



Queensland

Environmental Protection (Financial Provisioning) (Transitional) Regulation 2019

Subordinate Legislation 2019 No. 187

made under the

Environmental Protection Act 1994

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1 Short title

This regulation may be cited as the *Environmental Protection (Financial Provisioning) (Transitional) Regulation 2019*.

2 Commencement

This regulation is taken to have commenced on 1 April 2019.

**3 Declaration that regulation is a transitional regulation—
Act, s 766**

This regulation is a transitional regulation.

Note—

Under section 766(4) of the Act, this regulation expires 2 years after the commencement of section 766 of the Act.

**4 Application of transitional provisions under ch 13, pt 27
of the Act if holder of environmental authority changes**

- (1) This section applies if, on or after the commencement—
 - (a) a mining EA holder for an environmental authority stops being the holder of the environmental authority; and
 - (b) another person (the *transferee*) becomes the holder of the environmental authority.
- (2) From the day the transferee becomes the holder of the environmental authority (the *transfer day*), a reference in chapter 13, part 27 of the Act or this regulation to the mining EA holder is taken to include a reference to the transferee.
- (3) If, before the transfer day, the administering authority gave a notice under section 754(1) of the Act to the mining EA holder, from the transfer day—
 - (a) the notice is taken to have been given to the transferee; and
 - (b) anything done by the mining EA holder to comply with the notice is taken to have been done by the transferee.
- (4) In this section—

mining EA holder see section 750 of the Act.

5 Application of s 431A of the Act for particular mining EA holders

- (1) This section applies—
 - (a) to a mining EA holder for a mining lease who was required to have a plan of operations under the pre-amended Act if, before the commencement—
 - (i) the holder gave a plan of operations to the administering authority; and
 - (ii) the plan period for the holder's plan of operations ended; and
 - (iii) a new plan of operations was not given to the administering authority; or
 - (b) to a mining EA holder for a mining lease who was required to have a plan of operations under the pre-amended Act but, on the commencement, had not complied with the requirement; or
 - (c) to a mining EA applicant who becomes a mining EA holder on or after the commencement.
- (2) Section 431A of the Act does not apply to the holder until the earlier of the following days—
 - (a) the day the holder fails to give the administering authority a proposed PRC plan in compliance with a notice given to the holder under section 754 of the Act;
 - (b) the day a PRCP schedule is approved for the holder.
- (3) However, subsection (4) applies if the holder fails to comply with a notice given to the holder under section 754 of the Act because—
 - (a) the holder purported to give the administering authority a proposed PRC plan in compliance with the notice; and
 - (b) the administering authority has given the holder written notice for a decision to refuse to approve the proposed PRCP schedule for the proposed PRC plan.

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- (4) Section 431A of the Act does not apply to the holder until—
- (a) if the holder re-applies for approval of another proposed PRCP schedule within 40 business days after the written notice mentioned in subsection (3)(b) was given—the day the administering authority—
 - (i) issues a PRCP schedule under section 195; or
 - (ii) gives the holder written notice refusing to approve the other PRCP schedule; or
 - (b) otherwise—40 business days after the written notice mentioned in subsection (3)(b) was given.
- (5) In this section—
- mining EA holder* see section 750 of the Act.
- pre-amended Act* see section 750 of the Act.

6 Particular decisions or requirements taken to be ERC decisions

- (1) This section applies if—
- (a) on or after the commencement, the administering authority decides to amend the amount or form of financial assurance for an environmental authority for a resource activity under section 305 of the pre-amended Act; or
- Note—*
- See section 760 of the Act.
- (b) both of the following apply—
 - (i) before the commencement, the administering authority gave the holder of an environmental authority or small scale mining tenure a notice about a proposed requirement to change the financial assurance for the authority or tenure under section 306 of the pre-amended Act;
 - (ii) on or after the commencement, the administering authority decides to make the requirement.

- (2) The decision to amend the amount or form of financial assurance or make the requirement is taken to be an ERC decision for the environmental authority or small scale mining tenure.
- (3) In this section—
pre-amended Act see section 750 of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 19 September 2019.
- 2 Notified on the Queensland legislation website on 20 September 2019.
- 3 The administering agency is the Department of Environment and Science.

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