



Queensland

Resources and Other Legislation Amendment Bill 2021



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2021

A Bill

for

An Act to amend the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *Transport Operations (Passenger Transport) Act 1994* and the *Water Supply (Safety and Reliability) Act 2008* for particular purposes, and to repeal the *Personalised Transport Ombudsman Act 2019*

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Resources and Other Legislation
Amendment Act 2021*. 4
5

**Part 2 Amendment of Mineral
Resources Act 1989** 6
7

Clause 2 Act amended 8

This part amends the *Mineral Resources Act 1989*. 9

Clause 3 Insertion of new s 334ZOA 10

After section 334ZO— 11

insert— 12

**334ZOA Validation of mining lease granted without
issue of instrument of lease** 13
14

(1) This section applies to a mining lease if— 15

(a) the lease was granted before the 16
commencement of the *Mines and Energy* 17
Legislation Amendment Act 2010, section 18
52; and 19

(b) either or both of the following apply— 20

(i) the Minister did not comply with the 21
requirement under former section 22
271(1)(a) to recommend to the 23
Governor in Council that an instrument 24

-
- of lease be issued to the applicant for 1
the lease with respect to the whole or 2
part of the land the subject of the 3
application for the lease; 4
- (ii) an instrument of lease was not issued to 5
the holder of the lease. 6
- (2) The mining lease is taken to be, and always to 7
have been, as valid as if the Minister had 8
complied with the requirement mentioned in 9
subsection (1)(b)(i) and an instrument of lease had 10
been issued to the holder of the lease. 11
- (3) Without limiting subsection (2)— 12
- (a) anything done under or in relation to the 13
mining lease is, and was, as valid as if the 14
Minister had complied with the requirement 15
mentioned in subsection (1)(b)(i) and an 16
instrument of lease had been issued to the 17
holder of the lease; and 18
- (b) anything required or allowed to be done in 19
relation to an instrument of lease issued for 20
the mining lease that was not done is, and 21
was, as valid as if— 22
- (i) the Minister had complied with the 23
requirement mentioned in subsection 24
(1)(b)(i) and an instrument of lease had 25
been issued to the holder of the lease; 26
and 27
- (ii) the thing in relation to the instrument 28
of lease had been done; and 29
- (c) the rights and liabilities of all persons are 30
taken to be, and to have been, for all 31
purposes the same as if the Minister had 32
complied with the requirement mentioned in 33
subsection (1)(b)(i) and an instrument of 34
lease had been issued to the holder of the 35
mining lease. 36

[s 4]

- (4) In this section— 1
former section 271(1)(a) means section 271(1)(a) 2
as in force from time to time before the 3
commencement of the *Mines and Energy* 4
Legislation Amendment Act 2010, section 52. 5
Note— 6
The *Mines and Energy Legislation Amendment Act* 7
2010, section 52 commenced on 21 April 2010. 8

Part 3 Amendment of Petroleum Act 1923 9 10

Clause 4 Act amended 11
This part amends the *Petroleum Act 1923*. 12

Clause 5 Insertion of new ss 45A and 45B 13
After section 45— 14
insert— 15
45A Continuing effect of lease for renewal 16
application 17
(1) This section applies if, before the application is 18
decided, the term of the lease ends. 19
(2) Despite the ending of the term, the lease continues 20
in effect until the earliest of the following to 21
happen— 22
(a) a renewed term of the lease starts; 23
(b) a refusal of the application takes effect; 24
(c) the application is withdrawn; 25
(d) the lease is cancelled under this Act. 26

Note—

- 1
2 For the lease being taken to have a development plan
3 until a decision has been made on whether to approve a
4 proposed development plan, see section 53D.
(3) If the lease is renewed, subsection (2) is taken
5 never to have applied for the period from the end
6 of the term of the lease being renewed, as stated in
7 that lease.
8

45B When renewed lease takes effect

- 9
10 (1) This section applies if a lease is renewed.
11 (2) If the application to renew the lease is decided
12 before the end of the term of the lease being
13 renewed as stated in that lease (the *previous*
14 *term*), the term of the renewed lease is taken to
15 start from the end of the previous term.
16 (3) If the application to renew the lease is decided
17 after the previous term, the term of the renewed
18 lease starts immediately after the end of the
19 previous term, but—
20 (a) the conditions of the renewed lease do not
21 start until the lease holder is given notice of
22 the conditions; and
23 (b) until the notice is given, the conditions of
24 the lease being renewed apply to the
25 renewed lease as if they were its conditions.

Clause 6 Insertion of new s 52B

26
27 After section 52A—
28 *insert—*

52B Continuing effect of particular authorities to prospect despite expiry on 1 November 2021

- 29
30
31 (1) This section applies to an authority to prospect if,
32 before the end of 1 November 2021—

[s 7]

(a)	the holder of the authority to prospect applied under former section 40 to the Minister for the grant to the applicant, or to the applicant and other qualified persons nominated by the applicant, of a lease or leases; and	1 2 3 4 5 6
(b)	the application had not been decided or withdrawn.	7 8
(2)	Despite the expiry—	9
(a)	former part 4 and former section 40 continue to apply to the authority to prospect; and	10 11 12
(b)	the Minister may grant the lease or leases under former section 40; and	13 14
(c)	the authority to prospect continues in force as mentioned in section 40A.	15 16
(3)	In this section—	17
	<i>expiry</i> means the expiry, on 1 November 2021, of—	18 19
(a)	former part 4 under former section 25U(1); and	20 21
(b)	all authorities to prospect still in force immediately before 1 November 2021 under former section 25U(2); and	22 23 24
(c)	former section 40 under former section 40(9).	25 26
	<i>former</i> , in relation to a provision, means the provision as in force immediately before its expiry.	27 28 29
Clause 7	Insertion of new pt 18	30
	After section 209—	31
	<i>insert</i> —	32

Part 18	Transitional provisions for Resources and Other Legislation Amendment Act 2021	1 2 3 4
210	Continuing effect of lease for renewal application	5 6
	Section 45A applies in relation to a lease whether the lease was granted, or an application for the renewal of the lease was made, or the lease was renewed, before or after the commencement.	7 8 9 10
211	When renewed lease takes effect	11
	Section 45B applies in relation to a lease whether the lease was granted, or an application for the renewal of the lease was made, or the lease was renewed, before or after the commencement.	12 13 14 15
Part 4	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	16 17 18 19
Clause 8	Act amended	20
	This part amends the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .	21 22
Clause 9	Amendment of ch 2C, hdg (Discharge officers and water connection officers)	23 24
	Chapter 2C, heading, from ‘and’—	25
	<i>omit, insert—</i>	26

		, water connection officers and water restriction officers	1 2
Clause 10	Amendment of ch 2C, pt 1, hdg (General provisions about discharge officers and water connection officers)		3 4
	Chapter 2C, part 1, heading, from ‘and’—		5
	<i>omit, insert—</i>		6
		, water connection officers and water restriction officers	7 8
Clause 11	Amendment of s 53CK (Appointment and other provisions)		9 10
	Section 53CK, ‘or water connection officer’—		11
	<i>omit, insert—</i>		12
		, water connection officer or water restriction officer	13 14
Clause 12	Insertion of new s 53CLB		15
	After section 53CLA—		16
	<i>insert—</i>		17
		53CLB Functions of a water restriction officer	18
		A water restriction officer’s functions are to help the distributor-retailer monitor and enforce compliance with the restrictions imposed under the Water Supply Act, chapter 2, part 3, division 3.	19 20 21 22 23
Clause 13	Insertion of new ch 2C, pt 6		24
	Chapter 2C—		25
	<i>insert—</i>		26

Part 6	Powers of water restriction officers	1
		2
Division 1	General powers for entering places	3
		4
53E	General powers of entry	5
(1)	A water restriction officer may enter a place to perform the officer's functions if—	6
		7
(a)	it is a place of business the subject of a service provider water restriction under the Water Supply Act and the place is—	8
		9
	(i) open for carrying on the business; or	10
	(ii) otherwise open for entry; or	11
(b)	an occupier of the place consents to the entry; or	12
		13
(c)	it is a public place and the entry is made when it is open to the public; or	14
		15
(d)	the entry is authorised by a warrant.	16
		17
(2)	For subsection (1)(a) and (b), a place does not include a building or structure used for residential purposes.	18
		19
		20
(3)	To remove any doubt, it is declared that this section does not limit or otherwise affect a water restriction officer's powers as an authorised person.	21
		22
		23
		24
Division 2	Other powers of water restriction officers	25
		26

53F Application of pt 2, divs 3–8

- | | |
|--|----------------|
| | 1 |
| (1) Part 2, divisions 3 to 8 apply, with any necessary changes, as if— | 2
3 |
| (a) a reference in the divisions to a discharge officer were a reference to a water restriction officer; and | 4
5
6 |
| (b) a reference in the divisions to a discharge offence were a reference to an offence against the Water Supply Act, section 43(5). | 7
8
9 |
| (2) For the application of section 53CV(1), the reference to section 53CM(1)(b) is taken to be a reference to section 53E(1)(b) of this Act. | 10
11
12 |

Clause 14 Amendment of schedule (Dictionary)

- | | |
|---|----------------------------|
| (1) Schedule— | 13
14 |
| <i>insert—</i> | 15 |
| <i>water restriction officer</i> means a person who holds appointment as a water restriction officer under section 53CK. | 16
17
18 |
| (2) Schedule, definition <i>distributor-retailer</i> , paragraph (c)— | 19 |
| <i>omit, insert—</i> | 20 |
| (c) for a provision about a discharge officer, a water connection officer or a water restriction officer—means the distributor-retailer that appointed the officer; and | 21
22
23
24
25 |

Part 5	Amendment of Transport Operations (Passenger Transport) Act 1994	1
		2
		3
Clause 15	Act amended	4
	This part amends the <i>Transport Operations (Passenger Transport) Act 1994</i> .	5
		6
Clause 16	Amendment of sch 3 (Dictionary)	7
	Schedule 3, definition <i>relevant offence</i> , paragraph (b)(ii), from ‘the commencement’—	8
		9
	<i>omit, insert—</i>	10
	9 March 2020.	11
Part 6	Amendment of Water Supply (Safety and Reliability) Act 2008	12
		13
Clause 17	Act amended	14
	This part amends the <i>Water Supply (Safety and Reliability) Act 2008</i> .	15
		16
Clause 18	Amendment of s 575 (Documents service provider must keep available for inspection and purchase)	17
	(1) Section 575(2)—	18
		19
	<i>omit, insert—</i>	20
	(2) Without limiting subsection (1), a service provider complies with that subsection, in relation to a document, if the provider—	21
		22
		23
	(a) considers that information in the document is cybersecurity information; and	24
		25

[s 19]

(b)	removes the cybersecurity information from a copy of the document; and	1 2
	<i>Examples of ways cybersecurity information may be removed from a document—</i>	3 4
	• omitting the cybersecurity information from the document	5 6
	• redacting the cybersecurity information in the document	7 8
(c)	keeps the copy of the document, with the cybersecurity information removed, available for inspection by the public under subsection (1).	9 10 11 12
(2A)	If a service provider keeps a copy of a document available for inspection by the public under subsection (1) or (2)(c), the provider may also keep the copy of the document available for inspection by the public at other places the service provider considers appropriate.	13 14 15 16 17 18
(2)	Section 575(3), from ‘available’— <i>omit, insert—</i>	19 20
	kept available by the provider for inspection by the public under subsection (1) or (2)(c).	21 22
(3)	Section 575(2A) to (4)— <i>renumber</i> as section 575(3) to (5).	23 24
Clause 19	Amendment of s 575A (Documents service providers must publish)	25 26
	Section 575A— <i>insert—</i>	27 28
(2)	Without limiting subsection (1), a service provider complies with that subsection, in relation to a document, if the provider—	29 30 31
(a)	considers that information in the document is cybersecurity information; and	32 33

-
- (b) removes the cybersecurity information from the document; and 1
2
Examples of ways cybersecurity information may be removed from a document— 3
4
- omitting the cybersecurity information from the document 5
6
 - redacting the cybersecurity information in the document 7
8
- (c) publishes the document with the cybersecurity information removed. 9
10

- Clause 20 Amendment of sch 3 (Dictionary)** 11
- Schedule 3— 12
- insert—* 13
- cybersecurity information*** means information 14
that could be used to interfere with, damage, 15
disrupt, or destroy— 16
- (a) an electronic system owned or controlled by 17
the State or a service provider, including, for 18
example, a system used for the delivery of a 19
sewerage service or a water service; or 20
- (b) data owned or controlled by the State or a 21
service provider. 22

Part 7 Repeal 23

- Clause 21 Repeal** 24
- The Personalised Transport Ombudsman Act 2019, No. 24 is 25
repealed. 26