

# Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016

Explanatory notes for SL 2016 No. 170

made under the

*Mineral and Energy Resources (Common Provisions) Act 2014*

## General Outline

### Short title

*Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016*

### Authorising law

Section 211 of the *Mineral and Energy Resources (Common Provisions) Act 2014*

### Policy objectives and the reasons for them

The primary objective of the *Mineral and Energy Resources (Common Provisions) Act 2014* is to harmonise common provisions from the *Geothermal Energy Act 2010*, the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, and the *Petroleum and Gas (Production and Safety) Act 2004*, (collectively referred to as the Resource Acts) into one Act.

The major elements harmonised in the *Mineral and Energy Resources (Common Provisions) Act 2014* include provisions relating to dealings, caveats and associated agreements; private and public land access; and the maintenance of a resource authority register.

The *Mineral and Energy Resources (Common Provisions) Act 2014* also implements the following policy objectives:

- establishes a new framework for the management of overlapping coal and coal seam gas resource authorities (overlapping tenures framework) in Queensland;
- gives effect to the recommendations of the Land Access Implementation Committee to improve the land access framework relating to private land; and
- implements a consistent restricted land framework across all resource sectors.

In addition to the above, the *Mineral and Energy Resources (Common Provisions) Act 2014* further provides a number of amendment provisions, amending other matters in the Resource Acts and the *Coal Mining Safety and Health Act 1999*.

During the development of the *Mineral and Energy Resources (Common Provisions) Regulation 2016* it was determined that certain transitional provisions relating to public land had been omitted from the *Mineral and Energy Resources (Common Provisions) Act 2014*. The primary objective of the *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* is to provide transitional provisions to ensure the seamless transition to the land access framework for public land under *Mineral and Energy Resources (Common Provisions) Act 2014*.

## **Achievement of policy objectives**

To achieve the objectives, the *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* includes a transitional provision that provides that consent given by a public land authority under the *Mineral Resources Act 1989* to the holder of an exploration permit or a mineral development licence is taken to be an entry notice under the harmonised public land framework in the *Mineral and Energy Resources (Common Provisions) Act 2014*. The transitional provision also ensures that any conditions under which consent was given continue to be conditions of entry.

The *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* also establishes a transitional provision to continue notifiable road use that had commenced under a pre-amended Resource Act. The transitional provision transitions certain notices, consents and applications given or made under a pre-amended Resource Act to be a notice, consent or application under the *Mineral and Energy Resources (Common Provisions) Act 2014*. This includes:

- a notice of notifiable road use given by a resource authority holder;
- a written consent given by a road authority or public road authority
- an application to the Land Court to decide compensation liability.

## **Consistency with policy objectives of authorising law**

The *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* is consistent with policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

The *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

No significant administrative costs will be associated with implementing the *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016*.

## **Consistency with fundamental legislative principles**

The *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016* was developed in consultation with the Department of National Parks, Sport and Racing and the Department of Transport and Main Roads.

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