

# **FEEDBACK & REVISED PROPOSALS**

## Legislative enhancements to mining claims

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## Acknowledgement of Country

The Department of Resources acknowledges the First Nations peoples in Queensland: Aboriginal and Torres Strait Islander peoples and their connections to the lands, winds and waters we now all share. We pay our respect to Elders, past and present.

We also acknowledge the continuous living culture of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems. We acknowledge the deep relationship, connection and responsibility to land, sea, sky and Country as an integral element of First Nations identity and culture.

The Country is sacred. Everything on the land has meaning and all people are one with it. We acknowledge First Nations peoples' sacred connection as central to culture and being.

We acknowledge the stories, traditions and living cultures of First Nations peoples and commit to shaping our state's future together. The department recognises the contribution of First Nations peoples and communities to the State of Queensland and how this continues to enrich our society more broadly.





## Introduction

Following extensive consultation on the paper, [Legislative enhancements to mining claims](#), the Department of Resources (the department) has further refined a number of proposals based on what we heard. You can read the revised proposals below.

For more information, please visit [www.business.qld.gov.au/mining-claims](http://www.business.qld.gov.au/mining-claims). Further consultation on the reforms will take place in 2025.

### Proposal 1: No limit for the number of times a mining claim can be renewed

The original proposal to limit mining claim renewals intended to ensure that mining claims are actively mined and not used solely for residential purposes. It also intended to deter the construction of non-compliant, permanent structures and provide certainty to landholders and the community about how long the mining activities will be conducted.

Some stakeholder groups, including legal and agricultural groups, were broadly supportive of the proposal to limit the number of times a mining claim can be renewed. However, significant feedback from the small-scale mining sector and regional councils raised significant concerns with the proposal. It was suggested that it may serve as a barrier for new miners entering the industry and impact the long-term viability of the Gemfields, as it makes the financial investment of establishing a mining claim less attractive.

The department has considered the feedback received and is no longer proposing a limit on the number of times a mining claim can be renewed. Mining claims will continue to be able to be renewed indefinitely, provided the mining claim holder meets the legislative requirements.

### Proposal 2: Increase in number of prescribed mining claims that can be held

Feedback from the small-scale mining industry suggested that legislative changes should include an increase to the maximum number of prescribed mining claims a person can hold. Industry advised that this change would assist prescribed mining claim holders to plan mining operations across their tenures in a way that reflects the general phases of mining (i.e. application/construction phase, operational/mining phase, and rehabilitation/remediation phase) and ensure that holders are able to continue deriving an income from the mining operations.

The department has considered this and is proposing to increase the number of prescribed mining claims a person can have an interest in from two, to three. The maximum number of hand mining claims a person can hold will remain as two. Small-scale mining stakeholders indicated there is a significant time investment involved in exhausting the mineral present on a hand mining claim. By nature, hand mining also requires more time due to the mining method and limited machinery permitted.

To be clear, a person can only hold three mining claims if they have an interest in at least two prescribed claims. This means a person could hold three prescribed claims, or two prescribed claims and one hand mining claim.

Following consideration of feedback from the small-scale mining industry, the department is proposing that the maximum number of prescribed mining claims a person can have an interest in, direct or indirect, be increased from two to three.

## Proposal 3: Existing non-compliant structures

The department is proposing that structures which don't comply with the department's framework can remain on an existing mining claim until the holder decides to transfer the mining claim to someone other than a spouse. If the holder decides to transfer the mining claim to someone other than a spouse, all structures will need to be compliant prior to the transfer occurring. However, should legislation be passed by Parliament, these restrictions on the transfer of mining claims with non-compliant structures will not take effect for at least two years. In other words, for at least two years after legislation is passed by Parliament, mining claims structures that don't comply with the department's requirements will be able to be transferred to any other person.

There is no requirement to remove compliant structures, plant or equipment from the mining claim prior to transfer.

This proposal would achieve the following key objectives:

- bring existing mining claims into compliance with the *Mineral Resources Act 1989* over time
- reduce the number of non-compliant structures over time
- minimise the cost to taxpayers and mining claim holders
- provide certainty to existing mining claim holders that they can continue to reside on the mining claim.

Feedback from stakeholders on this proposal varied. Some stakeholders were supportive of the transitional arrangement regarding non-compliant structures; however, the small-scale mining sector and a local government were unsupportive. Concerns raised about this proposal included:

- it devalues investments where mining claims were purchased for a price that was inclusive of a non-compliant structure
- it is unclear what structures would need to be removed or modified and when this would be required.

Other feedback indicated there was confusion about what the proposal means for existing mining claim holders. This includes the department forcing holders to demolish structures resulting in homelessness, and that all plant and equipment must be removed prior to transferring a claim. These have not, and are not, being proposed.

The department received other suggestions to address the issue of non-compliant structures on mining claims, including a buy-back scheme for mining claims, compensation for the removal of non-compliant structures and converting a mining claim to freehold land. These suggestions have been considered by the department; however, they do not achieve the objectives of this proposal outlined above.

The department is proposing that, for at least two years after legislation is passed by Parliament, mining claims with structures that don't comply with the department's requirements will be able to be transferred to any other person. After this time, non-compliant structures are able to remain on an existing mining claim until the holder decides to transfer the mining claim to someone other than a spouse. This provides certainty to existing mining claim holders and provides these holders with a legislative amnesty for existing structures that are non-compliant. It will also ensure the issues around non-compliant, permanent structures on mining claims are not perpetuated into the future.

## Proposal 4: No new offence or maximum penalty unit

The department previously proposed introducing a maximum penalty unit of 1000 penalty units associated with the proposed new offence, for non-compliance of a condition of a mining claim. Having a maximum penalty unit would allow for Authorised Officers in the department to issue penalty infringement notices for minor non-compliance.

Stakeholder feedback was generally supportive of the need for a compliance and enforcement strategy for the sector that clearly outlines the department's response to non-compliance, which should vary depending on the type of non-compliance.

Some stakeholders raised concerns about their ability to pay and sought clarity about the difference between the maximum penalty amount and a penalty infringement notice (PIN) penalty amount. These same stakeholders raised concerns that the department would issue a PIN for 1000 penalty units for a minor non-compliance.

The department had no intention to rely solely on the new offence provision to enforce compliance with the conditions of a mining claim. The department is no longer proposing to introduce the new offence or introduce a maximum penalty of 1000 penalty units. Instead, the department proposes to signal its intent to work with mining claim holders to bring them into compliance through education and awareness, before utilising the existing compliance tools available in the *Mineral Resources Act 1989*.

The department is no longer proposing to introduce the new offence or introduce a maximum penalty of 1000 penalty units. Instead, the department proposes to use the existing offence provisions in the *Mineral Resources Act 1989* and develop a compliance and enforcement strategy, which will include a focus on education and awareness.

## Proposal 5: No administrative and regulatory fee

The department proposed a new administrative and regulatory fee to help with the cost of administering mining claims and resourcing compliance activities. Current fees and state taxes (e.g., royalties) only cover a small proportion of the administrative cost. The proposal was for this new fee to be in lieu of imposing a tenure rental which is currently not payable by mining claim holders.

Whilst there was a level of support for this proposal in earlier rounds of consultation, stakeholders have expressed reservations about the ability of some mining claim holders to afford any additional costs associated with the reforms.

The department is no longer proposing an administrative and regulatory fee, due to the impact on some in the small-scale mining sector.