



Queensland

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

Subordinate Legislation 2016 No. 214

made under the

Mineral and Energy Resources (Common Provisions) Act 2014

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1 Short title

This regulation may be cited as the *Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation 2016*.

2 Commencement

This regulation is taken to have commenced on 27 September 2016.

3 Regulation amended

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

4 Insertion of new ss 7 and 8

After section 6—

insert—

7 Application for ML (coal) and application for PL both undecided before commencement

- (1) This section makes further provision for the matters mentioned in section 241A of the Act.
- (2) This section applies if, under section 241A(3)(b) or (4) of the Act, the new overlap provisions apply to the circumstances of the applications mentioned in section 241A(1) of the Act.
- (3) For applying the requirements under the new overlap provisions relating to joint development plans, the PL holder is not required to comply with section 141(1)(c), 142 or 144 of the Act if the ML (coal) holder has given the PL holder an advance notice for the ML (coal).

8 Arrangement made in relation to application for ML (coal) and application for PL both undecided before commencement

- (1) This section applies if—
 - (a) before the commencement—
 - (i) an application was made under the pre-amended Mineral Resources Act for the grant of an ML (coal); and
 - (ii) an application was made under the pre-amended P&G Act for the grant of a PL; and
 - (b) each application was made over some or all of the area over which the other application was made; and
 - (c) neither application was decided before the commencement; and
 - (d) the applicants for the applications are parties to an arrangement that was—
 - (i) made under the pre-amended P&G Act, section 234(1) to (4) before the commencement; and
 - (ii) approved by the Minister under the pre-amended P&G Act, section 236(1) before the commencement, whether or not the approval has taken effect under the P&G Act.
- (2) For this section, it does not matter in which order the applications for the ML (coal) and the PL were made before the commencement.
- (3) The pre-amended Mineral Resources Act and pre-amended P&G Act apply to the circumstances of the applications as if the Common Provisions Act had not been enacted.
- (4) Despite subsection (3), the new overlap provisions apply to the circumstances of the

applications if—

- (a) the applicants agree that the new overlap provisions apply; and
 - (b) the applicants jointly give written notice to the chief executive of the agreement.
- (5) If, under subsection (4), the new overlap provisions apply to the circumstances of the applications, for applying the requirements under the new overlap provisions to give an advance notice for the ML (coal), the application for the ML (coal) is taken to have been made when the written notice is given to the chief executive under subsection (4)(b).
- (6) Despite section 115(2) of the Act, the mining commencement date for an IMA to be included in the advance notice must be at least 6 years after the day the advance notice is given by the ML (coal) holder.
- (7) If neither the ML (coal) nor the PL is granted within 6 years after the day the advance notice is given by the ML (coal) holder, the mining commencement date for an IMA must be—
- (a) if the ML (coal) application is the first application to be granted after the 6 years have ended—at least 3 months after the grant of the ML (coal), unless the ML (coal) holder and the petroleum resource authority holder otherwise agree; or
 - (b) if the PL application is the first application to be granted after the 6 years have ended—at least 5 years after the 6 years have ended, unless the PL holder and the coal resource authority holder otherwise agree.
- (8) This section applies despite chapter 7, part 4, divisions 3 and 4 of the Act.
- (9) This section does not limit section 241A of the

Act.

(10) In this section—

IMA see section 109 of the Act.

ML (coal) means a mining lease for coal granted under the Mineral Resources Act.

ML (coal) holder see section 105 of the Act.

PL means a petroleum lease granted under the P&G Act if coal seam gas is proposed to be produced under the lease.

PL holder see section 106 of the Act.

pre-amended P&G Act means the P&G Act as in force immediately before the commencement.

5 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

new overlap provisions means chapter 4 of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 24 November 2016.
- 2 Notified on the Queensland legislation website on 25 November 2016.
- 3 The administering agency is the Department of Natural Resources and Mines.

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