



Queensland

# Resources and Other Legislation Amendment Act 2021

**Act No. 18 of 2021**

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**An Act to amend the Coal Mining Safety and Health Act 1999, the Mineral Resources Act 1989, the Petroleum Act 1923, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the Water Supply (Safety and Reliability) Act 2008 for particular purposes**

**[Assented to 20 October 2021]**





Queensland

# Resources and Other Legislation Amendment Act 2021

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The Parliament of Queensland enacts—

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Resources and Other Legislation Amendment Act 2021*.

## Part 1A Amendment of Coal Mining Safety and Health Act 1999

### 1A Act amended

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

### 1B Amendment of s 319 (Deferral of obligation of coal mine operators to ensure employees are appointed to particular positions)

Section 319, ‘18 months after the commencement’—  
*omit, insert—*

25 November 2022

### 1C Amendment of s 320 (Particular appointments of persons who are not employees of coal mine operators made before commencement)

(1) Section 320, heading, after ‘commencement’—  
*insert—*

**and during transitional period**

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(2) Section 320—

*insert—*

(1A) This section also applies if a person (also the ***appointee***) holds an appointment mentioned in subsection (1)(a) to (j), in relation to a coal mine, made in the period starting on 25 May 2020 and ending on 25 November 2022.

(3) Section 320(3), from ‘the day’ to ‘commencement’—

*omit, insert—*

25 November 2022

## **Part 2    Amendment of Mineral Resources Act 1989**

### **2            Act amended**

This part amends the *Mineral Resources Act 1989*.

### **3            Insertion of new s 334ZOA**

After section 334ZO—

*insert—*

#### **334ZOA Validation of mining lease granted without issue of instrument of lease**

(1) This section applies to a mining lease if—

(a) the lease was granted before the commencement of the *Mines and Energy Legislation Amendment Act 2010*, section 52; and

(b) either or both of the following apply—

(i) the Minister did not comply with the requirement under former section 271(1)(a) to recommend to the

Governor in Council that an instrument of lease be issued to the applicant for the lease with respect to the whole or part of the land the subject of the application for the lease;

- (ii) an instrument of lease was not issued to the holder of the lease.
- (2) The mining lease is taken to be, and always to have been, as valid as if the Minister had complied with the requirement mentioned in subsection (1)(b)(i) and an instrument of lease had been issued to the holder of the lease.
- (3) Without limiting subsection (2)—
- (a) anything done under or in relation to the mining lease is, and was, as valid as if the Minister had complied with the requirement mentioned in subsection (1)(b)(i) and an instrument of lease had been issued to the holder of the lease; and
  - (b) anything required or allowed to be done in relation to an instrument of lease issued for the mining lease that was not done is, and was, as valid as if—
    - (i) the Minister had complied with the requirement mentioned in subsection (1)(b)(i) and an instrument of lease had been issued to the holder of the lease; and
    - (ii) the thing in relation to the instrument of lease had been done; and
  - (c) the rights and liabilities of all persons are taken to be, and to have been, for all purposes the same as if the Minister had complied with the requirement mentioned in subsection (1)(b)(i) and an instrument of

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lease had been issued to the holder of the mining lease.

(4) In this section—

***former section 271(1)(a)*** means section 271(1)(a) as in force from time to time before the commencement of the *Mines and Energy Legislation Amendment Act 2010*, section 52.

*Note—*

The *Mines and Energy Legislation Amendment Act 2010*, section 52 commenced on 21 April 2010.

## Part 3                      Amendment of Petroleum Act 1923

### 4                      Act amended

This part amends the *Petroleum Act 1923*.

### 5                      Insertion of new ss 45A and 45B

After section 45—

*insert—*

#### **45A Continuing effect of lease for renewal application**

- (1) This section applies if, before the application is decided, the term of the lease ends.
- (2) Despite the ending of the term, the lease continues in effect until the earliest of the following to happen—
  - (a) a renewed term of the lease starts;
  - (b) a refusal of the application takes effect;
  - (c) the application is withdrawn;
  - (d) the lease is cancelled under this Act.



*Note—*

For the lease being taken to have a development plan until a decision has been made on whether to approve a proposed development plan, see section 53D.

- (3) If the lease is renewed, subsection (2) is taken never to have applied for the period from the end of the term of the lease being renewed, as stated in that lease.

#### **45B When renewed lease takes effect**

- (1) This section applies if a lease is renewed.
- (2) If the application to renew the lease is decided before the end of the term of the lease being renewed as stated in that lease (the *previous term*), the term of the renewed lease is taken to start from the end of the previous term.
- (3) If the application to renew the lease is decided after the previous term, the term of the renewed lease starts immediately after the end of the previous term, but—
  - (a) the conditions of the renewed lease do not start until the lease holder is given notice of the conditions; and
  - (b) until the notice is given, the conditions of the lease being renewed apply to the renewed lease as if they were its conditions.

#### **6 Insertion of new s 52B**

After section 52A—

*insert—*

#### **52B Continuing effect of particular authorities to prospect despite expiry on 1 November 2021**

- (1) This section applies to an authority to prospect if, before the end of 1 November 2021—

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- (a) the holder of the authority to prospect applied under former section 40 to the Minister for the grant to the applicant, or to the applicant and other qualified persons nominated by the applicant, of a lease or leases; and
  - (b) the application had not been decided or withdrawn.
- (2) Despite the expiry—
- (a) former part 4 and former section 40 continue to apply to the authority to prospect; and
  - (b) the Minister may grant the lease or leases under former section 40; and
  - (c) the authority to prospect continues in force as mentioned in section 40A.
- (3) In this section—
- expiry* means the expiry, on 1 November 2021, of—
- (a) former part 4 under former section 25U(1); and
  - (b) all authorities to prospect still in force immediately before 1 November 2021 under former section 25U(2); and
  - (c) former section 40 under former section 40(9).

*former*, in relation to a provision, means the provision as in force immediately before its expiry.

## 7 Insertion of new pt 18

After section 209—

*insert—*

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## **Part 18**

# **Transitional provisions for Resources and Other Legislation Amendment Act 2021**

### **210 Continuing effect of lease for renewal application**

Section 45A applies in relation to a lease whether the lease was granted, or an application for the renewal of the lease was made, or the lease was renewed, before or after the commencement.

### **211 When renewed lease takes effect**

Section 45B applies in relation to a lease whether the lease was granted, or an application for the renewal of the lease was made, or the lease was renewed, before or after the commencement.

## **Part 4**

# **Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009**

### **8 Act amended**

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

### **9 Amendment of ch 2C, hdg (Discharge officers and water connection officers)**

Chapter 2C, heading, from ‘and’—  
*omit, insert—*

**, water connection officers and water  
restriction officers**

**10 Amendment of ch 2C, pt 1, hdg (General provisions about  
discharge officers and water connection officers)**

Chapter 2C, part 1, heading, from ‘and’—

*omit, insert—*

**, water connection officers and water  
restriction officers**

**11 Amendment of s 53CK (Appointment and other  
provisions)**

Section 53CK, ‘or water connection officer’—

*omit, insert—*

**, water connection officer or water restriction  
officer**

**12 Insertion of new s 53CLB**

After section 53CLA—

*insert—*

**53CLB Functions of a water restriction officer**

A water restriction officer’s functions are to help the distributor-retailer monitor and enforce compliance with the restrictions imposed under the Water Supply Act, chapter 2, part 3, division 3.

**13 Insertion of new ch 2C, pt 6**

Chapter 2C—

*insert—*

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## **Part 6                      Powers of water    restriction officers**

### **Division 1                General powers for    entering places**

#### **53E General powers of entry**

- (1) A water restriction officer may enter a place to perform the officer's functions if—
  - (a) it is a place of business the subject of a service provider water restriction under the Water Supply Act and the place is—
    - (i) open for carrying on the business; or
    - (ii) otherwise open for entry; or
  - (b) an occupier of the place consents to the entry; or
  - (c) it is a public place and the entry is made when it is open to the public; or
  - (d) the entry is authorised by a warrant.
- (2) For subsection (1)(a) and (b), a place does not include a building or structure used for residential purposes.
- (3) To remove any doubt, it is declared that this section does not limit or otherwise affect a water restriction officer's powers as an authorised person.

### **Division 2                Other powers of water    restriction officers**

### **53F Application of pt 2, divs 3–8**

- (1) Part 2, divisions 3 to 8 apply, with any necessary changes, as if—
  - (a) a reference in the divisions to a discharge officer were a reference to a water restriction officer; and
  - (b) a reference in the divisions to a discharge offence were a reference to an offence against the Water Supply Act, section 43(5).
- (2) For the application of section 53CV(1), the reference to section 53CM(1)(b) is taken to be a reference to section 53E(1)(b) of this Act.

## **14 Amendment of schedule (Dictionary)**

- (1) Schedule—

*insert—*

***water restriction officer*** means a person who holds appointment as a water restriction officer under section 53CK.

- (2) Schedule, definition *distributor-retailer*, paragraph (c)—

*omit, insert—*

- (c) for a provision about a discharge officer, a water connection officer or a water restriction officer—means the distributor-retailer that appointed the officer; and

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## Part 6 **Amendment of Water Supply (Safety and Reliability) Act 2008**

### 17 **Act amended**

This part amends the *Water Supply (Safety and Reliability) Act 2008*.

### 18 **Amendment of s 575 (Documents service provider must keep available for inspection and purchase)**

(1) Section 575(2)—

*omit, insert—*

(2) Without limiting subsection (1), a service provider complies with that subsection, in relation to a document, if the provider—

- (a) considers that information in the document is cybersecurity information; and
- (b) removes the cybersecurity information from a copy of the document; and

*Examples of ways cybersecurity information may be removed from a document—*

- omitting the cybersecurity information from the document
- redacting the cybersecurity information in the document

(c) keeps the copy of the document, with the cybersecurity information removed, available for inspection by the public under subsection (1).

(2A) If a service provider keeps a copy of a document available for inspection by the public under subsection (1) or (2)(c), the provider may also keep the copy of the document available for inspection by the public at other places the service provider considers appropriate.

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- (2) Section 575(3), from ‘available’—  
*omit, insert—*  
kept available by the provider for inspection by the public under subsection (1) or (2)(c).
- (3) Section 575(2A) to (4)—  
*renumber* as section 575(3) to (5).

## 19 Amendment of s 575A (Documents service providers must publish)

Section 575A—

*insert—*

- (2) Without limiting subsection (1), a service provider complies with that subsection, in relation to a document, if the provider—
- (a) considers that information in the document is cybersecurity information; and
  - (b) removes the cybersecurity information from the document; and

*Examples of ways cybersecurity information may be removed from a document—*

- omitting the cybersecurity information from the document
  - redacting the cybersecurity information in the document
- (c) publishes the document with the cybersecurity information removed.

## 20 Amendment of sch 3 (Dictionary)

Schedule 3—

*insert—*

***cybersecurity information*** means information that could be used to interfere with, damage,



disrupt, or destroy—

- (a) an electronic system owned or controlled by the State or a service provider, including, for example, a system used for the delivery of a sewerage service or a water service; or
- (b) data owned or controlled by the State or a service provider.

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