

IMPROVED REGULATORY EFFICIENCY

Consultation paper | September 2023



This publication has been compiled by the Department of Resources.

© State of Queensland, 2023

The Queensland Government supports and encourages the dissemination and exchange of its information.

The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms. You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <https://creativecommons.org/licenses/by/4.0/>.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.



Interpreter statement:

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding this document, you can contact us within Australia on 13QGOV (13 74 68) and we will arrange an interpreter to effectively communicate the report to you.

Contents

Acknowledgement of Country	1
Background	2
About the paper.....	3
Have your say	4
Online.....	4
Email	4
Post.....	4
Next steps	4
Overview of potential amendments	5
Rental flexibility	5
Strategic land release	5
Consistent mandatory conditions.....	5
Local government rates and charges	5
Tidy surfaces of mining leases.....	5
Coordinated fossicking permissions	6
Clearly defined confidentiality periods	6
Streamlined aerial surveying requirements	6
Operational improvements.....	7
Proposed development plans	7
Operation of the petroleum and gas (P&G) framework	7
Correction of minor and technical errors.....	7

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.



Background

In June 2022, the Queensland Government released [the Queensland Resources Industry Development Plan](#) (QRIDP) which establishes the state's long-term vision for the resources industry.

As part of the plan, several actions were developed under key focus areas for industry and government to ensure Queensland is well placed to tackle the challenges and harness the opportunities of the future. These include commitments to improve regulatory efficiency, foster coexistence and sustainable communities, and reform the small-scale mining sector.

The Queensland Government is working alongside industry and the community to develop proposed reforms to deliver on these commitments and is continuing to consult with relevant stakeholders to ensure the proposals reflect the needs and views of all Queenslanders.

Feedback is now being sought on a number of potential legislative changes to improve the regulatory framework for the resources industry.

These changes are being considered as part of an overarching consultation process that will allow stakeholders to have their say on the reforms that are important to them.

In addition to the potential regulatory efficiency improvements that we are consulting on through this paper, we are also seeking feedback on:

- Coexistence institutions and coal seam gas-induced subsidence management framework
- Legislative enhancements to mining claims

For more information about these papers, visit the [Have your say](#) page.

About the paper

The Queensland Government is committed to improving the regulatory framework for the resources industry. Several potential legislative changes are being considered to promote industry certainty, ensure continued community and industry confidence in decision making and to streamline, modernise and clarify Queensland's resources legislation.

This consultation paper provides an overview of potential amendments to the:

- *Fossicking Act 1994* (Fossicking Act)
- *Geothermal Energy Act 2010* (GE Act)
- *Greenhouse Gas Storage Act 2009* (GGS Act)
- *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act)
- Mineral and Energy Resources (Common Provisions) Regulation 2016 (MERC Regulation)
- *Mineral Resources Act 1989* (MR Act)
- Mineral Resources Regulation 2013 (MR Regulation)
- *Petroleum Act 1923* (1923 Act)
- *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act)
- Petroleum and Gas (General Provisions) Regulation 2017 (P&G Regulation).

The Acts listed above will be collectively referred to as the Resources Acts throughout this paper.

Have your say

We encourage stakeholders to provide their views and comments on the potential legislative changes outlined in this paper. The feedback will be considered when drafting proposed reform. Please note, it is not necessary to provide feedback on every amendment.

We also welcome any other feedback you may wish to provide in relation to regulatory efficiencies as part of this consultation process. This feedback is useful for informing future policy development.

Online

Feedback can be provided via [this online form](#) which allows comments under each of the amendments.

Email

Submissions can be emailed to resourcespolicy@resources.qld.gov.au.

Post

Georesources Policy, Department of Resources
PO Box 15216
City East QLD 4002

Consultation closes 8 December 2023.

Next steps

Your feedback will be considered in finalising any potential changes. Submissions will not be published.

The government will continue to engage with stakeholders to obtain feedback on any proposed legislative changes.

Overview of potential amendments

Rental flexibility

Under this proposal, new sections of the MERC Act and the MERC Regulation would be introduced to provide the Queensland Government with the discretion to defer rent or apply alternative rent arrangements for resource authority holders in exceptional circumstances.

Exceptional circumstances could include instances such as natural disasters, adverse economic conditions, or emergencies. Amendments would also establish a framework within the MERC Act and MERC Regulation for administering the deferred or alternative rent arrangements.

These amendments acknowledge that industry and resource authority holders are sometimes impacted by circumstances outside of their control and will provide support to affected operations during these exceptional circumstances.

Strategic land release

Under this proposal, the MR Act would be amended to allow for Ministerial discretion in how and when land that has been subject to an exploration permit should be re-released.

Currently, unless land is being relinquished for inclusion in another exploration permit or a higher form of tenure, it must be re-released within two months of the conclusion of the former exploration permit. This does not allow the Minister to, for example, re-release prospective land for exploration through a competitive tender process at an appropriate time.

The proposed amendments will allow the Minister to decide how and when land that is suitable for exploration is released. This will support the Queensland Government's commitment to facilitate critical mineral mining opportunities around the State and maximise the exploration of known deposits of critical minerals.

Consistent mandatory conditions

Local government rates and charges

Proposed amendments to the mandatory condition framework would amend the 1923 Act, P&G Act, GE Act and GGS Act to insert a new mandatory condition requiring lease holders to pay all relevant local government rates and charges.

Currently, this mandatory condition is only found in the MR Act, meaning that unpaid rates and charges only have compliance implications for tenures covered under that Act.

The intention of the proposed amendments is to introduce the new mandatory condition more consistently across the Resources Acts. The proposed amendments will allow the department to take action against all relevant authority holders if these fees and charges go unpaid.

Tidy surfaces of mining leases

The MR Act requires holders of mining claims to maintain the surface area of their tenure in a tidy state as a mandatory condition of the mining claim. This requirement ensures that hazards resulting from operations, equipment and stores are appropriately managed to prevent injuries, fires, and damages to health.

The proposed amendments to the mandatory condition framework will amend the MR Act to ensure the condition to keep the surface area of a tenure tidy also applies to mining leases.

Coordinated fossicking permissions

Under the Fossicking Act, people may fossick on land subject to a mining claim or mining lease with the permission of the tenure holder. However, fossickers do not need to receive permission on land where a mining lease application has been lodged.

Proposed changes to the Fossicking Act would require fossickers to seek permission from the relevant mining lease applicant before fossicking on the land.

This amendment seeks to recognise that mining lease applicants have a significant interest in the land included in their application and have invested significant time and capital to reach the application lodgement stage. Further, the commercial quantity and quality figures relevant to the application may be impacted by fossicking activities, requiring greater coordination and collaboration between fossickers and applicants.

Clearly defined confidentiality periods

It is proposed to amend the Resources Acts to provide certainty to industry and the community about when information and data collected by the department will be released.

The proposed amendments will clarify that the confidentiality period for data and information provided to the department under reporting requirements is five years. The amendments will also clarify that the five-year confidentiality period applies even when a mining tenement ceases to exist because it has transitioned to a form of higher tenure.

This reflects current departmental practice but the amendments in the Acts will provide industry with greater certainty and legislative protection in this regard.

Streamlined aerial surveying requirements

Under this proposal, exemptions from providing entry notices and periodic entry reports to landholders would be introduced for aerial surveying conducted at 1000ft or above.

Additionally, aerial surveying at or above this height would no longer automatically be considered as an advanced activity, requiring the negotiation of a conduct and compensation agreement (CCA). Requirements for aerial surveying conducted below 1000ft in altitude would remain the same and the framework would not impact a landholder's ability to claim compensation for damage or loss.

Currently, resource authority holders conducting aerial surveys must submit entry notices, periodic entry reports, and, in some cases, negotiate CCAs with landholders before the surveys may take place. This uniform approach does not consider different types of surveys, heights at which they fly or the likelihood of impact on the ground.

The proposed framework recognises that surveys conducted at or over 1000ft above ground level are unlikely to have an impact on the land below and will support industry by reducing regulatory burden.

Operational improvements

Proposed development plans

In May 2020, a list of prescribed minerals and associated thresholds was inserted into the MR Regulation. When these minerals are mined to these thresholds, the resource authority holder must provide development plans to the department. These thresholds are subject to change. At the time the thresholds were introduced, transitional provisions were inserted into the MR Act to inform how the thresholds would apply to mining leases that were already granted or awaiting grant. These transitional provisions have since expired.

To prevent the need for new transitional provisions to be inserted into the MR Act each time the prescribed mineral threshold list is changed, the proposed amendments would insert a consistent and permanent framework into the MR Act to inform when mining lease holders and applicants must update or submit initial development plans and development plans.

Specifically, already granted mining leases will be required to submit a new development plan within six months if they meet updated prescribed mining threshold. Mining leases awaiting grant or renewal will also have six months to amend their initial development plan to align with the threshold changes.

Operation of the petroleum and gas (P&G) framework

The department has identified a number of opportunities to improve the operation of the P&G Act and P&G Regulation. These include:

- clarifying the timing and number of sub-blocks required to be relinquished for authorities to prospect.
- requiring resource authority holders to have a relevant environmental authority as a requirement of their application for amalgamating petroleum leases.
- allowing the Minister, when dealing with amalgamated petroleum leases (PL) where one PL has already commenced production, to waive the requirement for a production commencement date for the amalgamated PL or to state a day by which petroleum production under any of the PLs may start.
- allowing the format and type of information required in petroleum production reports to be specified in the Petroleum and Gas Reporting Practice Direction, rather than legislation.

Correction of minor and technical errors

Several potential corrections to minor and technical errors have been identified. These include:

- a cross-referencing error under section 137 of the MR Act. Currently, section 137(2)(e) refers to subsection (4), which has since been moved to the MERC Act. It is proposed to update this cross-reference to refer to the relevant information's new location.
- updating the legacy usage of the term 'local authority' in section 81 of the MR Act to 'local government'.
- addressing a drafting error by reinserting provisions in Chapter 2, Part 2 of the MERC Act, which provide an application for a mining lease is considered an appropriate interest in a resource authority that warrants the ability for a caveat to be lodged over the application area.

- amending Part 6, Division 2, Subdivision 1 of the 1923 Act to ensure that the application provisions under Part 9, Division 1 of the 1923 Act apply to later development plans.

Thank you for taking the time to read this consultation paper.

We encourage you to provide feedback via the [online form](#) or by emailing resourcespolicy@resources.qld.gov.au. Submissions can also be posted to the address listed at the beginning of the paper.

Stakeholder views and comments will be considered when developing proposed legislative amendments.

Consultation closes 8 December 2023.