

QUEENSLAND

I. SALIENT GENERAL FEATURES

Capital	:	Brisbane
Population (2005)	:	4,000,000
Area	:	1,727,200 Sq. km (2% of total Australia)

Queensland the second largest state of Australia comprises the whole northeastern portion of the Australian continent, including the adjacent islands in the Pacific Ocean and in the Gulf of Carpentaria. Queensland was first visited by Capt. Cook in 1770. From 1778 it was part of New South Wales and was formed into a separate colony, with the name of Queensland in 1859. Queensland federated with the other Australian states to form the Commonwealth of Australia in 1901.

Short title

This Act may be cited as the Mineral Resources Act 1989.

II. MINING LEGISLATIVE FRAMEWORK

A. PURPOSE

An Act to provide for the assessment, development and utilisation of mineral resources to the maximum extent practicable consistent with sound economic and land use management

1. Objectives of Act

The principal objectives of this Act is to —

- a) encourage and facilitate prospecting and exploring for and mining of minerals;
- b) enhance knowledge of the mineral resources of the State;
- c) minimise land use conflict with respect to prospecting, exploring and mining;
- d) encourage environmental responsibility in prospecting, exploring and mining;
- e) ensure an appropriate financial return to the State from mining;
- f) provide an administrative framework to expedite and regulate prospecting and exploring for and mining of minerals;
- g) encourage responsible land care management in prospecting, exploring and mining.

B. DEFINITIONS

The dictionary in the schedule defines particular words used in this Act.

1. Meaning of mineral

a) A mineral is a substance —

(i) normally occurring naturally as part of the earth's crust; or (ii) dissolved or suspended in water on or within the earth's crust; or (iii) that may be extracted from a substance mentioned in paragraph (a) or (b).

b) Subject to Subsection (c), each of the following is a mineral -

- (i) any type of clay;
- (ii) foundry sand;
- (iii) coal seam gas;
- (iv) limestone;
- (v) marble;

- (vi) a product that may be extracted or produced by an underground gasification process such as combustion, consumption, heating, leaching, etc. for example coal, oil shale or any other product that may result from carrying out of the process for instance gas desorbed as a result of an underground gasification process
 - (vii) peat;
 - (viii) salt, including brine;
 - (ix) oil shale;
 - (x) silica, including silica sand;
 - (xi) rock mined in block or slab form for building or monumental purposes.
- (C) Despite Subsections (a) and (b) —
- (i) clay (other than kaolin and bentonite) is only a mineral if it is mined for utilisation on the basis of its ceramic properties for instance, in the manufacture of bricks, tiles, pottery etc.
 - (ii) limestone, silica and silica sand is only a mineral if it is mined for utilisation on the basis of its chemical properties; and
 - (iii) each of the following is not a mineral
 - soil, sand, gravel or rock (other than rock mentioned in Subsection (ii)(k) if it is to be used, or to be supplied for use, as sand, gravel or rock, whether intact or in broken form;
 - living matter;
 - steam or water.

2. Meaning of mine

- a) Mine means to carry on an operation with a view to, or for the purpose of -
 - (i) winning mineral from a place where it occurs; or
 - (ii) extracting mineral from its natural state; or
 - (iii) disposing of mineral in connection with, or waste substances resulting from, the winning or extraction.
- b) Extracting includes the physical, chemical, electrical, magnetic or other way of separation of a mineral.
- c) Extracting includes, for example, crushing, grinding, concentrating, screening, washing, jigging, tabling, electro winning, solvent extraction electro winning (SX-EW), heap leaching, flotation, fluidised bedding, carbon-in-leach (CIL) and carbon-in-pulp (CIP) processing.
- d) However, extracting does not include-
 - (i) a process in a smelter, refinery or anywhere else by which a mineral is changed to another substance; or
 - (ii) testing or assaying small quantities of mineral in teaching institutions or laboratories, other than laboratories situated on a mining lease; or
 - (iii) an activity, prescribed under a regulation, that is not directly associated with winning mineral from a place where it occurs.
- e) disposing includes, for example, the disposal of tailings and waste rock.
- f) A regulation under the Act may prescribe an activity by reference to the quantities of minerals extracted or to any other specified circumstances.

3. Meaning of prospect

- a) Prospect means take action to find out about the existence, quality or quantity of minerals on, in or under land by —
 - (i) using a metal detector or a similar hand held instrument; or
 - (ii) sampling using only hand held implements, including, for example, hammers, hand augers, panning dishes, picks, shakers, shovels and sieves.

- b) However, prospect does not include —
- (i) hand mining; or
 - (ii) the removal of minerals for their sale.

C. OWNERSHIP RIGHTS & ADMINISTRATION/CONTROL

1. Crown's property in minerals

- a) Gold on or below the surface of land is the property of the Crown.
- b) Coal —
 - (i) on or below the surface of land that was acquired by the Crown as provided in the Agricultural Lands Special Purchase Act 1901 and subsequently alienated in fee simple by the Crown is the property of the Crown;
 - (ii) on or below the surface of land (other than land referred to in paragraph (i) is the property of the Crown except where that land was alienated in fee simple by the Crown before 1 March 1910 and the grant of that land did not contain a reservation to the Crown of the property in that coal.
- c) All minerals (other than coal and gold but including minerals dissolved or suspended in water within or upon the earth's crust) on or below the surface of land in Queensland other than land.
- d) Each deed of grant or lease of unallocated State land must contain a reservation of -
 - (i) minerals on and below the surface of the land; and
 - (ii) the right of access for prospecting, exploring or mining.
- e) Mineral on or below the surface of land that is or becomes road is (to the extent that the mineral, but for this paragraph would not be the property of the Crown) on and from the date the land becomes or became road, the property of the Crown.
- f) Where land to a specified depth only is or becomes road, Subsection (v) applies in respect only of mineral in or below the surface of that land to the specified depth.
- g) Nothing in the Act shall be construed as abrogating any right that the owner of land whose land is compulsorily acquired after the commencement of this Act for the purpose of being used as a road may have under any other Act or law to compensation in respect of that acquisition.

2. Exclusive right of Crown to grant mining leases etc. irrespective of ownership of mineral

- a) A person is not competent to grant a lease or to enter into an agreement or arrangement, whether for valuable consideration or otherwise (other than an agreement referred to in the Act authorising the prospecting or exploring for mineral or the mining of any mineral therefrom notwithstanding that the mineral is not the property of the Crown.
- b) For the purposes of Subsection (a) a compensation agreement entered into pursuant to this Act does not authorise prospecting, exploring or mining.
- c) Subject to this Act, a mining tenement may be granted over land even though -
 - (i) a deed of grant in fee simple from the State may or may not contain a reservation to the State of the relevant mineral on or below the surface of the land; or
 - (ii) the relevant mineral is not the property of the State.
- d) Notwithstanding the other provisions of this Act, a person who undertakes any airborne activity to determine the existence of minerals shall notify the Minister after the completion of that activity and shall furnish the Minister such data as the Minister may determine in the particular case.

3. Mining Districts

- The Governor in Council may, by regulation —
- a) constitute any land a mining district and assign to that district a name;

- b) abolish a mining district;
- c) vary the boundaries of a mining district;
- d) alter the name by which a mining district is for the time being called.

4. Identification of Mining Districts

- a) Mining districts may be identified by such means, as the Governor in Council considers appropriate including by reference to any local government area for the time being under the Local Government Act 1993.
- b) Where, under the Local Government Act 1993 a boundary of a local government area is varied, any mining district identified by reference to that area shall, by virtue of that variation, be varied accordingly.

D. MINERAL CONCESSION

1. Prospecting Permit

a) *Definitions* In this division —

holder, of a prospecting permit, includes a person who is an officer, employee, contractor or agent of the holder if the person is in actual possession of—

- (i) the permit; or
- (ii) the holder's written permission for the person to do something the holder may do under the permit.

b) *Categories of prospecting permit*

- (i) A prospecting permit may be granted for —
 - (i-a) a mining district; or
 - (i-b) a lot; or
 - (i-c) 2 or more adjoining lots owned by the same person.
- (ii) A prospecting permit under Subsection (i) (i-a) is a district prospecting permit.
- (iii) A prospecting permit under Subsection (i) (i-b) or (i-c) a parcel prospecting permit.

c) *Area of land covered by parcel prospecting permit*

- (i) A parcel prospecting permit may be granted for all or part of the land of a lot, or 2 or more adjoining lots owned by the same person.
- (ii) More than 1 parcel prospecting permit may be granted over a lot, or 2 or more adjoining lots owned by the same person.
- (iii) If an application for a parcel prospecting permit is for only part of the land of a lot, or 2 or more adjoining lots owned by the same person, the permit may be granted for all of the area.

d) *Land excluded from prospecting permit*

- (i) Land is excluded from a prospecting permit if it is covered by —
 - a mining claim, mineral development licence or mining lease; or
 - an application for a mining claim, mineral development licence or mining lease that has not been finally decided.
- (ii) Also, a prospecting permit may be granted for all or part of a fossicking area only if the application for the permit was made, but not decided, before the land became a fossicking area.
- (iii) However, if the holder of, or applicant for, the mining claim, mineral development licence or mining lease consents in writing to an application for a prospecting permit for land covered by the claim, licence or lease, this Section does not apply to the application to the extent stated in the consent.
- (iv) In addition, this section does not apply if —

- the prospecting permit holder is the applicant for the mining claim, mineral development licence or mining lease; and
- there is no other application for a claim, licence or lease for land covered by the prospecting permit.

e) *Prospecting permit to be granted to a single person*

A prospecting permit may only be issued in the name of a single eligible person.

f) *Entitlements under prospecting permit*

- (i) A holder of a prospecting permit for land may enter the land for —
- purposes necessary to enable the holder to apply for a mining claim or mining lease over the land; or
 - prospecting purposes; or
 - hand mining for a mineral other than coal.
- (ii) The holder may —
- enter and leave the land using a reasonable type of transport; and
 - enter and leave the land through land the permit states is access land.

g) *Application for prospecting permit*

- (i) An application for a prospecting permit for land must —
- be made in the approved form and lodged with the Mining Registrar; and
 - be accompanied by —
 - # proof, to the Mining Registrar's satisfaction, of the applicant's identity; and
 - # the fee prescribed under a regulation; and
 - state the applicant's name and address for service of notices; and
 - if the application is for a parcel prospecting permit —
 - # identify, by sketch and description, or in another way acceptable to the Mining Registrar, the land over which the permit is sought and land proposed to be used as access; and
 - # state the name and address of each owner of occupied land over which the permit is sought; and
 - # state the name and address of each owner of land proposed to be used as access.
- (ii) The Mining Registrar must, within 5 business days after the application is lodged, give a copy of it to the EPA administering authority.
- (iii) Subsection (ii) ceases to apply, if the application is rejected under the act.

h) *Reason for rejection of application*

A Mining Registrar who rejects an application for grant of a prospecting permit must, within 5 business days after deciding to reject, give the applicant and the EPA administering authority a written notice stating the decision and the reasons for it.

i) *Grant of prospecting permit*

- (i) A Mining Registrar may grant a prospecting permit for land, if the Mining Registrar is satisfied an eligible person has —
- made a genuine application that complies with this part, and otherwise complied with the requirements of this Act; and
 - deposited the amount of security required to be deposited for the permit.
- (ii) A prospecting permit shall be in the approved form and shall specify —
- the identification number of the permit;
 - the name of the holder;
 - the address for service of notices of the holder;
 - the description of land in respect of which the permit is granted;
 - the term and date of commencement of the permit;
 - the conditions (other than conditions prescribed by this Act) to which the permit is subject.

(iii) A Mining Registrar, who is of the opinion that an applicant for a prospecting permit had previously contravened or failed to comply with any provision of this Act, the repealed Acts, any other Act about mining or the Fossicking Act 1994, may, whether or not that person had been charged or convicted of an offence in respect of that contravention or failure to comply, reject the application.

(iv) As per Subsection (iii), a company is taken to have contravened a provision of this Act if the person contravening the provision is —

- an officer or employee of the company; or
- someone else who is in a position to control or substantially influence the company's affairs.

(v) A prospecting permit shall be in the approved form for that category of permit.

j) Conditions of prospecting permit

(i) It is a condition of each prospecting permit that the holder must carry out improvement/ restoration of the area defined in the permit.

(ii) A prospecting permit shall be subject to any prescribed conditions and such other conditions as the Mining Registrar shall from time to time impose.

(iii) In imposing conditions upon the grant of a prospecting permit a Mining Registrar shall take into consideration the possible effect upon the owner of the land of the grant of the permit having regard to the holder's entitlements under that permit and any other subsisting permits.

(iv) A Mining Registrar may from time to time, by notice in writing to the holder of a prospecting permit vary any condition imposed by the Mining Registrar of an earlier date.

(v) Despite Subsections (ii) to (iv), a condition must not be imposed, prescribed or varied if the condition, or the condition as varied, is the same, or substantially the same, or inconsistent with, a relevant environmental condition for the prospecting permit.

(vi) The holder of a prospecting permit and all persons acting under the authority of the permit shall comply with the conditions for the time being of the permit of which notice has been served on the holder.

(vii) To remove doubt, it is declared that a condition may limit the extent of the holder's entitlements under Subsection (vi)

(viii) If a prospecting permit is subject to a condition imposed under the Act then the condition is taken to be a condition of the permit of which notice has been served to the holder.

(ix) Conditions imposed on a prospecting permit by a Mining Registrar under the Act may include native title protection conditions for the permit.

(x) In this Section- native title protection conditions, for a prospecting permit, means conditions that —

- are about ways of minimising the impact of the permit on native title in relation to the land affected by the permit, including ways of accessing the land and ways to carry out anything authorised under the permit and
- are identified in the permit as native title protection conditions for the permit.

k) Term of prospecting permit

(i) A prospecting permit may be granted for —

- if it is a district prospecting permit - 1 or more months but not longer than 1 year; or
- if it is a parcel prospecting permit - 3 months.

(ii) A prospecting permit's term must —

- be stated in the permit; and
- not start before the day the permit is granted.

l) Rights and obligations extended upon Application for Mining Claim etc.

(i) The holder of a prospecting permit who, during the term of the prospecting permit, makes application for the grant of a mining claim or a mining lease in respect of any land to which the prospecting permit applies, shall, during the period from the expiration of the prospecting permit until the determination of the application, for so long as the provisions of this Act and the terms and conditions that would apply if

the permit were current are complied with, have all the responsibilities, powers, authorities and duties that the holder would have had in respect of the land the subject of the application if the prospecting permit was current.

(ii) The entitlements of the holder of a prospecting permit are not reduced or limited by reason only of the holder's application for the grant of a mining claim or a mining lease in respect of any land to which the prospecting permit applies.

m) A Prospecting Permit is not Transferable

A Prospecting Permit is not transferable.

n) Cancellation of prospecting permit

(i) A Mining Registrar may at any time, by notice in writing in the approved form served to the holder of a prospecting permit or other person apparently acting under the authority of the permit, cancel the permit.

(ii) A notice canceling a prospecting permit served pursuant to Subsection (i) shall state the reasons for the cancellation.

o) Surrender of prospecting permit

(i) The holder of a prospecting permit may, at any time before the expiration of its term, by notice in writing to the Mining Registrar surrender the permit.

(ii) The Mining Registrar must, within 5 business days after the Mining Registrar is given the notice, give a copy of it to the EPA administering authority.

p) Royalties in respect of minerals taken under prospecting permit

The holder of a prospecting permit shall pay in respect of all minerals mined or purported to be mined under the authority of that prospecting permit, the royalty prescribed pursuant to the Act.

2. Mining Claim

a) Land subject to mining claim

(i) A mining claim may be granted over land comprised in a prospecting permit or prospecting permits to the holder thereof or to the holder thereof and other eligible persons.

(ii) A mining claim shall include the whole of the surface of the land within the boundaries of the mining claim.

b) Only eligible persons to hold mining claims

A mining claim shall not be held by a person who is not an eligible person.

c) Entitlements under mining claim

(i) During the currency of a mining claim the holder of the mining claim and any person who actually works the mining claim as agent or employee of the holder —

(i-a) may, in, on or under the land comprised in the mining claim —

(i) prospect for any mineral to which the mining claim applies; and

(ii) hand mine in accordance with the conditions of the mining claim any mineral to which the mining claim applies;

(i-b) for the purpose of prospecting or hand mining as provided in paragraph (i-a) may —

enter that land;

use such machinery, mechanical devices or other equipment as are authorised under this Act to be used for that purpose;

erect and maintain a structure (including, where authorised so to do by the mining claim, a temporary residence for a person who is bona fide using the land the subject of the mining claim for a purpose for which it was granted) not being of a permanent nature on that land;

(i-c) for the purpose of hand mining as provided in paragraph (i-a) (ii), may, subject to compliance with the conditions of the mining claim and any other Act or law, make moderate use of explosives where the mining claim specifically authorises that use.

(ii) During the currency of the mining claim, the rights of the holder relate, and are taken to have always related, to the whole of the land comprised in the claim.

(iii) During the currency of a mining claim, a person who delivers goods or substances or provides services to the holder may enter that land for that purpose.

(iv) Where any Act provides that water may be diverted or appropriated only under authority granted under that Act, the holder of a mining claim shall not divert or appropriate water unless the holder holds that authority.

d) Land for which Mining Claim not to be granted

(i) A mining claim may not be granted for land covered by —

- an existing mining claim; or
- a mining lease; or • a mineral development licence; or
- an earlier application for a mining claim, mineral development licence or mining lease that has not been finally decided or withdrawn; or
- an exploration permit or earlier application for an exploration permit unless the applicant for the claim gives the Mining Registrar the written consent of the holder of, or applicant for, the permit on or before the last objection day; or
- a geothermal exploration permit, unless the applicant gives the Mining Registrar the written consent of the holder of the permit on or before the last objection day.

(ii) A mining claim may be granted over the surface of land that is restricted land when the application for the claim lodged.

- is accompanied by the consents in writing to the application from the owner of the land where the relevant permanent building or relevant feature is situated and
- the applicant lodges the owner's written consent with the Mining Registrar before the last objection day ends.

(iii) The owner of the land can not withdraw his or her consent under Subsection (ii) once it has been lodged with the Mining Registrar.

e) No mining claim in respect of coal

A mining claim may be granted in respect of any specified minerals other than coal.

f) Area and shape of mining claim land

(i) The land for which a mining claim may be granted -

- must be —
 - # rectangular in shape; or
 - # of the dimensions prescribed under a regulation; and
- must be more or less the prescribed area.

(ii) However, the Mining Registrar may, for a particular mining claim, accept an application for a mining claim over land of a different shape.

(iii) The prescribed area of the land over which a mining claim may be granted is —

- 1 ha; or
- where the land is within a mining district or part of a mining district in respect of which, for the purposes of this Section (f), an area is prescribed by regulation, that area whichever is smaller.

(iv) Where it is found that the land, the subject of a mining claim, exceeds the prescribed area, the mining claim is not thereby invalidated, but the following provisions of this Subsection (iii) shall be complied with.

(v) The Mining Registrar for the mining district in which the land, the subject of the mining claim, is situated shall notify the holder that the land exceeds the prescribed area.

(vi) If at the expiration of 20 business days after the giving of a notice pursuant to Subsection (v) —

- the mining claim has not been varied by agreement between the Mining Registrar and the holder to reduce the area of land to or to less than the prescribed area; or
- the holder has not made application to the tribunal to determine whether the subject area exceeds the prescribed area or to determine the variation thereof to reduce the area to the prescribed area; the Mining Registrar shall without further notice cancel the mining claim.

g) Mining Claim over reserve only with Consent

A mining claim shall not be granted over land that is a reserve except with —

- (i) the consent of the owner of that land; or
- (ii) the consent of the Governor in Council.

h) Application for grant of mining claim

(i) An application for grant of a mining claim shall —

- (i-a) be in the approved form;
 - (i-b) specify the name of each applicant;
 - (i-c) specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants;
 - (i-d) describe all parcels of land the whole or part of which are the subject of the application and specify the names and addresses of the owner or owners of the land and of land which is to be used as access thereto;
 - (i-e) identify in the prescribed manner the boundaries of the land applied for;
 - (i-f) describe and identify in the prescribed manner the land proposed to be used as access from a point outside the boundary of the mining claim acceptable to the Mining Registrar to the land over which the mining claim is sought;
 - (i-g) be accompanied by a sketch, map or other graphic representation acceptable to the Mining Registrar setting out the boundaries of the land referred to in paragraphs (i-e) and (i-f);
 - (i-h) identify the mineral or minerals in respect of which the mining claim is sought;
 - (i-i) be lodged by the applicant personally at the office of the Mining Registrar for the mining district in which is situated the land in respect of which the mining claim is sought or, if that land is situated in more than 1 such district, at the office of the Mining Registrar for the district in which the major portion of the land is situated during the hours prescribed for the conduct of business at that office;
 - (i-j) be accompanied by —
 - # proof to the satisfaction of the Mining Registrar of the identity of the applicant; and
 - # such additional copies of the application and other documents lodged therewith as the Mining Registrar requires; and
 - # the prescribed application fee; and
 - # an outline, to the Mining Registrar's satisfaction, of the activities to be conducted on the mining claim.
- (ii) The Mining Registrar shall not be satisfied with the outline, if it is inconsistent with the provisions of this Act.
- (iii) An application is lodged personally, if it is lodged by an individual who is —
- the applicant; or
 - a person authorised in writing in that behalf by the applicant.
- (iv) The Mining Registrar must, within 5 business days after the application is lodged, give a copy of it to the EPA administering authority.
- (v) Subsection (iv) ceases to apply, if the application is rejected under this section or the Act.

(vi) A person who lodges an application for the grant of a mining claim shall provide the Mining Registrar with such information and particulars relating to the requirements set out in Subsection (i) as the Mining Registrar requires and on failure to provide that information the Mining Registrar may reject the application.

(vii) A Mining Registrar may reject an application for a mining claim in respect of land the whole or part of which appears, on the evidence available to the Mining Registrar, to be the subject of a mining claim, mineral development licence or mining lease or of an application for grant of a mining claim, mineral development licence or mining lease.

(viii) For the purposes of Subsection (vii) where a mining claim, mineral development licence or mining lease is terminated or an application for a mining claim, mineral development licence or mining lease is abandoned or rejected, the relevant land shall be deemed to continue to be subject to the mining claim, mineral development licence, mining lease or application until the day next following that termination, abandonment or rejection.

(ix) Applications for the grant of mining claims duly made in respect of or including the same land shall take priority for the purpose of consideration and determination of applications according to the order of the time on which they are lodged as prescribed.

(x) If the Mining Registrar is or, where applications are lodged with different Mining Registrars, those registrars are of the opinion that the circumstances of the lodgment of some applications for the grant of mining claims made in respect of or including the same land are such that the applications should be treated as having been lodged simultaneously the Mining Registrar or registrars may treat the applications as having been lodged simultaneously and shall determine their respective priorities by ballot.

(xi) The Mining Registrar shall advise all applicants when and where the ballot is to be held.

i) Conditions of mining claim

(i) For each mining claim —

(i-a) the holder shall use the land comprised in the mining claim bona fide for the purpose for which the mining claim was granted and in accordance with this Act and the conditions of the mining claim and for no other purpose;

(i-b) the holder shall not assign or mortgage the mining claim or any part thereof without the consent in writing of the Mining Registrar;

(i-c) the holder shall furnish at such times and in such manner as required by the Mining Registrar reports, returns, documents and statements and other materials whatever;

(i-d) the holder shall maintain the surface of the land comprised in the mining claim in a tidy state during the term of the mining claim;

(i-e) a condition that the holder must carry out improvement restoration for the mining claim;

(i-f) a condition that prospecting and mining shall be conducted on the land comprising the mining claim by such method or in such manner as is provided for in or applies in respect of the mining claim;

(i-g) a condition that the holder-

shall not erect any permanent building or other structure whatever; and

prior to the termination of the mining claim, for whatever cause, shall remove any building or structure erected by the holder and all mining equipment and plant on or in the land comprised in the mining claim;

(i-h) a condition that without the prior approval of the Mining Registrar the holder shall not obstruct or interfere with any right of access had by any person in respect of land that is the subject of the mining claim;

(i-i) where the mining claim is in respect of land that is a reserve, a condition that the holder shall comply with the terms and conditions upon which the consent of the owner or of the Governor in Council to the grant of the mining claim was given;

(i-j) a condition that the holder shall make all payments of compensation and comply with all terms of any agreement or determination relating to compensation at the time or times as agreed or determined pursuant to the Act;

- (i-k) a condition that the holder —
- # shall pay the rental as prescribed;
 - # shall pay the royalty as prescribed;
 - # shall pay all local authority rates and charges lawfully chargeable against the holder in respect of the land comprised in the mining claim; and
 - # shall deposit as required by the Mining Registrar any security from time to time under this Act;
- (i-l) a condition that the holder shall maintain the marking out of the land the subject of the mining claim including any survey pegs during the term of the claim but that boundary posts or cairns need not be maintained after the land has been surveyed;
- (i-m) a condition that the holder shall comply with this Act and other mining legislation;
- (i-n) such other conditions as are prescribed;
- (i-o) such other conditions as the Mining Registrar may impose (including such conditions as the tribunal may determine pursuant to this part).
- (ii) If in any case there is conflict between a condition determined by the tribunal and a condition determined by the Governor in Council, then to the extent of the conflict the determination of the Governor in Council shall prevail.
- (iii) Despite Subsections (i) and (ii), a condition must not be, determined, imposed or prescribed if it is the same, or substantially the same, or inconsistent with, a relevant environmental condition for the mining claim.
- (iv) A mining claim shall contain a condition as to the work commitment required of the holder.
- (v) Notwithstanding Subsection (i), if the applicant for a mining claim satisfies —
- the Mining Registrar; or
 - the tribunal when giving an instruction under this part; or
 - the Governor in Council when giving consent to the grant of a mining claim under this part; that any of the conditions prescribed in Subsection (i)(i-e),(i-g) (ii) and (i-l) should not be imposed and the mining claim may be granted without the imposition of that condition or those conditions.

j) Rejection of application for grant of mining claim

A Mining Registrar who rejects an application for the grant of a mining claim must, within 5 business days after deciding to reject, give the applicant and the EPA administering authority a written notice stating the decision and the reasons for it.

k) Initial term of mining claim

- (i) The initial term of a mining claim shall, unless the mining claim is sooner terminated, be for a period specified in the grant (not exceeding 10 years) commencing on the first day of the month which next follows the day on which the mining claim is granted but shall not be for a term longer than the period in respect of which compensation has been agreed or determined.
- (ii) From the grant of a mining claim to the commencement of the initial term thereof the holder shall have all the entitlements, powers, duties and functions the holder has during the term of the mining claim.

l) Mining claim may be specified if it is not renewable

If it is considered that the land, the subject of the application for the grant or renewal of a mining claim is or will be required for some purpose other than mining, the mining claim may be granted or renewed subject to a condition that the holder is not entitled to have the mining claim renewed.

m) Renewal of mining claim

Application of renewal of mining claim

- (i) The holder of a mining claim, including a mining claim that is subject to a condition under the Act, may, at least 6 months (or such shorter period as the Mining Registrar in the particular case allows) prior

to and not more than 12 months before the expiration of the current term of the mining claim, make application for renewal of the mining claim. The renewal may be granted of mining claim in the name of the holder for which term, not exceeding 10 years as the Mining Registrar determined.

(ii) An application for renewal of a mining claim shall -

- be made in the prescribed way to the Mining Registrar for the mining district in which is situated the land the subject of the mining claim;
- be accompanied by the prescribed application for renewal fee.

(iii) If, in respect of an application for renewal of a mining claim, the mining registrar is satisfied

Commencement of term of renewed claim

(i) If a mining claim is renewed before its expiry day ends, the term of the renewed claim commences on the day after the expiry day.

(ii) If the claim is renewed after the expiry day, the term of the renewed claim is taken to have started on the day after the expiry day.

n) Mining other minerals

(i) The holder of a mining claim may lodge an application in writing with the Mining Registrar for approval to mine specified minerals, for minerals not specified in the mining claim, in respect of the land the subject of the mining claim.

(ii) The application shall be accompanied by the prescribed fee.

o) Surrender of mining claim

The holder of a mining claim may surrender the mining claim by lodging with the Mining Registrar —

- (i) a notice of surrender in the approved form; and
- (ii) a duly completed royalty return together with the royalty payable to the Crown or evidence of payment to the person entitled thereto; and
- (iii) the fee prescribed under a regulation.

p) Minerals mined become property of holder of mining claim

All minerals lawfully mined under the authority of a mining claim cease to be the property of the Crown or person who had property therein and become the property of the holder of the mining claim subject however to the rights to royalty payments under this Act of the Crown or any other person.

q) Royalties in respect of minerals taken under mining claim The holder of a mining claim shall pay in respect of all minerals mined or purported to be mined under the authority of the mining claim, the royalty prescribed.

3. Exploration Permit

a) Blocks and sub-blocks of land

(i) For the purposes of this Act the surface of the earth shall be deemed to be divided into blocks and sub-blocks.

(ii) A block shall be the land contained within 2 meridians 5' of longitude apart each meridian being a multiple of 5' of longitude from the meridian of Greenwich and within 2 parallels of latitude 5' apart each parallel of latitude being a multiple of 5' of latitude from the equator.

(iii) A block shall be divided into 25 sub-blocks each sub-block being bounded by 2 meridians 1' of longitude apart and 2 parallels of latitude and 1' of latitude apart.

(iv) Each block and sub-block shall be identified by a means approved for the time being by the Chief Executive.

b) Land subject to exploration permit

- (i) An exploration permit authorises entry to sub-blocks of land specified therein.
- (ii) Subject to the act, an exploration permit shall be granted in respect of specified sub-blocks of land each sub-block to have at least 1 side in common with another sub-block within the subject land.
- (iii) If the Minister in a particular case is satisfied that the program of work proposed in the application for an exploration permit can be undertaken in accordance with competent and efficient mineral exploration practice, an exploration permit may be granted in respect of sub-blocks of land notwithstanding that those sub-blocks do not have a common boundary.
- (iv) Unless otherwise approved by the Minister either generally or in a particular case, the area of land in respect of which an exploration permit may be granted shall not exceed the area prescribed in respect of the mineral or minerals concerned.

c) Entitlements under exploration permit

- (i) During the term of an exploration permit —
 - (i-a) the holder of the exploration permit and any person who acts for the purpose of carrying out any activity authorised by the exploration permit, with or by such vehicles, vessels, machinery and equipment as may be necessary or expedient for the purpose of exploring for any mineral to which the exploration permit applies, may, subject to compliance with the Act enter—
 - # any part of the land comprised in the exploration permit that is not the surface area of a reserve; and
 - # with the consent of the owner, or the consent of the Governor in Council, any part of the land comprised in the exploration permit that is the surface area of a reserve; for the purposes of facilitating that exploration;
 - (i-b) in respect of any land (or part thereof) to which the exploration permit applies the holder of the exploration permit, subject to compliance with this Act, may have considered for grant, in priority to all other persons, any number of mineral development licenses and mining leases relating to any minerals specified in the exploration permit or mining leases for other purposes for which mining leases may be granted and may enter that land for the purpose of doing all acts necessary to comply with this Act relating to an application therefor.
- (ii) An exploration permit authorises a person to enter the surface of restricted land only if —
 - the owner of the land where the relevant permanent building, or relevant feature, is situated consents in writing to entry; and
 - the exploration permit holder gives the consent to the chief executive.
- (iii) The holder of an exploration permit, and each person who enters or is upon land under the authority of that exploration permit, shall comply with the terms and conditions upon which any consent required to be given under this Act in respect thereof was given by the owner of that land.
- (iv) If the Minister is satisfied that it is unreasonable for an owner of land that is a reserve to refuse the holder of an exploration permit the consent required by Subsection (i) (i-a) (ii), to withdraw consent previously given or to have imposed terms and conditions upon which that consent was given, the Governor in Council may, upon the recommendation of the Minister—
 - subject to such terms and conditions as the Governor in Council thinks appropriate, give that consent in lieu of the consent of the owner; or
 - set aside or vary as the Governor in Council thinks fit the terms and conditions upon which the consent is subject; whereupon the owner of the land shall, subject to compliance by the holder of the exploration permit with any terms and conditions set by the Governor in Council, be deemed to have given the consent or, as the case may be, have set aside or varied the terms and conditions in accordance with the Governor in Council's determination.
- (v) The terms and conditions upon which consent required by Subsections (i) (i-a) and (ii) is given shall be deemed to be part of the terms and conditions of the relevant exploration permit.

d) Exploration permit to specify minerals sought

- (i) Subject to the act, an exploration permit shall be granted in respect of —
- all minerals other than coal; or
 - co:
- (ii) If, in the exceptional circumstances of a particular case, the Minister considers good reason exists therefor, an exploration permit may be granted in respect of the mineral or minerals specified therein.
- (iii) Minerals may be specified by indicating other minerals to which the exploration permit does not apply.

e) Restriction on grant of exploration permits over same sub-block

An exploration permit shall not be granted in respect of a sub-block over which a current exploration permit authorises the exploration for a mineral in respect of which the exploration permit is sought.

f) Application for exploration permit

- (i) An application for an exploration permit may be made by an eligible person and shall —
- (i-a) be in the approved form;
 - (i-b) specify the name of each applicant;
 - (i-c) specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants;
 - (i-d) identify in the prescribed manner the land in respect of which an exploration permit is sought;
 - (i-e) specify the mineral or minerals in respect of which the exploration permit is sought;
 - (i-f) be lodged at an office prescribed for the time being for the receipt of applications for exploration permits in respect of the land the subject of the application;
 - (i-g) be accompanied by a statement acceptable to the Minister —
 - # specifying a description of the program of work proposed to be carried out under the authority of the exploration permit, if granted; and
 - # specifying the estimated human, technical and financial resources proposed to be committed to exploration work during each year of the exploration permit, if granted; and
 - # detailing exploration data captured by the applicant prior to the application in relation to that land; and
 - (i-h) be accompanied by —
 - # a statement, acceptable to the Minister, but separate from the statement mentioned in paragraph (i-g), detailing the applicant's financial and technical resources;
 - # proof of the applicant's identity; and
 - # the application fee prescribed under a regulation.

g) Grant of exploration permit

If the Minister is satisfied that —

- (i) the requirements under the act have been complied with for an application for an exploration permit and that the requirements of this Act have otherwise been complied with;
- (ii) the applicant is an eligible person;
- (iii) the application is made bona fide for the purposes of this Act; the Minister may, subject to compliance by the applicant with the provisions of the act, grant and issue to the applicant an exploration permit in respect of all the land included in the application or such part or parts of it as the Minister specifies in the permit.

h) Rental payable on exploration permit

- (i) On the grant of an exploration permit (the original permit), rental is payable —
- for the first year of the term of the permit (its first rental period); and
 - within 20 business days after the grant.

- (ii) On the renewal of an exploration permit, rental is payable —
 - for the first year of the term of the renewed permit; and
 - within 20 business days after the renewal is granted.
- (iii) For each year an exploration permit is in force, rental for the whole year (other than its first rental period) is payable on or before the anniversary of—
 - for an original permit – the grant of the permit; or
 - for a renewed permit – the day the term of the renewed permit started.
- (iv) The amount of the rental payable for each year is calculated by multiplying the number of sub-blocks to which the permit applies by the amount prescribed under a regulation for the year.

i) Periodic reduction in land covered by exploration permit

- (i) Unless the Minister otherwise decides, whether before the grant of an exploration permit or during its term the area of the permit must be reduced —
 - (i-a) for a permit for a mineral other than coal —
 - # by 50% by the end of the first 2 years after the permit is granted; and
 - # by a further 50% by the end of each subsequent year; or
 - (i-b) for a permit for coal--in the way and to the extent decided by the Minister when the permit is granted or renewed.
- (ii) The reduction under Subsection (i) (i-b) must not be greater than the extent to which a permit for other minerals must be reduced.
- (iii) The area remaining after the reduction must consist of whole sub-blocks.

j) Conditions of exploration permit

- (i) Each exploration permit shall be subject to —
 - a condition that the holder shall carry out such programs of work and such studies for the purposes for which the exploration permit was granted and in accordance with this Act and the conditions of the exploration permit and for no other purpose;
 - a condition that the holder must carry out improvement restoration for the exploration permit;
 - a condition that the holder prior to the termination for whatever cause of the exploration permit shall remove all equipment and plant on or in the land comprised in the exploration permit unless otherwise authorised by the Minister;
 - a condition that without the prior approval in writing of the Minister the holder shall not obstruct or interfere with any right of access had at any time during the term of the exploration permit by any person in respect of land the subject of the exploration permit for so long as that right of access is exercised; and
 - a condition that the holder shall not assign the exploration permit without the consent in writing of the Minister; and
 - a condition that the holder must, when and in the way the Minister requires, give to the Minister-
 - # progress, relinquishment and final reports, accompanied by maps, sections, charts and other data giving full particulars and results of the exploration program and investigations carried out on the area specified by the Minister, including details of costs incurred for specified periods within the term of the exploration permit; and
 - # materials obtained because of the holder's activities under the exploration permit; and
 - a condition that the holder —
 - # shall pay the rental as prescribed; and
 - # shall deposit as required by the Minister any security from time to time under this Act; and
 - a condition that the holder shall comply with this Act and other mining legislation;
 - such other conditions as are prescribed; and
 - such other conditions as are determined by the Minister.

(ii) The Minister may from time to time, with the agreement of the holder of an exploration permit vary any condition imposed by the Minister.

k) Additional conditions of exploration permit relating to native title

Conditions determined for an exploration permit by the Minister under the Act may include native title protection conditions for the permit.

l) Initial term of exploration permit

Unless the Minister in the particular case otherwise determines the initial term of an exploration permit shall, unless the permit is sooner surrendered or cancelled, be for a period not exceeding 5 years commencing on the date specified in the permit (being a date not earlier than the date of grant of the permit).

m) Renewal of exploration permit

(i) Application for renewal of exploration permit

- The holder of an exploration permit may, within the renewal period, apply to the chief executive for a renewal of the permit.
- The application must be made in the approved form and accompanied by the information and the fee prescribed under a regulation.
- The renewal may be granted for the further term of not more than 5 years decided by the Minister.
- In this section renewal period means the period that is-
 - # at least 3 months, or any shorter period allowed by the Minister in the particular case, before the current term of the permit expires; and
 - # not more than 6 months before the current term expires.

(ii) When term of renewed permit starts

- If an exploration permit is renewed before its expiry day ends, the term of the renewed permit starts on the day after the expiry day.
- If the permit is renewed after the expiry day, the term of the renewed permit is taken to have started on the day after the expiry day.

(iii) When new conditions of renewed permit start

If a renewed exploration permit is subject to conditions (the new conditions) different from, or not included in the permit conditions before its renewal, the new conditions apply from the later of the following—

- the start of the term of the renewed permit;
- the day the renewal is granted.

n) Rights and obligations upon application for mining lease or mineral development licence

(i) The holder of an exploration permit who, during the term of the exploration permit, makes application for the grant of—

- a mining lease; or
- a mineral development licence; in respect of any land to which the exploration permit applies, shall, during the period from the expiration of the exploration permit until the determination of the application, for so long as the provisions of this Act and the terms and conditions that would apply if the permit were current are complied with, have all the responsibilities, powers, authorities and duties that the holder would have had in respect of the land the subject of the application if the exploration permit was current but during that period no rental shall be payable under this part in respect of any whole sub-blocks of land the subject of the application.

(ii) The entitlements of the holder of an exploration permit are not reduced or limited by reason only of the holder's application for the grant of a mineral development licence or a mining lease in respect of any land to which the exploration permit applies.

o) Abandonment of application for exploration permit

The applicant for an exploration permit may, at any time before the grant of the exploration permit, by notice in writing to the chief executive abandon the application in relation to all or part of the land to which it relates.

4. Mineral Development Licence

a) Mineral development licence

Unless otherwise approved by the Minister pursuant to the Act, mineral development licence in respect of a mineral occurrence may be applied for by an eligible person in respect of land which, at the time the application for the grant is made, is comprised in —

- (i) an exploration permit; or
- (ii) a mineral development licence; in respect of the same mineral of which the applicant or, where more than 1 person is the applicant, at least 1 of them is, with or without others, the holder.

b) Only eligible persons to hold mineral development licenses

A mineral development licence shall not be held by a person who is not an eligible person.

c) Obligations and entitlement under mineral development licence

(i) During the currency of a mineral development licence, the holder shall carry out or cause to be carried out such activities as are specified in the licence by the Minister.

(ii) The Minister may specify in a mineral development licence that no activity need be carried out for the term of the licence or for such period as is specified therein.

(iii) Without in any way limiting the activities that the Minister may specify in a mineral development licence, activities leading to the evaluation and economic development of an ore body by or on behalf of the holder may include —

- geological, geophysical and geochemical programs and other works as are reasonably necessary to evaluate the potential for development of any mineral occurrence of possible economic potential occurring in or on land comprised in the mineral development licence; and
- mining feasibility studies; and
- metallurgical testing; and
- environmental studies; and
- marketing studies; and
- engineering and design studies; and
- such other activities as the Minister considers appropriate.

(iv) A mineral development licence authorises a person to enter the surface of land that was restricted land when the application for the licence is lodged only if —

- the owner of the land where the relevant permanent building, or relevant feature, is situated, consents in writing to the application; and
- the applicant gives the consent to the chief executive.

(v) Consent given pursuant to the Act shall specify the period of the consent and any conditions applicable to the consent and once given that consent can not be withdrawn.

(vi) In the Act, building or dwelling house means a fixed structure that is wholly or partly enclosed by walls and is roofed.

(vii) Consent referred to the act can only be withdrawn by the owner of the relevant land giving notice in writing to the chief executive and shall only be effective when the Minister accepts the withdrawal or, if

not accepted, after the holder of the mineral development licence has been given an opportunity by the Minister to apply for the consent of the Governor in Council in lieu of the owner's consent.

d) Application for mineral development licence

- (i) An application for the grant of a mineral development licence shall —
- (i-a) be in the approved form;
 - (i-b) specify the name of each applicant;
 - (i-c) specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants;
 - (i-d) describe all parcels of land the whole or part of which are the subject of the application and specify the current use of the land and the names and addresses of the owner or owners of the land and of land which is to be used as access thereto;
 - (i-e) identify in the prescribed manner the boundaries of the land applied for;
 - (i-f) specify the mineral or minerals in respect of which the mineral development licence is sought; and
 - (i-g) give reasons why the mineral development licence should be granted in respect of the area and shape of the land described in the application;
 - (i-h) be accompanied by a sketch, map or other graphic representation acceptable to the Mining Registrar setting out the boundaries of any land referred to the paragraph (i-d);
 - (i-i) describe and identify in the prescribed manner any land proposed to be used as access from a point outside the boundary of the mineral development licence acceptable to the Mining Registrar to any part on the surface of the land sought to be included in the mineral development licence;
 - (i-j) nominate the term of the mineral development licence sought and give reasons therefor;
 - (i-k) be accompanied by the consent in writing of each person who alone or with others is the holder of the exploration permit or the mineral development licence in respect of the land and the mineral the subject of the application and is not the applicant;
 - (i-l) be lodged with the Mining Registrar; and
 - (i-m) be accompanied by —
 - # a statement, acceptable to the Minister;
 - # a statement, acceptable to the Minister, separate from the statement mentioned in subparagraph (i-l), detailing the applicant's financial and technical resources; and
 - # the application fee prescribed under a regulation.
- (ii) The Mining Registrar must, within the following period after the application is lodged, give a copy of it to the EPA administering authority —
- if the Act applies — 10 business days;
 - otherwise — 5 business days.
- (iii) Subsection (ii) ceases to apply if —
- the application is rejected under the Act; or
 - the Minister decides, under the Act, another application takes priority over the application.

e) Minister may grant or reject application for mineral development licence

- (i) The Minister if, in respect of an application for a mineral development licence, the Minister is satisfied that —
- the applicant has complied with the provisions of this Act with respect to the application; and
 - there exists to a high degree of definition on or in the land in respect of which the application is made a significant mineral occurrence of possible economic potential; and
 - the area of land in respect of which the application is made is appropriate to further investigation of that occurrence; and
 - the financial and technical resources available to the applicant and any activities proposed pursuant to the Act are appropriate and acceptable to the Minister; the Minister may grant and issue to the applicant a mineral development licence for over all or part of the land in respect of which the application is made.

- (ii) However, the Minister must not grant a mineral development licence for land in a fossicking area, or for land that includes the whole or part of a fossicking area, unless the application —
- was made, but not decided, before the land became a fossicking area; or
 - is for land in an exploration permit.
- (iii) The Minister may reject an application for the grant of a mineral development licence.

f) Abandonment of application for mineral development licence

The applicant for grant of a mineral development licence may, at any time before the grant of the mineral development licence, by notice in writing to the Mining Registrar abandon the application in relation to all or part of the land to which it relates.

g) Initial term of mineral development licence

- (i) The initial term of a mineral development licence shall, unless the licence is sooner terminated, be for a period not exceeding 5 years (or such longer period as the Minister approves) commencing on the first day of the month which next follows the day on which the mineral development licence is granted.
- (ii) From the grant of a mineral development licence to the commencement of the initial term thereof the holder shall have all the entitlements, powers, duties and functions that the holder has during the term of the licence except for the provisions under the Act.

h) Rental payable on mineral development licence

- (i) Upon the grant of a mineral development licence rental shall first be payable thereon with respect to the period from the commencement of the term of the licence to 31 December of that year (the first rental period) and shall be paid within 20 business days (or such longer period as the Minister in the particular case approves) of the grant of the mineral development licence.
- (ii) The amount of the rental payable in respect of the first rental period shall be an amount that bears to the yearly rental prescribed for the year in which the first rental period falls the same proportion that the number of whole calendar months of the first rental period bears to 12.
- (iii) In respect of each year or part thereof of the term of a mineral development licence (other than the first rental period) a full year's rental shall be payable in advance not later than 31 December of the previous year.

i) Conditions of mineral development licence

- (i) Each mineral development licence shall be subject to —
- a condition that the holder shall carry out such activities (if any) for which the mineral development licence was granted and in accordance with this Act and the conditions of the mineral development licence and for no other purpose;
 - a condition that the holder must carry out improvement restoration for the mineral development licence;
 - a condition that the holder, prior to the termination of the mineral development licence for whatever cause, shall remove all equipment and plant on or in the land comprised in the mineral development licence unless otherwise authorised in writing by the Minister;
 - a condition that without the prior approval in writing of the Minister the holder shall not obstruct or interfere with any right of access had at any time during the term of the mineral development licence by any person in respect of land the subject of the mineral development licence for so long as that right of access is exercised;
 - a condition that the holder shall not assign or mortgage the mineral development licence or any part thereof without the consent in writing of the Minister;
 - a condition that the holder must, when, and in the way, the Minister requires, give to the Minister —
progress and final reports, accompanied by maps, sections, charts and other data giving full particulars and results of activities carried out on the area specified by the Minister, including

- details of costs incurred for specified periods within the term of the mineral development licence; and
 - # materials obtained because of the holder's activities under the mineral development licence;
 - a condition that the holder —
 - # all pay the rental as prescribed;
 - # shall deposit as required by the Minister any security from time to time under this Act;
 - a condition that the holder shall comply with this Act and other mining legislation; and
 - such other conditions as are prescribed;
 - such other conditions as are determined by the Minister.
- (ii) The Minister may from time to time, with the agreement of the holder of a mineral development licence vary any condition imposed earlier.
- (iii) The chief executive must, within 5 business days after the Minister makes a variation under Subsection (ii), give the EPA administering authority written notice of the variation.
- (iv) The holder of a mineral development licence and all persons acting under the authority of the licence shall comply with the conditions for the time being of the licence.
- (v) Conditions may be imposed in respect of a mineral development licence that require compliance with specified codes or industry agreements.
- (vi) Despite Subsections (i), (ii) and (v), a condition must not be determined, imposed, prescribed or varied if the condition, or the condition as varied, is the same, or substantially the same, or inconsistent with, a relevant environmental condition for the mineral development licence.
- (vii) A mineral development licence granted after the commencement of the Mineral Resources Amendment Act 1998 is subject to a condition that the holder comply with the At Risk agreement.

j) Additional conditions of mineral development licence relating to native title

Conditions determined for a mineral development licence by the Minister under the Act may include native title protection conditions for the licence.

k) Application for renewal of mineral development licence

- (i) The holder of a mineral development licence may, within the renewal period, apply to the Minister for a renewal of the licence.
- (ii) The application must be made in the approved form and accompanied by the information and the fee prescribed under a regulation.
- (iii) In this Section-- renewal period means the period that is —
- at least 6 months, or any shorter period allowed by the Minister in the particular case, before the current term of the permit expires; and
 - not more than 1 year before the current term expires.

(l) Stages in Renewal of Mineral Development Licence

(i) Decision on application of renewal

The Minister may renew a mineral development licence if the Minister is satisfied of each of the following —

- the holder of the licence has complied with —
 - # the licence; and
 - # this Act in relation to the licence;
- there exists on or in the land in relation to which the application is made a mineral occurrence of possible economic potential to sustain a mining operation;
- The renewal may be granted for the further term of not more than 5 years decided by the Minister.

(ii) When term of renewed licence starts

- If a mineral development licence is renewed before its expiry day ends, the term of the renewed licence starts on the day after the expiry day.

- If the licence is renewed after the expiry day, the term of the renewed licence is taken to have started on the day after the expiry day.

(iii) When new conditions of renewed licence start

If a renewed mineral development licence is subject to conditions (the new conditions) different from, or not included in, the licence conditions applying immediately before its renewal, the new conditions apply from the later of the following —

- the start of the term of the renewed licence;
- the day the renewal is granted.

m) Adding other minerals to licence

(i) The holder of a mineral development licence for particular minerals may lodge a written application with the Mining Registrar for the Minister's approval to add stated minerals to the licence.

(ii) The application must be accompanied by the application fee prescribed under the regulation.

(iii) The Minister may approve or reject the application.

n) Surrender of mineral development licence

The holder of a mineral development licence may apply to surrender the mineral development licence or any part of the land comprised therein at any time before the expiration of its term.

o) Direction to apply for mining lease

If, at any time during the currency of a mineral development licence, the Minister is of the opinion that actual mining operations should commence on any land comprised in the licence, the Minister shall give to the holder written notice directing the holder to indicate, within the time specified in the notice, why the holder should not apply for a mining lease for that purpose.

p) Reduction of land under mineral development licence on grant of mining lease

(i) This section applies if a mining lease is granted because of an application made by —

- the holder of a mineral development licence granted for the same land for the same mineral, whether or not at the Minister's direction; or
- an eligible person with the holder's consent.

(ii) The land to which the licence applies is to be reduced by omitting the land to which the mining lease applies.

(iii) The terms of the licence may be varied as the Minister directs.

5. MINING LEASE

a) Land subject to mining lease

Unless otherwise approved by the Minister pursuant to the Act, a mining lease in respect of a mineral or minerals may be applied for by an eligible person in respect of contiguous land comprised in —

- a prospecting permit or prospecting permits; or
- an exploration permit or exploration permits; or
- a mineral development licence or mineral development licenses; in respect of that mineral or those minerals of which the applicant or, where more than 1 person is the applicant, at least 1 of them is, with or without others, the holder.

(ii) Where a mining lease may be granted to a person pursuant to Subsection (i) a mining lease may also be granted to that person for any purpose for which mining leases may be granted.

b) Only eligible persons to hold mining leases

A mining lease shall not be held by a person who is not an eligible person.

c) Governor in Council may grant mining lease

(i) The Governor in Council may grant and cause to be issued to an eligible person or persons, a mining lease for all or any of the following purposes -

- to mine the mineral or minerals specified in the lease and for all purposes necessary to effectually carry out mining;
- such purposes, other than mining, as are specified in the mining lease and that are associated with, arising from or promoting the activity of mining.

(ii) However, coal seam gas can not be specified in a mining lease.

(iii) Also, the Governor in Council must not grant a mining lease for land in a fossicking area, or for land that includes the whole or part of a fossicking area, unless the application-

- was made, but not decided, before the land became a fossicking area; or
- is for land in a prospecting permit, exploration permit or mineral development licence.

(iv) The Mining Registrar must, within 5 business days after receiving notice of the grant of a mining lease, give the EPA administering authority written notice of the grant.

d) General entitlements of holder of mining lease

(i) Subject to the Act, during the currency of a mining lease, the holder of the mining lease and any person who acts as agent or employee of the holder (or who delivers goods or substances or provides services to the holder) for a purpose or right for which the mining lease is granted —

- may enter and be —
 - # within the land comprised in the mining lease; and
 - # upon the surface area comprised in the mining lease, for any purpose for which the mining lease is granted or for any purpose permitted or required under the lease or by this Act;
- may do all such things as are permitted or required under the lease or by this Act.

e) Time for application for grant of mining lease

An eligible person who marks out the boundary of land in accordance with this part, may during the currency of the person's prospecting permit, exploration permit or mineral development licence but within 5 business days of so marking out, apply in the prescribed manner for the grant of a mining lease over that and.

f) Application for grant of mining lease

(i) An application for the grant of a mining lease shall —

- (i-a) be in the approved form;
- (i-b) specify the name of each applicant;
- (i-c) specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants;
- (i-d) describe all parcels of land the whole or part of which are the subject of the application and specify the current use of the land and whether it is subject to erosion control works and the names and addresses of the owner or owners of the land and of land which is to be used as access thereto;
- (i-e) identify in the prescribed manner the boundaries of the land applied for;
- (i-f) identify in the prescribed manner the boundaries of any surface area of land within the boundaries described pursuant to paragraph (i-e) be included in the mining lease and specify the purpose for which that area is to be used;
- (i-g) identify any improvements referred to in the act on land identified in the application as required; and

(i-h) describe and identify in the prescribed manner any land proposed to be used as access from a point outside the boundary of the mining lease acceptable to the Mining Registrar to land over which the mining lease is sought;

(i-i) give reasons why the mining lease should be granted in respect of the area and shape of the land described in the application;

(i-j) be accompanied by a sketch, map or other graphic representation acceptable to the Mining Registrar setting out the boundaries of any land referred to in paragraphs (i-e), (i-f) and (i-h);

(i-k) identify the mineral or minerals or purpose in respect of which the mining lease is sought;

(i-l) nominate the term of the mining lease sought and give reasons therefor; and

(i-m) subject to the act, be lodged by the applicant personally at the office of the Mining Registrar for the mining district in which is situated the land in respect of which the mining lease is sought during the hours prescribed for the conduct of business at that office; and

(i-n) be accompanied by —

proof, to the Mining Registrar's satisfaction, of the applicant's identity; and

the number of additional copies of the application, and other documents lodged with the application, the Mining Registrar requires; and

a statement, acceptable to the Mining Registrar

a statement, acceptable to the Mining Registrar and separate from the statement mentioned in subparagraph

detailing the applicant's financial and technical resources; and

the application fee prescribed under a regulation.

g) Priority of applications for grant of mining lease

(i) Applications for the grant of mining leases duly made in respect of or including the same land shall take priority for the purpose of consideration and determination of applications according to the order of the time on which they are lodged as prescribed.

(ii) If the Mining Registrar is or, where applications are lodged with different Mining Registrars, those registrars are of the opinion that the circumstances of the lodgment of some applications for the grant of mining leases made in respect of the same land are such that the applications should be treated as having been lodged simultaneously, the Mining Registrar or registrars may treat the applications as having been lodged simultaneously and shall determine their respective priorities by ballot.

(iii) The Mining Registrar shall advise all applicants when and where the ballot is to be held.

h) Objection to application for grant of mining lease

(i) An entity may, on or before the last objection day for the application, lodge with the Mining Registrar an objection in writing in the approved form.

(ii) An owner of land who attends a conference with the applicant for the grant of a mining lease may lodge an objection on or before the expiration of 5 business days after the conclusion of that conference or if the applicant for the grant of the mining lease fails to attend the conference after the day upon which the conference was convened, notwithstanding that the period for objection prescribed by Subsection (i) has expired.

(iii) An objection referred to in Subsection (i) or (ii) shall state the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds.

(iv) Each objector to an application for the grant of a mining lease shall serve upon the applicant on or before the last date that the objector may lodge an objection to that application a copy of the objection lodged by the objector.

i) Minister may reject application at any time

(i) The Minister, whether or not the Mining Registrar has so recommended, may at any time reject an application for the grant of a mining lease notwithstanding that the application has not been the subject of a hearing by the tribunal if —

- the Minister is satisfied that the applicant has not complied with any requirement placed upon the applicant by or under this Act in respect of the application; or
 - the Minister considers that it is not in the public interest for the mining lease to be granted.
- (ii) The Mining Registrar must, within 5 business days after receiving notice of the rejection, give written notice of it to the EPA administering authority.

j) Restriction on grant of mining lease that does not include surface of land

A mining lease over land shall not be granted unless —

- (i) it includes such an area of the surface of that land; or
- (ii) where it does not include an area of the surface of that land, the applicant is the holder of such an adjoining mining lease, as will enable the holder to carry out the purposes for which the first mentioned mining lease is granted.

k) General conditions of mining lease

(i) Each mining lease shall be subject to —

- (i-a) a condition that the holder shall use the land comprised in the mining lease bona fide for the purpose for which the mining lease was granted and in accordance with this Act and the conditions of the mining lease and for no other purpose;
- (i-b) a condition that the holder must carry out improvement restoration for the mining lease;
- (i-c) a condition that the holder, prior to the termination of the mining lease for whatever cause, shall remove any building or structure purported to be erected under the authority of the mining lease and all mining equipment and plant, on or in the land comprised in the mining lease unless otherwise approved by the Minister;
- (i-d) a condition that without the prior approval of the Minister the holder shall not obstruct or interfere with any right of access had by any person in respect of land the subject of the mining lease;
- (i-e) a condition that the holder shall not assign, sublease, or mortgage the mining lease or any part thereof without the consent in writing of the Minister;
- (i-f) a condition that the holder shall furnish as prescribed all prescribed reports, returns, documents and statements whatever;
- (i-g) a condition that the holder give materials obtained under the holder's mining operations to the Minister at the times, in the way and in quantities the Minister reasonably requires by written notice to the holder;
- (i-h) where the mining lease is in respect of land that is a reserve, a condition that the holder shall comply with the terms and conditions upon which the consent of the owner or the Governor in Council to the grant of the mining lease was given;
- (i-i) a condition that the holder shall maintain during the term of the lease the marking out of the land the subject of the mining lease including any survey pegs but that boundary posts or cairns need not be maintained after the land has been surveyed;
- (i-j) a condition that the holder shall make all payments of compensation and comply with all terms of any agreement or determination relating to compensation at the time or times as agreed or determined pursuant to the Act;
- (i-k) a condition that the holder —
 - # shall pay the rental as prescribed;
 - # shall pay the royalty as prescribed;
 - # shall pay all local government rates and charges lawfully chargeable against the holder in respect of the land comprised in the mining lease;
 - # shall deposit as required by the Minister any security from time to time under this Act;
- (i-l) a condition that the holder shall comply with this Act and other mining legislation;
- (i-m) such other conditions as are prescribed; and
- (i-n) such other conditions as the Governor in Council determines.

- (ii) The Governor in Council may, on the recommendation of the Minister, grant a mining lease without the imposition of the conditions specified in Subsection (i) (I-c) and (i-i).
- (iii) A mining lease may be subject to a condition that mining operations under the mining lease shall commence within a specified period after its grant or as otherwise approved in writing by the Minister.
- (iv) Conditions may be imposed in respect of a mining lease that require compliance with specified codes or industry agreements.
- (v) Despite Subsections (i) to (iv), a condition must not be determined, imposed or prescribed if it is the same, or substantially the same, or inconsistent with, a relevant environmental condition for the mining lease.
- (7) A mining lease granted after the commencement of the Mineral Resources Amendment Act 1998 is subject to a condition that the holder comply with the At Risk agreement.

l) Initial term of mining lease

- (i) The initial term of a mining lease shall, unless the mining lease is sooner terminated, be for a period approved by the Governor in Council on the recommendation of the Minister, commencing on the first day of the month which next follows the day on which the mining lease is granted but shall not be for a term longer than the period in respect of which compensation has been agreed or determined pursuant to the Act.
- (ii) From the grant of a mining lease to the commencement of the initial term thereof the holder shall have all the entitlements, powers, duties and functions that the holder has during the term of the lease except the Act shall not apply.

m) Mining lease may be specified it is not renewable

- (i) Upon the recommendation of the Minister that the land the subject of an application for the grant of a mining lease is (or will be) required for some purpose other than mining, the Governor in Council may grant the mining lease subject to the condition that the holder is not entitled to have the mining lease renewed.
- (ii) If the Minister is satisfied that the land the subject of an application for the renewal of a mining lease is (or will be) required for some purpose other than mining, the Governor in Council may grant a renewal of the mining lease subject to the condition that the holder is not entitled to have the mining lease further renewed.
- (iii) Where a mining lease is granted or renewed subject to a condition referred to in Subsection (i) or (ii), the applicant shall be advised of the reasons therefor.
- (iv) Where a mining lease is renewed subject to a condition referred to in Subsection (ii), that condition shall be endorsed on the instrument of lease.

n) Stages in Renewal of Mining Lease

(i) Application for renewal of mining lease

- The holder of a mining lease, including a lease subject to a condition mentioned in the act, may, within the renewal period, apply to the Mining Registrar for a renewal of the lease.
- The application must be made in the approved form and accompanied by the information and the fee prescribed under a regulation.
- In this section renewal period means the period that is-
 - # at least 6 months, or any shorter period allowed by the Minister in the particular case, before the current term of the lease expires; and
 - # not more than 1 year before the current term expires.

(ii) When new conditions of renewed lease start

- If a renewed mining lease is subject to conditions (the new conditions) different from, or not included

in, the lease conditions applying immediately before its renewal, the new conditions apply from the later of the following —

the start of the term of the renewed lease;

the day the renewal is granted.

- However, if the lease is continued in force under the Act, the holder must pay rental on the lease from the day after its expiry day at the rate that would have been payable, from time to time, if the renewed mining lease had been renewed on the day after the expiry day.
- Subsection (2) applies even though payment of rental may be a condition of the lease.

(iii) Notice of rejection of renewal application

- If the Minister decides to reject an application to renew a mining lease, the Minister must promptly give the applicant a written notice stating the decision and the reasons for it.
- The Mining Registrar must, within 5 business days after receiving notice of the decision, give written notice of it to the EPA administering authority.

o) Rental payable on mining lease

(i) Upon the grant of a mining lease rental shall first be payable thereon with respect to the period from the commencement of the term of the mining lease to 31 December of that year (the first rental period) and shall be paid within 20 business days (or such longer period as the Minister in the particular case approves) of the grant of the mining lease.

(ii) The amount of the rental payable in respect of the first rental period shall be an amount that bears to the yearly rental prescribed for the year in which the first rental period falls the same proportion that the number of whole calendar months of the first rental period bears to 12.

(iii) In respect of each year or part thereof of the term of a mining lease (other than the first rental period) a full year's rental shall be payable in advance not later than 31 December of the previous year.

(iv) If the full year's rental is paid in advance, the amount of the rental shall be the amount prescribed in respect of the year in which the rental period falls.

(v) If rental is not paid in advance —

- the Mining Registrar shall, prior to 31 January of that year, notify the holder of and any person holding a recorded interest in the mining lease that the rental has not been paid and of the amount of rental payable as prescribed; and

(vi) Upon the renewal of a mining lease, no further rental shall be payable in respect of the period that, if the renewal was a grant of a mining lease, would be the first rental period, except where that period commences on 1 January.

p) Mining other minerals or use for other purposes

(i) The holder of a mining lease for the mining of minerals may lodge an application in writing with the Mining Registrar for the Minister's approval to mine specified minerals (other than coal seam gas), being minerals not specified in the mining lease, in respect of the whole or that part of the land specified in the mining lease that is not currently the subject of a mining lease or mineral development licence (or an application for a mining lease or mineral development licence) in respect of those specified minerals.

(ii) The application shall be accompanied by the prescribed application fee.

(iii) An application and any other application for the grant of a mining lease in respect of the same minerals shall take priority according to the order of the time and date the applications are lodged as prescribed.

(iv) The holder of a mining lease granted for purposes (other than mining of minerals) may lodge an application in writing with the Mining Registrar for the Minister's approval for the addition of such purposes not specified in the mining lease (being not those of mining for minerals), which the Minister accepts are appropriate for the mining lease and are not inconsistent with this Act.

(v) The application shall be accompanied by the prescribed fee.

(vi) The holder of a mining lease granted for the mining of minerals may apply in writing to the Mining Registrar for the Minister's approval for the addition of such purposes not specified in the mining lease as are not inconsistent with this Act.

(vii) The application shall be accompanied by the prescribed fee.

q) Consolidation of mining leases

(i) The holder of mining leases for the mining of minerals in respect of contiguous land may lodge an application in writing with the Mining Registrar for the mining district in which the major portion of the area of the mining leases is situated for the grant of a mining lease consolidating those mining leases.

(ii) The application shall be accompanied by the prescribed fee.

(iii) If the Mining Registrar is not satisfied that the land is adjoining, the holder may apply to the tribunal for an order declaring the land to be adjoining land for this section.

(iv) The Governor in Council may cancel the mining leases referred to in an application lodged pursuant to Subsection (i) and grant the mining lease applied for, subject to such conditions as may be imposed by or under this Act.

r) Contravention by holder of mining lease

If the Minister considers that the holder of a mining lease —

(i) has carried out activities that are not bona fide for the purposes for which the mining lease was granted; or

(ii) has failed to pay the royalty or any other moneys payable thereunder (other than rental) or in respect thereof by the due date for payment; or

(iii) has failed to comply with any condition that is to be observed and performed by the holder under or in respect of the mining lease, other than a condition with respect to matters referred to the Act; the Minister may either cancel the mining lease; or impose on the holder a penalty not exceeding 1,500 penalty units.

s) Surrender of mining lease

(i) The holder of a mining lease may apply to surrender the mining lease or any part of the land comprised therein at any time before the expiration of its term.

(ii) The holder of a mining lease who desires to surrender a mining lease or any part of the land comprised therein shall lodge with the Mining Registrar —

- a notice of surrender in the approved form;
- in the case of a surrender of the whole of the land comprised in a mining lease a duly completed royalty return prescribed by the Act together with the royalty payable to the Crown as prescribed by the Act or evidence of payment to the person entitled thereto; and
- the fee prescribed under a regulation.

t) Minerals taken become property of holder of mining lease

All minerals lawfully mined under the authority of a mining lease cease to be the property of the Crown or person who had property therein and become the property of the holder of the mining lease subject however to the rights to royalty payments under this Act of the Crown or any other person.

u) Royalties in respect of minerals taken under mining lease

The holder of a mining lease shall pay in respect of all minerals mined or purported to be mined under the authority of the mining lease, the royalty prescribed pursuant to the Act.

v) Effect of termination of mining lease

(i) This section applies on the termination of a mining lease.

(ii) However, this section does not apply to a mining lease if the termination is for granting a mining claim or a new mining lease over the land covered by the terminated lease to the holder of the terminated lease.

(iii) The person who was the holder of the terminated mining lease immediately before its termination must immediately remove each post or other thing used to mark the land under this Act (other than a survey mark or anything else required under another Act not to be removed).

(iv) On the termination of the mining lease, the ownership of all mineral, ore, tailings and other material (mineral), and any structures, machinery and equipment (property), on the land covered by the terminated lease divests from the owner and vests in the State.

(v) However, Subsection (iv) applies to property only if it was brought on to the land under the terminated mining lease.

w) Application for approval to remove mineral and property

(i) This section applies to mineral and property that vests in the State on the termination of a mining lease.

(ii) Anyone who had an interest in the mineral or property immediately before its ownership vests in the State may apply in writing to the Mining Registrar for the Minister's permission to remove the mineral or property from the land.

x) Mining lease for transportation through land

(i) This section applies if a person who holds, or is an applicant for, a mining lease for particular land —

- wants a mining lease over land not covered by the person's lease for the transportation of something through, over or under the land by a pipeline, aerial ropeway, conveyor apparatus, transmission line or similar method of transport, or road; and
- does not hold a prospecting permit, exploration permit or mineral development licence for the land.

(ii) The Governor in Council may grant to a person a mining lease for the transportation of the thing through, over or under the land covered by the application for the lease if

- the Minister is satisfied that the proposed lease is for a purpose associated with or arising from activities performed, or to be performed, under the person's mining lease; or
- before the person applied for the lease, the Governor in Council, under a regulation, declared the transportation of the thing through, over or under land not covered by a mining lease by a pipeline, aerial ropeway, conveyor apparatus, transmission line or similar method of transport to be an activity associated with or arising from mining.

(iii) An application for a mining lease under this section must be given to the Mining Registrar for the applicant's current mining lease.

(iv) If land included in the application is covered by an exploration permit or mineral development licence, the application does not have to be accompanied by the consent of the permit or licence holder, but the applicant must give written notice of the application to the permit or licence holder within 5 business days after lodging the application.

(v) The chief executive may either completely or partly dispense with a requirement under this part for marking out the land included in the application.

y) Improvement restoration for mining lease

(i) This section applies on the termination of a mining lease, other than —

- by surrender under the Act, or
- for the granting of a new mining lease over the land the subject of the terminated mining lease.

(ii) The Minister may, if not satisfied with the holder of the terminated mining lease for not carrying out improvement restoration for the mining lease, must give the holder reasonable written directions about the restoration.

(iii) The holder must comply with the directions.

(iv) The holder and the holder's employees or agents may, to the extent reasonable and necessary to comply with the directions —

- enter land stated in the notice; and
- bring on to the land vehicles, vessels, machinery and equipment.

E. ROYALTY

1. Royalty return and payment

a) The holder of a mining claim, mining lease or other authority under this Act or any other Act relating to mining who mines or is allows minerals to be mined, whether or not the Crown has the property in the mineral, from land the subject of that mining claim, mining lease or other authority shall pay royalty as prescribed at the rate for the time being prescribed in respect of that mineral.

b) The holder of a mining claim, mining lease or another authority under this Act or another Act about mining who mines mineral or allows mineral to be mined from land the subject of the mining claim, mining lease or other authority must, whether or not the State has property in the mineral, lodge royalty returns as required under a regulation.

c) Unless a regulation otherwise provides, the holder of a mining claim or mining lease that authorises the mining of minerals for which royalty is or would be payable must lodge a royalty return whether or not mineral has been mined during the period of the return.

d) Where, during a period in respect of which a royalty return is required to be lodged, mineral is mined by more than 1 person under a mining claim or mining lease or other authority under this Act or any other Act the holder shall ensure lodgment of the prescribed royalty return and payment of the prescribed royalty in respect of all mineral mined during the whole of the period under the mining claim, mining lease or other authority.

e) A person who mines mineral from land other than under a mining claim, mining lease or other authority, must, whether or not the State has the property in the mineral —

- (i) lodge the royalty returns as required under a regulation; and
- (ii) pay royalty to the State or anyone else who has property in the mineral at the rate required under a regulation.

2. Prescription of royalty

a) Regulations made pursuant to the Act, may prescribe the royalties payable in respect of mineral mined from land to the Crown or other person who had the property in the mineral.

b) Royalty may be prescribed whether the obligation to pay the royalty arises under this Act or under any agreement made with the State of Queensland or under any undertaking given by any person and shall be calculated at such rate or rates, in such manner and on such basis or bases as are prescribed by regulation.

3. Utilisation of security deposit towards royalty payments

a) Where royalty is payable under this part by a person in respect of 1 mining operation (as determined by the Minister pursuant to the Act and is unpaid, that amount may be recovered by the Minister or, as the case may be, the Mining Registrar by utilisation of security deposited by or on behalf of that person in respect of mining claims or mining leases or any of them under which the mining operation is carried on.

b) This section shall not be construed to limit the right to utilise a security deposit for any purpose under any other provision of this Act.

4. Royalty return and payment upon assignment or surrender of mining claim or mining lease

a) A person who assigns or surrenders, otherwise than for the purpose of a grant of a new mining claim or mining lease, a mining claim or a mining lease shall lodge with the document of assignment or surrender

a royalty return with respect to mineral mined under the authority of the mining claim or mining lease for the current return period up to the last day of the month immediately preceding the lodgment of the assignment or surrender and shall lodge with the return the prescribed royalty in respect of that mineral.

5. Maintenance of records

- a) A person who is the holder of a mining claim or a mining lease or who otherwise mines mineral from land shall keep accurate and proper accounting records such as are necessary to determine the amount of royalty payable from time to time under this part in respect of mineral mined.
- b) Such records shall be retained by that person for a period of 7 years after the completion of the transactions, acts or operations to which they relate.

6. Reassessment of royalty

- a) If the Minister, at any time, is satisfied that royalty has been assessed upon incorrect or inaccurate facts, the Minister may reassess the royalty payable.
- b) Where the royalty payable, upon a reassessment, is greater than any amount paid the person liable to pay the royalty shall pay the difference in the time specified by the Minister.
- c) Where the royalty paid, upon a reassessment, is greater than the royalty payable the Minister shall cause the difference to be refunded.

7. Interest upon unpaid royalty

A person who fails to pay any amount of royalty payable by the person to the Crown under this part by the prescribed time for payment may be liable at the discretion of the Minister to pay to the Crown interest on the amount outstanding at the rate prescribed for the time being which interest shall form part of the royalty payable.

8. Recovery of unpaid royalties

Without limiting in any way any other means of recovery thereof, the Crown or any other person to whom any royalty is payable under this part may recover as a debt the royalty or such part as remains unpaid and, in the case where the royalty is payable to the Crown interest at the prescribed rate from the person by whom the royalty is payable as a debt due and owing to the Crown or, as the case may be, that other person.

F. Mining Registrar

1. Appointment of Mining Registrars and other officers

- a) The Mining Registrars, Deputy Mining Registrars, field Officers and other officers necessary for this Act, and any other Act about mining, are to be employed under the Public Service Act 1996.
- b) A Mining Registrar may from time to time appoint a bailiff or bailiffs to carry out the service and execution of all process, judgments and orders authorised under this Act or any other Act relating to mining and such other duties as may be prescribed.

2. Acting Mining Registrar

The Minister may appoint an appropriate person to act as a Mining Registrar during —

- a) any vacancy, or all vacancies, in the office; or
- b) any period, or all periods, when the Mining Registrar is absent from the State or, for another reason, can not perform the functions of the office.

3. Disability of Mining Registrars, Deputy Mining Registrars and field officers

A Mining Registrar, Deputy Mining Registrar or Field Officer shall not hold or be entitled (directly or indirectly) to the benefits of any interest in any mining tenement.

4. Scope of authority of Mining Registrars and Deputy Mining Registrars

a) Each Mining Registrar shall be a Mining Registrar for the whole State.

- Each Deputy Mining Registrar is a Deputy Mining Registrar for the whole State.

b) The Minister may assign from time to time a Mining Registrar to a mining district.

5. Scope of authority of field officers

A field Officer appointed pursuant to the Act shall be a field officer for the whole State.

6. Establishment of offices of Mining Registrars

The Minister may from time to time appoint or cancel the appointment of a place within a mining district at which the office of the Mining Registrar for that district shall be established or located.

7. Powers of Mining Registrars and others

At all times —

- a) a Mining Registrar; and
- b) a Deputy Mining Registrar; and
- c) a Field Officer;
- d) a person of a class prescribed under a regulation;

e) any other person (including an officer appointed pursuant to the act who in the particular case is authorised in that behalf by the Minister; may have full and free access to and enter any land and whilst thereon may —

(i) drill, dig, take cores, samples of soil, air, water or rock, make such inspections and carry out such investigations and do such other acts ordinarily connected with prospecting, exploring or mining as the person thinks fit;

8. Seizure of minerals produced by or vehicles, machinery etc. used in unauthorized mining

If he or she believes on reasonable grounds that any mineral is being or has been mined without authority by or under this Act or any other Act relating to mining or that any vehicle, machinery, equipment or thing of whatever description is used by any person in contravention of this Act or any authority granted under this Act —

- a) a Mining Registrar; or
- b) a Deputy Mining Registrar; or
- c) a Field Officer; or

d) any other officer appointed pursuant to the Act who in the particular case is authorised in that behalf by the Minister; may, without further authority, seize that mineral, vehicle, machinery, equipment or thing (the subject property) whereupon the subject property shall be taken to be in the custody of the Mining Registrar, Deputy Mining Registrar, Field Officer or, as the case may be, other officer.

9. Restriction on grants etc.

The Governor in Council may, by regulation —

- a) prohibit the grant, or applications for the grant, of mining tenements; or
 - b) determine that a mining tenement must not be granted over an area that exceeds a specified area; or
 - c) provide that a single person must not, at any time, be the holder (whether alone or with others) of more than a specified number of exploration permits, mineral development licenses or mining leases;
- or

- d) provide that a single person must not, at any time, be the holder (whether alone or with others) of —
 - (i) mining leases, the aggregate area of which exceeds a specified area; or
 - (ii) mineral development licenses, the aggregate area of which exceeds a specified area; or
 - (i) exploration permits, the aggregate area of which exceeds a specified area; or
- e) determine that an application for the grant of a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease is to be referred to a specified department, Commonwealth Government department, local government or statutory body, seeking its views on the application.

G. PROVISIONS REGARDING ENVIRONMENT

a) Right of access for authorised activities includes access for rehabilitation and environmental management

If, under this part, a mining tenement holder has the right to enter land to carry out authorised activities for the tenement, the right includes the right to enter the land to carry out rehabilitation or environmental management required of the holder under any relevant environmental requirement under the Environmental Protection Act.

H. DECLARATION OF STATE FORESTS ETC. OVER LAND SUBJECT TO GRANTS

- (i) For the purposes of setting apart and declaring a State forest, timber reserve or forest entitlement area under the Forestry Act 1959, Crown land that is the subject of an exploration permit shall be Crown land within the meaning of that Act.
- (ii) Prior to taking action to set apart and declare Crown land as a State forest, timber reserve or forest entitlement area under the Forestry Act 1959 which land is the subject of a mining claim, mineral development licence or mining lease or an application therefor, the views of the Minister shall be obtained and taken into account and, if the Minister agrees, that land shall be Crown land within the meaning of the Forestry Act 1959.
- (iii) The agreement of the Minister may be subject to compliance with specified conditions.

I. ACT'S APPLICATION TO HOLDER OF FOSSICKERS LICENCE

A holder of a fossickers licence under the Fossicking Act 1994 does not need a prospecting permit or mining claim to fossick under the licence.

J. APPLICATION OF OTHER ACTS

Except as otherwise provided in this Act or any other Act relating to mining, the provisions of the Recreation Areas Management Act 1988 or of any other Act shall not operate to restrict the entry of persons on land under the authority of any mining tenement or other authority granted under this Act or any other Act relating to mining.

K. LIABILITY OF OWNER RESTRICTED

Notwithstanding any Act or Law, an owner of land is not civilly liable for injury suffered by any person to the extent that the injury was caused by prospecting, exploring or mining carried on by any person, other than by or on behalf of the owner, on that land where the owner has not contributed to that injury.

L. DELEGATION BY MINISTER

The Minister may delegate all or any of the Minister's powers under this Act to an officer or employee of the department

Queensland — Salient features

Type of concessions	Salient features
<p>1. Ownership rights & Administrative control</p>	<p>a) A person is not competent to grant a lease or to enter into an agreement or arrangement, whether for valuable consideration or otherwise (other than an agreement referred to in the Act authorising the prospecting or exploring for mineral or the mining of any mineral therefrom notwithstanding that the mineral is not the property of the Crown. b) For the purposes of Subsection (a) a compensation agreement entered into pursuant to this Act does not authorise prospecting, exploring or mining. c) Subject to this Act, a mining tenement may be granted over land even though - (i) a deed of grant in fee simple from the State may or may not contain a reservation to the State (ii) of the relevant mineral on or below the surface of the land; or (iii) the relevant mineral is not the property of the State.</p>
<p>2. Mineral Concession for A. Prospecting Permit</p> <p>a) Area</p> <p>b) Term</p> <p>c) Renewal</p> <p>d) Grant</p>	<p>(i) A parcel prospecting permit may be granted for all or part of the land of a lot, or 2 or more adjoining lots owned by the same person. (ii) More than 1 parcel prospecting permit may be granted over a lot, or 2 or more adjoining lots owned by the same person. (iii) If an application for a parcel prospecting permit is for only part of the land of a lot, or 2 or more adjoining lots owned by the same person, the permit may be granted for all of the area.</p> <p>(i) A prospecting permit may be granted for if it is a district prospecting permit--1 or more months but not longer than 1 year; or if it is a parcel prospecting permit - 3 months. (ii) A prospecting permit's term must be stated in the permit; and not start before the day the permit is granted.</p> <p>No specific period mentioned under the rule.</p> <p>(i) An application for a prospecting permit for land must be made in the approved form and lodged with the Mining Registrar; be accompanied by proof, to the Mining Registrar's satisfaction, of the applicant's identity; and the fee prescribed under a regulation; state the applicant's name and address for service of notices; and if the application is for a parcel prospecting permit identification, by sketch</p>

<p>b) Period</p> <p>c) Renewal</p> <p>d) Grant</p> <p>e) Surrender</p>	<p>mining claim may be granted is 1 ha; or where the land is within a mining district or part of a mining district in respect of which, for the purposes, an area is prescribed by regulation, that areas whichever is smaller.</p> <p>The initial term of a mining claim shall, unless the mining claim is sooner terminated, be for a period specified in the grant (not exceeding 10 years). The mining claim may be granted or renewed subject to a condition that the holder is not entitled to have the mining claim renewed.</p> <p>The holder of a mining claim, including a mining claim that is subject to a condition under the Act, may, at least 6 months (or such shorter period as the Mining Registrar in the particular case allows) prior to and not more than 12 months before the expiration of the current term of the mining claim, make application for renewal of the mining claim. The renewal may be granted to a mining claim in the name of the holder for a term not exceeding 10 years as the Mining Registrar may determine.</p> <p>An application for grant of a mining claim shall be in the approved form; shall specify the name of each applicant; shall specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants; shall describe all parcels of land the whole or part of which are the subject of the application and specify the names and addresses of the owner or owners of the land and of land which is to be used as access thereto; shall identify in the prescribed manner the boundaries of the land applied for; shall describe and identify in the prescribed manner the land proposed to be used as access from a point outside the boundary of the mining claim acceptable to the Mining Registrar to the land over which the mining claim is sought.</p> <p>The holder of a mining claim may surrender the mining claim by lodging with the Mining Registrar a notice of surrender in the approved form; a duly completed royalty return together with the royalty payable to the Crown or evidence of payment to the person entitled thereto; and the fee prescribed under a regulation.</p>
<p>C. Exploration Permit</p> <p>a) Area</p>	<p>No specific area mentioned under the rule.</p>

<p>b) Period</p> <p>c) Renewal</p> <p>d) Grant</p> <p>e) Rental</p> <p>f) Abandonment</p>	<p>The initial term of an exploration permit shall, unless the permit is sooner surrendered or cancelled, be for a period not exceeding 5 years commencing on the date specified in the permit (being a date not earlier than the date of grant of the permit).</p> <p>The holder of exploration permit is renewed at least 3 months, or any shorter period allowed by the Minister in the particular case, before the current term of the permit expires; and not more than 6 months before the current term expires. The renewal may be granted for the further term of not more than 5 years decided by the Minister.</p> <p>Exploration permit may be granted if (i) the applicant is an eligible person; (ii) the application is made bona fide for the purposes of this Act; the Minister may, subject to compliance by the applicant with the provisions of the Act, grant and issue to the applicant an exploration permit in respect of all the land included in the application or such part or parts of it as the Minister specifies in the permit.</p> <p>(i) On the grant of an exploration permit (the original permit), rental is payable for the first year of the term of the permit (its first rental period); (ii) On the renewal of an exploration permit, rental is payable for the first year of the term of the renewed permit. (iii) For each year an exploration permit is in force, rental for the whole year (other than its first rental period) is payable on or before the anniversary for an original permit - the grant of the permit; or for a renewed permit - the day the term of the renewed permit started. (iv) The amount of the rental payable for each year is calculated by multiplying the number of sub-blocks to which the permit applies by the amount prescribed under a regulation for the year.</p> <p>The applicant for an exploration permit may, at any time before the grant of the exploration permit, by notice in writing to the chief executive abandon the application in relation to all or part of the land to which it relates.</p>
<p>D. Mineral Development Licence</p> <p>a) Area</p> <p>b) Period</p>	<p>No specific area mentioned under the rule.</p> <p>The initial term of a mineral development licence</p>

<p>c) Renewal</p> <p>d) Grant</p> <p>e) Abandonment</p> <p>f) Rental</p> <p>g) Surrender</p>	<p>shall, unless the licence is sooner terminated, be for a period not exceeding 5 years (or such longer period as the Minister approves).</p> <p>Mineral development licence may renewed at least 6 months, or any shorter period allowed by the Minister in the particular case, before the current term of the permit expires; and not more than 1 year before the current term expires. The renewal maybe granted for the further term of not more than 5 years decided by the Minister.</p> <p>(i) An application for the grant of a mineral development licence shall be in the approved form; shall specify the name of each applicant; shall specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants; shall describe all parcels of land the whole or part of which are the subject of the application and specify the current use of the land and the names and addresses of the owner or owners of the land and of land which is to be used as access thereto; shall identify in the prescribed manner the boundaries of the land applied for; shall specify the mineral or minerals in respect of which the mineral development licence is sought; and shall give reasons as to why the mineral development licence should be granted in respect of the area and shape of the land described in the application.</p> <p>The applicant for grant of a mineral development licence may, at any time before the grant of the mineral development licence, by notice in writing to the Mining Registrar abandon the application in relation to all or part of the land to which it relates.</p> <p>(i) The amount of the rental payable in respect of the first rental period shall be an amount that bears to the yearly rental prescribed for the year in which the first rental period falls the same proportion that the number of whole calendar months of the first rental period bears to 12. (ii) In respect of each year or part thereof of the term of a mineral development licence (other than the first rental period) a full year's rental shall be payable in advance not later than 31 December of the previous year.</p> <p>The holder of a mineral development licence may apply to surrender the mineral development licence</p>
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	<p>or any part of the land comprised therein at any time before the expiration of its term.</p>
<p>E. Mining Lease</p> <p>a) Area</p> <p>b) Period</p> <p>c) Renewal</p> <p>d) Grant</p> <p>e) Surrender</p>	<p>No specific area mentioned under the rule.</p> <p>The initial term of a mining lease shall, unless the mining lease is sooner terminated, be for a period approved by the Governor in Council on the recommendation of the Minister, commencing on the first day of the month which next follows the day on which the mining lease is granted but shall not be for a term longer than the period in respect of which compensation has been agreed or determined pursuant to the Act.</p> <p>The holder of a mining lease, including a lease subject to a condition mentioned in the Act, may, within the renewal period, apply to the Mining Registrar for a renewal of the lease. In this section renewal period means the period that is at least 6 months, or any shorter period allowed by the Minister in the particular case, before the current term of the lease expires; and not more than 1 year before the current term expires.</p> <p>An application for the grant of a mining lease shall be in the approved form; shall specify the name of each applicant; specify the name and address for service of 1 person upon whom any notice may be served on behalf of the applicant or the applicants; shall describe all parcels of land the whole or part of which are the subject of the application and specify the current use of the land and whether it is subject to erosion control works and the names and addresses of the owner or owners of the land and of land which is to be used as access thereto; shall identify in the prescribed manner the boundaries of the land applied for; shall identify in the prescribed manner the boundaries of any surface area of land within the boundaries; be included in the mining lease and shall specify the purpose for which that area is to be used.</p> <p>(i) The holder of a mining lease may apply to surrender the mining lease or any part of the land comprised therein at any time before the expiration of its term. (ii) The holder of a mining lease who desires to surrender a mining lease or any part of the land comprised therein shall lodge with the Mining Registrar a notice of surrender in the approved form; in the case of a surrender of the</p>

<p>f) Rental</p> <p>g) Consolidated mining lease</p> <p>h) Improvement restoration of mining lease</p>	<p>whole of the land comprised in a mining lease a duly completed royalty return prescribed by the Act together with the royalty payable to the Crown as prescribed by the Act or evidence of payment to the person entitled thereto; and the fee prescribed under a regulation.</p> <p>(i) The amount of the rental payable in respect of the first rental period shall be an amount that bears to the yearly rental prescribed for the year in which the first rental period falls the same proportion that the number of whole calendar months of the first rental period bears to 12. (ii) In respect of each year or part thereof of the term of a mining lease (other than the first rental period) a full year's rental shall be payable in advance not later than 31 December of the previous year. (iii) If the full year's rental is paid in advance, the amount of the rental shall be the amount prescribed in respect of the year in which the rental period falls. (iv) Upon the renewal of a mining lease, no further rental shall be payable in respect of the period that, if the renewal was a grant of a mining lease, would be the first rental period, except where that period commences on 1 January.</p> <p>(i) The holder of mining leases for the mining of minerals in respect of contiguous land may lodge an application in writing with the Mining Registrar for the mining district in which the major portion of the area of the mining leases is situated for the grant of a mining lease consolidating those mining leases. (ii) The application shall be accompanied by the prescribed fee. (iii) If the Mining Registrar is not satisfied that the land is adjoining, the holder may apply to the tribunal for an order declaring the land to be adjoining land for this section.</p> <p>(i) This section applies on the termination of a mining lease, other than - by surrender under the Act, or for the granting of a new mining lease over the land the subject of the terminated mining lease. (ii) The Minister may, if not satisfied with the holder of the terminated mining lease for not carrying out improvement restoration for the mining lease, must give the holder reasonable written directions about the restoration.</p>
<p>3. Royalty</p>	<p>a) The holder of a mining claim, mining lease or other authority under this Act or any other Act relating to mining who mines or allows minerals to be mined, whether or not the Crown has the</p>

	<p>property in the mineral, from land the subject of that mining claim, mining lease or other authority shall pay royalty as prescribed at the rate for the time being prescribed in respect of that mineral.</p> <p>b) The holder of a mining claim, mining lease or another authority under this Act or another Act about mining who mines mineral or allows mineral to be mined from land the subject of the mining claim, mining lease or other authority must, whether or not the State has property in the mineral, lodge royalty returns as required under a regulation. c) Unless a regulation otherwise provides, the holder of a mining claim or mining lease that authorises the mining of minerals for which royalty is or would be payable must lodge a royalty return whether or not mineral has been mined during the period of the return. d) Where, during a period in respect of which a royalty return is required to be lodged, mineral is mined by more than 1 person under a mining claim or mining lease or other authority under this Act or any other Act the holder shall ensure lodgment of the prescribed royalty return and payment of the prescribed royalty in respect of all mineral mined during the whole of the period under the mining claim, mining lease or other authority. e) A person who mines mineral from land other than under a mining claim, mining lease or other authority, must, whether or not the State has the property in the mineral- (i) lodge the royalty returns as required under a regulation; and (ii) pay royalty to the State or anyone else who has property in the mineral at the rate required under a regulation.</p>
<p>4. Provision regarding Environment Right of access for authorised activities includes access for rehabilitation and environmental management</p>	<p>Under this part, a mining tenement holder has the right to enter land to carry out authorised activities for the tenement, the right includes the right to enter the land to carry out rehabilitation or environmental management required of the holder under any relevant environmental requirement under the Environmental Protection Act.</p>