

Operational policy

Renewal of exploration resource authorities within proposed national parks or conservation parks

MIN/2015/1314

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Version 1.05

1. Purpose

This policy informs industry about how the Department may consider land use priorities when deciding the renewal of exploration resource authorities in areas that are proposed to become National Park or Conservation Park under the Nature Conservation Act 1992.

This policy will only be applied to existing exploration resource authorities the subject of a renewal application that are within, or have sub-blocks which partially overlap, Restricted Area 404 (RA404). This policy should be read with the **Renewal of Exploration Permits** operational policy.

This policy is intended to:

- ensure that broader government land use priorities and commitments are managed in environmentally significant areas;
- assist in advancing identified priorities for biodiversity conservation while considering the potential benefits of resource exploration on land that is subject to existing exploration resource authorities; and
- provide a clear and transparent approach to managing existing tenures in areas that are or are intended to become a protected area under the *Nature Conservation Act 1992*.

The information in this policy does not override legislative requirements and reflects current practices within the department. These practices may change from time to time; all changes will be published through a revised version of this policy.

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

2. Background

2.1 Operation of Restricted Area 404

Areas that are proposed to become National Parks or Conservation Parks are assessed for potential prospectivity and may be placed into Restricted Area 404 (RA404) under the *Mineral Resources Act 1989* (MRA) and/or the *Geothermal Energy Act 2010*. In some cases land with exploration resource authorities may be placed into RA404.

Areas within RA404 are land parcels that the Department of Environment and Science considers have particular environmental importance and that the Government has decided to declare as Conservation or National Parks pending resolution of other land use constraints. These areas stay in RA404 until such time as they become National or Conservation Parks in their own right, after which time they receive the protection afforded by the *Nature Conservation Act 1992*. Resource authorities cannot be granted or renewed in areas of National Park or Conservation Park.

New applications for resource authorities under the MRA cannot be applied for over an area in RA404. Land covered by a RA404 may also be excluded from an Authority to Prospect (ATP) granted under the *Petroleum and Gas (Production and Safety) Act 2004*.

Holders of existing exploration resource authorities (held before the declaration of RA404 over the area) are able to continue their activities under the terms of their current authority and are able to apply for higher forms of tenure. For example, the holder of an exploration permit granted under the MRA is able to apply for a mineral development licence or mining lease.

3. Policy Determination

This policy applies to renewal applications for the following exploration resource authorities partially or wholly within RA404 at the time the renewal application is made:

- Exploration Permits under the *Mineral Resources Act 1989*, *Geothermal Energy Act 2010* and *Greenhouse Gas Storage Act 2009* (GHG Act)
- ATPs under the *Petroleum Act 1923* and *Petroleum and Gas (Production and Safety) Act 2004*

Exploration Permits for Minerals, Coal, and Geothermal

As areas under RA404 have been assessed as having value as future protected areas, the Minister may, under sections 147A (specifically 147A(1)(d)) and 386M of the MRA or section 33 of the GEA, consider the public interest in assessing a renewal application for exploration resource authorities in these areas.

When assessing a renewal within RA404 the factors to be considered include (but are not limited to):

- the results of exploration to date and the likelihood and viability of a significant commercial project being progressed from the current permit based on exploration results to date,
- whether the authority holder has applied for a production resource authority for the exploration resource authority during its current term,

- if a production resource authority has been applied for, is the expected production and return to the State likely to be of significant scale compared with the environmental impacts that production would cause,
- a desk-top assessment by the Geological Survey of Queensland on the geological prospects and possible advancement towards a commercial return of any future activities.

It is in the interests of the exploration resource authority holder to submit an application for a production lease prior to the expiry of the current term of their exploration resource authority.

Where the renewal does not meet any of the above requirements, it is unlikely that the department will support the renewal of the area within RA404. Requests for renewal based on a need for further exploration will not be supported except in exceptional circumstances.

Where a sub-block overlaps RA404, the sub-block may be renewed however it will generally have the portion which lies within RA404 excluded. Parts of the resource exploration authority outside of RA404 or a protected area are not affected by this policy.

Exploration resource authority holders may at any time propose to voluntarily relinquish areas within RA404.

Authorities to Prospect (ATP) and GHG exploration permits

Although the P&G Act and GHG Act not apply the restricted area concept, the Minister may decide to exclude land within RA404 from the area of an ATP or exploration permit when deciding whether to approve a renewal application. This power is in section 99 of the P&G Act and section 46 of the GHG Act.

In deciding whether to exclude areas within RA404, the Minister may take into consideration the same range of factors as outlined for exploration permits above. If an applicant cannot demonstrate that they are progressing towards a production tenure, evidenced by lodging a relevant application supported by exploration results, it is unlikely that the parts of the tenure covered by RA404 will be renewed.

Only that part of an exploration resource authority which is within RA404 will be subject to this policy. Where a sub-block overlaps RA404, the sub-block may be renewed however it will generally have the portion which lies within RA404 excluded.

ATP and exploration permit holders may at any time propose the voluntary relinquishment of excluded areas within RA404.

3.1 Renewal to occur only after consultation

In order to ensure sound decision making has occurred, the delegated officer considering a renewal application must consult the Tenure Acquisition Unit within Queensland Parks and Wildlife Service. After consultation the officer will seek the endorsement of the Executive Director, Minerals and Coal or Executive Director, Petroleum and Gas before renewing, excluding land from a renewal, or refusing the renewal of an exploration resource authority to which this policy applies.

3.2 Collaborative Relinquishment

The Department will work with affected exploration resource authority holders to find acceptable solutions for affected exploration authorities. In the first instance an enquiry should be addressed to the relevant assessment hub requesting an officer contact the exploration resource authority holder to discuss relinquishment options.

The Department encourages exploration resource authority holders affected by this policy to contact the Department to discuss the relinquishment of areas within protected areas or RA404.

Document Information

Availability: External

Location: Business Industry Portal

Owner and approver: Deputy Director-General, Georesources Division

Future Review date: January 2022

Related documents: This policy should be read in conjunction with **Renewal of exploration permits MIN/2015/1253 Policy 10/2012**

Contacts: For help and information about this policy, please contact the Mineral Assessment Hub on (07) 4447 9230 or email mineralhub@resources.qld.gov.au or the Coal Assessment Hub on (07) 4936 0169 or email coalhub@resources.qld.gov.au or the Petroleum Assessment Hub on (07) 3199 8118 or email PetroleumHub@resources.qld.gov.au

Disclaimer

The purpose of this policy is to provide a framework for consistent application and interpretation of the legislation administered by the department. Policies may be applied flexibly where individual circumstances require an alternative application of policy. Where this policy, or part of this policy, is inconsistent with relevant legislation, the legislation will prevail to the extent of the inconsistency. While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Queensland Government should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Keywords

MIN/2015/1314; Policy 8/2014; Resources; resource authorities; exploration permits; national parks; conservation parks; DES