



Queensland

This is an exposure draft provided for consultation purposes. It is subject to review and drafting changes will be made in the course of finalising the draft. This draft reflects the proposed changes detailed in the consultation paper 'Legislative enhancements to mining claims'. Consultation closes on 8 December 2023.

Mineral and Energy Resources and Other Legislation Amendment Bill 2023

Contents

		Page
Part 1	Preliminary	
1	Short title	8
2	Commencement	8
Part 2	Amendment of Mineral Resources Act 1989	
3	Act amended.	8
4	Insertion of new ch 3, pt 1 and pt 2, hdg	8
	Part 1 Preliminary	
	47A Definitions for chapter	8
	Part 2 Nature of mining claim	
5	Amendment of s 50 (Entitlements under mining claim)	10
6	Insertion of new ch 3, pt 3, hdg	11
	Part 3 Application process	
7	Amendment of s 61 (Application for grant of mining claim)	11
8	Amendment of s 64 (Issue of mining claim notice)	11
9	Amendment of s 64A (Documents and other information to be given to affected persons)	12

Consultation version - mining claims

Mineral and Energy Resources and Other Legislation Amendment Bill 2023

Contents

10	Amendment of s 74 (Grant of mining claim to which no objection is lodged)	12
11	Amendment of s 78	13
12	Amendment of s 80 (Grant of mining claim at instruction of Land Court or with consent of Governor in Council)	13
13	Insertion of new s 80A	14
	80A Details of mining claim to be recorded in register . . .	14
14	Replacement of ss 81 to 85	15
	Part 4 Conditions	
	Division 1 Preliminary	
	81 Definition for part	15
	82 Conditions of mining claim [s 81(1)(p) and (q) (2) and (3)]	15
	82A When Minister may impose condition [ss 81(1)(q) and 81(1AA)]	16
	82B Condition determined by Governor in Council prevails over condition instructed or recommended by Land Court [s 81(2)]	16
	Division 2 Mandatory conditions	
	82C Authorised purposes only [s 81(1)(a)]	17
	82D Compliance with particular Acts [s 81(1)(o)]	17
	82E Compliance with mandatory provisions imposed by small scale mining code [s 81(1)(c)]	18
	82F Deposit of security [s 83(11)]	18
	82G Conduct and compensation agreements and determinations [s 81(1)(l)]	18
	82H Work program required for mining claim for term of more than 5 years [s 81(1)(d)]	19
	82I Further work program required when holder proposes significant change to authorised activities [new]	20
	82J Amendment of work program [new]	21
	82K Structures [s 81(1)(i)]	21
	82L Vehicles, plant and equipment [s 81(1)(i)]	22
	82M Operation of mining claim [s 81(1)(f), (g), (h) and (n)]	23
	82N Use of land outside area of mining claim [s 81(1)(b)]	23
	82O Access by others [s 81(1)(j)]	24
	82P Diversion of water [s 50(4)]	24
	82Q Payments [s 81(1)(m)]	24
	82R Keeping of documents [new]	24

	82S	Mining claim subject to conditions of reserve [s 81(1)(k)]	25
	82T	Mining claim subject to conditions of indigenous land use agreement [s 81B]	25
	Division 3	Alteration of conditions	
	82U	Variation of conditions by agreement [s 82]	26
	Division 4	Offence	
	82V	Requirement to comply with conditions of mining claim	26
	Part 5	Security	
	83	Power to require security for mining claim [s 83(1) to (6)]	26
	84	Form of security [s 83(10)]	28
	84A	Power to use security [s 83(7)]	28
	84B	Minister's power to require additional security [s 83(8)]	29
	84C	Refund of security [s 83 (12) to (16)]	30
	84D	Utilisation of security deposit towards subsequent mining claim [s 84]	31
	Part 6	Conduct and compensation agreements and determinations	
	84E	Definitions for part	31
	84F	General liability to compensate [s 85(5)]	32
	84G	Conduct and compensation to be settled before mining claim granted or renewed [s 85(1)]	33
	84H	Conduct and compensation agreement (mining claim) [s 85(3)]	33
	84I	Application to Land Court for conduct and compensation determination [s 85(4) to (9)]	33
	84J	Orders Land Court may make [s 85(6), (7), (9)]	34
	84K	Agreement to amend conduct and compensation agreement (mining claim) [new]	35
	84L	Review of conduct and compensation agreement (mining claim) by Land Court [new]	36
	85	Agreement or determination binding on successors and assigns [s 85(10)]	37
15		Amendment of s 85A (Minister may refuse to grant mining claim if compensation not determined)	37
16		Amendment of s 86 (Appeal against Land Court's determination upon compensation)	38
17		Relocation and renumbering of s 89 (Reasons for rejection of application for grant of mining claim)	38
18		Replacement of s 91 (Initial term of mining claim)	38
	Part 7	Term	

Mineral and Energy Resources and Other Legislation Amendment Bill 2023

Contents

	91	Term of mining claim	39
19		Replacement of s 93 (Renewal of mining claim)	39
	Part 8	Renewal	
	93	Application for renewal of mining claim [s 93(1), (2), (3)]	39
	93AB	When Minister may grant renewal [s 93(4), (5), (6)] .	41
	93AC	When Minister may refuse renewal [s 93(8), (9), (11)]	41
	93AD	Term of renewed mining claim [s 93(5), (7)]	42
	93AE	Number of renewals allowed [new]	42
	93AF	Conditions of renewed mining claim [s 93(6), (10)] . .	43
	93AG	Notification of Minister’s decision on renewal application [s 94]	43
	93AH	Notification of interested parties of renewal [s 93(12), (13)]	44
20		Omission of s 94 (Reasons for rejection of application for renewal of mining claim)	44
21		Insertion of new ch 3, pt 9 and pt 10, hdg	44
	Part 9	Transfer	
	94A	Written notice of decision to grant approval for transfer of mining claim	44
	Part 10	Operation of mining claim	
22		Replacement of s 106 (Contravention by holder of mining claim)	45
	106	Cancellation of mining claim by Minister	45
23		Amendment of s 107 (Surrender of mining claim)	46
24		Amendment, relocation and renumbering of s 108 (Abandonment of application for mining claim)	46
25		Insertion of new ch 3, pt 11, hdg	47
	Part 11	Appeals	
26		Insertion of new ch 3, pt 12, hdg	47
	Part 12	Termination of mining claim	
27		Insertion of new ch 3, pt 13, hdg	47
	Part 13	Miscellaneous	
28		Amendment of s 391C (Small scale mining code)	48
29		Insertion of new s 416AA	48
	416AA	Interest on security	48
30		Insertion of new ch 15, pt 23	48
	Part 23	Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2023	

		49
901	Definition for part	49
902	Application for grant, renewal or transfer of mining claim made before commencement	49
903	Application of mandatory conditions to mining claim granted before commencement	49
904	Building or structure on mining claim erected before commencement	50
905	Refund and forfeiture of security given for mining claim granted before commencement	51
906	Compensation agreement or determination for mining claim applied for before commencement	51
907	Renewal of mining claim granted before commencement	51
908	Mining claim granted before commencement may be renewed more than twice unless transferred	52
31	Amendment of sch 2 (Dictionary)	52
Part 3	Amendment of Mineral Resources Regulation 2013	
32	Regulation amended	53
33	Insertion of new ss 7A and 7B	53
	7A Prescribed details for application notice—Act, s 64	53
	7B Prescribed details for particular written notices for mining claims—Act, ss 74, 80, 82H, 84K, 93AG and 94A	54
34	Amendment of s 8 (Conditions—Act, s 81)	55
35	Amendment of s 8A (Prescribed documents—Act, s 93)	56
Part 4	Amendment of Mineral and Energy Resources (Common Provisions) Act 2014	
36	Act amended	56
37	Amendment of s 22 (Security may be required)	56
38	Amendment of s 196C (Disqualification from grant or transfer of resource authority)	56
Part 5	Amendment of Mineral and Energy Resources (Common Provisions) Regulation 2016	
39	Regulation amended	57
40	Amendment of s 10 (Deciding application for registration of prescribed dealing that is assessable transfer—Act, ss 19 and 194)	57

2023

A Bill

for
An Act...

Note for consultation—

The amendments in this document relate to the proposed changes outlined in the consultation paper 'Legislative enhancements to mining claims' that was released on 27 September 2023.

Consultation version - mining claims

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Mineral and Energy Resources and Other Legislation Amendment Act 2023*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Mineral Resources Act 1989

3 Act amended.

This part amends the *Mineral Resources Act 1989*.

4 Insertion of new ch 3, pt 1 and pt 2, hdg

Before section 48—

insert—

Part 1 Preliminary

47A Definitions for chapter

In this chapter—

application notice see section 64(2).

interested party, for a mining claim, means—

- (a) an owner of land the subject of the claim; or
- (b) if the holder intends to use land outside the boundary of the area of the mining claim to access the area of the mining claim—an owner of the land outside the boundary of the area of the mining claim.

mining claim means a mining claim under this chapter.

small scale mining activity see the Environmental Protection Act, schedule 4.

work program, for a mining claim, means a document stating—

- (a) the authorised activities intended to be carried out during the term of the claim; and
- (b) the following information for the authorised activities mentioned in paragraph (a)—
 - (i) the mining method to be used;
 - (ii) details of water storage facilities for the area of the claim;
 - (iii) details of mine workings on the claim;
 - (iv) the quantity of minerals to be mined and the quantity of other material to be removed during the mining of the minerals;
 - (v) the treatment methods to be used on the mined minerals;
 - (vi) details of electrical equipment and explosives, if any, to be used;
 - (vii) information about the proposed months of operation and the number of employees to be employed;
 - (viii) details about the type and number of structures to be in the area of the claim;

[s 5]

- (ix) details about the type and number of vehicles to be used in the area of the claim for mining activities;
- (x) details about the type and amount of plant and equipment to be used in the area of the claim for mining activities;
- (xi) details of improvement restoration for the claim;
- (xii) other information about the authorised activities prescribed by regulation.

Part 2 Nature of mining claim

5 Amendment of s 50 (Entitlements under mining claim)

- (1) Section 50(1), (2) and (3), ‘currency’—
omit, insert—
term
- (2) Section 50(1)(a)—
insert—
 - (iv) carry out another activity associated with or arising from or promoting the mining mentioned in subparagraph (ii) or (iii) but only if the activity is—
 - (A) stated on a written notice mentioned in section 82C; and
 - (B) carried out in conjunction with the mining mentioned in subparagraph (ii) or (iii); and
- (3) Section 50(1)(b)(iii)—
omit.
- (4) Section 50(4)—

omit.

6 Insertion of new ch 3, pt 3, hdg

After section 55—

insert—

Part 3 Application process

7 Amendment of s 61 (Application for grant of mining claim)

(1) Section 61(1)(j)(iii)—

omit, insert—

(iii) the application fee prescribed by regulation;

(iiia) the administrative and regulatory fee prescribed by regulation;

(2) Section 61(1)(j)—

insert—

(iva) a statement, acceptable to the chief executive, detailing the applicant's financial and technical capability to carry out the activities identified in the work program for the claim; and

(3) Section 61(1)(j)(iiia) to (v)—

renumber as section 61(1)(j)(iv) to (vii).

8 Amendment of s 64 (Issue of mining claim notice)

(1) Section 64, heading, 'mining claim'—

omit, insert—

application

(2) Section 64(2) and (3), 'mining claim notice'—

[s 9]

omit, insert—

application notice

(3) Section 64(3)—

insert—

(ba) the details of the proposed mining claim prescribed by regulation;

(4) Section 64(3)(ba) to (d)—

renumber as section 64(3)(c) to (e).

9 Amendment of s 64A (Documents and other information to be given to affected persons)

(1) Section 64A(1)(a) and (c) and (2)(a), ‘mining claim notice’—

omit, insert—

application notice

(2) Section 64A(1)(d)—

omit, insert—

(d) if the mining claim is for carrying out mining activities that are small scale mining activities—a copy of the small scale mining code;

(e) if the mining claim is for carrying out mining activities that are not small scale mining activities—a copy of the environmental authority under the Environmental Protection Act applying in relation to the claim.

10 Amendment of s 74 (Grant of mining claim to which no objection is lodged)

(1) Section 74(2)—

insert—

-
- (aa) the applicant has the financial and technical capability to carry out the activities identified in the work program for the claim mentioned in section 61(1)(j)(v);
- (2) Section 74(2)(aa) to (c)—
renumber as section 74(2)(b) to (d).
- (3) Section 74—
insert—
- (4A) The written notice of the grant must include the details of the mining claim prescribed by regulation.
- (4) Section 74(4A) to (6)—
renumber as section 74(5) to (7).

11 Amendment of s 78

- (1) Section 78(2), 'shall'—
omit, insert—
- must
- (2) Section 78(2)—
insert—
- (ca) the applicant does not have the financial and technical capability to carry out the activities identified in the work program for the claim mentioned in section 61(1)(j)(v);
or
- (3) Section 78(2)(ca) to (e)—
renumber as section 78(2)(d) to (f).

12 Amendment of s 80 (Grant of mining claim at instruction of Land Court or with consent of Governor in Council)

- (1) Section 80—

[s 13]

insert—

(2A) The written notice of the grant must include the details of the mining claim prescribed by regulation.

(2) Section 80(2A) to (4)—

renumber—

section 80(3) to (5)

13 Insertion of new s 80A

After section 80—

insert—

80A Details of mining claim to be recorded in register

- (1) The chief executive must record in the register the following details of a mining claim—
- (a) the identification number of the claim;
 - (b) the name of the holder;
 - (c) the address for service of notices on the holder;
 - (d) the term and date of commencement of the claim;
 - (e) the description of land for which the claim is granted;
 - (f) a description of the authorised activities under the claim;
 - (g) the minerals to be mined under the claim;
 - (h) a description of the structures to be in the area of the claim;
 - (i) the conditions, other than the conditions mentioned in section 82(1)(a) or (b), to which the claim is subject;

- (j) whether the small scale mining code applies to the claim;
 - (k) whether an environmental authority for mining activities under the Environmental Protection Act applies to the claim.
- (2) Subsection (3) applies if—
- (a) a work program for a mining claim is approved under section 82H or 82I; or
 - (b) a mining claim is renewed; or
 - (c) a mining claim is transferred.
- (3) The chief executive must update the details of the mining claim recorded in the register.

14 Replacement of ss 81 to 85

Sections 81 to 85—

omit, insert—

Part 4 Conditions

Division 1 Preliminary

81 Definition for part

In this part—

mandatory condition, of a mining claim, means a condition mentioned in division 2.

82 Conditions of mining claim [s 81(1)(p) and (q) (2) and (3)]

- (1) A mining claim is subject to the following conditions—
- (a) the mandatory conditions;

[s 14]

- (b) the conditions, if any, prescribed by regulation;
 - (c) the conditions, if any, imposed by the Minister.
- (2) Despite subsection (1) and section 82A, a condition must not be prescribed under subsection (1)(b) or imposed under subsection (1)(c) if the condition is the same, or substantially the same, or inconsistent with, an environmental condition for the mining claim.

82A When Minister may impose condition [ss 81(1)(q) and 81(1AA)]

- (1) The Minister may impose a condition on a mining claim if—
- (a) the Minister considers the condition is appropriate; or
 - (b) the condition is contained in an instruction or recommendation of the Land Court under section 78.
- (2) Without limiting subsection (1)(a), the Minister may impose a condition on a mining claim if the Minister considers the condition is in the public interest.

82B Condition determined by Governor in Council prevails over condition instructed or recommended by Land Court [s 81(2)]

- (1) This section applies if a condition determined by the Governor in Council and a condition contained in an instruction or recommendation of the Land Court under section 78 deal with the same matter and it is impossible to comply with both conditions.
- (2) The holder must comply with the condition

determined by the Governor in Council and is excused from complying with the condition contained in the instruction or recommendation of the Land Court, to the extent the condition can not be complied with.

Division 2 Mandatory conditions

82C Authorised purposes only [s 81(1)(a)]

It is a condition of a mining claim that the holder must use the area of the mining claim only for the purpose for which the claim was granted, as provided in—

- (a) the written notice of the grant of the claim under section 74(4) or 80(2); or
- (b) the written notice of the approval of a work program for the claim under section 82H(5); or
- (c) the written notice of the approval of a further work program for the claim under section 82I(5); or
- (d) the written notice of the renewal of the claim under section 93AG(1); or
- (e) the written notice of the decision to approve the transfer of the claim under section 94A(2).

82D Compliance with particular Acts [s 81(1)(o)]

It is a condition of a mining claim that the holder must comply with—

- (a) this Act; and
- (b) the Common Provisions Act; and

[s 14]

- (c) any other Resource Act applicable to the holder.

82E Compliance with mandatory provisions imposed by small scale mining code [s 81(1)(c)]

It is a condition of a mining claim that the holder must—

- (a) comply with the mandatory provisions imposed by the small scale mining code under section 391C(1)(b) to the extent the code applies to the holder; and
- (b) ensure any other person carrying out an authorised activity for the mining claim complies with the mandatory provisions imposed by the small scale mining code under section 391C(1)(b) to the extent the code applies to the holder.

82F Deposit of security [s 83(11)]

It is a condition of a mining claim that the holder must deposit—

- (a) security as required under section 83;
- (b) additional security as required under section 84B.

82G Conduct and compensation agreements and determinations [s 81(1)(l)]

It is a condition of a mining claim that the holder must comply with each conduct and compensation agreement (mining claim) and each conduct and compensation determination for the claim.

82H Work program required for mining claim for term of more than 5 years [s 81(1)(d)]

- (1) This section applies if a mining claim is granted, or renewed, for a term of more than 5 years.
- (2) It is a condition of the mining claim that the holder—
 - (a) must apply to the chief executive for approval of a work program for the claim relating to the remaining term of the claim within 1 month after the fifth anniversary of the day the claim is granted or renewed; and
 - (b) if the authorised activities proposed for the remaining term are different to the authorised activities for the original term of the claim—can not carry out the different activities for the remaining term unless—
 - (i) the approval is granted; and
 - (ii) the holder has paid any additional security required under section 84B(2).
- (3) The chief executive must decide to approve, or refuse to approve, the work program.
- (4) In deciding whether to approve, or refuse to approve, the work program for the claim, the chief executive must have regard to—
 - (a) the extent of the proposed authorised activities in the area of the claim; and
 - (b) when and where the holder proposes to carry out the proposed authorised activities in the area of the claim; and
 - (c) whether the holder has the financial and technical capability to carry out the proposed authorised activities.
- (5) If the chief executive approves the work program for the claim, the chief executive must give the

[s 14]

holder a written notice of the approval.

- (6) The written notice of the approval must include the details of the mining claim prescribed by regulation.
- (7) If the chief executive decides to refuse to approve the work program, the chief executive must give the holder written notice of the refusal.

82I Further work program required when holder proposes significant change to authorised activities [new]

- (1) This section applies if the holder of a mining claim proposes a significant change to the authorised activities carried out under the claim.
- (2) It is a condition of the mining claim that the holder—
 - (a) must apply to the chief executive for approval of a further work program for the claim relating to the proposed authorised activities; and
 - (b) can not carry out the proposed authorised activities unless—
 - (i) the approval is granted; and
 - (ii) the holder has paid any additional security required under section 84B(2).
- (3) The chief executive must decide to approve, or refuse to approve, the further work program.
- (4) In deciding whether to approve, or refuse to approve, the further work program for the claim, the chief executive must have regard to—
 - (a) the extent of the proposed authorised activities in the area of the claim; and

-
- (b) when and where the holder proposes to carry out the proposed authorised activities in the area of the claim; and
 - (c) whether the holder has the financial and technical capability to carry out the proposed authorised activities.
- (5) If the chief executive approves the further work program for the claim, the chief executive must give the holder a written notice of the approval.
 - (6) The written notice of the approval must include the details of the mining claim prescribed by regulation.
 - (7) If the chief executive decides to refuse to approve the work program, the chief executive must give the holder written notice of the refusal.

82J Amendment of work program [new]

- (1) This section applies if the chief executive asks the holder of a mining claim to amend a work program for the claim given to the chief executive.
- (2) It is a condition of the mining claim that the holder must give the chief executive an amended work program for the claim within the period required by the chief executive.

82K Structures [s 81(1)(i)]

- (1) It is a condition of a mining claim that a permitted structure can be in the area of the claim only if the permitted structure—
 - (a) is used for the purpose for which the claim was granted, as mentioned in section 82C; and

[s 14]

- (b) is authorised under a written notice mentioned in section 82C.
- (2) Also, it is a condition of a mining claim that the holder must, before the termination of the claim, remove any permitted structure from the area of the claim.
- (3) In this section—

permitted structure means a structure of a temporary nature.

Examples—

- a transportable or demountable structure for accommodation
- an equipment or storage shed
- a shipping container
- an open-walled structure
- a water tank
- a vessel for water storage or capture

82L Vehicles, plant and equipment [s 81(1)(i)]

- (1) It is a condition of a mining claim that the holder must not bring on to, or allow to remain in, the area of the claim a vehicle, plant or equipment unless the vehicle, plant or equipment—
- (a) is used for the purpose for which the claim was granted, as mentioned in section 82C; and
- (b) is authorised under a written notice mentioned in section 82C.
- (2) Also, it is a condition of a mining claim that the holder must, before the termination of the claim, remove any vehicle, plant or equipment from the area of the claim.

82M Operation of mining claim [s 81(1)(f), (g), (h) and (n)]

It is a condition of a mining claim that the holder must—

- (a) carry out prospecting or mining under the claim in the way, and using the methods, stated in the work program for the claim or applying to the claim; and
- (b) keep the area of the claim in a tidy state; and
- (c) if the area of the claim has not been surveyed and a physical monument is used to define the area's boundary—maintain the monument; and
- (d) carry out improvement restoration for the claim.

82N Use of land outside area of mining claim [s 81(1)(b)]

- (1) This section applies if the holder of a mining claim uses land outside the boundary of the area of the claim for access to the area of the claim.
- (2) It is a condition of the mining claim that the holder must use the land only for the following purposes—
 - (a) to transport, by road across the surface of the land, something that is reasonably necessary to allow the holder to carry out an authorised activity for the claim;
 - (b) to transport, by road across the surface of the land, any minerals mined under the authority of the claim;
 - (c) to construct road transport infrastructure across the surface of the land that is reasonably necessary for the purpose of

[s 14]

transporting a thing mentioned in paragraph (a) or minerals mentioned in paragraph (b).

82O Access by others [s 81(1)(j)]

It is a condition of a mining claim that the holder must not, without the prior approval of the Minister, obstruct or interfere with a right of access in relation to the area of the mining claim held by any person.

82P Diversion of water [s 50(4)]

- (1) This section applies if water to be used in the area of a mining claim may be diverted or appropriated only under an authority granted under an Act.
- (2) It is a condition of the mining claim that the holder can not divert or appropriate the water unless the holder holds the authority.

82Q Payments [s 81(1)(m)]

It is a condition of a mining claim that the holder must make the following payments—

- (a) the prescribed rental;
- (b) the prescribed royalty;
- (c) all local government rates and charges payable in relation to the area of the claim.

82R Keeping of documents [new]

It is a condition of a mining claim that the holder must—

- (a) keep documents relating to the activities carried out under the claim in the way prescribed by regulation and for the period prescribed by regulation; and

-
- (b) if requested by the chief executive, give a document mentioned in paragraph (a) to the chief executive.

**82S Mining claim subject to conditions of reserve
[s 81(1)(k)]**

- (1) This section applies if—
 - (a) the area of a mining claim includes a reserve;
 - (b) and the owner of the reserve, or the Governor in Council, consented to the grant of the mining claim on conditions.
- (2) It is a condition of the mining claim that the holder must comply with the conditions.

**82T Mining claim subject to conditions of
indigenous land use agreement [s 81B]**

- (1) This section applies if—
 - (a) a registered indigenous land use agreement under the Commonwealth Native Title Act, or an agreement mentioned in the Commonwealth Native Title Act, section 31(1)(b) (each the *agreement*) provides for the grant, renewal or variation of, or another act concerning, a mining claim; and
 - (b) the State is a party to the agreement; and
 - (c) the agreement includes a requirement that, if the act is done, the mining claim must be subject to conditions stated in the agreement (the *stated conditions*); and
 - (d) the act is done.
- (2) It is a condition of the mining claim that the holder must comply with the stated conditions.

Division 3 Alteration of conditions

82U Variation of conditions by agreement [s 82]

- (1) The Minister may vary the conditions of a mining claim by written agreement with the holder of the claim.
- (2) However, the Minister may vary the conditions only if the Minister is satisfied the variation is—
 - (a) consistent with this Act; and
 - (b) not inconsistent with, or substantially the same as, an environmental condition for the claim; and
 - (c) in the public interest.
- (3) The chief executive must record the details of the variation in the register.

Division 4 Offence

82V Requirement to comply with conditions of mining claim

The holder of a mining claim must comply with each condition of the claim unless the holder has a reasonable excuse.

Maximum penalty—1,000 penalty units.

Part 5 Security

83 Power to require security for mining claim [s 83(1) to (6)]

- (1) A mining claim must not be granted or renewed unless the applicant for the grant or renewal of the

-
- claim deposits security as decided under this section.
- (2) The Minister must, before granting or renewing a mining claim, decide the amount of the security to be deposited by the holder of the claim as reasonable security for the following matters having regard to the current work program for the claim—
 - (a) compliance with the conditions of the claim;
 - (b) compliance with the provisions of this Act;
 - (c) rectification of any damage to pre-existing improvements for the claim that may be caused by a person acting or purporting to act under the authority of the claim;
 - (d) amounts, other than penalties, payable to the State under this Act.
 - (3) The Governor in Council, when giving consent to the grant of a mining claim under section 79, may decide the amount of security to be deposited by the holder of the claim.
 - (4) The Land Court, when instructing the Minister to grant an application for the grant of a mining claim, may decide the amount of security to be deposited by the holder of the claim.
 - (5) If an amount of security is decided by the Governor in Council under subsection (3), or by the Land Court under subsection (4), the Minister is bound by the decision in determining the amount of security under subsection (2).
 - (6) In relation to an application for the grant of a mining claim, an amount of security decided by the Governor in Council under subsection (3) prevails over an amount decided by the Land Court under subsection (4).
 - (7) In this section—
-

[s 14]

current work program, for a claim, means—

- (a) for a claim to be granted—the work program for the claim mentioned in section 61(1)(j)(v); or
- (b) for a claim to be renewed—the work program for the claim in effect immediately before the application for renewal is made.

84 Form of security [s 83(10)]

The Minister may accept security in the following forms—

- (a) a bond, guarantee, indemnity or other financial arrangement provided by—
 - (i) a financial institution; or
 - (ii) an insurance company; or
 - (iii) another credit provider approved by the Minister;
- (b) another form acceptable to the Minister.

84A Power to use security [s 83(7)]

- (1) This section applies if the Minister is satisfied that—
 - (a) the holder of a mining claim has not complied with a condition of the claim or a provision of this Act; or
 - (b) damage mentioned in section 83(2)(c) has been caused by a person acting, or purporting to act, under the authority of a mining claim or a person who enters land on the instruction of the holder of a mining claim.
- (2) The Minister may—

-
- (a) require the holder, or the person mentioned in subsection (1)(b), to rectify the noncompliance or damage; and
 - (b) utilise the security deposited for the mining claim to rectify the noncompliance or damage.
- (3) Despite subsection (2), if the Minister is satisfied it is not feasible to utilise the security deposited for the mining claim to rectify the noncompliance or damage, including, for example, because the amount of the security is not sufficient, the Minister may utilise the security to rectify noncompliance or damage, or undertake improvement restoration, for any mining claim.
- (4) In addition, the Minister may pool security mentioned in subsection (3) with the following amounts to rectify noncompliance or damage, or undertake improvement restoration, for any mining claim—
- (a) security deposited for other mining claims that is subject to subsection (3);
 - (b) an amount forfeited under section 84C(3).

**84B Minister's power to require additional security
[s 83(8)]**

- (1) This section applies if—
- (a) the whole or part of security deposited for a mining claim is utilised under section 84A, whether during the term of the claim or within 20 business days after the end of the term of the claim; or
 - (b) the Minister considers an additional amount of security should be deposited for a mining claim because of damage caused or likely to be caused by a person acting or purporting

[s 14]

to act under the authority of the claim or on the instruction of the holder of the claim or because of another reason; or

- (c) a work program for a mining claim relating to different authorised activities is approved under section 82H; or
 - (d) a further work program for a mining claim is approved under section 82I.
- (2) The Minister may require the holder, within the period stated by the Minister, to deposit additional security for the mining claim.
 - (3) The Minister may require additional security under this section even though the amount of security deposited was originally decided by the Governor in Council or the Land Court.

84C Refund of security [s 83 (12) to (16)]

- (1) This section applies on the termination of a mining claim.
- (2) The Minister may, at least 20 business days after the termination of the claim, refund the amount of security deposited for the mining claim less the amount the Minister considers appropriate to apply towards the following matters in the following order—
 - (a) rectifying anything caused by noncompliance with—
 - (i) a condition of the claim; or
 - (ii) a direction given to the holder by the Minister;
 - (b) amounts, other than penalties, owed by the holder to the State under this Act or the conditions of the mining claim;

-
- (c) rates and charges, including interest on unpaid rates and charges, owed by the holder to a local government in relation to the claim.
 - (3) If the Minister can not locate the holder of a mining claim within 12 months after the Minister decides the amount of a refund to the holder under subsection (1), the Minister may forfeit the amount of the refund to the State.

84D Utilisation of security deposit towards subsequent mining claim [s 84]

- (1) This section applies if the holder of a mining claim or an expired mining claim makes an application for a subsequent mining claim.
- (2) The Minister may, instead of refunding the whole or part of the security deposited in relation to the existing or expired mining claim, retain the security or part of the security as security for the subsequent mining claim.

Part 6 Conduct and compensation agreements and determinations

84E Definitions for part

In this part—

compensation liability see section 84F(2).

conduct and compensation agreement (mining claim) see section 84H(1).

conduct and compensation determination see section 84I(2).

[s 14]

84F General liability to compensate [s 85(5)]

- (1) A holder of a mining claim is liable to compensate each interested party for the mining claim for each compensatable effect suffered by the interested party because of the holder.
- (2) The holder's liability to compensate an interested party under subsection (1) is the holder's *compensation liability* to the interested party.
- (3) In this section—
compensatable effect, suffered by an interested party for a mining claim because of the holder of the mining claim, means—
 - (a) any of the following caused by the holder, or a person authorised by the holder, carrying out authorised activities on the interested party's land—
 - (i) deprivation of possession of the land's surface;
 - (ii) diminution of the value of the land or any improvements on the land;
 - (iii) diminution of the use made, or that may be made, of the land or any improvements on the land;
 - (iv) severance of any part of the land from other parts of the land or from other land that the interested party owns;
 - (v) any cost, damage or loss arising from the carrying out of activities under the resource authority on the land including any surface rights of access; and
 - (b) consequential loss incurred by the interested party arising out of a matter mentioned in paragraph (a).

84G Conduct and compensation to be settled before mining claim granted or renewed [s 85(1)]

A mining claim must not be granted or renewed unless—

- (a) the applicant for the grant or renewal of the claim has entered into a compensation and conduct agreement (mining claim) with each interested party for the claim; or
- (b) the Land Court has made a compensation and conduct determination for each interested party for the claim.

84H Conduct and compensation agreement (mining claim) [s 85(3)]

The applicant for the grant or renewal of a mining claim may enter into an agreement (a *conduct and compensation agreement (mining claim)*) with an interested party for the claim about—

- (a) how and when the holder may enter the land for which the interested party is an interested party; and
- (b) how authorised activities, to the extent they impact the interested party, must be carried out; and
- (c) the applicant's compensation liability to the interested party or any future compensation liability that the holder may have to the interested party.

84I Application to Land Court for conduct and compensation determination [s 85(4) to (9)]

- (1) This section applies if an applicant for the grant or renewal of a mining claim and an interested party for the mining claim have not been able to enter

[s 14]

into a conduct and compensation agreement (mining claim) for the claim.

- (2) The holder or the interested party may apply to the Land Court to make a determination about conduct and compensation (a *conduct and compensation determination*) in relation to the mining claim.

84J Orders Land Court may make [s 85(6), (7), (9)]

- (1) The Land Court may make a conduct and compensation determination in relation to the mining claim.
- (2) The Land Court may make any order it considers appropriate to enable or enforce the determination, including, for example—
 - (a) that the holder is liable to the interested party for monetary or non-monetary compensation;
 - (b) that the holder or the interested party engage or not engage in particular conduct.
- (3) In assessing the holder's compensation liability—
 - (a) if the interested party has to obtain replacement land of a similar productivity, nature and area, or resettle, or relocate livestock and other chattels on other land or on the replacement land, the reasonable costs of obtaining the replacement land, resettling or relocating must be considered;
 - (b) no allowance is to be made for any minerals on or under the surface of the interested party's land;
 - (c) if the interested party proves that the status and use made of land, before the grant or renewal of the mining claim, requires a premium to be applied, an appropriate

amount of compensation may be determined;

- (d) loss that arises may include loss of profits to the interested party calculated by comparing the usage of land before the lodgement of the application for the grant of a mining claim and the usage of that land after the grant;
- (e) an additional amount must be determined to reflect the compulsory nature of action taken under this chapter which amount, together with any amount determined under paragraph (c), must be not less than 10% of the aggregate amount of compensation determined by the Land Court.

84K Agreement to amend conduct and compensation agreement (mining claim) [new]

- (1) This section applies if—
 - (a) conduct and compensation has been agreed to by the holder of a mining claim and an interested party for the claim under a conduct and compensation agreement (mining claim) or decided by the Land Court under a conduct and compensation determination (the *original agreement or determination*); and
 - (b) there has been a material change in circumstances (the *change*) since the agreement or determination.
- (2) The holder and the interested party may, by signed writing, agree to amend the original agreement or determination (the *amendment agreement*).
- (3) However, the amendment agreement does not take effect until a copy of the agreement is given

[s 14]

to the chief executive.

84L Review of conduct and compensation agreement (mining claim) by Land Court [new]

- (1) This section applies if—
 - (a) conduct and compensation has been agreed to by the holder of a mining claim and an interested party for the claim under a conduct and compensation agreement (mining claim) or decided by the Land Court under a conduct and compensation determination (the *original agreement or determination*); and
 - (b) there has been a material change in circumstances (the *change*) since the agreement or determination.
- (2) The holder or the interested party may apply to the Land Court for a review of the original agreement or determination.
- (3) In carrying out the review, the Land Court may review the original agreement or determination only to the extent it is affected by the change.
- (4) If the Land Court considers the original agreement or determination is not affected by the change, it must not carry out or continue with the review.
- (5) The Land Court may, after carrying out the review, decide to confirm the original agreement or determination or amend it in a way the Court considers appropriate.
- (6) In making the decision, the Land Court must have regard to—
 - (a) whether the applicant has attempted to mediate or negotiate the compensation liability; and

-
- (b) any other matter the Court considers relevant to making the decision.
 - (7) If the Land Court decides to amend the original agreement or determination, the original agreement or determination as amended under the decision is, for this Act, taken to be the original agreement or determination.

85 Agreement or determination binding on successors and assigns [s 85(10)]

A conduct and compensation agreement (mining claim) or conduct and compensation determination binds the parties to the agreement or determination, and each of their successors and assigns.

15 Amendment of s 85A (Minister may refuse to grant mining claim if compensation not determined)

- (1) Section 85A, heading, ‘compensation not determined’—

omit, insert—

conduct and compensation not settled

- (2) Section 85A(1)(b) and (c)—

omit, insert—

- (b) the person has not entered into a compensation and conduct agreement (mining claim) with each interested party for the claim; and
- (c) an application has not been made to the Land Court under section 84I for a conduct and compensation determination in relation to the claim;

[s 16]

16 Amendment of s 86 (Appeal against Land Court's determination upon compensation)

(1) Section 86, heading, 'determination upon compensation'—

omit, insert—

conduct and compensation determination

(2) Section 86(1), 'determination of the Land Court made under section 85'—

omit, insert—

conduct and compensation determination of the
Land Court

(3) Section 86(2) and (6), 'shall'—

omit, insert—

must

(4) Section 86(3), 'shall have'—

omit, insert—

has

(5) Section 86(7), 'shall be'—

omit, insert—

is

17 Relocation and renumbering of s 89 (Reasons for rejection of application for grant of mining claim)

Section 89—

relocate to chapter 3, part 3, as inserted by this Act, and
renumber as section 80B.

18 Replacement of s 91 (Initial term of mining claim)

Section 91—

omit, insert—

Part 7 Term

91 Term of mining claim

- (1) A mining claim is for the term, of not more than 10 years, approved by the Minister on the grant of the claim.
- (2) However, if the only mining authorised under a mining claim is hand mining, the mining claim is for the term, of not more than 5 years, approved by the Minister on the grant of the claim.
- (3) Despite subsections (1) and (2), the term of a mining claim must not be for a term longer than the period for which conduct and compensation has been agreed or determined under part 6.
- (4) The term of a mining claim starts on the first day of the month that next follows the day the claim is granted.
- (5) The holder of a mining claim has all the entitlements, powers, duties and functions conferred by the claim from the day the claim is granted.
- (6) Despite subsection (5), section 95 does not apply until the day the term of the mining claim starts.

19 Replacement of s 93 (Renewal of mining claim)

Section 93—

omit, insert—

Part 8 Renewal

93 Application for renewal of mining claim [s 93(1), (2), (3)]

- (1) The holder of a mining claim, including a mining

[s 19]

- claim subject to a condition mentioned in section 92, may apply to the Minister for renewal of the claim.
- (2) The application must be made at least 6 months before, and not more than 12 months before, the expiration of the current term of the mining claim.
 - (3) Despite subsection (2), the Minister may allow the application to be made within a period shorter than 6 months.
 - (4) The application must—
 - (a) be made in the prescribed way to the Minister; and
 - (b) be accompanied by the following fees—
 - (i) the application fee prescribed by regulation;
 - (ii) the administrative and regulatory fee prescribed by regulation; and
 - (c) include the following documents—
 - (i) a work program for the mining claim identifying the activities to be carried out under the claim if renewed;
 - (ii) a statement, acceptable to the chief executive, detailing the activities that were carried out under the work program immediately in effect before the application for renewal;
 - (iii) a statement about whether the area the subject of the application still contains workable quantities of mineral or mineral bearing ore;
 - (iv) a statement, acceptable to the chief executive, detailing the applicant's financial and technical capability to carry out the activities identified in the

work program mentioned in
subparagraph (i).

**93AB When Minister may grant renewal [s 93(4),
(5), (6)]**

- (1) The Minister may grant the renewal of a mining claim if the Minister is satisfied—
 - (a) the applicant has complied with the conditions of the claim; and
 - (b) the area of the claim still contains workable quantities of mineral or mineral bearing ore; and
 - (c) the applicant has the financial and technical capability to carry out the activities identified in the work program mentioned in section 93(4)(c)(i).
- (2) In addition, if the application relates to a mining claim that is subject to a condition that the holder is not entitled to have the mining claim renewed, the Minister may grant the renewal of the mining claim only if—
 - (a) the Minister is satisfied the mining claim should be renewed despite the condition; and
 - (b) if the condition was imposed by the Governor in Council—the Governor in Council consents to the renewal; and
 - (c) if the condition was imposed by the Land Court—the Land Court consents to the renewal.

**93AC When Minister may refuse renewal [s 93(8),
(9), (11)]**

- (1) Despite section 93AB, the Minister may refuse

[s 19]

the renewal of a mining claim if—

- (a) the Minister considers the renewal is not in the public interest; or
 - (b) the applicant has not complied with section 84G within 3 months after the day the current term of the claim would, apart from section 93A, end.
- (2) However, the Minister must not reject an application for renewal of a mining claim unless—
- (a) the Minister has, by notice in writing in the approved form given to the applicant, asked the applicant to show cause within the period stated in the notice why the application should not be rejected; and
 - (b) the applicant has not shown cause to the satisfaction of the Minister.

93AD Term of renewed mining claim [s 93(5), (7)]

- (1) The Minister may grant the renewal of a mining claim for a further term of not more than—
 - (a) if the only mining authorised under the mining claim is hand mining—5 years; or
 - (b) otherwise—10 years.
- (2) Despite subsection (1), a mining claim may not be renewed for a further term that is longer than the period for which a compensation and conduct agreement (mining claim) or conduct and compensation determination, as required under section 84G, is in effect.

93AE Number of renewals allowed [new]

- (1) The Minister may renew a mining claim under section 93AB only twice.

-
- (2) Despite subsection (1), the Minister may renew a mining claim under section 93AB on a third occasion if the applicant for renewal satisfies the Minister—
- (a) the area the subject of the application still contains workable quantities of mineral or mineral bearing ore; and
 - (b) an additional term of the claim is required to produce the mineral or mineral bearing ore and remediate the area of the claim.

93AF Conditions of renewed mining claim [s 93(6), (10)]

- (1) A mining claim renewed under section 93AB is subject to—
- (a) the conditions of the mining claim; and
 - (b) any other conditions imposed by the Minister.
- (2) Without limiting subsection (1)(b), the Minister may impose a condition on a renewed mining claim if the Minister considers the condition is in the public interest.

93AG Notification of Minister's decision on renewal application [s 94]

- (1) If the Minister grants an application for the renewal of a mining claim, the Minister must, within 5 business days after deciding to grant the application, give the applicant written notice of the renewal.
- (2) The written notice of the renewal must include the details of the renewed mining claim prescribed by regulation.
- (3) If the Minister refuses an application for the

[s 20]

renewal of a mining claim, the Minister must, within 5 business days after deciding to refuse the application, give written notice to the applicant stating the reasons for the refusal.

**93AH Notification of interested parties of renewal
[s 93(12), (13)]**

If a mining claim is renewed, the holder of the mining claim must give a copy of the written notice of renewal under section 93AG(1) to each of the interested parties for the claim within 20 business days after receiving the notice.

20 Omission of s 94 (Reasons for rejection of application for renewal of mining claim)

Section 94—

omit.

21 Insertion of new ch 3, pt 9 and pt 10, hdg

Before section 95—

insert—

Part 9 Transfer

94A Written notice of decision to grant approval for transfer of mining claim

- (1) This section applies if the Minister grants approval for the transfer of a mining claim.
- (2) The written notice of the decision required under the Common Provisions Act, section 195(2) must include the details of the transferred mining claim prescribed by regulation.

Part 10 Operation of mining claim

22 Replacement of s 106 (Contravention by holder of mining claim)

Section 106—

omit, insert—

106 Cancellation of mining claim by Minister

- (1) This section applies if the Minister considers that the holder of a mining claim—
 - (a) has failed to comply with a condition of the claim; or
 - (b) has failed to pay the royalty or any other moneys payable under the claim (other than rental) by the due date for payment; or
 - (c) has failed to comply with a notice given under section 95(5), requiring the holder to pay rental for a rental year, by 1 December of that rental year.
- (2) The Minister may cancel the mining claim.
- (3) However, the Minister must not act under subsection (2) unless—
 - (a) the Minister has, by notice in writing in the approved form given to the holder of the mining claim, called upon the holder to show cause within the period stated in the notice, why the mining claim should not be cancelled or a penalty imposed; and
 - (b) the Minister has given a copy of the notice mentioned in paragraph (a) to each person who holds a recorded interest in the mining claim at the person's address last recorded by the Minister; and

[s 23]

- (c) the holder has not shown cause to the satisfaction of the Minister.
- (4) If the Minister cancels a mining claim, the Minister must give the holder a notice stating the reasons for the cancellation.
- (5) The cancellation of a mining claim under this section takes effect on the day the notice under subsection (4) is given to the holder.

23 Amendment of s 107 (Surrender of mining claim)

- (1) Section 107(10)—
insert—
 - (aa) the holder has complied with the conditions mentioned in sections 82K(2) and 82L(2);
- (2) Section 107(10)(aa) to (b)—
renumber as section 107(10)(a) to (c).

24 Amendment, relocation and renumbering of s 108 (Abandonment of application for mining claim)

- (1) Section 108, heading, ‘Abandonment’—
omit, insert—

Withdrawal
- (2) Section 108(1), ‘abandon’—
omit, insert—

withdraw
- (3) Section 108(2), ‘shall forthwith serve a copy of that notice on’—
omit, insert—

must give a copy of the notice to
- (4) Section 108(2)(b), ‘mining claim notice’—

omit, insert—

application notice

(5) Section 108(3)—

omit, insert—

(3) The withdrawal of an application for the grant of a mining claim takes effect on the day next following the receipt of the notice of withdrawal by the Minister.

(6) Section 108—

relocate to chapter 3, part 3, as inserted by this Act, and *renumber* as section 80A.

25 Insertion of new ch 3, pt 11, hdg

After section 115—

insert—

Part 11 Appeals

26 Insertion of new ch 3, pt 12, hdg

After section 120—

insert—

Part 12 Termination of mining claim

27 Insertion of new ch 3, pt 13, hdg

After section 123—

insert—

Part 13 Miscellaneous

[s 28]

28 Amendment of s 391C (Small scale mining code)

(1) Section 391C(1)(a), ‘states guidelines for’—

omit, insert—

provides guidance for the carrying out of

(2) Section 391C(1)(b), ‘conditions’—

omit, insert—

provisions.

(3) Section 391C—

insert—

(3) A contravention of guidance mentioned in subsection (1)(a) is not a contravention or failure to comply with a provision of this Act for section 412(1).

29 Insertion of new s 416AA

After section 416—

insert—

416AA Interest on security

The State may keep any interest that accrues on security given under this Act for a resource authority.

30 Insertion of new ch 15, pt 23

Chapter 15—

insert—

Part 23 **Transitional provisions
for Mineral and Energy
Resources and Other
Legislation
Amendment Act 2023**

901 Definition for part

In this part—

former, for a provision of this Act, means the provision as in force immediately before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

902 Application for grant, renewal or transfer of mining claim made before commencement

- (1) This section applies if an application for the grant, renewal or transfer of a mining claim was made before the commencement.
- (2) The application must be decided under chapter 3 as if the *Mineral and Energy Resources and Other Legislation Amendment Act 2023* had not been enacted.

903 Application of mandatory conditions to mining claim granted before commencement

- (1) The mandatory conditions, other than the conditions mentioned in sections 82C, 82K and 82L, apply to a mining claim whether the claim was granted before or after the commencement.
- (2) The conditions mentioned in sections 82C, 82K and 82L apply to a mining claim granted before the commencement only if the holder of the

[s 30]

mining claim receives a notice mentioned in section 82C after the commencement.

- (3) The conditions mentioned in former section 81(1)(a) and (i) continue to apply to a mining claim granted before the commencement until the holder of the mining claim receives a notice mentioned in section 82C.

904 Building or structure on mining claim erected before commencement

- (1) This section applies if—
 - (a) a building or structure was erected in the area of a mining claim before the commencement; and
 - (b) the building or structure is not authorised to be in the area of the mining claim under new section 82K; and
 - (c) the holder of the mining claim, or the spouse of the holder of the mining claim, is permanently residing in the building or structure.
- (2) Despite new section 82K(1), the building or other structure may remain in the area of the mining claim.
- (3) However, if the mining claim is transferred to another person, other than the spouse of the holder of the claim, the transfer is of no legal effect until the building or other structure is removed from the area of the claim.
- (4) Also, subsection (2) applies in relation to the spouse of the holder of the claim only if the spouse will not be in breach of section 55 after the proposed transfer.
- (5) In addition, if the holder of the mining claim receives a notice mentioned in section 82C after

the commencement, the building or other structure may remain in the area of the mining claim despite section 903(2) but only if the notice—

- (a) identifies the building or structure as a building or structure to which subsection (2) applies; and
- (b) includes a description of the building or structure.

905 Refund and forfeiture of security given for mining claim granted before commencement

New section 84C applies to security given on a mining claim whether the mining claim was granted before or after the commencement.

906 Compensation agreement or determination for mining claim applied for before commencement

- (1) An agreement for compensation entered into under former section 85(1)(a) is taken to be a conduct and compensation agreement (mining claim) under new section 84H(1).
- (2) A determination of the Land Court under former section 85(1)(a) is taken to be a conduct and compensation determination under new section 84I(2).

907 Renewal of mining claim granted before commencement

- (1) New part 8 applies in relation to the renewal of a mining claim whether the mining claim was granted before or after the commencement.
- (2) However, despite new section 93AB(1), the Minister may renew a mining claim granted

[s 31]

before the commencement under new part 8 even if the holder has not complied with the conditions of the claim if the Minister is satisfied the non-compliance is due to exceptional circumstances.

908 Mining claim granted before commencement may be renewed more than twice unless transferred

- (1) This section applies if a mining claim was granted before the commencement.
- (2) Despite new section 93AE, the mining claim may be renewed under new part 8 more than twice after the commencement.
- (3) However, if the mining claim is transferred after the commencement, the mining claim can be renewed only twice after the day the claim is transferred or, if new section 93AE(2) applies, on a third occasion.

31 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *mining claim*, *mining claim notice*, *permanent building* and *small scale mining activities*—
omit.
- (2) Schedule 2—
insert—

application notice see section 64(2).
compensation liability, for chapter 3, part 6, see section 84F(2).
conduct and compensation agreement (mining claim) see section 84H.
conduct and compensation determination see section 84I(2).

environmental condition, for a mining claim, means a condition of an environmental authority for mining activities under the Environmental Protection Act relating to the claim.

interested party, for a mining claim, see section 47A.

mandatory condition, of a mining claim, see section 81.

mining claim see section 47A.

small scale mining activity see section 47A.

- (3) Schedule 2, definition *work program*, paragraph (a)—

omit, insert—

- (a) for a mining claim—see section 47A; or

Part 3 **Amendment of Mineral Resources Regulation 2013**

32 **Regulation amended**

This part amends the *Mineral Resources Regulation 2013*.

33 **Insertion of new ss 7A and 7B**

After section 7—

insert—

7A Prescribed details for application notice—Act, s 64

For section 64(3)(c) of the Act, the following details of the proposed mining claim are prescribed—

- (a) the name of the applicant;

[s 33]

- (b) the address for service of notices on the applicant;
- (c) the description of the land for which the claim is proposed to be granted;
- (d) the proposed term of the claim;
- (e) the proposed date for the start of the term of the claim;
- (f) a description of the proposed authorised activities under the claim;
- (g) the minerals to be mined under the claim;
- (h) the conditions to which the proposed claim will be subject, if granted;
- (i) a description of the structures proposed to be in the area of the claim;
- (j) the number and type of vehicles proposed to be used in the area of the claim;
- (k) the type and amount of plant and equipment proposed to be used on the claim;
- (l) whether the small scale mining code will apply to the claim;
- (m) whether a relevant environmental authority will apply to the claim.

7B Prescribed details for particular written notices for mining claims—Act, ss 74, 80, 82H, 84K, 93AG and 94A

For section 74(5), 80(3), 82H(5), 82I(5), 93AG(1) and 94A(2) of the Act, the following details of the granted, renewed or transferred mining claim, or mining claim for which a work program has been approved (each the *claim*), are prescribed—

- (a) the name of the holder;

-
- (b) the address for service of notices on the holder;
 - (c) the description of the land subject to the claim;
 - (d) the term of the claim;
 - (e) the date for the start of the term of the claim;
 - (f) a description of the authorised activities under the claim;
 - (g) the minerals to be mined under the claim;
 - (h) the conditions to which the claim is subject;
 - (i) a description of the structures authorised under section 82K to be in the area of the claim;
 - (j) if section 904 applies in relation to the claim—a description of the buildings or structures in the area of the claim to which section 904(2) applies;
 - (k) the number and type of vehicles to be used in the area of the claim;
 - (l) the type and amount of plant and equipment to be used in the area of the claim;
 - (m) whether the small scale mining code applies to the claim;
 - (n) whether a relevant environmental authority applies to the claim.

34 Amendment of s 8 (Conditions—Act, s 81)

- (1) Section 8, heading, ‘s 81’—

omit, insert—

s 82

- (2) Section 8(1), ‘section 81(1)(p)’—

[s 35]

omit, insert—

section 82(1)(b)

35 Amendment of s 8A (Prescribed documents—Act, s 93)

(1) Section 8A, heading, ‘s 93’—

omit, insert—

s 93AA

(2) Section 8A, ‘section 93(3)(a)’—

omit, insert—

section 93AA(3)(c)

Part 4 Amendment of Mineral and Energy Resources (Common Provisions) Act 2014

36 Act amended

This part amends the *Mineral and Energy Resources (Common Provisions) Act 2014*.

37 Amendment of s 22 (Security may be required)

Section 22(3), examples, third dot point, ‘sections 83,’—

omit, insert—

chapter 3, part 5 and sections

38 Amendment of s 196C (Disqualification from grant or transfer of resource authority)

Section 196C(2)—

insert—

(ba) whether the applicant has held—

- (i) a mining claim that has expired and in relation to which a condition mentioned in the *Mineral Resources Act 1989*, section 82K(2) or 82L(2) was contravened; or
- (ii) a mining claim that was cancelled;

Part 5 **Amendment of Mineral and Energy Resources (Common Provisions) Regulation 2016**

39 **Regulation amended**

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

40 **Amendment of s 10 (Deciding application for registration of prescribed dealing that is assessable transfer—Act, ss 19 and 194)**

- (1) Section 10(2)(b), ‘that is an’—
omit, insert—
that is a mining claim,
- (2) Section 10(2)(b), ‘section 141’—
omit, insert—
section 82, 141