

**Mineral Resources and
Another Act
Amendment Bill 2015**

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2015

A Bill

for

An Act to amend the *Mineral Resources Act 1989* and the *Petroleum and Gas (Production and Safety) Act 2004*, for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

Clause 1 Short Title

This Act may be cited as the *Mineral Resources and Another Act Amendment Act 2015*.

Part 2 Amendment of Mineral Resources Act 1989

Clause 2 Act Amended

This part amends the *Mineral Resources Act 1989*.

Clause 3 Amendment of sch 1 (Access and compensation provisions for exploration permits and mineral development licences)

(1) After Part 2, Division 1, section 5(2)

insert

(2A) The holder must not carry out any activity other than those specified in the entry notice or increase the extent of any activity specified in the entry notice without an amended entry notice that complies with section 6 and is approved by each owner or occupier of the affected land.

Maximum penalty – 500 penalty units

(2) Schedule 1, section 11(c)(ii) —

omit.

(3) Schedule 1, section 16(2)

insert

(g) a statement of the potential impacts on the subject land, including any reports referenced in the statement.

Clause 4 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *restricted land*, *restricted land (category A)* and *restricted land (category B)* —

omit.

(2) Schedule 2 —

insert—

land under cultivation means land being used for agricultural purposes and includes any land, whether cleared or uncleared, used by a person for the grazing of stock in the ordinary course of management of the

land of that person where the land so used for grazing forms the whole or a part of the land owned or occupied by that person.

owner-

(k) for an area of Aboriginal cultural heritage under the *Aboriginal Cultural Heritage Act 2003* the relevant native title party, Aboriginal cultural heritage body or, in their absence, the chief executive of the department responsible for the administration of the *Aboriginal Cultural Heritage Act 2003*.

(l) for an area of Torres Strait Islander cultural heritage under the *Torres Strait Islander Cultural Heritage Act 2003* the relevant native title party, Torres Strait Islander party, Torres Strait Islander cultural heritage body or, in their absence, the chief executive of the department responsible for the administration of the *Torres Strait Islander Cultural Heritage Act 2003*.

(m) for a State heritage place, archaeological place or protected area under the *Queensland Heritage Act 1992* - the chief executive of the department responsible for the administration of the *Queensland Heritage Act 1992*.

restricted land means land —

- (a) which is in bona fide and regular use as a yard, stockyard, garden, orchard, vineyard, plant nursery or plantation or is land under cultivation;
or
- (b) which is the site of a cemetery or burial ground;
or
- (c) which is the site of a dam, bore, well or spring;
or

- (d) on which there is erected a substantial improvement; or
- (e) which is a permanent building used mainly as accommodation or for business purposes; or
- (f) which is a permanent building used for community, sporting or recreational purposes or as a place of worship; or
- (g) which is situated within 100 m of any private land referred to in paragraph (a), (b), (c) or (d); or
- (h) which is a separate parcel of land and has an area of 2 000 m² or less; or
- (i) which contains a threatened species or ecological community listed under the *Environmental Protection and Biodiversity Conservation Act 1999*; or
- (j) which contains an endangered regional ecosystem listed under the *Vegetation Management Act 1999*; or
- (k) which is an area of Aboriginal cultural heritage as defined in the *Aboriginal Cultural Heritage Act 2003*; or
- (l) which is an area of Torres Strait Islander cultural heritage as defined in the *Torres Strait Islander Cultural Heritage Act 2003*; or
- (m) which is a State heritage place, archaeological place or protected area under the *Queensland Heritage Act 1992*.

Part 3

Amendment of Petroleum and Gas (Production and Safety) Act 2004

Clause 5 Insertion of new s 24AA

After section 24—

insert—

24AA What is *restricted land*

restricted land means land —

- (a) which is in bona fide and regular use as a yard, stockyard, garden, orchard, vineyard, plant nursery or plantation or is land under cultivation; or
- (b) which is the site of a cemetery or burial ground; or
- (c) which is the site of a dam, bore, well or spring; or
- (d) on which there is erected a substantial improvement; or
- (e) which is a permanent building used mainly as accommodation or for business purposes; or
- (f) which is a permanent building used for community, sporting or recreational purposes or as a place of worship; or
- (g) which is situated within 100 m of any private land referred to in paragraph (a), (b), (c) or (d); or

- (h) which is a separate parcel of land and has an area of 2 000 m² or less; or
- (i) which contains a threatened species or ecological community listed under the *Environmental Protection and Biodiversity Conservation Act 1999*; or
- (j) which contains an endangered regional ecosystem listed under the *Vegetation Management Act 1999*; or
- (k) which is an area of Aboriginal cultural heritage as defined in the *Aboriginal Cultural Heritage Act 2003*; or
- (l) which is an area of Torres Strait Islander cultural heritage as defined in the *Torres Strait Islander Cultural Heritage Act 2003*; or
- (m) which is a State heritage place, archaeological place or protected area under the *Queensland Heritage Act 1992*.

Clause 6 Amendment of s 24A (Making of code)

Section 24A —

renumber as section 24AB.

Clause 7 Amendment of s 500A (Exemptions from conduct and compensation agreement requirement)

Section 500A(e)(ii) —

omit.

Clause 8 Chapter 5, Part 2, Division 1 - Amendment of 495 – Entry Notice Requirement, 496 - Required Contents of Entry Notice and Insertion of new Subdivision 3

(1) Section 495(1) -

insert.

- (c) carry out any activity other than those specified in the entry notice or increase the extent of any activity specified in the entry notice without an amended entry notice that complies with section 496 and is approved by each owner or occupier of the affected land.

(2) Section 496(1) -

insert.

- (f) the potential impacts on the subject land, including any reports referenced in the statement.

(3) After Subdivision 2—

insert—

Subdivision 3 - Consent requirements for entry onto restricted land

500C - Petroleum authority over surface of restricted land

- (1) A petroleum authority authorises a person to enter the surface of restricted land only if—
 - (a) the owner of the land where the relevant feature is situated, consents in writing to the application; and
 - (b) the applicant lodges the consent with the chief executive.

- (2) Consent given pursuant to subsection (1) shall specify the period of the consent and any conditions applicable to the consent and once given that consent cannot be withdrawn.

Clause 9 Amendment of Schedule 2 (Dictionary)

Schedule 2 —

insert—

land under cultivation means land being used for agricultural purposes and includes any land, whether cleared or uncleared, used by a person for the grazing of stock in the ordinary course of management of the land of that person where the land so used for grazing forms the whole or a part of the land owned or occupied by that person.

owner-

insert

(r) for an area of Aboriginal cultural heritage under the *Aboriginal Cultural Heritage Act 2003* the relevant native title party, Aboriginal cultural heritage body or, in their absence, the chief executive of the department responsible for the administration of the *Aboriginal Cultural Heritage Act 2003*.

(s) for an area of Torres Strait Islander cultural heritage under the *Torres Strait Islander Cultural Heritage Act 2003* the relevant native title party, Torres Strait Islander party, Torres Strait Islander cultural heritage body or, in their absence, the chief executive of the department responsible for the administration of the *Torres Strait Islander Cultural Heritage Act 2003*.

(t) for a State heritage place, archaeological place or protected area under the *Queensland Heritage Act 1992* - the chief executive of the department responsible for the administration of the *Queensland Heritage Act 1992*.

restricted land see section 24AA.