of the following—
 - (a) an entity applies to the Minister under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 for approval of a prescribed dealing to enable its registration under section 17 of that Act that is an assessable transfer, of a resource authority relating to the authority, to another entity (the *changed holder*);
 - (b) an entity gives notice to the chief executive under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19B of a notifiable dealing to enable its registration under section 17A of that Act that is a non-assessable transfer of a resource authority, or of a share in a resource authority, relating to the authority, if part of 1 holder's share in the resource authority will be transferred to another holder of the resource authority (also the *changed holder*);
 - (c) an entity starts or stops controlling a holder of the authority (also the *changed holder*) under the Corporations Act, section 50AA;
 - (d) a holder of the authority (also the *changed holder*) starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) For subsection (1)(a) and (b), a resource authority relates to an authority if the resource authority authorises the carrying out of a resource activity for the authority.

98 Amendment of s 32 (Scheme manager may review risk category allocation if changed holder)

(1) Section 32(1)(c)—

omit, insert—

(c) a changed holder event happens in relation to the authority.

(2) Section 32(7)—

omit.

99 Amendment of s 33 (Application to scheme manager if proposed changed holder)

(1) Section 33(1)(c)—

omit, insert—

(c) a changed holder event is proposed in relation to the authority.

(2) Section 33(2)(a) and (b)—

omit, insert—

(a) for a changed holder event of a type mentioned in section 31A(1)(a)—the application for approval of the prescribed dealing had been made; or

(b) for a changed holder event of a type mentioned in section 31A(1)(b)—the notice of the notifiable dealing had been given; or

(c) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—the event had happened.

(3) Section 33(4)—

omit.

[s 100]

100 Amendment of s 34 (Scheme manager must notify interested entity of indicative changed holder review allocation)

(1) Section 34(1), from ‘allocation,’ to ‘authority),’—

omit, insert—

allocation in relation to an authority, give the interested entity

(2) Section 34—

insert—

(3) In this section—

interested entity means—

(a) for an authority in relation to which a changed holder event has happened—

(i) for a changed holder event of a type mentioned in section 31A(1)(a)—the entity that applied to the Minister for approval of the prescribed dealing under the *Mineral and Energy Resources (Common Provisions) Act*, section 19; or

(ii) for a changed holder event of a type mentioned in section 31A(1)(b)—the entity that gave notice to the chief executive of the notifiable dealing under the *Mineral and Energy Resources (Common Provisions) Act*, section 19B; or

(iii) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—each holder of the authority; or

(b) for an authority in relation to which a changed holder event is proposed—the applicant under section 33 for a changed

holder review allocation for the proposed changed holder event.

101 Replacement of s 37 (When changed holder review decision takes effect)

Section 37—

omit, insert—

37 When changed holder review decision takes effect

- (1) The changed holder review decision takes effect—
- (a) for a changed holder event of a type mentioned in section 31A(1)(a)—when the prescribed dealing is approved under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 by the Minister; or
 - (b) for a changed holder event of a type mentioned in section 31A(1)(b)—when the notifiable dealing is notified under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19B to the chief executive; or
 - (c) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—on the day that is 10 business days after the notice under section 36 is given to the interested entity; or
 - (d) for a proposed changed holder event of a type mentioned in section 31A(1)(a)—if and when the prescribed dealing is approved under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 by the Minister; or

[s 101]

- (e) for a proposed changed holder event of a type mentioned in section 31A(1)(b)—if and when the notifiable dealing is notified under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19B to the chief executive; or
 - (f) for a proposed changed holder event of a type mentioned in section 31A(1)(c) or (d)—if and when the proposed event happens.
- (2) However—
- (a) subsection (1)(d) applies only if the application for approval of the prescribed dealing is made within the prescribed period after the notice under section 36 is given to the interested entity; and
 - (b) subsection (1)(e) applies only if notice of the notifiable dealing is given within the prescribed period after the notice under section 36 is given to the interested entity; and
 - (c) subsection (1)(f) applies only if the proposed changed holder event happens within the prescribed period after the notice under section 36 is given to the interested entity.
- (3) In this section—
- prescribed period*** means—
- (a) the period prescribed by regulation for this paragraph; or
 - (b) if no period is prescribed under paragraph (a)—6 months.

102 Replacement of s 42 (Holder must give scheme manager notice if changed holder)

Section 42—

omit, insert—

42 Holder must give scheme manager notice if changed holder

- (1) If an authority has been allocated under this division to a risk category, the holder of the authority must give the scheme manager a notice under this section if a changed holder event happens in relation to the authority.

Maximum penalty—100 penalty units.

- (2) The notice must—
- (a) state the details of the changed holder event; and
 - (b) include the other information prescribed by regulation.
- (3) The notice must be given within 10 business days after—
- (a) for a changed holder event of a type mentioned in section 31A(1)(a)—the application for approval of the prescribed dealing is made; or
 - (b) for a changed holder event of a type mentioned in section 31A(1)(b)—the notice of the notifiable dealing is given; or
 - (c) for a changed holder event of a type mentioned in section 31A(1)(c) or (d)—the event happens.
- (4) If a notice under subsection (1) relates to a changed holder event of a type mentioned in section 31A(1)(c) or (d), the scheme manager must give the chief executive (resources) a copy

[s 103]

of the notice within 10 business days after the scheme manager receives the notice.

103 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *interested entity*—

omit.

(2) Schedule 1—

insert—

changed holder, for an authority in relation to which a changed holder event happens or is proposed, means the changed holder mentioned in section 31A for the event.

changed holder event, in relation to an authority, see section 31A.

interested entity see section 34(3).

Part 10 Amendment of Mineral Resources Act 1989

104 Act amended

This part amends the *Mineral Resources Act 1989*.

Note—

See also the amendments in schedule 1.

105 Amendment of s 16 (Land excluded from prospecting permit)

Section 16(1)—

insert—

- (c) it is the subject of a call for mining lease tenders.

106 Amendment of s 51 (Land for which mining claim not to be granted)

Section 51(1)—

insert—

- (f) a call for mining lease tenders.

107 Insertion of new s 61A

After section 61—

insert—

61A Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a mining claim if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the mining claim.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

108 Amendment of s 64 (Issue of mining claim notice)

Section 64(1)—

insert—

- (c) is not disqualified under the Common Provisions Act, chapter 7 from being granted the mining claim.

109 Amendment of s 85A (Minister may refuse to grant mining claim if compensation not determined)

- (1) Section 85A(1)(d)—

[s 110]

insert—

(ia) if all objections lodged in relation to the application for the grant of the mining claim are withdrawn under section 71A(1) before being referred to the Land Court under section 72—the day the chief executive received written notice of the last withdrawal of the objections; or

(2) Section 85A(1)(d)(ia) to (iv)—

renumber as section 85A(1)(d)(ii) to (v).

110 Amendment of s 132 (Exclusion of land from area of exploration permit if subject to other authority under Act)

(1) Section 132(1), after paragraph (b) and before ‘that land and’—

insert—

(ba) a call for mining lease tenders;

(2) Section 132(1)—

insert—

(e) in the case of a call for mining lease tenders referred to in paragraph (c)—until any of the following happens—

(i) the call for mining lease tenders is terminated;

(ii) an application for a mining lease for the land made by the preferred tenderer for the call is rejected or abandoned;

(iii) if a mining lease is granted to the preferred tenderer for the call—the land stops being subject to the mining lease;

- (3) Section 132(2), after paragraph (b) and before ‘in respect of land’—

insert—

(ba) the termination of a call for mining lease tenders;

- (4) Section 132(1)(ba) to (e) and (2)(ba) to (e)—

renumber as section 132(1)(c) to (f) and (2)(c) to (f).

111 Insertion of new s 133A

After section 133—

insert—

133A Rejection of application if applicant disqualified

- (1) The Minister must reject an application for an exploration permit if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the permit.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

112 Amendment of s 136A (Obtaining exploration permit by competitive tender)

Section 136A(4)—

insert—

(c) the subject of a call for mining lease tenders.

113 Amendment of s 136C (Call for tenders)

Section 136C(5)—

insert—

[s 114]

(c) the subject of a call for mining lease tenders.

114 Insertion of new s 136EA

After section 136E—

insert—

136EA Rejection of tender if tenderer disqualified

- (1) The Minister must reject a tender for an exploration permit for coal if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the permit.
- (2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.

115 Amendment of s 137 (Prescribed criteria for grant of exploration permit)

Section 137(4) to (6)—

omit.

116 Insertion of new ss 137AA and 137AB

After section 137—

insert—

137AA Area of exploration permit does not include particular land

The area of an exploration permit does not include land that, under section 137AB, is excluded land for the permit.

137AB Minister's power to decide excluded land

- (1) The Minister may decide excluded land for an exploration permit.

- (2) However, the power under subsection (1) may be exercised only when the Minister is deciding whether to grant or renew the exploration permit.
- (3) Excluded land—
 - (a) must be within—
 - (i) for the grant of an exploration permit—the area set out in the application for the permit; or
 - (ii) for the renewal of an exploration permit—the original area of the permit; and
 - (b) can not be a whole sub-block.
- (4) Excluded land may be described in a way the Minister considers appropriate, including, for example, by area or by reference to a stated type of land.
- (5) Land ceases to be excluded land for an exploration permit if—
 - (a) the sub-block in which the land is located is relinquished or, for any other reason, ceases to be in the area of the exploration permit; or
 - (b) a mineral development licence is granted over any of the area of the exploration permit and the land is excluded land for the mineral development licence.

Note—

See section 176A for provisions about applying to add excluded land to an existing exploration permit.

117 Insertion of new s 141BA

After section 141B—

insert—

[s 117]

141BA Power to impose or amend condition if changed holder of exploration permit

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of an exploration permit under the Corporations Act, section 50AA;
 - (b) the holder of an exploration permit starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the exploration permit has the financial and technical resources to comply with the conditions of the exploration permit.
- (3) If the Minister considers the holder of the exploration permit may not have the financial and technical resources to comply with conditions of the exploration permit, the Minister may impose another condition on, or amend a condition of, the exploration permit.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the exploration permit to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister may require the holder of the exploration permit to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and

- (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister must give the holder of the permit a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the exploration permit.
- (9) In deciding whether to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the exploration permit under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

118 Amendment of s 148 (Continuation of exploration permit if application for other tenure)

Section 148(1)(a)(iii), ‘mining’—

[s 119]

omit, insert—

mineral

119 Amendment of s 182 (Land is excluded from area of mineral development licence if covered by other authority under Act)

(1) Section 182(1)(b)—

insert—

(iii) the subject of a call for mining lease tenders.

(2) Section 182(3)—

insert—

(c) if subsection (1)(b)(iii) applies—until any of the following happens—

(i) the call for mining lease tenders is terminated;

(ii) an application for a mining lease for the land made by the preferred tenderer for the call is rejected or abandoned;

(iii) if a mining lease is granted to the preferred tenderer for the call—the land stops being in the area of the mining lease.

120 Insertion of new s 185A

After section 185—

insert—

185A Rejection of application if applicant disqualified

(1) The Minister must reject an application for a mineral development licence if the Minister decides the applicant is disqualified under the

Common Provisions Act, chapter 7 from being granted the mineral development licence.

- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

121 Insertion of new ss 186AA and 186AB

After section 186—

insert—

186AA Area of mineral development licence does not include particular land

The area of a mineral development licence does not include land that, under section 186AB, is excluded land for the licence.

186AB Minister's power to decide excluded land

- (1) The Minister may decide excluded land for a mineral development licence.
- (2) However, the power under subsection (1) may be exercised only when the Minister is deciding whether to grant or renew the mineral development licence.
- (3) Excluded land must be within—
 - (a) for the grant of a mineral development licence—the area set out in the application for the mineral development licence; or
 - (b) for the renewal of a mineral development licence—the original area of the mineral development licence.
- (4) Excluded land may be described in a way the Minister considers appropriate, including, for example, by area or by reference to a stated type of land.

[s 122]

- (5) Land ceases to be excluded land for a mineral development licence if the land is relinquished or, for any other reason, ceases to be in the area of the mineral development licence.

Note—

See section 226AA for provisions about applying to add excluded land to an existing mineral development licence.

122 Insertion of new s 194ABA

After section 194AB—

insert—

194ABA Power to impose or amend condition if changed holder of mineral development licence

- (1) This section applies if 1 of the following changes happens—
- (a) an entity starts or stops controlling the holder of a mineral development licence under the Corporations Act, section 50AA;
 - (b) the holder of a mineral development licence starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the mineral development licence has the financial and technical resources to comply with the conditions of the mineral development licence.
- (3) If the Minister considers the holder of the mineral development licence may not have the financial and technical resources to comply with conditions of the mineral development licence, the Minister may impose another condition on, or amend a

condition of, the mineral development licence.

- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the mineral development licence to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the mineral development licence under subsection (3), the Minister may require the holder of the mineral development licence to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the mineral development licence under subsection (3), the Minister must give the holder of the licence a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the mineral development licence.
- (9) In deciding whether to impose another condition on, or amend a condition of, the mineral development licence under subsection (3), the

[s 123]

Minister—

- (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the mineral development licence under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

123 Amendment of s 230 (Plant remaining on former mineral development licence may be sold etc.)

- (1) Section 230(1) and (5), ‘chief executive’—
omit, insert—

Minister

- (2) Section 230(2), ‘direct the chief executive to’—
omit.

124 Amendment of s 232 (Eligible person may apply for mining lease)

Section 232—

insert—

- (3) If an area of contiguous land (also the ***proposed lease area***) is the subject of a call for mining lease tenders, an eligible person may apply for a mining lease over the proposed lease area only if the person—
- (a) is the preferred tenderer for the tender; and

- (b) applies for the mining lease within the application period mentioned in the notice given to the person under section 317ZH.

125 Insertion of new s 233A

After section 233—

insert—

233A Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a mining lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the lease.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

126 Amendment of s 245 (Application for grant of mining lease)

Section 245(2), after ‘if, under’—

insert—

section 246 or

127 Insertion of new s 246

After section 245—

insert—

246 Additional requirement for applications for particular mining leases for prescribed minerals

- (1) This section applies to an application for the grant of a mining lease for a prescribed mineral if—

[s 127]

- (a) the applicant proposes to mine a threshold amount of the prescribed mineral under the proposed lease in a lease year, in any 1 or more of the first 5 lease years for the proposed lease; or
 - (b) the proposed lease is to be part of an existing mining project comprised of prescribed mineral mining leases; or
 - (c) both of the following apply—
 - (i) the proposed lease is to be part of an existing mining project or proposed mining project;
 - (ii) the applicant proposes to mine a threshold amount of the prescribed mineral under the mining project or proposed mining project in a lease year, in any 1 or more of the first 5 lease years for the proposed lease.
- (2) The application must include a proposed development plan that complies with the initial development plan requirements for the proposed mining lease.

Note—

See section 317J for the initial development plan requirements.

- (3) However, if the mining lease is to be part of a mining project, the proposed development plan may—
- (a) also relate to 1 or more of the prescribed mineral mining leases that comprise the mining project; and
 - (b) comply with the later development plan requirements for a prescribed mineral mining lease.

Note—

See section 317Q for the later development plan requirements.

(4) In this section—

existing mining project, in relation to an application for the grant of a mining lease, means a mining project that exists when the application is made.

proposed mining project, in relation to an application for the grant of a mining lease, means a mining project that—

- (a) does not exist when the application is made; and
- (b) the applicant intends will be comprised of—
 - (i) the proposed mining lease; and
 - (ii) at least 1 other mining lease to be granted, for which the applicant has made an application.

128 Amendment of s 248 (Applicant must obtain consent or views of existing authority holders)

(1) Section 248(4), ‘application can’—

omit, insert—

mining lease can

(2) Section 248—

insert—

(4A) However, for a lease mentioned in subsection (2)(b), subsection (4) is subject to section 271AB.

(3) Section 248(4A) and (5)—

renumber as section 248(5) and (6).

[s 129]

129 Amendment of s 252 (Issue of mining lease notice)

Section 252(1)—

insert—

- (c) is not disqualified under the Common Provisions Act, chapter 7 from being granted the mining lease.

130 Amendment of s 271A (Deciding mining lease application)

(1) Section 271A—

insert—

(3A) Further, if the application is 1 of the following, it may only be granted if the applicant's proposed development plan for the proposed mining lease is approved—

- (a) an application for a mining lease for a prescribed mineral that, under section 246, is required to include a proposed development plan for the proposed mining lease;
- (b) an application for a coal mining lease;
- (c) an application for an oil shale mining lease.

Note—

See part 1A, division 3, and chapter 8, part 9, division 3, for provisions about the approval of proposed development plans for proposed mining leases.

(2) Section 271A(3A) and (4)—

renumber as section 271A(4) and (5).

131 Insertion of new s 271AB

After section 271A—

insert—

271AB Application for later specific purpose mining lease or transportation mining lease

- (1) This section applies if—
 - (a) a person applies for a specific purpose mining lease or a transportation mining lease (the *later mining lease*) over land in the area of any of the following authorities (each an *existing authority*)—
 - (i) an exploration permit;
 - (ii) a mineral development licence;
 - (iii) a mining lease; and
 - (b) the person mentioned in paragraph (a) has not obtained the consent of the holder of the existing authority, as required under section 248(2) or 316(5), to the application for the later mining lease.
- (2) The Minister may grant the later mining lease only if the Minister is satisfied that—
 - (a) the authorised activities for the later mining lease can be carried out in a way that is compatible with the authorised activities for the existing authority; and
 - (b) the co-existence of the later mining lease and the existing authority would optimise the development and use of the State's resources to maximise the benefit for all Queenslanders.
- (3) Before making a decision under subsection (2), the Minister may, by written notice, require the applicant for the later mining lease, or the holder of the existing authority, to give the Minister information or a document the Minister requires to make the decision.

[s 131]

- (4) The applicant, or holder, must give the information or document to the Minister within 10 business days after the notice is given.
- (5) The Minister may extend the period mentioned in subsection (4) by notice given to the applicant or holder.
- (6) If the Minister grants the later mining lease, the later mining lease holder may carry out an authorised activity for the later mining lease on land within the area of the existing authority only if carrying out the authorised activity is consistent with an agreed co-existence plan.
- (7) An agreed co-existence plan must—
 - (a) identify the parties to the plan; and
 - (b) set out an overview of the activities proposed to be carried out in the area mentioned in subsection (1)(a), including the location of the activities and when they will start; and
 - (c) set out how the activities mentioned in paragraph (b) will comply with mining safety legislation; and
 - (d) state how the activities mentioned in paragraph (b) optimise the development and use of the State's resources; and
 - (e) state whether any monetary or non-monetary compensation is to be given under the plan; and
 - (f) state the period for which the plan is to have effect; and
 - (g) include any other information prescribed by regulation.
- (8) The later mining lease holder and the existing authority holder must negotiate in good faith and

use all reasonable endeavours to agree on a co-existence plan.

- (9) If the later mining lease holder and the existing authority holder can not agree on a co-existence plan within 3 months after the granting of the later mining lease, the later mining lease holder may apply for arbitration of the dispute.
- (10) Despite subsection (9), the later mining lease holder and the existing authority holder may jointly apply for arbitration of the dispute at any time.
- (11) It is a condition of both the later mining lease and the existing authority that the holder must comply with each agreed co-existence plan that applies to the holder.
- (12) The later mining lease holder must, within 20 business days after an agreed co-existence plan is in place, give notice to the chief executive stating the following—
 - (a) that the plan is in place;
 - (b) the period for which the plan has effect;
 - (c) other information prescribed by regulation.
- (13) In this section—

agreed co-existence plan means—

 - (a) if an agreed co-existence plan is agreed on under subsection (8)—the agreed co-existence plan; or
 - (b) if an agreed co-existence plan is amended by the holders of the later mining lease and the existing mining lease—the agreed co-existence plan as amended; or
 - (c) if an agreed co-existence plan is arbitrated as an agreed co-existence plan under the

[s 132]

Common Provisions Act, chapter 5, part 3—
the agreed co-existence plan as arbitrated.

transportation mining lease means a mining
lease granted under section 316.

132 Insertion of new s 276C

After section 276B—

insert—

276C Power to impose or amend condition if changed holder of mining lease

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a mining lease under the Corporations Act, section 50AA;
 - (b) the holder of a mining lease starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the mining lease has the financial and technical resources to comply with the conditions of the mining lease.
- (3) If the Minister considers the holder of the mining lease may not have the financial and technical resources to comply with conditions of the mining lease, the Minister may impose another condition on, or amend a condition of, the mining lease.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the mining lease to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on,

- or amend a condition of, the mining lease under subsection (3), the Minister may require the holder of the mining lease to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
- (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the mining lease under subsection (3), the Minister must give the holder of the lease a notice stating—
- (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the mining lease.
- (9) In deciding whether to impose another condition on, or amend a condition of, the mining lease under subsection (3), the Minister—
- (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the mining lease under subsection (3), the Minister must, as

[s 133]

soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

133 Amendment of s 277 (Provision of security)

- (1) Section 277(1), from ‘The’ to ‘security for the lease’—
omit, insert—

Before a mining lease is granted or renewed, the Minister must decide the security to be deposited by the holder of the mining lease

- (2) Section 277(2)—
omit.

- (3) Section 277(3), ‘Despite subsection (2), the’—
omit, insert—

The

- (4) Section 277(4)—
omit, insert—

- (4) The Minister must not grant or renew a mining lease until the applicant for the grant or renewal deposits the security required under this section.

- (5) Section 277(6), ‘by the holder of’—
omit, insert—

for

- (6) Section 277(6), ‘pursuant to subsection (7)’—
omit, insert—

under subsection (6)

- (7) Section 277(7), ‘by the holder’—
omit.

- (8) Section 277(11), ‘shall, subject to subsection (13)’—

omit, insert—

must, subject to subsection (12)

- (9) Section 277(11), ‘subsection (5)’—

omit, insert—

subsection (4)

- (10) Section 277(12), ‘subsection (11)’—

omit, insert—

subsection (10)

- (11) Section 277(13), ‘subsection (11)’—

omit, insert—

subsection (10)

- (12) Section 277(3) to (13)—

renumber as section 277(2) to (12).

134 Amendment of s 279A (Minister may refuse to grant mining lease if compensation not determined)

- (1) Section 279A(1)(d)—

insert—

(ia) if all objections lodged in relation to the application for the grant of the mining lease are withdrawn under section 261(1) before being referred to the Land Court under section 265—the day the chief executive received written notice of the last withdrawal of the objections; or

- (2) Section 279A(1)(d)(ia) to (iv)—

renumber as section 279A(1)(d)(ii) to (v).

[s 135]

135 Insertion of new s 286AA

After section 286—

insert—

286AA Additional requirements for application for renewal of particular mining leases for prescribed minerals

- (1) This section applies to an application—
 - (a) for the renewal of a prescribed mineral mining lease; or
 - (b) for the renewal of another mining lease for a prescribed mineral if—
 - (i) the holder proposes to mine a threshold amount of the prescribed mineral under the renewed lease in a lease year, in any 1 or more of the first 5 lease years for the renewed lease; or
 - (ii) the renewed lease is part of a mining project and the holder proposes to mine a threshold amount of the prescribed mineral under the mining project in a lease year, in any 1 or more of the first 5 lease years for the renewed lease.
- (2) If the application is for the renewal of a prescribed mineral mining lease, the application must—
 - (a) state whether the current development plan for the lease has been complied with; and
 - (b) if the development plan has not been complied with—state details of, and reasons for, each noncompliance; and
 - (c) include a proposed later development plan for the renewed lease that complies with the later development plan requirements.

Note—

See section 317Q for the later development plan requirements.

- (3) If the application is an application mentioned in subsection (1)(b), the application must include a proposed development plan that complies with the initial development plan requirements for the renewed lease.

Note—

See section 317K for the initial development plan requirements.

- (4) The application can not be made after the mining lease has ended.
- (5) If the application is made less than 6 months before the end of the term of the mining lease, the application must be accompanied by an amount that is 10 times the renewal fee prescribed under section 286(2)(b).

136 Amendment of s 286A (Decision on application)

Section 286A—

insert—

- (3A) If the application is 1 of the following, the Minister may grant the application only if the holder's proposed development plan for the renewed mining lease is approved—
- (a) an application for renewal of a mining lease for a prescribed mineral that, under section 286AA(3), is required to include a proposed development plan for the renewed lease;
 - (b) an application for renewal of a coal mining lease;
 - (c) an application for renewal of an oil shale mining lease.

[s 137]

Note—

See part 1A, division 3, and chapter 8, part 9, division 3, for provisions about the approval of proposed development plans for mining leases.

137 Amendment of s 286C (Continuation of lease while application being dealt with)

(1) Section 286C(1), ‘Subsection (2)’—

omit, insert—

This section

(2) Section 286C—

insert—

(3) If the application is for renewal of a prescribed mineral mining lease, the mining lease is taken to have a development plan—

(a) while the lease continues in force under subsection (2); and

(b) even if the plan period for the current development plan ends.

138 Amendment of s 313 (Application for approval to remove mineral and property)

Section 313(2), ‘chief executive for the Minister’s’—

omit, insert—

Minister for

139 Amendment of s 314 (Property remaining on former mining lease may be sold)

(1) Section 314(1) and (5), ‘chief executive’—

omit, insert—

Minister

[s 142]

142 Insertion of new ch 6, pts 1A and 1B

Chapter 6—

insert—

Part 1A Development plans for particular mining leases for prescribed minerals

Division 1 Preliminary

317B Function and purpose of development plans

- (1) The development plan for a mining lease for a prescribed mineral (the *relevant lease*) gives detailed information about the nature and extent of activities to be carried out under the relevant lease.
- (2) The development plan may—
 - (a) also relate to another mining lease for a prescribed mineral if the other lease relates to the relevant lease, including, because both leases are part of the same mining project; and
 - (b) provide that the plan will replace any development plan for the other lease when it is approved.
- (3) The purposes of giving the information are to—
 - (a) allow resource management decisions to be made; and
 - (b) ensure appropriate development of minerals, including prescribed minerals, that are specified in the lease under section 234.

317C What is a *prescribed mineral mining lease*

- (1) A mining lease for a prescribed mineral is a *prescribed mineral mining lease* if—
 - (a) when the lease is granted or renewed, there is a development plan for the lease; or
 - (b) paragraph (a) does not apply to the lease and, at least once, a threshold amount of the prescribed mineral has been mined—
 - (i) if the mining lease is part of a mining project—under the mining project in a project year for the project; or
 - (ii) otherwise—under the lease in a lease year for the lease.
- (2) However, a mining lease to which subsection (1)(b) applies does not start to be a prescribed mineral mining lease until immediately after the threshold year for the lease ends.
- (3) This section applies subject to section 317X.

Note—

Section 317X provides for the circumstances in which a mining lease stops being a prescribed mineral mining lease.

- (4) To remove any doubt, it is declared that a mining lease for a prescribed mineral continues to be a prescribed mineral mining lease even if a threshold amount of the prescribed mineral is not mined—
 - (a) for a lease to which subsection (1)(a) applies—under the lease in any lease year for the lease or, if the lease is part of a mining project, under the mining project in any project year for the project; or
 - (b) for a lease to which subsection (1)(b) applies—under the lease in any lease year

[s 142]

for the lease after the threshold year or, if the lease is part of a mining project, under the mining project in any project year for the project after the threshold year.

(5) In this section—

threshold year, for a mining lease, means—

- (a) if the lease is part of a mining project—the first project year in which a threshold amount of a prescribed mineral is mined under the mining project; or
- (b) otherwise—the first lease year in which a threshold amount of a prescribed mineral is mined under the lease.

317D What is a *new prescribed mineral mining lease*

- (1) A prescribed mineral mining lease under section 317C(1)(b) is a *new prescribed mineral mining lease* for the period that—
 - (a) starts when the mining lease becomes a prescribed mineral mining lease under section 317C(2); and
 - (b) ends when—
 - (i) an initial development plan for the lease is approved; or
 - (ii) if a decision to refuse to approve a proposed initial development plan for the lease is made at least 6 months after the time mentioned in paragraph (a)—the decision takes effect under section 317V.
- (2) The *initial plan period* for a new prescribed mineral mining lease is the period that—

- (a) starts at the time mentioned in subsection (1)(a) for the lease; and
- (b) ends—
 - (i) if an initial development plan is approved for the lease within 6 months after the period starts—when the development plan is approved; or
 - (ii) otherwise—6 months after the period starts.

317E What is a *development plan* and its *plan period*

- (1) The *development plan* for a prescribed mineral mining lease is—
 - (a) the current initial development plan for the lease approved under division 3; or
 - (b) the current later development plan for the lease approved under division 4.
- (2) For subsection (1), the development plan is current if the plan period has started and not ended.

Note—

See also sections 286C(3) and 317R.

- (3) The period to which a development plan applies is its *plan period*.

Division 2 Requirements for development plans

317F Requirement to have development plan

It is a condition of each prescribed mineral mining

[s 142]

lease that its holder must ensure there is a development plan for the lease.

Note—

The development plan for a mining lease is its current initial or later development plan, as approved under this part. See the definition of *development plan* in section 317E. For the requirement to lodge a proposed later development plan and its approval, see division 4.

317G Obligation to comply with development plan

It is a condition of each prescribed mineral mining lease that its holder must comply with the development plan for the lease.

317H Development plan for new prescribed mineral mining lease

- (1) A condition stated in section 317F or 317G is complied with for a new prescribed mineral mining lease if a proposed initial development plan for the lease—
 - (a) is lodged; and
 - (b) complies with the initial development plan requirements for a mining lease for a prescribed mineral; and

Note—

See section 317K for the initial development plan requirements.

- (c) is accompanied by the relevant fee.
- (2) If, before the end of the initial plan period for the lease, a decision to refuse to approve a proposed initial development plan lodged under subsection (1) is made, the holder may lodge another proposed initial development plan for the lease within the initial plan period.

- (3) In this section—
- relevant fee*, for the lodgement of the proposed initial development plan, means—
- (a) if the proposed plan is lodged within the initial plan period—
 - (i) for the lodgement of the first proposed plan—the fee prescribed by regulation; or
 - (ii) for the lodgement of another proposed plan under subsection (2)—nil; or
 - (b) otherwise—an amount that is 10 times the fee mentioned in paragraph (a)(i).

317I Consequence of failure to comply with notice to lodge proposed initial development plan

- (1) This section applies if the holder of a new prescribed mineral mining lease—
 - (a) does not lodge a proposed initial development plan under section 317H(1) within the initial plan period; or
 - (b) if section 317H(2) applies—does not lodge another proposed initial development plan under that subsection within the initial plan period.
- (2) The holder must be given a notice requiring the holder to lodge a proposed initial development plan for the lease within 40 business days after the notice is given.
- (3) The holder must comply with the requirement.
- (4) If the holder does not comply with the requirement, the lease is cancelled.
- (5) However, the cancellation does not take effect until the holder is given a notice stating that the

lease has been cancelled because of the operation of subsection (4).

317J Initial development plan requirements— proposed mining lease

- (1) This section provides for requirements (the *initial development plan requirements*) for a proposed initial development plan for a proposed mining lease for a prescribed mineral.

Note—

See section 246(2) for the circumstances in which a proposed initial development plan must be lodged with an application for the grant of a mining lease.

- (2) The proposed plan must provide for each of the following—
- (a) an overview of the activities proposed to be carried out under the proposed mining lease during all of its proposed term;
 - (b) for each year of the plan period—
 - (i) the nature and extent of activities proposed to be carried out under the proposed mining lease during the year; and
 - (ii) where the activities are proposed to be carried out;
 - (c) for each mineral the applicant proposes to mine under the proposed mining lease—
 - (i) the location and an estimate of the resources of the mineral in all of the area, or proposed area, of the proposed mining lease; and
 - (ii) the standards and procedures used to make the estimate; and

- (iii) the rate and amount of the proposed mining; and
 - (iv) approximately when the proposed mining is to start; and
 - (v) a schedule for the proposed mining during the plan period;
- (d) maps or other documents that show the matters mentioned in paragraphs (b) and (c)(i), (iii) and (iv);
 - (e) if the proposed mining lease is to be part of a mining project and the plan does not relate to 1 or more of the mining leases that comprise the project—how the overview of activities mentioned in paragraph (a) relates to the activities proposed to be carried out under those leases during the remainder of their terms;
 - (f) any other information relevant to the criteria mentioned in section 317N;
 - (g) reasons why the plan is considered appropriate;
 - (h) another matter prescribed by regulation.
- (3) The proposed plan must state its period.
 - (4) The period must not be longer than—
 - (a) if the term sought for the mining lease is 5 years or more—5 years from the start of the term; or
 - (b) otherwise—the term of the mining lease.
 - (5) The proposed plan must comply with any requirements about the form of a development plan prescribed by regulation.

[s 142]

317K Initial development plan requirements— mining lease

- (1) This section provides for requirements (the *initial development plan requirements*) for a proposed initial development plan for a mining lease for a prescribed mineral.

Notes—

- 1 See section 286AA(3) for the circumstances in which a proposed initial development plan for a mining lease must be lodged with an application for the renewal of a mining lease.
 - 2 See section 317H for the requirement for a proposed initial development plan for a new prescribed mineral mining lease to be lodged.
 - 3 See section 317Q(2)(a) for the requirement for a later development plan for a mining lease for a prescribed mineral to comply with the initial development plan requirements in this section.
- (2) The proposed plan must provide for each of the following—
- (a) an overview of the activities proposed to be carried out under the mining lease during all of the relevant term;
 - (b) for each year of the plan period—
 - (i) the nature and extent of activities proposed to be carried out under the mining lease during the year; and
 - (ii) where the activities are proposed to be carried out;
 - (c) for each mineral the holder proposes to mine under the mining lease during all of the relevant term—
 - (i) the location and an estimate of the resources of the mineral in all of the area of the mining lease; and

- (ii) the standards and procedures used to make the estimate; and
 - (iii) the rate and amount of the proposed mining; and
 - (iv) a schedule for the proposed mining during the plan period;
- (d) maps or other documents that show the matters mentioned in paragraphs (b) and (c)(i), (iii) and (iv);
 - (e) if the mining lease is part of a mining project and the plan does not relate to 1 or more of the mining leases that comprise the project—how the overview of activities mentioned in paragraph (a) relates to the activities proposed to be carried out under those leases during the remainder of their terms;
 - (f) any other information relevant to the criteria mentioned in section 317N;
 - (g) reasons why the plan is considered appropriate;
 - (h) another matter prescribed by regulation.
- (3) The proposed plan must state its period.
 - (4) The period must not be longer than—
 - (a) if the relevant term of the mining lease is 5 years or more—5 years; or
 - (b) otherwise—the relevant term of the mining lease.
 - (5) The proposed plan must comply with any requirements about the form of a development plan prescribed by regulation.
 - (6) In this section—

[s 142]

relevant term, for a mining lease, means—

- (a) if a proposed initial development plan is included with an application for renewal of a mining lease—the term of the renewed mining lease; or
- (b) otherwise—the remaining term of the mining lease.

Division 3 Initial development plans

317L Ministerial approval of proposed plan

The Minister must decide whether to approve a proposed initial development plan—

- (a) included with an application for a mining lease, or renewal of a mining lease, for a prescribed mineral; or
- (b) lodged by the holder of a new prescribed mineral mining lease.

Notes—

- 1 See sections 271A(4) and 286A(3A) for the consequence for an application mentioned in paragraph (a) if the proposed initial development plan is not approved.
- 2 See section 317F for the condition that a prescribed mineral mining lease must have a development plan and section 308 for the power of the Minister to cancel the lease for breach of the condition.

317M Before approval of proposed plan

- (1) This section applies to—
 - (a) the applicant for the grant or renewal of a mining lease for a prescribed mineral who

- has lodged a proposed initial development plan; or
- (b) the holder of a new prescribed mineral mining lease who has lodged a proposed initial development plan.
- (2) The applicant or holder may, by lodged notice, amend the proposed initial development plan at any time before the Minister decides whether to approve the proposed plan.
- (3) The notice must be accompanied by the amended proposed initial development plan.
- (4) The Minister may give the applicant or holder a notice requiring the applicant or holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed initial development plan.
- (5) If the applicant or holder does not comply with the requirement, the Minister may refuse to approve the proposed initial development plan.

317N Deciding whether to approve proposed plan

- (1) The Minister may approve or refuse to approve a proposed initial development plan for a proposed mining lease or mining lease for a prescribed mineral.
- (2) The matters that must be considered in deciding whether to approve a proposed initial development plan include each of the following—
- (a) the potential of the area of the proposed mining lease or mining lease for each of the following (the *activities*)—
- (i) mining;

[s 142]

- (ii) each other purpose for which the lease is sought or was granted;
- (b) the nature and extent of the activities;
- (c) when and where the activities are proposed to be carried out;
- (d) whether the mining of minerals specified in the lease, or that are sought to be specified in the lease under section 234, will be optimised in the best interests of the State, having regard to the public interest.

Division 4 Later development plans

3170 Obligation to lodge proposed later development plan

- (1) It is a condition of each prescribed mineral mining lease that its holder must lodge a proposed later development plan for the mining lease as required under subsection (2).

Note—

If the holder wishes to renew the lease, a proposed later development plan must be included in the renewal application. See section 286AA.

- (2) The condition is complied with only if the proposed later development plan—
 - (a) is lodged; and
 - (b) complies with the later development plan requirements; and
 - (c) is accompanied by the relevant fee.
- (3) A proposed later development plan must be lodged—

- (a) at least 40, but no more than 100, business days before the end of the current plan period; or
 - (b) as soon as practicable after the holder proposes or becomes aware of a significant change to the nature and extent of an authorised activity that is not already dealt with under the current development plan for the lease.
- (4) If, before the end of the current plan period, a decision to refuse to approve a proposed later development plan lodged under subsection (2)(a) is made, the holder may lodge another proposed later development plan within the current plan period.
- (5) In this section—
- relevant fee*, for the lodgement of the proposed later development plan, means—
- (a) if the proposed plan is lodged within the time required under subsection (3)—the fee prescribed by regulation; or
 - (b) if the proposed plan is lodged under subsection (4)—nil; or
 - (c) otherwise—an amount that is 10 times the prescribed fee.

317P Consequence of failure to comply with notice to lodge proposed later development plan

- (1) This section applies if the holder of a prescribed mineral mining lease—
- (a) does not lodge a proposed later development plan under section 317O(2) within the current plan period; or

[s 142]

- (b) if section 317O(4) applies—does not lodge another proposed later development plan under that subsection within the current plan period.
- (2) The holder must be given a notice requiring the holder to lodge a proposed later development plan for the lease within 40 business days after the notice is given.
- (3) The holder must comply with the requirement.
- (4) If the holder does not comply with the requirement, the lease is cancelled.
- (5) However, the cancellation does not take effect until the holder is given a notice stating that the lease has been cancelled because of the operation of subsection (4).

317Q Later development plan requirements

- (1) This section provides for requirements (the *later development plan requirements*) for a proposed later development plan for a prescribed mineral mining lease.
- (2) A proposed later development plan must—
 - (a) comply with the initial development plan requirements for a mining lease for a prescribed mineral; and

Note—

See section 317K for the initial development plan requirements.

- (b) highlight any significant changes from the current development plan for the mining lease; and
- (c) state whether the current development plan has been complied with; and

- (d) if the current development plan has not been complied with—state the details of, and reasons for, each noncompliance.
- (3) If the effect of the proposed later development plan is to significantly change an activity provided for under the current development plan, the proposed plan must also state reasons for the change.

317R Mining lease taken to have development plan until decision about approval

- (1) This section applies—
 - (a) if, under section 317O, the holder of a prescribed mineral mining lease lodges a proposed later development plan before the end of the current plan period for the lease; and
 - (b) until either—
 - (i) the holder is given notice that the proposed plan is approved; or
 - (ii) refusal of the proposed plan takes effect under section 317V.
- (2) Despite the current plan period for the lease ending—
 - (a) the mining lease is taken to have a development plan; and
 - (b) the holder may carry out any authorised activity for the lease.

317S Ministerial approval of proposed plan

The Minister must decide whether to approve a proposed later development plan—

[s 142]

- (a) included with an application for a mining lease, or renewal of a mining lease, for a prescribed mineral; or
- (b) lodged by the holder of a prescribed mineral mining lease.

Notes—

- 1 See sections 271A(4) and 286A(3A) for the consequence for an application mentioned in paragraph (a) if the proposed later development plan is not approved.
- 2 See section 317F for the condition that a prescribed mineral mining lease must have a development plan and section 308 for the power of the Minister to cancel the lease for breach of the condition.

317T Deciding whether to approve proposed plan

- (1) The Minister may approve or refuse to approve a proposed later development plan for a mining lease.
- (2) The matters that must be considered in deciding whether to approve the proposed later development plan include each of the following—
 - (a) the criteria under section 317N for deciding whether to approve a proposed initial development plan;
 - (b) the extent to which the current development plan for the mining lease has been complied with;
 - (c) the effect of approval of the proposed plan on a relinquishment condition for the mining lease;
 - (d) if the proposed plan provides for a significant change that is a cessation or reduction of mining or other purposes for which the mining lease is granted—

- (i) whether the cessation or reduction is reasonable; and
 - (ii) whether the mining lease holder has taken all reasonable steps to prevent the cessation or reduction.
- (3) The Minister may give the holder of the mining lease a notice requiring the holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed later development plan.
- (4) If the holder does not comply with the requirement, the Minister may refuse to approve the proposed later development plan.

317U Power to require partial surrender application

- (1) This section applies if the proposed later development plan for a mining lease provides for a significant change that is a cessation or reduction of mining or other purposes for which the mining lease is granted.
- (2) The Minister may approve the proposed plan, but—
 - (a) decide (a *deferral decision*)—
 - (i) to defer the taking of effect of the approval until the mining lease holder applies under section 309 to surrender a stated part or percentage of the area of the lease on or before a stated day; and
 - (ii) that the decision to approve the proposed plan is replaced by a decision not to approve it if the surrender

[s 142]

application is not made on or before the stated day; or

- (b) impose a condition (a *surrender condition*) on the mining lease requiring its holder to apply under section 309 to surrender a stated part or percentage of the area of the lease at stated times or intervals.
- (3) The public interest must be considered before making a deferral decision or imposing a surrender condition.

Division 5 Miscellaneous

317V Steps after, and taking effect of, decision

- (1) The chief executive must give notice of the Minister's decision about a proposed initial development plan or proposed later development plan under section 317N, 317T or 317U to—
 - (a) for a proposed plan lodged by the applicant for the grant or renewal of a mining lease for a prescribed mineral—the applicant; or
 - (b) for a proposed plan lodged by the holder of a mining lease—the holder.
- (2) A notice about any of the following decisions must be an information notice—
 - (a) a decision under section 317N or 317T to refuse to approve the proposed plan;
 - (b) a deferral decision under section 317U(2)(a);
 - (c) a decision to impose a surrender condition under section 317U(2)(b).
- (3) An approval of a proposed later development plan

without a deferral decision under section 317U(2)(a) takes effect when the notice is given or, if the notice states a later day of effect, on that later day.

- (4) A refusal does not take effect until the end of the appeal period under section 317W.

317W Right of appeal against cancellation, deferral or refusal

- (1) This section applies if the Minister decides—
- (a) under section 317N, not to approve a proposed initial development plan for a mining lease; or
 - (b) under section 317T, not to approve a proposed later development plan for a mining lease; or
 - (c) under section 317U, to make a deferral decision or a decision to impose a surrender condition in relation to a mining lease.
- (2) The Petroleum and Gas (Production and Safety) Act, chapter 12, part 2, applies, with necessary changes, as if—
- (a) the decision were mentioned in schedule 1, table 2 of that Act; and
 - (b) the schedule stated the Land Court as the appeal body for the decision; and
 - (c) a reference in that part to an information notice were a reference to an information notice under section 317V.

317X Changes to prescribed minerals or prescribed thresholds

- (1) A mining lease stops being a prescribed mineral

[s 142]

- mining lease, in relation to a prescribed mineral, if—
- (a) the mineral stops being a prescribed mineral; or
 - (b) both of the following apply—
 - (i) the threshold amount of the prescribed mineral increases;
 - (ii) the increased threshold amount of the prescribed mineral has not been mined under the lease in any lease year for the lease.
- (2) For subsection (1)(b)(ii), if a mining lease is part of a mining project, a threshold amount of a prescribed mineral is taken to have been mined under the lease in a lease year for the lease if the threshold amount of the mineral has been mined under the mining project during a project year for the project.
- (3) If a mining lease is granted for more than 1 prescribed mineral, the mining lease stops being a prescribed mineral mining lease only if subsections (1) and (2) are satisfied for each prescribed mineral for which the mining lease was granted.

Part 1B Competitive tenders for proposed mining leases

Division 1 Preliminary

317Y Operation of part

- (1) This part provides for a competitive tender process for selecting a preferred tenderer to apply for a mining lease for an area of land.
- (2) To remove any doubt, it is declared that a mining lease for the area of land can only be granted—
 - (a) to the preferred tenderer appointed from the tender process; and
 - (b) if the preferred tenderer applies for the mining lease under section 232.

Division 2 Competitive tenders

317Z Call for tenders

- (1) The Minister may publish a gazette notice (a *call for mining lease tenders*) inviting tenders for an eligible person to apply for a mining lease.
- (2) The call must state—
 - (a) the proposed area of the lease; and
 - (b) the day and time by which tenders in response to it must be made (the *closing time* for the call); and
 - (c) that the tenders must be lodged before the closing time for the call; and
 - (d) that details about each of the following are available at a stated place—
 - (i) any proposed conditions of the lease that are likely to impact significantly on mining in the proposed area;

[s 142]

- (ii) a proposed initial development plan or proposed mining program required for an application for the lease;
 - (iii) any criteria (*special criteria*), other than the prescribed criteria, proposed to be used to decide the call;
 - (iv) whether security to ensure the tenderer, if appointed as the preferred tenderer, applies for the mining lease must be deposited for the tender and, if so, the amount of security;
 - (v) whether a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call.
- (3) The call may state other relevant matters, including, for example—
- (a) information about minerals known to be in the proposed area; and
 - (b) matters relevant to the special criteria and prescribed criteria.
- (4) Subsection (2)(d)(i) does not limit the Minister's power under section 276(1)(n) to decide conditions of the mining lease if it is granted.
- (5) The Minister must not act under this section for land if all or any part of the land is the subject of—
- (a) a mining tenement, other than a prospecting permit; or
 - (b) an application for a mining tenement, other than a prospecting permit.
- (6) In this section—
- prescribed criteria* means the matters stated in section 271 that the Minister must consider in

deciding an application for the grant of a mining lease.

317ZA Right to tender

- (1) An eligible person may, by a tender made under section 317ZB, tender for a proposed mining lease the subject of a call for mining lease tenders.
- (2) However, the tender can not be made—
 - (a) after the closing time for the call; or
 - (b) for only part of the area of the proposed mining lease.

317ZB Requirements for making tender

A tender for a mining lease must—

- (a) be in the approved form; and
- (b) be accompanied by a statement—
 - (i) that describes the initial development plan or mining program proposed for the mining lease, if granted; and
 - (ii) that states the estimated human, technical and financial resources proposed to be committed to the initial development plan or mining program during each year of the mining lease, if granted; and
- (c) be accompanied by a statement, separate from the statement mentioned in paragraph (b), detailing the tenderer's financial and technical resources; and
- (d) be accompanied by the following—
 - (i) proof of the tenderer's identity;

[s 142]

- (ii) the application fee prescribed by regulation;
- (iii) if security is required to be deposited for the tender—the tenderer's security;
- (iv) if a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call—the tenderer's cash bid.

317ZC Rejection of tender if tenderer disqualified

- (1) The Minister must reject a tender for a mining lease if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 6 from being granted a mining lease.
- (2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.

317ZD Right to terminate call for tenders

- (1) The Minister may, by gazette notice, terminate a call for mining lease tenders at any time before deciding the call.
- (2) All tenders in response to the call lapse when the call is terminated.
- (3) No amount, whether by way of compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the termination.
- (4) However, subject to sections 317ZF(4) and 317ZI(4), the Minister must refund any tender security given by the tenderer.

317ZE Amendment of tender

- (1) This section provides for the amendments that can

be made to a tender in response to a call for mining lease tenders.

- (2) A proposed initial development plan or proposed mining program included in the tender may be amended at any time until, but not after, the tenderer has become the preferred tenderer for the call.
- (3) Otherwise, the tender may be amended at any time until, but not after, the closing time for the call.
- (4) However, subsection (3) does not apply if—
 - (a) the tenderer is a company; and
 - (b) the change is only a change of name of the tenderer; and
 - (c) the tenderer's Australian company number and Australian registered business name have not changed.

317ZF Withdrawal of tender

- (1) A person who has lodged a tender in response to a call for mining lease tenders may lodge a notice withdrawing the tender at any time before an application for the mining lease is granted.
- (2) The withdrawal takes effect when the notice is lodged.
- (3) The withdrawal of the preferred tenderer's tender under this section does not affect the Minister's power to appoint another tenderer, from the tenders made in response to the call, to be the preferred tenderer.
- (4) If a tender is withdrawn under this section, the Minister may, if the Minister considers it reasonable in the circumstances, retain the whole or part of any tender security given by the

tenderer.

Division 3 Deciding tenders

317ZG Process for deciding tenders

- (1) Subject to section 317ZH(2) and (3), any process the Minister considers appropriate may be used to decide the call, including, for example—
 - (a) a process appointing a preferred tenderer on the tenders made in response to the call (whether or not involving a cash bid component); or
 - (b) a process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group.
- (2) Without limiting subsection (1), the Minister may give a tenderer a notice requiring the tenderer to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to assess the tender.

317ZH Deciding to appoint preferred tenderer

- (1) The Minister may, after the closing time for the call for mining lease tenders—
 - (a) appoint a tenderer as the preferred tenderer for the call; or
 - (b) refuse to appoint a preferred tenderer for the call.
- (2) However, the Minister must not appoint a tenderer as the preferred tenderer unless the Minister is satisfied the prescribed criteria, if an

application for a mining lease is made, are likely to be met.

- (3) Also, in deciding whether to appoint a preferred tenderer for the call, the Minister must consider any special criteria for the call.
- (4) A tenderer appointed as the preferred tenderer must be given notice of the decision.
- (5) The notice must state the period (the *application period*) within which the preferred tenderer may apply for a mining lease for the land the subject of the call.

317ZI Provisions for preferred tenderers

- (1) The Minister may require a preferred tenderer for a call for mining lease tenders to—
 - (a) pay any amounts necessarily incurred, or to be incurred, to enable an application for the mining lease to be granted; and
Example—

amounts required to comply with the Commonwealth Native Title Act, part 2, division 3, subdivision P
 - (b) do all or any of the following within a stated reasonable period—
 - (i) give, under section 277, security for the lease;
 - (ii) pay the rental for the first year of the term of the lease under section 290.
- (2) The Minister may revoke a preferred tenderer's appointment as the preferred tenderer if the tenderer does not—
 - (a) apply for a mining lease within—

[s 142]

- (i) the application period mentioned in the notice given to the tenderer under section 317ZH; or
 - (ii) a longer period decided by the Minister on the application of the preferred tenderer; or
- (b) comply with a requirement under subsection (1); or
- (c) do all things reasonably necessary to allow an application for a mining lease to be granted to the tenderer.
- (3) However, before acting under subsection (2), the Minister must give the preferred tenderer a reasonable opportunity to provide reasons for, and rectify, the tenderer's failure to—
 - (a) apply for the mining lease; or
 - (b) comply with a requirement under subsection (1) or (2)(c).
- (4) If the Minister revokes the appointment of the tenderer as the preferred tenderer under this section, the Minister may—
 - (a) retain the whole or part of any tender security given by the tenderer, if the Minister considers it reasonable in the circumstances; and
 - (b) appoint another tenderer to be the preferred tenderer.

317ZJ Notice to unsuccessful tenderers

- (1) After a call for mining lease tenders has been decided, each tenderer not appointed as the preferred tenderer must be given notice of the decision.

Note—

See also the *Judicial Review Act 1991*, section 32
(Request for statement of reasons).

- (2) Subject to sections 317ZF(4) and 317ZI(4), the Minister must refund any tender security given by the unsuccessful tenderer.

143 Amendment of s 318DO (Requirement for coordination arrangement to transfer or sublet mining lease in area of petroleum lease)

Section 318DO(2), from ‘are parties to’ to ‘petroleum lease.’—

omit, insert—

are—

- (a) the same entity; or
- (b) parties to a coordination arrangement about—
- (i) coal or oil shale mining and any incidental coal seam gas under the mining lease; and
- (ii) petroleum production under the petroleum lease.

144 Amendment of s 325 (Royalty return and payment upon transfer or surrender of mining claim or mining lease)

Section 325(3)—

omit, insert—

- (3) Despite subsection (1), the person is not required to lodge the royalty return if the royalty return has been lodged under section 320(4) and the person—
- (a) has paid the royalty under section 320; or

[s 145]

(b) is not required to pay a royalty under section 320.

(4) Also, despite subsection (1), the person is not required to pay the royalty if the person has paid the royalty under section 320.

145 Omission of ch 13, pt 2 (Conferences with eligible claimants or owners and occupiers)

Chapter 13, part 2—

omit.

146 Replacement of ch 13, pt 4, hdg (Access to abandoned mines and final rehabilitation sites)

Chapter 13, part 4, heading—

omit, insert—

Part 4 Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites

147 Replacement of ss 344 to 344D

Sections 344 to 344D—

omit, insert—

Division 1 Preliminary

344 Definitions for part

In this part—

abandoned mine site means a site—

- (a) where mining or exploration activities have been carried out; and
- (b) for which no current mining claim or mining lease is granted; and
- (c) for which no environmental authority is in force for activities mentioned in paragraph (a) that were carried out under a mining claim or mining lease that is no longer in force.

affected land see section 344C(2).

authorised person means—

- (a) for an abandoned mine site—a person authorised by the chief executive under section 344C(1) to enter the site; or
- (b) for affected land—a person authorised by the chief executive under section 344C(2) to enter the land; or
- (c) for a final rehabilitation site—a person authorised by the chief executive under section 344D(1) to enter the site.

enter, for land, includes re-enter the land.

final rehabilitation site means the area of a mining claim or mining lease that is no longer in force if—

- (a) an environmental authority or PRCP schedule is in force for the mining activities that were carried out under the claim or lease; and
- (b) any of the following apply—
 - (i) the holder of the mining claim or mining lease was prevented by an Act from applying to renew the claim or lease within the period within which

[s 147]

the holder could have applied for the renewal of the claim or lease under this Act;

- (ii) for a mining claim—an application to renew the mining claim was refused for a reason other than because the Minister was not satisfied of a matter mentioned in section 93(4)(b)(i) or (ii);
- (iii) for a mining lease—an application to renew the mining lease was refused for a reason other than because the Minister was not satisfied of a matter mentioned in section 286A(1)(a).

holder means—

- (a) of an environmental authority—the holder of the environmental authority under the Environmental Protection Act; or
- (b) of a PRCP schedule—the holder of the PRCP schedule under the Environmental Protection Act, schedule 4, definition *holder*, paragraph 4A.

PRCP schedule see the Environmental Protection Act, section 112.

previous mining activities means mining activities previously carried out on an abandoned mine site.

rehabilitation activity see section 344B.

remediation activity see section 344A.

344A Meaning of *remediation activity*

- (1) Each of the following activities is a ***remediation activity***—
 - (a) investigating the condition of—

- (i) an abandoned mine site or affected land; or
 - (ii) a mine shaft or underground mine feature on an abandoned mine site or affected land; or
 - (iii) a structure or equipment on an abandoned mine site or affected land related to previous mining activities;
- (b) capping or otherwise making safe a mine shaft on an abandoned mine site;
 - (c) making safe an underground mine feature or subsidence on an abandoned mine site or affected land;
 - (d) removing, modifying or otherwise making safe structures or equipment on an abandoned mine site or affected land related to previous mining activities;
 - (e) maintaining a mine shaft, underground mine feature, structure or equipment on an abandoned mine site or affected land related to previous mining activities;
 - (f) mitigating, managing, treating or cleaning up pollution that is on an abandoned mine site or affected land because of, directly or indirectly, previous mining activities;
 - (g) maintaining, managing and monitoring the condition of an abandoned mine site or affected land, including, for example—
 - (i) repairing erosion of the site or land or vegetation on the site or land; and
 - (ii) preventing further erosion of the site or land or vegetation; and
 - (iii) revegetating the site or land;

[s 147]

- (h) if an abandoned mine site or affected land is contaminated land under the Environmental Protection Act—conducting work to remediate the site or land;
- (i) removing, mitigating or managing a hazard on an abandoned mine site or affected land because of, directly or indirectly, previous mining activities;
- (j) mitigating, managing or monitoring risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, previous mining activities, including, by constructing infrastructure or installing equipment;
- (k) assessing the commercial or practical feasibility of an abandoned mine site for the future exploration and mining of minerals or another use;

Examples of other uses—

a park, renewable energy generation, a water resource

- (l) another activity on an abandoned mine site or affected land, prescribed by regulation—
 - (i) to make the site or land safe; or
 - (ii) to mitigate, manage or monitor risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, previous mining activities.
- (2) In this section—

other property, in relation to an abandoned mine site or affected land, means—

 - (a) land other than the abandoned mine site or affected land; or

- (b) a structure, equipment or other thing, other than a structure or equipment on the abandoned mine site or affected land related to previous mining activities.

344B Meaning of *rehabilitation activity*

- (1) A *rehabilitation activity* for a final rehabilitation site is an activity that the holder of the environmental authority or PRCP schedule for the mining activities that were carried out on the site would be required to carry out—
 - (a) for the environmental management of the site under an environmental requirement; or
 - (b) if an EPA surrender application were made for the environmental authority—to satisfy an EPA administering authority of the approval matters for the application.
- (2) In this section—

approval matter, for an EPA surrender application, means a matter about which the EPA administering authority must be satisfied under the Environmental Protection Act, section 269.

environmental requirement see the Environmental Protection Act, schedule 4.

EPA administering authority, for an EPA surrender application, means the administering authority for the application under the Environmental Protection Act.

EPA surrender application means a surrender application under the Environmental Protection Act, section 257(1).

Division 2 Authorisation to carry out remediation activities or rehabilitation activities

344C Authorisation to carry out remediation activities on abandoned mine site or affected land

- (1) The chief executive may authorise a person to enter an abandoned mine site to carry out 1 or more remediation activities.
- (2) Also, the chief executive may authorise a person to enter land other than an abandoned mine site (*affected land*) to carry out 1 or more remediation activities if the chief executive is satisfied—
 - (a) the remediation activities are, or may be, required to be carried out on the land because of, directly or indirectly, previous mining activities; or
 - (b) the entry is necessary to carry out remediation activities on an abandoned mine site.
- (3) The authorisation must—
 - (a) be in writing; and
 - (b) state the period of the authorisation.

344D Authorisation to carry out rehabilitation activities on final rehabilitation site

- (1) The chief executive may authorise the holder of an environmental authority or PRCP schedule for mining activities that were carried out on a final rehabilitation site to enter the site to carry out 1 or more rehabilitation activities.
- (2) The authorisation must—

- (a) be in writing; and
 - (b) state the period of the authorisation.
- (3) The authorisation authorises—
- (a) the holder to carry out a rehabilitation activity whether or not the holder is otherwise authorised to carry out the activity under this Act; and
 - (b) the following persons to also enter the final rehabilitation site to carry out rehabilitation activities—
 - (i) an officer or employee of the holder;
 - (ii) a person engaged by the holder under a contract or other arrangement to carry out the rehabilitation activities.
- (4) However, the authorisation does not authorise the holder to carry out an activity that is an act to which the right to negotiate provisions apply.

344E Entering land to carry out remediation activities or rehabilitation activities

- (1) An authorised person may enter an abandoned mine site to carry out remediation activities, or a final rehabilitation site to carry out rehabilitation activities, if the authorised person has given the owner and occupier of the land the notice of entry required under section 344F.
- (2) An authorised person may enter affected land if the owner and occupier of the land have consented to the entry under section 344G.
- (3) An authorised person for an abandoned mine site or final rehabilitation site may enter land adjacent to the site if—

[s 147]

- (a) the entry is only for the purpose of entering the site under subsection (1) or (4); and
 - (b) entering the adjacent land is the only reasonably practicable way for the authorised person to enter the site; and
 - (c) the authorised person has given the owner and occupier of the adjacent land the notice of entry required under section 344F.
- (4) An authorised person may enter land mentioned in subsection (1), (2) or (3) without giving notice of entry to, or the consent of, the owner or occupier of the land to carry out remediation activities or rehabilitation activities, if carrying out the activities is necessary to preserve life or property.
- (5) This section does not authorise an authorised person to enter a structure used for residential purposes without the consent of the occupier of the structure.

344F Notice of entry

- (1) An authorised person who enters land under this part must give the owner and occupier of the land written notice about the entry—
- (a) if the land is entered to carry out remediation activities or rehabilitation activities necessary to preserve life or property—within 10 business days after entering the land; or
 - (b) otherwise, if the land is an abandoned mine site or final rehabilitation site—
 - (i) at least 10 business days before entering the land; or

- (ii) a shorter period agreed by the owner and occupier.
- (2) The written notice must state the following—
- (a) when the entry was made or is to be made;
 - (b) the purpose of the entry;
 - (c) if the notice relates to land other than affected land—that the authorised person is permitted under this Act to enter the land without consent or a warrant;
 - (d) the remediation activities or rehabilitation activities carried out or proposed to be carried out.

344G Consent of owner or occupier to enter affected land

- (1) This section applies if an authorised person intends to ask the owner or occupier of affected land for consent to enter the land.
- (2) For the purpose of asking the owner or occupier for the consent, the authorised person may, without the consent of the owner or occupier, or a warrant—
- (a) enter land around premises at the affected land to an extent that is reasonable to contact an occupier of the affected land; or
 - (b) enter part of the affected land the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the affected land.
- (3) When asking for the consent, the authorised person must tell the owner or occupier—
- (a) about the purpose of the entry; and

[s 147]

- (b) the proposed day, time and duration of the entry; and
- (c) that the owner or occupier is not required to consent; and
- (d) that the consent may be—
 - (i) given subject to reasonable conditions, other than a condition requiring compensation for the entry; and
 - (ii) may be withdrawn at any time.
- (4) If the owner or occupier gives the consent, the authorised person may ask the owner or occupier to sign an acknowledgement of the consent.
- (5) The acknowledgement must state—
 - (a) the purpose of the entry, including the remediation activities to be carried out; and
 - (b) the following has been explained to the owner or occupier—
 - (i) the purpose of the entry, including the remediation activities to be carried out;
 - (ii) the proposed day, time and duration of the entry;
 - (iii) that the owner or occupier is not required to consent;
 - (iv) that the consent may be given subject to conditions, other than a condition requiring compensation for the entry, and may be withdrawn at any time; and
 - (c) the owner or occupier gives the authorised person consent to enter the land and carry out the remediation activities; and
 - (d) the day and time the consent was given; and
 - (e) any conditions of the consent.

- (6) If the owner or occupier signs the acknowledgement, the authorised person must give a copy of the acknowledgement to the owner and occupier.

344H Obligation of authorised person in carrying out activities

An authorised person who enters land under this part—

- (a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and
- (b) must take all reasonable steps to ensure the person causes as little inconvenience, and does as little other damage, as is practicable in the circumstances.

344I Report to owner and occupier after entry of affected land

- (1) This section applies if an authorised person enters affected land to carry out remediation activities with the consent of the owner and occupier of the land given under section 344G.
- (2) The authorised person must give the owner and occupier a report about the entry within 30 days after the entry ends.
- (3) The report must state—
 - (a) whether or not remediation activities were carried out on the affected land; and
 - (b) if activities were carried out on the land—
 - (i) the nature and extent of the activities; and

[s 148]

- (ii) where on the land the activities were carried out; and
 - (c) another matter prescribed by regulation for the report.
- (4) However, the authorised person is not required to give a report to the owner or occupier of the affected land under this section if the owner or occupier does not wish to receive the report.

Division 3 Compensation

148 Replacement of s 399 (Mode of service of documents)

Section 399—

omit, insert—

399 Service of documents by prescribed persons

- (1) This section applies—
 - (a) to each of the following persons (a *prescribed person*)—
 - (i) a holder of, or applicant for the grant of, a mining tenement;
 - (ii) a person who is carrying out, or intends to carry out, an activity under section 386V; and
 - (b) if the prescribed person is required to give a document to, or serve a document on, either of the following persons (the *recipient*)—
 - (i) an owner of land;
 - (ii) an affected person under section 64A or 252A.
- (2) The prescribed person gives the document to the recipient, or serves the document on the recipient,

if—

- (a) the document is served personally on the recipient; or
 - (b) the document is sent by registered post to the recipient's place of residence or business last known to the prescribed person; or
 - (c) the document is sent to an email address that the recipient—
 - (i) gave the prescribed person to use to communicate with the recipient; and
 - (ii) has not asked the prescribed person to stop using to communicate with the recipient.
- (3) This section does not limit the *Electronic Transactions (Queensland) Act 2001*.
- (4) In this section—
document includes information.

399A Service of documents generally

- (1) This section applies if the Minister, the Land Court, the tribunal, an authorised officer or another person (each a **sending entity**) is—
 - (a) required or permitted to give a document to a person; or
 - (b) required to serve a document on a person.
- (2) However, this section does not apply for giving a document to which section 399 or chapter 11, part 3, division 9 applies.
- (3) The sending entity gives the document to the person, or serves the document on the person, if—
 - (a) the document is served personally on the person; or

[s 148]

- (b) the document is left at the person's address for service or other last known address; or
 - (c) the document is sent by registered post to the person's address for service or other last known address; or
 - (d) if the sending entity is the Minister or an authorised officer—the document is sent to an email address that the person gave the Minister, chief executive or authorised officer.
- (4) If a person's address for service is the name and address of someone else (the *nominated person*), the document is taken to be given to, or served on, the person if it is given to, or served on, the nominated person under subsection (3).
- (5) This section does not limit the *Electronic Transactions (Queensland) Act 2001*.
- (6) In this section—
- address for service*, for a person, see section 388(3).
- document* includes the following—
- (a) a direction;
 - (b) a notice;
 - (c) an order;
 - (d) information.
- last known address*, for a person, means—
- (a) if an address for the person is recorded in the register—the address recorded in the register; or
 - (b) otherwise—the place of residence or business of the person last known to the

sending entity giving a document to, or
serving a document on, the person.

149 Amendment of s 411 (Indemnity against liability)

Section 411(1), 'or 344A(1)'—

omit, insert—

, 344C or 344D

150 Amendment of s 412 (Offences and recovery of penalties etc.)

Section 412(2)—

omit, insert—

(2) A proceeding for an offence against this Act must
be started within—

(a) 1 year after the commission of the offence;
or

(b) 1 year after the offence comes to the
complainant's knowledge, but within 2
years after the commission of the offence.

151 Insertion of new ch 15, pt 19

Chapter 15—

insert—

Part 19

**Transitional provisions
for Mineral and Energy
Resources and Other
Legislation
Amendment Act 2020**

[s 151]

871 Power of Minister to refuse application for mining claim if compensation not determined

Section 85A(1)(d)(ii), as in force after the commencement, does not apply in relation to an application for the grant of a mining claim made, but not decided, before the commencement.

872 Application or tender for exploration permit made before commencement

- (1) This section applies if—
 - (a) before the commencement, a person made an application under chapter 4, part 2, or a tender under chapter 4, part 3, for an exploration permit; and
 - (b) immediately before the commencement, the exploration permit had not been granted.
- (2) Section 137 as in force immediately before the commencement applies in relation to the grant of the permit.

873 Power to impose or amend condition if changed holder of particular resource authorities

The power of the Minister to impose another condition on, or amend a condition of, a resource authority under section 141BA, 194ABA or 276C applies—

- (a) whether the authority was granted before or after the commencement; and
- (b) only if the change mentioned in section 141BA(1), 194ABA(1) or 276C(1) happens after the commencement.

874 Application for later specific purpose mining lease or transportation mining lease made before commencement

Section 271AB applies to an application for a later mining lease mentioned in section 271AB(1)(a) whether the application was made before or after the commencement.

875 Provision of security for particular mining leases

Section 277, as in force before the commencement, continues to apply for the holder of a mining lease as if the *Mineral and Energy Resources and Other Legislation Amendment Act 2020* had not been enacted if, immediately before the commencement, the holder had not deposited an amount of security the holder is required to deposit under that section.

876 Provision of security for existing applications for grant or renewal of mining lease

Section 277, as in force after the commencement, applies in relation to an application for the grant or renewal of a mining lease made, but not decided, before the commencement.

877 Power of Minister to refuse application for mining lease if compensation not determined

Section 279A(1)(d)(ii), as in force after the commencement, does not apply in relation to an application for the grant of a mining lease made, but not decided, before the commencement.

[s 151]

878 Existing applications for grant or renewal of mining lease for prescribed mineral

- (1) This section applies in relation to an application for the grant of a mining lease for a prescribed mineral that—
 - (a) was made, but not decided, before the commencement; and
 - (b) on the commencement, is an application to which section 246 applies.
- (2) This section also applies in relation to an application for the renewal of a mining lease for a prescribed mineral that—
 - (a) was made, but not decided, before the commencement; and
 - (b) on the commencement, is an application to which section 286AA applies.
- (3) Chapter 6, part 1, as in force before the commencement, applies for deciding the application and granting the proposed mining lease, or renewed lease, as if the *Mineral and Energy Resources and Other Legislation Amendment Act 2020* had not been enacted.

879 Application of amended Act to particular mining leases for prescribed minerals

- (1) This section applies to a mining lease for a prescribed mineral that—
 - (a) on the commencement, is a prescribed mineral mining lease (a *transitioning mining lease*); or
 - (b) is a prescribed mineral mining lease granted or renewed before the transitional period ends on an application mentioned in section 878 (also a *transitioning mining lease*).

- (2) Sections 317F and 317G do not apply to the transitioning mining lease until the earlier of the following—
 - (a) an initial development plan for the lease is approved;
 - (b) the lease is renewed under section 286A on an application for renewal made after the commencement;
 - (c) the transitional period ends.
- (3) If subsection (2)(c) applies in relation to the transitioning mining lease, the condition in section 317F is complied with for the lease if a proposed initial development plan for the lease—
 - (a) is lodged; and
 - (b) complies with the initial development plan requirements for a mining lease for a prescribed mineral; and
 - (c) is accompanied by the relevant fee.
- (4) Subsection (3) applies until—
 - (a) the proposed initial development plan mentioned in that subsection is approved; or
 - (b) a decision to refuse to approve the proposed plan, made after the end of the transitional period, takes effect under section 317V.
- (5) In this section—

relevant fee, for the lodgement of the proposed initial development plan, means—

 - (a) if the proposed plan is lodged within 6 months before the end of the transitional period—the fee prescribed by regulation for section 317H(3), definition *relevant fee*, paragraph (a)(i); or

[s 151]

- (b) if, before the end of the transitional period, a decision to refuse to approve a proposed initial development plan is made and the proposed plan is another proposed initial development plan lodged within the transitional period—nil; or
- (c) otherwise—an amount that is 10 times the fee mentioned in paragraph (a).

transitional period means the period of 3 years that starts on the commencement.

880 Mining lease granted or renewed after transitional period on existing application

- (1) This section applies if, after the end of the transitional period, a mining lease is granted or renewed on an application to which section 878 applies.
- (2) The mining lease is taken to—
 - (a) be a prescribed mineral mining lease under section 317C(1)(b); and
 - (b) have started to be a prescribed mineral mining lease under section 317C(2), when it is granted or renewed.
- (3) In this section—

transitional period means the period of 3 years that starts on the commencement.

881 Application for renewal of transitioning mining lease during transitional period

- (1) This section applies—
 - (a) if, during the transitional period, the holder of a transitioning mining lease under section

879 applies for a renewal of the lease under section 286; and

- (b) despite sections 286AA and 286A(3A) as in force after the commencement.
- (2) The application must include a proposed initial development plan that complies with the initial development plan requirements for the renewed lease.

Note—

See section 317K for the initial development plan requirements.

- (3) The Minister may grant the application only if the applicant's proposed initial development plan for the renewed lease is approved.
- (4) In this section—

transitional period means the period of 3 years that starts on the commencement.

882 Application of ch 6, pt 1A, div 3 to proposed initial development plan for transitioning mining lease

The Minister must decide whether to approve a proposed initial development plan for a transitioning mining lease and, for that purpose, chapter 6, part 1A, division 3 applies in relation to the proposed plan with necessary changes.

883 Conferences with eligible claimants or owners or occupiers started before commencement

- (1) This section applies if—
- (a) an authorised officer asked parties to attend a conference under section 335G as in force before the commencement; and

[s 152]

- (b) immediately before the commencement the conference had not taken place.
- (2) The conference must take place under chapter 13, part 2 as in force immediately before the commencement.
- (3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.

884 Existing authority to carry out remediation activities or rehabilitation activities

- (1) This section applies if, immediately before the commencement, a person was authorised by the chief executive—
 - (a) under section 344A(1) to carry out remediation activities at land on which an abandoned mine exists; or
 - (b) under section 344A(3) to carry out rehabilitation activities at land on which a final rehabilitation site exists.
- (2) An authorisation mentioned in subsection (1)(a) is taken to have been made under section 344C as in force on the commencement.
- (3) An authorisation mentioned in subsection (1)(b) is taken to have been made under section 344D as in force on the commencement.

152 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *abandoned mine*, *closing time*, *conference election notice*, *development plan*, *eligible claimant*, *enter*, *initial development plan requirements*, *later development plan requirements*, *parties*, *plan period*, *prescribed criteria*, *rehabilitation activities*, *remediation activities* and *special criteria*—

omit.

(2) Schedule 2—

insert—

abandoned mine site, for chapter 13, part 4, see section 344.

affected land, for chapter 13, part 4, see section 344C(2).

arbitration, of a dispute, means arbitration of the dispute under the Common Provisions Act, chapter 5, part 3.

call for mining lease tenders see section 317Z.

closing time—

(a) for a call for EP (coal) tenders or EP (non-coal) tenders—see section 136C(2)(c);
or

(b) for a call for mining lease tenders—see section 317Z(2)(b).

current plan period, for a prescribed mineral mining lease, means the plan period for the development plan for the lease.

development plan—

(a) for a prescribed mineral mining lease, see section 317E(1); or

(b) for a coal or oil shale mining lease, see section 318AH(1).

enter, for land—

(a) generally—includes remain on the land; and

(b) for chapter 13, part 4—see also section 344.

information notice means a notice stating—

(a) the reasons for the decision; and

[s 152]

- (b) that the holder may appeal against the decision; and
- (c) how to appeal.

initial development plan requirements—

- (a) for a proposed mining lease for a prescribed mineral—see section 317J; or
- (b) for a mining lease for a prescribed mineral—see section 317K; or
- (c) for a proposed coal or oil shale mining lease—see section 318DS.

initial plan period, for a new prescribed mineral mining lease, see section 317D(2).

later development plan requirements—

- (a) for a prescribed mineral mining lease—see section 317Q; or
- (b) for a coal or oil shale mining lease—see section 318ED(4).

lease year, for a mining lease, means each period of 1 year that starts—

- (a) on the day the mining lease was granted; and
- (b) on each anniversary of that day.

mining lease tender means a tender for a mining lease in response to a call for mining lease tenders.

mining project means a resource project under the Environmental Protection Act—

- (a) comprised of activities carried out under 2 or more mining leases; and
- (b) for which an environmental authority is in force.

mining safety legislation see the Common Provisions Act, schedule 2.

new prescribed mineral mining lease see section 317D(1).

plan period—

- (a) for a development plan for a prescribed mineral mining lease—see section 317E(3); or
- (b) for a development plan for a coal or oil shale mining lease—see section 318AH(3).

prescribed criteria—

- (a) for the grant of an exploration permit—see section 137; or
- (b) for a call for mining lease tenders—see section 317Z(6).

prescribed mineral means a mineral prescribed by regulation to be a prescribed mineral.

prescribed mineral mining lease see section 317C.

prescribed threshold, for a prescribed mineral, means an amount of the mineral prescribed by regulation to be the prescribed threshold for the mineral.

previous mining activities, for chapter 13, part 4, see section 344.

project year, for a mining project, means each period of 1 year that starts on the first day in a calendar year that is an anniversary of the day a mining lease that is part of the mining project was granted.

rehabilitation activities, for chapter 12, part 4A, see section 334ZJE(2).

insert—

97A Prescribed minerals and prescribed thresholds

- (1) For schedule 2 of the Act, definition *prescribed mineral*, each mineral mentioned in schedule 2A is prescribed to be a prescribed mineral.
- (2) For schedule 2 of the Act, definition *prescribed threshold*, the amount mentioned opposite a prescribed mineral in schedule 2A is prescribed to be the prescribed threshold for the mineral.

155 Insertion of new sch 2A

After schedule 2—

insert—

Schedule 2A Prescribed minerals and prescribed thresholds

section 97A

Mineral	Threshold amount
Bauxite	500,000t
Clays	50,000t
Copper	1,000t
Diatomite	10,000t
Dimension stone	50,000t
Gold	100kg

[s 156]

Mineral	Threshold amount
Gypsum	50,000t
Lead	5,000t
Limestone	100,000t
Magnesium rich materials	250,000t
Phosphate rock	10,000t
Silica	100,000t
Silver	5,000kg
Tin	100t
Titanium minerals	50,000t
Zinc	5,000t
Zircon	1,000t

Part 12 **Amendment of Mining and Quarrying Safety and Health Act 1999**

156 Act amended

This part amends the *Mining and Quarrying Safety and Health Act 1999*.

Note—

See also the amendments in schedule 1.

157 Insertion of new pt 3A

After part 3—

insert—

Part 3A Industrial manslaughter

45A Definitions for part

(1) In this part—

conduct means an act or omission to perform an act.

employer, for a mine, means a person who employs or otherwise engages a worker in relation to operations at the mine.

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

senior officer, of an employer for a mine, means—

- (a) if the employer is a corporation—an executive officer of the corporation; or
- (b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer's functions.

(2) For this part, a person's conduct *causes* death if it substantially contributes to the death.

45B Exception for the Criminal Code, s 23

The Criminal Code, section 23 does not apply in relation to an offence against this part.

[s 157]

45C Industrial manslaughter—employer

- (1) An employer for a mine commits an offence if—
 - (a) a worker—
 - (i) dies in the course of carrying out work at the mine; or
 - (ii) is injured in the course of carrying out work at the mine and later dies; and
 - (b) the employer’s conduct causes the death of the worker; and
 - (c) the employer is negligent about causing the death of the worker by the conduct.

Maximum penalty—

- (a) for an individual—20 years imprisonment; or
- (b) for a body corporate—100,000 penalty units.

Note—

See section 240 in relation to imputing to a body corporate particular conduct of officers, employees or agents of the body corporate.

- (2) An offence against subsection (1) is a crime.

45D Industrial manslaughter—senior officer

- (1) A senior officer of an employer for a mine commits an offence if—
 - (a) a worker—
 - (i) dies in the course of carrying out work at the mine; or
 - (ii) is injured in the course of carrying out work at the mine and later dies; and

- (b) the senior officer's conduct causes the death of the worker; and
- (c) the senior officer is negligent about causing the death of the worker by the conduct.

Maximum penalty—20 years imprisonment.

- (2) An offence against subsection (1) is a crime.

158 Amendment of s 234 (Proceedings for offences)

- (1) Section 234(1), after 'this Act'—

insert—

, other than an offence against part 3A,

- (2) Section 234(4)—

insert—

Note—

See, however, section 243 in relation to particular orders for costs.

- (3) Section 234—

insert—

(9A) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.

- (4) Section 234(10), definition *serious offence*—

insert—

(aa) an offence against part 3A; or

- (5) Section 234(10), definition *serious offence*, paragraphs (aa) and (b)—

renumber as paragraphs (b) and (c).

[s 159]

159 Amendment of s 235B (Procedure if prosecution not brought)

Section 235B(1)(c)—

omit, insert—

- (c) the following period has elapsed from when the act or omission happened—
 - (i) if the act or omission constitutes an offence against part 3A—at least 6 months;
 - (ii) otherwise—at least 6 months but no more than 12 months.

160 Amendment of s 236 (Limitation on time for starting proceedings)

Section 236—

insert—

- (2) Subsection (1) does not apply to a proceeding for an offence against part 3A.

161 Amendment of s 243 (Costs of investigation)

- (1) Section 243, heading—

omit, insert—

243 Orders for costs

- (2) Section 243, before subsection (1)—

insert—

- (1A) This section applies in relation to a proceeding for an offence against this Act.
- (1B) An Industrial Magistrates Court may award a represented party for the proceeding costs of the representation.

-
- (1C) Subsection (2) applies despite section 234(4) and the *Industrial Relations Act 2016*, section 530(6).
- (3) Section 243—
insert—
- (3) In this section—
represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.
- (4) Section 243(1A) to (3)—
renumber as section 243(1) to (6).

161A Amendment of s 254A (Protection from reprisal)

Section 254A(1), penalty, ‘40 penalty units’—

omit, insert—

1,000 penalty units

162 Insertion of new pt 20, div 7

Part 20—

insert—

**Division 7 Validation provision for
Mineral and Energy
Resources and Other
Legislation Amendment
Act 2020**

294 Validation of particular orders for costs

- (1) This section applies to a costs order purportedly made by an Industrial Magistrates Court before

[s 163]

the commencement in relation to a proceeding for an offence against this Act.

- (2) The making of the costs order is, and is taken to always have been, as valid as it would have been if amended section 243 had been in effect from 16 March 2001.
- (3) Anything done under the costs order is, and is taken to always have been, as valid as it would have been if amended section 243 had been in effect from 16 March 2001.
- (4) If the repealed *Industrial Relations Act 1999* applied to the proceeding, amended section 243 applies as if the reference in section 243(3) to the *Industrial Relations Act 2016*, section 530(6) were a reference to section 319(3) of the repealed Act.
- (5) In this section—

amended section 243 means section 243 as amended by the *Mineral and Energy Resources and Other Legislation Amendment Act 2020*.

costs order means an order awarding a represented party for a proceeding costs of the representation.

Industrial Magistrates Court includes an Industrial Magistrates Court under the repealed *Industrial Relations Act 1999*.

represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.

163 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

causes, for part 3A, see section 45A(2).

conduct, for part 3A, see section 45A(1).

employer, for a mine, for part 3A, see section 45A(1).

executive officer, of a corporation, for part 3A, see section 45A(1).

senior officer, of an employer for a mine, for part 3A, see section 45A(1).

Part 13 **Amendment of National Energy Retail Law (Queensland) Act 2014**

164 **Act amended**

This part amends the *National Energy Retail Law (Queensland) Act 2014*.

Editor's note—

For a consolidated reprint of the law as it applies in Queensland, see the *National Energy Retail Law (Queensland)*.

165 **Amendment of schedule (Modification of application of National Energy Retail Law)**

Schedule, section 15, inserted section 22A(4), from 'for the first' to 'applies,'—

omit.

[s 166]

Part 14 **Amendment of New South Wales-Queensland Border Rivers Act 1946**

166 Act amended

This part amends the *New South Wales-Queensland Border Rivers Act 1946*.

167 Insertion of new s 22A

Before section 23—

insert—

22A Authorisation of department in which Water Act 2000 administered

The department in which the *Water Act 2000* is administered is authorised in relation to the State of Queensland to exercise the powers conferred and fulfil the obligations imposed by the agreement on a controlling authority.

Part 15 **Amendment of Petroleum Act 1923**

168 Act amended

This part amends the *Petroleum Act 1923*.

Note—

See also the amendments in schedule 1.

169 Amendment of s 2 (Definitions)

Section 2, definitions *conference election notice*, *eligible claimant* and *parties—*

omit.

170 Insertion of new s 40AA

After section 40A—

insert—

40AA Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the lease.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

171 Amendment of s 53E (Deciding whether to approve proposed plan)

Section 53E—

insert—

- (3) The Minister may give the holder of the lease a notice requiring the holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed plan.
- (4) If the holder does not comply with the requirement, the Minister may refuse to approve the proposed plan.

172 Insertion of new s 74TA

After section 74T—

insert—

[s 172]

74TA Power to impose or amend condition if changed holder of lease

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a lease under the Corporations Act, section 50AA;
 - (b) the holder of a lease starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the lease has the financial and technical resources to comply with the conditions of the lease.
- (3) If the Minister considers the holder of the lease may not have the financial and technical resources to comply with conditions of the lease, the Minister may impose another condition on, or amend a condition of, the lease.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the lease to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister may require the holder of the lease to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and

- (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister must give the holder of the lease a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the lease.
- (9) In deciding whether to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the lease under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

173 Omission of pt 6R (Conferences with eligible claimants or owners and occupiers)

Part 6R—

[s 174]

omit.

174 Insertion of new pt 17

After section 207—

insert—

**Part 17 Transitional provisions
for Mineral and Energy
Resources and Other
Legislation
Amendment Act 2020**

**208 Power to impose or amend condition if
changed holder of lease**

The power of the Minister to impose another condition on, or amend a condition of, a lease under section 74TA applies—

- (a) whether the lease was granted before or after the commencement; and
- (b) only if the change mentioned in section 74TA(1) happens after the commencement.

**209 Conferences with eligible claimants or owners
or occupiers started before commencement**

- (1) This section applies if—
 - (a) an authorised officer asked parties to attend a conference under section 103B as in force before the commencement; and
 - (b) immediately before the commencement the conference had not taken place.
- (2) The conference must take place under part 6R as in force immediately before the commencement.

- (3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.

Part 16 **Amendment of Petroleum and Gas (Production and Safety) Act 2004**

175 **Act amended**

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Note—

See also the amendments in schedule 1.

176 **Insertion of new s 37A**

After section 37—

insert—

37A Rejection of tender if tenderer disqualified

- (1) The Minister must reject a tender for an authority to prospect if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the authority to prospect.
- (2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.

177 **Amendment of s 66 (Part usually required to be relinquished)**

Section 66(1), after ‘sections’—

insert—

66A,

[s 178]

178 Insertion of new ss 66A and 66B

After section 66—

insert—

66A Standard relinquishment condition deferred while petroleum lease application is undecided

- (1) This section applies if—
 - (a) the holder of an authority to prospect has made an application for a petroleum lease in relation to an identified area; and
 - (b) at the end of the relinquishment day, the application has not been decided.
- (2) Section 66 does not apply to the authority to prospect in relation to the identified area until—
 - (a) the petroleum lease is granted; or
 - (b) 20 business days after the day the application is withdrawn or refused.

- (3) In this section—

identified area means the sub-blocks of land identified in a relinquishment notice as the sub-blocks of land to which an authority to prospect will not apply after a reduction required under section 66(2).

66B Sub-blocks that may be counted towards relinquishment

- (1) This section applies if, before a relinquishment day, the area of an authority to prospect is reduced under section 101 by the grant of a petroleum lease.
- (2) The sub-blocks in the area of the authority to prospect reduced by the grant may be counted as sub-blocks relinquished for the relinquishment

condition.

179 Amendment of s 67 (Sub-blocks that can not be counted towards relinquishment)

- (1) Section 67(1)(b)—
omit.
- (2) Section 67(1)(d), ‘petroleum lease or’—
omit.
- (3) Section 67(1)(c) to (e)—
renumber as section 67(1)(b) to (d).

180 Amendment of s 68 (Adjustments for sub-blocks that can not be counted)

Section 68(3)(a), ‘petroleum lease or’—
omit.

181 Insertion of new s 80A

After section 80—
insert—

80A Power to impose or amend condition if changed holder of authority to prospect

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of an authority to prospect under the Corporations Act, section 50AA;
 - (b) the holder of an authority to prospect starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the

[s 181]

change, the holder of the authority to prospect has the financial and technical resources to comply with the conditions of the authority to prospect.

- (3) If the Minister considers the holder of the authority to prospect may not have the financial and technical resources to comply with conditions of the authority to prospect, the Minister may impose another condition on, or amend a condition of, the authority to prospect.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the authority to prospect to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the authority to prospect under subsection (3), the Minister may require the holder of the authority to prospect to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the authority to prospect under subsection (3), the Minister must give the holder of the authority a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.

- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the authority to prospect.
- (9) In deciding whether to impose another condition on, or amend a condition of, the authority to prospect under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the authority to prospect under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

182 Amendment of s 107AD (Term of declaration)

- (1) Section 107AD, from ‘in force for 15 years’—
omit, insert—
in force for—
 - (a) 15 years from the making of the latest of the declarations of the potential commercial areas for the authorities to prospect that have been amalgamated; or
 - (b) the shorter period decided by the Minister when making the declaration and stated in the notice given under section 107AE(1).
- (2) Section 107AD—
insert—
 - (2) The matters that must be considered in deciding the shorter period include—

[s 183]

- (a) when any petroleum discovery was made; and
- (b) the report and proposed evaluation program mentioned in section 107AB(b) and (c) that accompanied the application for amalgamation or an independent viability assessment for, or that includes, the amalgamated potential commercial area.

183 Insertion of new s 118A

After section 118—

insert—

118A Rejection of ATP-related application if applicant disqualified

- (1) The Minister must reject an ATP-related application for a petroleum lease if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the petroleum lease.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

184 Insertion of new s 128A

After section 128—

insert—

128A Rejection of tender if tenderer disqualified

- (1) The Minister must reject a tender for a petroleum lease if the Minister decides the tenderer is disqualified under the Common Provisions Act, chapter 7 from being granted the petroleum lease.
- (2) On rejection of the tender, the Minister must give the tenderer a notice about the decision.

185 Amendment of s 147 (Deciding whether to approve proposed plan)

Section 147—

insert—

- (5) The Minister may give the holder of the petroleum lease a notice requiring the holder to give the Minister, within the reasonable period stated in the notice, information the Minister reasonably requires to decide whether to approve the proposed plan.
- (6) If the holder does not comply with the requirement, the Minister may refuse to approve the proposed plan.

186 Insertion of new s 160A

After section 160—

insert—

160A Power to impose or amend condition if changed holder of petroleum lease

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a petroleum lease under the Corporations Act, section 50AA;
 - (b) the holder of a petroleum lease starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the petroleum lease has the financial and technical resources to comply with the conditions of the petroleum lease.
- (3) If the Minister considers the holder of the petroleum lease may not have the financial and

[s 186]

technical resources to comply with conditions of the petroleum lease, the Minister may impose another condition on, or amend a condition of, the petroleum lease.

- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the petroleum lease to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the petroleum lease under subsection (3), the Minister may require the holder of the petroleum lease to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the petroleum lease under subsection (3), the Minister must give the holder of the lease a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the petroleum lease.
- (9) In deciding whether to impose another condition on, or amend a condition of, the petroleum lease

under subsection (3), the Minister—

- (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the petroleum lease under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

187 Omission of s 170A (Application of subdivision)

Section 170A—

omit.

188 Amendment and renumbering of s 170B (Applying to amalgamate)

- (1) Section 170B, heading, after ‘amalgamate’—

insert—

petroleum leases

- (2) Section 170B, as amended—

renumber as section 170A.

189 Insertion of new s 170B

After section 170A, as renumbered by this Act—

insert—

170B Applying to amalgamate 1923 Act leases

- (1) A person may apply to the Minister to

[s 190]

amalgamate 2 or more 1923 Act leases (each also an *individual lease*) into a single petroleum lease (also the *amalgamated lease*).

- (2) An application can be made only if—
 - (a) the holder of each individual lease has also applied under section 908 for a petroleum lease for all or part of the area of the lease; and
 - (b) all of the holders of the individual leases agree to the proposed amalgamation; and
 - (c) the holders of the amalgamated lease will be the same as the holders of the individual leases.
- (3) Also, a person can not make an application under subsection (1) if any of the holders of individual leases have not complied with a provision of the 1923 Act.
- (4) If the application under section 908 is withdrawn, the application for amalgamation is taken to be withdrawn.
- (5) If the application under section 908 is rejected, the application for amalgamation is taken to have lapsed.

190 Amendment of s 317 (Proposed mining lease declared a coordinated project)

Section 317(2)(c), ‘mining lease application’—

omit, insert—

petroleum lease application

191 Amendment of s 379 (Requirement for coordination arrangement to transfer petroleum lease in tenure area of mining lease)

Section 379(2), from ‘are parties’—

omit, insert—

are—

- (a) the same entity; or
- (b) parties to a coordination arrangement about—
 - (i) petroleum production under the petroleum lease; and
 - (ii) coal or oil shale mining and any incidental coal seam gas mining under the mining lease.

192 Replacement of s 400 (Restriction if there is an existing geothermal, GHG or mining lease)

Section 400—

omit, insert—

400 Restriction if there is an existing geothermal, GHG or mining lease

- (1) This section applies if land in the area of a pipeline licence is also in the area of a geothermal lease, GHG lease or mining lease (each an *existing lease*) that was granted before the licence.
- (2) The pipeline licence holder may carry out an authorised activity for the licence on land within the area of the existing lease only if—
 - (a) both of the following apply—

[s 192]

- (i) the existing lease holder has agreed in writing to the carrying out of the activity;
 - (ii) the pipeline licence holder has given a copy of the agreement mentioned in subparagraph (i) to the chief executive; or
- (b) both of the following apply—
 - (i) carrying out the activity is consistent with an agreed co-existence plan;
 - (ii) the pipeline licence holder has given a notice to the chief executive stating the following—
 - (A) that the plan is in place;
 - (B) the period for which the plan has effect;
 - (C) other information prescribed by regulation.
- (3) An agreed co-existence plan must—
 - (a) identify the parties to the plan; and
 - (b) set out an overview of the activities proposed to be carried out in the area mentioned in subsection (1), including the location of the activities and when they will start; and
 - (c) set out how the activities mentioned in paragraph (b) will comply with mining safety legislation; and
 - (d) state how the activities mentioned in paragraph (b) optimise the development and use of the State's resources; and

- (e) state whether any monetary or non-monetary compensation is to be given under the plan; and
 - (f) state the period for which the plan is to have effect; and
 - (g) include any other information prescribed by regulation.
- (4) The pipeline licence holder may give the existing lease holder a notice (the *negotiation notice*) that the pipeline licence holder wishes to negotiate a co-existence plan with the existing lease holder.
 - (5) The negotiation notice is invalid if it does not comply with the prescribed requirements for the notice.
 - (6) The pipeline licence holder and the existing lease holder must negotiate in good faith and use all reasonable endeavours to agree on a co-existence plan.
 - (7) If the pipeline licence holder and the existing lease holder can not agree on a co-existence plan within 3 months after the giving of the negotiation notice, the pipeline licence holder may apply for arbitration of the dispute.
 - (8) Despite subsection (7), the pipeline licence holder and the existing lease holder may jointly apply for arbitration of the dispute at any time.
 - (9) It is a condition of both the pipeline licence and the existing lease that the holder must comply with each agreed co-existence plan that applies to the holder.
 - (10) In this section—
agreed co-existence plan means—

[s 193]

- (a) if an agreed co-existence plan is agreed on under subsection (6)—the agreed co-existence plan; or
- (b) if an agreed co-existence plan is amended by the holders of the pipeline licence and the existing mining lease—the agreed co-existence plan as amended; or
- (c) if an agreed co-existence plan is arbitrated as an agreed co-existence plan under the Common Provisions Act, chapter 5, part 3—the agreed co-existence plan as arbitrated.

193 Insertion of new s 409B

After section 409A—

insert—

409B Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a pipeline licence if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the pipeline licence.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

194 Insertion of new s 424A

After section 424—

insert—

424A Power to impose or amend condition if changed holder of pipeline licence

- (1) This section applies if 1 of the following changes happens—

- (a) an entity starts or stops controlling the holder of a pipeline licence under the Corporations Act, section 50AA;
 - (b) the holder of a pipeline licence starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the pipeline licence has the financial and technical resources to comply with the conditions of the pipeline licence.
- (3) If the Minister considers the holder of the pipeline licence may not have the financial and technical resources to comply with conditions of the pipeline licence, the Minister may impose another condition on, or amend a condition of, the pipeline licence.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the pipeline licence to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the pipeline licence under subsection (3), the Minister may require the holder of the pipeline licence to give the Minister information or a document the Minister requires to make the decision.
- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the pipeline licence under subsection (3), the Minister must give the

[s 195]

- holder of the licence a notice stating—
- (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the pipeline licence.
- (9) In deciding whether to impose another condition on, or amend a condition of, the pipeline licence under subsection (3), the Minister—
- (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the pipeline licence under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

195 Replacement of s 440 (Restriction if there is an existing mining lease)

Section 440—

omit, insert—

440 Restriction if there is an existing mining lease

- (1) This section applies if land in the area of a petroleum facility licence is also in the area of a mining lease (the *existing lease*) that was granted before the licence.

- (2) The petroleum facility licence holder may carry out an authorised activity for the licence on land within the area of the existing lease only if—
- (a) both of the following apply—
 - (i) the existing lease holder has agreed in writing to the carrying out of the activity;
 - (ii) the petroleum facility licence holder has given a copy of the agreement mentioned in subparagraph (i) to the chief executive; or
 - (b) both of the following apply—
 - (i) carrying out the activity is consistent with an agreed co-existence plan;
 - (ii) the petroleum facility licence holder has given a notice to the chief executive stating the following—
 - (A) that the plan is in place;
 - (B) the period for which the plan has effect;
 - (C) other information prescribed by regulation.
- (3) An agreed co-existence plan must—
- (a) identify the parties to the plan; and
 - (b) set out an overview of the activities proposed to be carried out in the area mentioned in subsection (1), including the location of the activities and when they will start; and
 - (c) set out how the activities mentioned in paragraph (b) will comply with mining safety legislation; and

[s 195]

- (d) state how the activities mentioned in paragraph (b) optimise the development and use of the State's resources; and
 - (e) state whether any monetary or non-monetary compensation is to be given under the plan; and
 - (f) state the period for which the plan is to have effect; and
 - (g) include any other information prescribed by regulation.
- (4) The petroleum facility licence holder may give the existing lease holder a notice (the ***negotiation notice***) that the petroleum facility licence holder wishes to negotiate a co-existence plan with the existing lease holder.
- (5) The negotiation notice is invalid if it does not comply with the prescribed requirements for the notice.
- (6) The petroleum facility licence holder and the existing lease holder must negotiate in good faith and use all reasonable endeavours to agree on a co-existence plan.
- (7) If the petroleum facility licence holder and the existing lease holder can not agree on a co-existence plan within 3 months after the giving of the negotiation notice, the petroleum facility licence holder may apply for arbitration of the dispute.
- (8) Despite subsection (7), the petroleum facility licence holder and the existing lease holder may jointly apply for arbitration of the dispute at any time.
- (9) It is a condition of both the petroleum facility licence and the existing lease that the holder must comply with each agreed co-existence plan that

applies to the holder.

(10) In this section—

agreed co-existence plan means—

- (a) if an agreed co-existence plan is agreed on under subsection (6)—the agreed co-existence plan; or
- (b) if an agreed co-existence plan is amended by the holders of the petroleum facility licence and the existing mining lease—the agreed co-existence plan as amended; or
- (c) if an agreed co-existence plan is arbitrated as an agreed co-existence plan under the Common Provisions Act, chapter 5, part 3—the agreed co-existence plan as arbitrated.

196 Insertion of new s 445B

After section 445A—

insert—

445B Rejection of application if applicant disqualified

- (1) The Minister must reject an application for a petroleum facility licence if the Minister decides the applicant is disqualified under the Common Provisions Act, chapter 7 from being granted the petroleum facility licence.
- (2) On rejection of the application, the Minister must give the applicant a notice about the decision.

197 Insertion of new s 455A

After section 455—

insert—

455A Power to impose or amend condition if changed holder of petroleum facility licence

- (1) This section applies if 1 of the following changes happens—
 - (a) an entity starts or stops controlling the holder of a petroleum facility licence under the Corporations Act, section 50AA;
 - (b) the holder of a petroleum facility licence starts or stops being a subsidiary of a corporation under the Corporations Act, section 46.
- (2) The Minister may consider whether, after the change, the holder of the petroleum facility licence has the financial and technical resources to comply with the conditions of the petroleum facility licence.
- (3) If the Minister considers the holder of the petroleum facility licence may not have the financial and technical resources to comply with conditions of the petroleum facility licence, the Minister may impose another condition on, or amend a condition of, the petroleum facility licence.
- (4) If the Minister believes a change mentioned in subsection (1) may have happened, the Minister may require the holder of the petroleum facility licence to give the Minister information or a document about whether or not the change has happened.
- (5) Before deciding to impose another condition on, or amend a condition of, the petroleum facility licence under subsection (3), the Minister may require the holder of the petroleum facility licence to give the Minister information or a document the Minister requires to make the decision.

- (6) A requirement under subsection (4) or (5) must—
 - (a) be made by notice given to the holder; and
 - (b) state a period of at least 10 business days within which the holder must comply with the requirement.
- (7) Before deciding to impose another condition on, or amend a condition of, the petroleum facility licence under subsection (3), the Minister must give the holder of the licence a notice stating—
 - (a) the proposed decision; and
 - (b) the reasons for the proposed decision; and
 - (c) that the holder may, within 10 business days after the notice is given, make submissions to the Minister about the proposed decision.
- (8) The Minister may extend the period mentioned in subsection (6)(b) or (7)(c) by notice given to the holder of the petroleum facility licence.
- (9) In deciding whether to impose another condition on, or amend a condition of, the petroleum facility licence under subsection (3), the Minister—
 - (a) must consider information or a document, if any, given under subsection (6)(b) or (7)(c); and
 - (b) may consider any other matter the Minister considers relevant.
- (10) If the Minister decides to impose another condition on, or amend a condition of, the petroleum facility licence under subsection (3), the Minister must, as soon as practicable after making the decision, give the holder a notice stating the decision and the reasons for the decision.

[s 198]

198 Amendment of ch 10, hdg (Conferences, investigations and enforcement)

Chapter 10, heading, ‘Conferences, investigations’—
omit, insert—

Investigations

199 Omission of ch 10, pt 1AA (Conferences with eligible claimants or owners and occupiers)

Chapter 10, part 1AA—
omit.

200 Amendment of s 799B (Definitions for part)

(1) Section 799B, definitions *authorised person, primary land* and *remediation activities*—
omit.

(2) Section 799B—
insert—

abandoned site means land—

- (a) on which an abandoned operating plant is located; or
- (b) within the boundary of a former tenure or authority for an abandoned operating plant.

affected land see section 799D(2).

authorised person means—

- (a) for an abandoned site—a person authorised by the chief executive under section 799D(1) to enter the abandoned site; or
- (b) for affected land—a person authorised by the chief executive under section 799D(2) to enter the affected land.

remediation activity see section 799CA.

201 Insertion of new s 799CA

After section 799C—

insert—

799CA Meaning of *remediation activity*

(1) Each of the following activities is a *remediation activity*—

- (a) investigating the condition of—
 - (i) an abandoned site or affected land; or
 - (ii) an abandoned operating plant; or
 - (iii) a structure or equipment on an abandoned site or affected land related to the abandoned operating plant;
- (b) capping a wellhead on an abandoned site;
- (c) drilling a well or water bore on an abandoned site or affected land to monitor or remediate the site, land or an abandoned operating plant;
- (d) maintaining an abandoned operating plant to make it safe;

Examples—

monitor, inspect, carry out repairs

- (e) decommissioning an abandoned operating plant;

Examples—

degassing a facility, removing part of a facility

- (f) removing, modifying or otherwise making safe structures or equipment on an abandoned site or affected land that are related to an abandoned operating plant;

[s 201]

- (g) mitigating, managing, treating or cleaning up pollution that is on an abandoned site or affected land because of, directly or indirectly, an abandoned operating plant;
- (h) maintaining, managing and monitoring the condition of an abandoned site or affected land, including, for example—
 - (i) repairing erosion of the site or land, or vegetation on the site or land; or
 - (ii) preventing further erosion of the site, land or vegetation; or
 - (iii) revegetating the site or land;
- (i) if an abandoned site or affected land is contaminated land under the Environmental Protection Act—conducting work to remediate the site or land;
- (j) removing, mitigating or managing a hazard on an abandoned site or affected land because of, directly or indirectly, an abandoned operating plant;
- (k) mitigating, managing or monitoring risks to, or adverse impacts on, public health or safety, other property or the environment because of, directly or indirectly, an abandoned operating plant, including, by constructing infrastructure or installing equipment;
- (l) another activity on an abandoned site or affected land, or in relation to an abandoned operating plant, prescribed by regulation—
 - (i) to make the site, land or abandoned operating plant safe;
 - (ii) to mitigate, manage or monitor risks to, or adverse impacts on, public health or

safety, other property or the environment because of, directly or indirectly, an abandoned operating plant.

(2) In this section—

other property, in relation to an abandoned operating plant, means—

- (a) land that is not an abandoned site or affected land related to the abandoned operating plant; or
- (b) a structure, equipment or other thing, other than a structure or equipment—
 - (i) related to the abandoned operating plant; or
 - (ii) on an abandoned site or affected land related to the abandoned operating plant.

202 Replacement of ss 799D–799G

Section 799D to 799G—

omit, insert—

799D Authorised person to carry out remediation activities

- (1) The chief executive may authorise a person to enter an abandoned site to carry out 1 or more remediation activities.
- (2) Also, the chief executive may authorise a person to enter land (*affected land*) to carry out 1 or more remediation activities if the chief executive is satisfied—
 - (a) the remediation activities may be, or are, required to be carried out on the land because of, directly or indirectly, an

[s 202]

abandoned operating plant on an abandoned site; or

- (b) the entry is necessary to carry out remediation activities on an abandoned site.
- (3) The authorisation must—
- (a) be in writing; and
 - (b) state the period of the authorisation.

799E Entering land to carry out remediation activities

- (1) An authorised person may enter an abandoned site to carry out remediation activities if the authorised person has given the owner and occupier of the land the notice of entry required under section 799F.
- (2) An authorised person may enter affected land if the owner and occupier of the land have consented to the entry under section 799G.
- (3) An authorised person for an abandoned site may enter land adjacent to the site if—
 - (a) the entry is only for the purpose of entering the site under subsection (1) or (4); and
 - (b) entering the adjacent land is the only reasonably practicable way for the authorised person to enter the site; and
 - (c) the authorised person has given the owner and occupier of the adjacent land the notice of entry required under section 799F.
- (4) An authorised person may enter land mentioned in subsection (1), (2) or (3) without giving notice of entry to, or the consent of, the owner or occupier of the land to carry out remediation activities if carrying out the activities are

necessary to preserve life or property.

- (5) This section does not authorise an authorised person to enter a structure used for residential purposes without the consent of the occupier of the structure.

799F Notice of entry

- (1) An authorised person who enters land under this part must give the owner and occupier of the land written notice about the entry—
- (a) if the land is entered to carry out remediation activities necessary to preserve life or property—within 10 business days after entering the land; or
 - (b) otherwise, if the land is an abandoned site—
 - (i) at least 10 business before entering the land; or
 - (ii) a shorter period agreed by the owner and occupier.
- (2) The written notice must state the following—
- (a) when the entry was made or is to be made;
 - (b) the purpose of the entry;
 - (c) if the notice relates to land other than affected land—that the authorised person is permitted under this Act to enter the land without consent or a warrant;
 - (d) the remediation activities carried out or proposed to be carried out.

799G Consent of owner or occupier to enter affected land

- (1) This section applies if an authorised person

[s 202]

- intends to ask the owner or occupier of affected land for consent to enter the land.
- (2) For the purpose of asking the owner or occupier for the consent, the authorised person may, without the consent of the owner or occupier, or a warrant—
- (a) enter land around premises at the affected land to an extent that is reasonable to contact an occupier of the affected land; or
 - (b) enter part of the affected land the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupier of the affected land.
- (3) When asking for the consent, the authorised person must tell the owner or occupier—
- (a) about the purpose of the entry; and
 - (b) the proposed day, time and duration of the entry; and
 - (c) that the owner or occupier is not required to consent; and
 - (d) that the consent may be—
 - (i) given subject to reasonable conditions, other than a condition requiring compensation for the entry; and
 - (ii) may be withdrawn at any time.
- (4) If the owner or occupier gives the consent, the authorised person may ask the owner or occupier to sign an acknowledgement of the consent.
- (5) The acknowledgement must state—
- (a) the purpose of the entry, including the remediation activities to be carried out; and

- (b) the following has been explained to the owner or occupier—
 - (i) the purpose of the entry, including the remediation activities to be carried out;
 - (ii) the proposed day, time and duration of the entry;
 - (iii) that the owner or occupier is not required to consent;
 - (iv) that the consent may be given subject to conditions, other than a condition requiring compensation for the entry, and may be withdrawn at any time; and
 - (c) the owner or occupier gives the authorised person consent to enter the land and carry out the remediation activities; and
 - (d) the day and time the consent was given; and
 - (e) any conditions of the consent.
- (6) If the owner or occupier signs the acknowledgement, the authorised person must give a copy of the acknowledgement to the owner and occupier.

799GA Obligation of authorised person in carrying out remediation activities

An authorised person who enters land under this part—

- (a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and
- (b) must take all reasonable steps to ensure the person causes as little inconvenience, and does as little other damage, as is practicable in the circumstances.

[s 203]

799GB Report to owner and occupier after entry of affected land

- (1) This section applies if an authorised person enters affected land to carry out remediation activities with the consent of the owner and occupier of the land given under section 799G.
- (2) The authorised person must give the owner and occupier a report about the entry within 30 days after the entry ends.
- (3) The report must state—
 - (a) whether or not remediation activities were carried out on the affected land; and
 - (b) if activities were carried out on the land—
 - (i) the nature and extent of the activities; and
 - (ii) where on the land the activities were carried out; and
 - (c) another matter prescribed by regulation for the report.
- (4) However, the authorised person is not required to give a report to the owner or occupier of the affected land under this section if the owner or occupier does not wish to receive the report.

203 Insertion of new ch 11, pt 1AA

Chapter 11, before part 1—

insert—

Part 1AA Industrial manslaughter

799I Definitions for part

- (1) In this part—

conduct means an act or omission to perform an act.

employer, for an operating plant or gas work, means a person who employs or otherwise engages a worker in relation to the operating plant or gas work.

gas work see section 725.

senior officer, of an employer for an operating plant or gas work, means—

- (a) if the employer is a corporation—an executive officer of the corporation; or
- (b) otherwise—the holder of an executive position (however described) in relation to the employer who makes, or takes part in making, decisions affecting all, or a substantial part, of the employer's functions.

worker means—

- (a) in relation to an operating plant—an individual who is employed or contracted to carry out work at the operating plant; or
 - (b) in relation to gas work—an individual who is employed or contracted to carry out work at the place where the gas work is carried out.
- (2) For this part, a person's conduct *causes* death if it substantially contributes to the death.

799J Exception for the Criminal Code, s 23

The Criminal Code, section 23 does not apply in relation to an offence against this part.

799K Industrial manslaughter—employer

- (1) An employer for an operating plant or gas work commits an offence if—
 - (a) a worker—
 - (i) dies in the course of carrying out work at the operating plant or the place where the gas work is carried out; or
 - (ii) is injured in the course of carrying out work at the operating plant, or the place where the gas work is carried out, and later dies; and
 - (b) the employer’s conduct causes the death of the worker; and
 - (c) the employer is negligent about causing the death of the worker by the conduct.

Maximum penalty—

- (a) for an individual—20 years imprisonment; or
- (b) for a body corporate—100,000 penalty units.

Note—

See section 840 in relation to imputing to a body corporate particular conduct of executive officers, employees or agents of the body corporate.

- (2) An offence against subsection (1) is a crime.

799L Industrial manslaughter—senior officer

- (1) A senior officer of an employer for an operating plant or gas work commits an offence if—
 - (a) a worker—

-
- (i) dies in the course of carrying out work at the operating plant or the place where the gas work is carried out; or
 - (ii) is injured in the course of carrying out work at the operating plant, or the place where the gas work is carried out, and later dies; and
- (b) the senior officer's conduct causes the death of the worker; and
 - (c) the senior officer is negligent about causing the death of the worker by the conduct.
- Maximum penalty—20 years imprisonment.
- (2) An offence against subsection (1) is a crime.

204 Amendment of s 837 (Offences under Act are summary)

- (1) Section 837, heading—

omit, insert—

837 Proceedings for offences

- (2) Section 837(1), after 'this Act'—

insert—

, other than an offence against chapter 11, part 1AA,

- (3) Section 837(2), after 'or 10'—

insert—

, or a provision of chapter 11, part 1AA,

- (4) Section 837—

insert—

(6A) Subsection (6) does not apply to a proceeding for an offence against chapter 11, part 1AA.

(7A) Nothing in this section affects the ability of the

[s 205]

director of public prosecutions to bring proceedings for an offence against this Act.

- (5) Section 837(8), definition *serious offence*—

insert—

(aa) an offence against chapter 11, part 1AA; or

- (6) Section 837(8), definition *serious offence*, paragraphs (aa) and (b)—

renumber as paragraphs (b) and (c).

205 Amendment of s 837C (Procedure if prosecution not brought)

Section 837C(1)(c)—

omit, insert—

(c) the following period has elapsed from when the act or omission happened—

- (i) if the act or omission constitutes an offence against chapter 11, part 1AA—
at least 6 months;
- (ii) otherwise—at least 6 months but no more than 12 months.

205A Amendment of s 857 (Delegation by Minister, chief executive, CEO or chief inspector)

Section 857—

insert—

(2A) The CEO may delegate the CEO's powers under this Act to an appropriately qualified person.

206 Insertion of new s 991A

After section 991—

insert—

991A Validation of particular orders for costs

- (1) This section applies to a costs order purportedly made by an Industrial Magistrates Court before 5 December 2014 in relation to a proceeding for an offence against this Act.
- (2) The making of the costs order is, and is taken to always have been, as valid as it would have been if amended section 837 had been in effect from 31 December 2004.
- (3) Anything done under the costs order is, and is taken to always have been, as valid as it would have been if amended section 837 had been in effect from 31 December 2004.
- (4) Subsections (2) and (3) have effect despite section 837(3) and the repealed *Industrial Relations Act 1999*, section 319(3), as those provisions were in force from time to time before 5 December 2014.
- (5) In this section—

amended section 837 means section 837 as amended by the *Water Reform and Other Legislation Amendment Act 2014*.

costs order means an order awarding a represented party for a proceeding costs of the representation.

Industrial Magistrates Court means an Industrial Magistrates Court under the repealed *Industrial Relations Act 1999*.

represented party, for a proceeding, means a party to the proceeding, or a person ordered or permitted to appear or to be represented by a lawyer, who is represented by a lawyer.

[s 207]

207 Insertion of new ch 15, pt 27

Chapter 15—

insert—

**Part 27 Transitional provisions
for Mineral and Energy
Resources and Other
Legislation
Amendment Act 2020**

**1013 Power to impose or amend condition if
changed holder of particular petroleum
authorities**

The power of the Minister to impose another condition on, or amend a condition of, a petroleum authority under section 80A, 160A, 424A or 455A applies—

- (a) whether the authority was granted before or after the commencement; and
- (b) only if the change mentioned in section 80A(1), 160A(1), 424A(1) or 455A(1) happens after the commencement.

**1014 Restriction on pipeline licence if there is an
existing geothermal, GHG or mining lease**

Section 400 as in force after the commencement applies in relation to a pipeline licence whether the pipeline licence was granted before or after the commencement.

**1015 Restriction on petroleum facility licence if
there is an existing mining lease**

Section 440 as in force after the commencement

applies in relation to a petroleum facility licence whether the petroleum facility licence was granted before or after the commencement.

1016 Conferences with eligible claimants or owners or occupiers started before commencement

- (1) This section applies if—
 - (a) an authorised officer asked parties to attend a conference under section 734C as in force before the commencement; and
 - (b) immediately before the commencement the conference had not taken place.
- (2) The conference must take place under chapter 10, part 1AA as in force immediately before the commencement.
- (3) The Common Provisions Act, chapter 3, part 8 does not apply in relation to the conference.

1017 Existing authority to carry out remediation activities

- (1) This section applies if, immediately before the commencement, a person was authorised by the chief executive under section 799D to carry out remediation activities in relation to an abandoned operating plant.
- (2) The authorisation is taken to have been made under section 799D as in force on the commencement.

[s 208]

208 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *conference election notice*, *eligible claimant*, *parties*, *primary land*, *remediation activities* and *worker*—

omit.

- (2) Schedule 2—

insert—

abandoned site, for chapter 10, part 3, see section 799B.

affected land, for chapter 10, part 3, see section 799D(2).

causes, for chapter 11, part 1AA, see section 799I(2).

conduct, for chapter 11, part 1AA, see section 799I(1).

employer, for an operating plant or gas work, for chapter 11, part 1AA, see section 799I(1).

mining safety legislation see the Common Provisions Act, schedule 2.

remediation activity—

(a) for chapter 2, part 10, division 5—see section 294B; or

(b) for chapter 10, part 3—see section 799CA.

senior officer, of an employer for an operating plant or gas work, for chapter 11, part 1AA, see section 799I(1).

worker—

(a) in relation to an operating plant or gas work, for chapter 11, part 1AA, see section 799I(1); or

-
- (b) at a place, means a person who is employed or contracted to carry out work at the place, whether or not the work is gas work.
- (3) Schedule 2, definition *amalgamated lease*, after ‘see section’—
insert—
170A(1) or
- (4) Schedule 2, definition *gas work*, after ‘part 6’—
insert—
and chapter 11, part 1AA
- (5) Schedule 2, definition *individual lease*, after ‘see section’—
insert—
170A(1) or

Part 17 **Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009**

209 Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

210 Amendment of 99BRCF (Power to adopt charges by board decision)

- (1) Section 99BRCF(2)(c)—
insert—
(iv) trunk infrastructure related to development for a non-State school under a designation.

(2) Section 99BRCF—

insert—

(4) In this section—

designation see the Planning Act, section 35(1).

non-State school see the *Education (Accreditation of Non-State Schools) Act 2017*, section 6.

211 Amendment of s 99BT (Keeping particular documents available for inspection and purchase)

(1) Section 99BT(2), ‘and (c)’—

omit, insert—

, (c) and (d)(ii)

(2) Section 99BT—

insert—

(3) The information mentioned in section 99BU(1) must be kept available on the SEQ service provider’s website in a way that—

- (a) can be electronically searched by a person for information about a levied charge and the trunk infrastructure to which the charge relates; and
- (b) enables a person to download the results of an electronic search; and
- (c) states the day the information was last updated.

(3) An SEQ service provider that contravenes this section commits an offence.

Maximum penalty—200 penalty units.

212 Replacement of s 99BU (Requirements for infrastructure charges register)

Section 99BU—

omit, insert—

99BU Requirements for infrastructure charges register

- (1) For section 99BT(1)(d)(ii), the infrastructure charges register must include the following information about each infrastructure charge levied by the distributor-retailer—
- (a) the amount of the charge;
 - (b) whether the charge has been paid in full and, if not, the amount outstanding;
 - (c) the real property description of the land to which the charge applies;
 - (d) the suburb or other locality in which the land to which the charge applies is situated;
 - (e) the charges schedule under which the charge was levied;
 - (f) the charge rate, stated in the charges schedule, under which the charge was levied;
 - (g) if an automatic increase provision under chapter 4C, part 7 applies to the charge—that the charge is subject to automatic increase and how the increase is worked out;
 - (h) if an offset was given in relation to the charge—the amount of the offset;
 - (i) if a refund was given in relation to the charge—the amount of the refund;
 - (j) if the charge was levied under a water approval—

- (i) the reference number of the approval;
and
 - (ii) the day the approval starts; and
 - (iii) the day the approval lapses;
- (k) if the charge is the subject of an infrastructure agreement—
 - (i) the name of the agreement; and
 - (ii) the day the agreement was entered into;
and
 - (iii) the infrastructure to be supplied under the agreement.
- (2) The register must also include the following documents about infrastructure charges levied by the distributor-retailer—
 - (a) a copy of each infrastructure charges notice issued by the distributor-retailer;
 - (b) for each financial year—a document stating the charges levied in the financial year.
- (3) A document under subsection (2)(b) stating charges levied in a financial year must include the following information for the financial year—
 - (a) the total amount of charges levied;
 - (b) the total amount of offsets given;
 - (c) the total amount of refunds given;
 - (d) the total amount of charges collected;
 - (e) the total amount of collected charges spent by the distributor-retailer on providing trunk infrastructure;
 - (f) the total amount of collected charges not spent by the distributor-retailer.
- (4) The register must also include the following

documents about trunk infrastructure supplied by the distributor-retailer—

- (a) for each quarter of each financial year—a document stating the trunk infrastructure supplied by the distributor-retailer in the quarter;
 - (b) for each financial year—a document stating the trunk infrastructure supplied by the distributor-retailer in the financial year.
- (5) A document under subsection (4)(a) stating trunk infrastructure supplied in a quarter must include the following information for the quarter—
- (a) a description of the infrastructure;
 - (b) the suburb or other locality in which the infrastructure is situated;
 - (c) the cost of supplying the infrastructure;
 - (d) the trunk infrastructure network with which the infrastructure is associated;
 - (e) whether the infrastructure is included in the distributor-retailer’s water netserv plan and, if so, the reference number of the plan;
 - (f) whether the infrastructure was supplied under a water approval and, if so, the reference number of the approval;
 - (g) whether the infrastructure is the subject of an infrastructure agreement and, if so, the name of the agreement.
- (6) The register must also include the following information about infrastructure charges forecast to be collected, and trunk infrastructure forecast to be supplied, by the distributor-retailer—
- (a) for each financial year—

- (i) an estimate of the infrastructure charges forecast to be collected by the distributor-retailer in the financial year; and
 - (ii) an estimate of the cost of trunk infrastructure forecast to be supplied by the distributor-retailer in the financial year;
- (b) for each period of 3 consecutive financial years—
 - (i) an estimate of the infrastructure charges forecast to be collected by the distributor-retailer in the period; and
 - (ii) an estimate of the cost of trunk infrastructure forecast to be supplied by the distributor-retailer in the period.
- (7) Information mentioned in subsection (1) about an infrastructure charge must be included in the register as soon as practicable after the end of the quarter in which the charge was levied.
- (8) A copy of each infrastructure charges notice mentioned in subsection (2)(a) must be included in the register as soon as practicable after the end of the quarter in which the notice was issued.
- (9) A document for a quarter under subsection (4)(a) must be included in the register as soon as practicable after the end of the quarter.
- (10) A document for a financial year under subsection (2)(b) or (4)(b) must be included in the register within 5 months after the end of the financial year.
- (11) Information mentioned in subsection (6) about a forecast for a financial year, or a period of 3 consecutive financial years, must be included in the register before 1 December of the year before the start of the financial year or period.

- (12) A distributor-retailer that contravenes this section commits an offence.

Maximum penalty—200 penalty units.

- (13) In this section—

infrastructure charge means an adopted charge levied by a distributor-retailer in relation to trunk infrastructure.

quarter, of a financial year, means a period of 3 months starting on 1 January, 1 April, 1 July or 1 October.

reference number, of a document, means the identifying number allocated by a distributor-retailer to the document.

213 Insertion of new ch 6, pt 13

Chapter 6—

insert—

Part 13 **Transitional provision for Mineral and Energy Resources and Other Legislation Amendment Act 2020**

153 Obligation of distributor-retailer to include documents and information in infrastructure charges register

An obligation under section 99BU(2)(b), 4(b) or (6) of a distributor-retailer to include in an infrastructure charges register documents or information for a financial year or a period of 3 consecutive financial years applies only to a financial year starting on or after 1 July 2021.

[s 214]

Part 18 **Amendment of Water Supply (Safety and Reliability) Act 2008**

214 Act amended

This part amends the *Water Supply (Safety and Reliability) Act 2008*.

215 Amendment of s 41 (Restricting water supply)

(1) Section 41(2)(d), ‘section 22’—

omit, insert—

section 25B

(2) Section 41(2)(d), ‘section 23’—

omit, insert—

section 25F

216 Amendment of s 390 (Minister may declare temporary full supply level)

(1) Section 390(2), note—

omit, insert—

Notes—

- 1 Under the *Water Act 2000*, section 813(3)(c)(i) and (4)(a), if a declaration is in force for a temporary full supply level for the dam, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the temporary full supply level declared for the dam.
- 2 Under the *Water Act 2000*, section 813(3)(c) and (4)(c), if both a declaration is in force for a temporary full supply level for the dam, and the full supply level of the dam is reduced under chapter 4, part 4 of this Act, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the lower of the

temporary full supply level and the reduced full supply level under section 399B(2).

(2) Section 390—

insert—

(6A) To remove any doubt, it is declared that, if the Minister declares a temporary full supply level for a dam under subsection (2), the owner of the dam may operate the dam at the temporary full supply level, including, for example, by releasing water from the dam to maintain the temporary full supply level.

(3) Section 390(6A) and (7)—

renumber as section 390(7) and (8).

217 Amendment of s 399B (Dam owner may reduce full supply level in certain circumstances)

(1) Section 399B(2), ‘to a level acceptable to the owner’—

omit.

(2) Section 399B(2), note—

omit, insert—

Notes—

- 1 Under the *Water Act 2000*, section 813(3)(c)(i) and (4)(b), if the full supply level for the dam is reduced, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the reduced full supply level.
- 2 Under the *Water Act 2000*, section 813(3)(c) and (4)(c), if both a declaration is in force for a temporary full supply level for the dam under chapter 4, part 3 of this Act, and the full supply level of the dam is reduced under this part, a reference in the resource operations licence to the full supply level for the dam is taken to be a reference to the lower of the temporary full supply level under section 390(2) and the reduced full supply level.

[s 218]

(3) Section 399B—

insert—

(4A) To remove any doubt, it is declared that, if a dam owner reduces the full supply level for a dam under subsection (2), the owner may operate the dam at the reduced full supply level, including, for example, by releasing water from the dam to maintain the reduced full supply level.

(4) Section 399B(4A) to (6)—

renumber as section 399B(5) to (7).

Part 19 **Minor and consequential amendments**

218 **Legislation amended**

Schedule 1 amends the legislation it mentions.

Schedule 1 Minor and consequential amendments

section 218

Coal Mining Safety and Health Act 1999

1 Section 9(1)(f)(ii), ‘section 344A(3)’—

omit, insert—

section 344D

2 Section 64D, definition *arbitration*, ‘Common Provisions Act, chapter 4, part 6, division 4’—

omit, insert—

Common Provisions Act, chapter 5, part 3

Geothermal Energy Act 2010

1 Section 351(2)(a)—

omit, insert—

- (a) an application is made for a geothermal tenure, or for approval under the Common Provisions Act of a prescribed dealing that is a transfer of a geothermal tenure, for more than 1 proposed holder or transferee; and

Schedule 1

2 Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), '19(3)'—

omit, insert—

19(2)

3 Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), 'registration of a dealing'—

omit, insert—

a prescribed dealing

Greenhouse Gas Storage Act 2009

1 Section 370(2)(a)—

omit, insert—

(a) an application is made for a GHG authority, or for approval under the Common Provisions Act of a prescribed dealing that is a transfer of a GHG authority, for more than 1 proposed holder or transferee; and

2 Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), '19(3)'—

omit, insert—

19(2)

3 Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), 'registration of a dealing'—

omit, insert—

a prescribed dealing

part

8 Sections 33(3), 35(2) and 41(4), ‘Chapter 5’—

omit, insert—

Chapter 6

9 Chapter 3, part 2, division 1, heading, ‘pt 2’—

omit, insert—

part

10 Section 37, heading, ‘pt 2’—

omit, insert—

part

11 Section 38, heading, ‘div 2’—

omit, insert—

division

12 Section 40, heading, ‘under div 2’—

omit.

13 Section 46, heading, ‘div 4’—

omit, insert—

division

14 Section 56, heading, ‘div 1’—

omit, insert—

division

- 15 Section 61, heading, ‘div 2’—**
omit, insert—
division
- 16 Sections 66 and 67, heading, ‘pt 4’—**
omit, insert—
part
- 17 Sections 73 and 74, heading, ‘pt 5’—**
omit, insert—
part
- 18 Section 80, heading, ‘div 1’—**
omit, insert—
division
- 19 Section 82, heading, ‘div 2’—**
omit, insert—
division
- 20 Section 91A(8)—**
omit.
- 21 Sections 102 and 103, heading, ‘ch 4’—**
omit, insert—
chapter

- 22 Section 103, definition *agreed joint development plan*, paragraph (c), ‘section 158’—**
omit, insert—
section 174C
- 23 Section 103, definition *agreed joint development plan*, paragraph (d), ‘part 6, division 4’—**
omit, insert—
chapter 5, part 3
- 24 Section 103, definition *arbitration*, ‘part 6, division 4’—**
omit, insert—
chapter 5, part 3
- 25 Section 103, definition *prescribed arbitration institute*—**
omit.
- 26 Section 103, definition *replace*, ‘division 3’—**
omit, insert—
division 2
- 27 Section 108, heading, ‘div 3’—**
omit, insert—
division
- 28 Section 117(1)(f), ‘divisions 1 and 2’—**
omit, insert—
division 1

- 29 Section 117(1)—**
insert—
(g) chapter 5, part 2.
- 30 Sections 118 and 119, heading, ‘pt 2’—**
omit, insert—
part
- 31 Section 136, heading, ‘div 4’—**
omit, insert—
division
- 32 Sections 139 and 140, heading, ‘pt 3’—**
omit, insert—
part
- 33 Section 151, heading, ‘pt 5’—**
omit, insert—
part
- 34 Section 161, heading, ‘div 3’—**
omit, insert—
division
- 35 Section 175, heading, ‘div 4’—**
omit, insert—
part

- 36 Section 176, heading, ‘div 4’—**
omit, insert—
part
- 37 Section 182(3)(a), ‘part 6, division 2’—**
omit, insert—
chapter 5, part 2
- 38 Sections 186 and 187, heading, ‘pt 1’—**
omit, insert—
part
- 39 Schedule 2, definitions *application, authorising provision, deciding authority and invalid application*, ‘chapter 5’—**
omit, insert—
chapter 6
- 40 Schedule 2, definition *replace*, ‘division 3’—**
omit, insert—
division 2

Mineral and Energy Resources (Common Provisions) Regulation 2016

- 1 Sections 10, 11 and 12, heading, ‘Act’—**
omit, insert—
Act,

2 Sections 10(1) and 11(1), ‘sections 19(3)’—

omit, insert—

sections 19(2)

3 Section 12(2)(b), ‘section 10(2)(b) to (g)’—

omit, insert—

section 10(2)(b) to (h)

4 Section 36A—

omit.

Mineral and Energy Resources (Financial Provisioning) Act 2018

1 Section 3(d)(i)—

omit, insert—

- (i) remediation activities in relation to mining activities previously carried out on an abandoned mine site; and

2 Sections 47(3) and 55(5), ‘section 20A’—

omit, insert—

section 21

3 Sections 47(3) and 55(5), ‘section 20A(2)’—

omit, insert—

section 21(2)

4 Section 63(b), from ‘section 344A(1)’ to ‘mine exists’—

omit, insert—

section 344C, to carry out remediation activities in relation to mining activities previously carried out on an abandoned mine site

5 Section 64(3), ‘a pre-commencement abandoned mine,’—

omit, insert—

mining activities carried out on a pre-commencement abandoned mine site,

6 Section 64(5), definition *pre-commencement abandoned mine*—

omit, insert—

pre-commencement abandoned mine site means an abandoned mine site in existence before 1 April 2019.

7 Schedule 1, definitions *abandoned mine* and *remediation activities*—

omit.

8 Schedule 1—

insert—

abandoned mine site see the *Mineral Resources Act 1989*, section 344.

remediation activity—

- (a) in relation to mining activities previously carried out on an abandoned mine site—see the *Mineral Resources Act 1989*, section 344A; or

(b) in relation to an abandoned operating plant—see the *Petroleum and Gas (Production and Safety) Act 2004*, section 799CA.

Mineral Resources Act 1989

1 Section 10A(3), ‘317 and chapter 13, part 2’—

omit, insert—

317,

2 Section 299(9), ‘section 277(11)’—

omit, insert—

section 277(10)

3 Section 318AAZM(1)(b), ‘registration of a dealing’—

omit, insert—

a prescribed dealing

4 Section 318AAZM(1)(b), ‘section 19(3)’—

omit, insert—

section 19(2)

5 Section 318DZ(2)—

omit.

6 Section 318EH(5)—

omit.

- 7 Section 318EI(2)(c), ‘a notice’—**
omit, insert—
an information notice
- 8 Section 334ZZI(8)—**
omit.
- 9 Section 345(1), ‘under section 344A(3) to enter land’—**
omit, insert—
to enter land under section 344D
- 10 Section 348(1) and (2), ‘section 344A(3)’—**
omit, insert—
section 344D
- 11 Section 363(2)(ha), ‘section 344A(3)’—**
omit, insert—
section 344D
- 12 Section 398(1A), ‘section 344A(3)’—**
omit, insert—
section 344D

Mineral Resources Regulation 2013

- 1 Section 24, definition *arbitration*, ‘Common Provisions Act, chapter 4, part 6, division 4’—**
omit, insert—

Common Provisions Act, chapter 5, part 3

2 Particular references to prescribed mineral

Each of the following provisions is amended by omitting ‘prescribed mineral’ and inserting ‘prescribed mineral (royalty)’—

- section 46(a)
- section 47(1)(a)
- section 50(5), definition *relevant mineral*, paragraph (f)
- section 54(1)(b)(ii)
- section 58(1) and (2)
- schedule 3, part 1, sections 1 and 2

3 Schedule 3, parts 1 and 2, heading, after ‘prescribed minerals’—

insert—

(royalty)

4 Schedule 6, definition *prescribed mineral*—

omit, insert—

prescribed mineral (royalty) means any of the following—

- (a) cobalt;
- (b) copper;
- (c) gold;
- (d) lead;
- (e) nickel;
- (f) silver;
- (g) zinc.

Mining and Quarrying Safety and Health Act 1999

1 Section 9(1)(g)(ii), ‘section 344A(3)’—

omit, insert—

section 344D

North Stradbroke Island Protection and Sustainability Act 2011

1 Section 14(2), definition *NSI mining interest*, ‘section 344A’—

omit, insert—

section 344C or 344D

Petroleum Act 1923

1 Section 2, definition *1923 Act petroleum tenure*, paragraph (b)(iv)—

omit, insert—

(iv) parts 6O and 6P.

2 Section 25G(2)(d)(ii), from ‘a transfer’—

omit, insert—

a prescribed dealing that was a transfer of a share in the authority and the prescribed dealing has been approved under the Common Provisions Act, section 19;

- 3 Section 77Z(2), ‘for registration’—**
omit.
- 4 Section 79X(3)(c), ‘that for registration’—**
omit, insert—
approved
- 5 Schedule, entry for Decisions under Common Provisions Act, s 19(3), ‘s 19(3)’—**
omit, insert—
s 19(2)
- 6 Schedule, entry for Decisions under Common Provisions Act, s 19(3), ‘registration of a dealing’—**
omit, insert—
a prescribed dealing

Petroleum and Gas (Production and Safety) Act 2004

- 1 Section 59(4)(a)(i), ‘to register’—**
omit, insert—
of
- 2 Section 238, ‘with approval from the Minister for registration’—**
omit, insert—
approved by the Minister

Schedule 1

3 Section 379(2), ‘for registration under the Common Provisions Act, section 19’—

omit, insert—

as a prescribed dealing under the Common Provisions Act, section 19, or registered as a notifiable dealing under the Common Provisions Act, section 19B,

4 Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘19(3)’—

omit, insert—

19(2)

5 Schedule 1, entry for Decisions under Common Provisions Act, s 19(3), ‘registration of a dealing’—

omit, insert—

a prescribed dealing

6 Schedule 2, definition *arbitration*, ‘Common Provisions Act, chapter 4, part 6, division 4’—

omit, insert—

Common Provisions Act, chapter 5, part 3

Planning Regulation 2017

1 Schedule 21, section 1(18), from ‘at land on’—

omit, insert—

on an abandoned mine site under the *Mineral Resources Act 1989*, section 344C or 344D.

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