

# North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Environment and Heritage Protection and  
Minister for National Parks and the Great Barrier Reef

**1 Clause 6 (Amendment of s 9 (Termination of mining lease 1109 if not renewed))**

Page 7, lines 9 to 11—

*omit, insert—*

(2) Section 9(1), from ‘ends’—

*omit, insert—*

ends on the commencement of the *North Stradbroke Island Protection and Sustainability and Other Acts Amendment Act 2015*, part 2.

**2 Clause 13 (Replacement of s 17 (Replacement of environmental authority MIN100971509))**

Page 9, line 22, after ‘identified’—

*insert—*

, by reference to the ecosystem’s biodiversity status,

**3 Clause 13 (Replacement of s 17 (Replacement of environmental authority MIN100971509))**

Page 11, line 19, ‘4’—

*omit, insert—*

6

**4 Clause 13 (Replacement of s 17 (Replacement of environmental authority MIN100971509))**

Page 13, lines 1 and 2—

*omit, insert—*

- (e) there is an ILUA in relation to the land between—
  - (i) the holder of the Enterprise Mine lease; and
  - (ii) a registered native title body corporate for the land.

**5 Clause 13 (Replacement of s 17 (Replacement of environmental authority MIN100971509))**

Page 13, lines 6 and 7—

*omit.*

**6 After clause 13**

Page 14, after line 21—

*insert—*

**13A Insertion of new pt 4 hdg**

After section 22—

*insert—*

**Part 4**

**Transitional  
provisions for North  
Stradbroke Island  
Protection and  
Sustainability and  
Other Acts  
Amendment Act  
2015**

**7 Clause 14 (Omission of ss 23 and 24)**

Page 14, lines 22 to 24—

*omit, insert—*

## **14 Replacement of ss 23 and 24**

Sections 23 and 24—

*omit, insert—*

## **23 Operation of Mineral Resources Act, s 312—termination of mining lease 1109**

- (1) This section applies in relation to the termination of mining lease 1109 (the *terminated lease*) under section 9.
- (2) To the extent the Mineral Resources Act, section 312(4) divests property on the land in the area of the terminated lease from the owner and vests the property in the State, the section applies on the day that is 3 years after the commencement.
- (3) Subsection (2) applies despite the Mineral Resources Act, section 312(1).
- (4) To remove any doubt, it is declared that this section does not apply to any mineral on the land in the area of the terminated lease.

## **24 Authority to enter particular land—holder of environmental authority EPML00575913**

- (1) The chief executive (MRA) is taken to have given an authorisation, under the Mineral Resources Act, section 344A(3), to the holder of environmental authority EPML00575913 in relation to land that was, immediately before the commencement, subject to mining lease 1109.
- (2) The authorisation is taken to start on the commencement and end on the day that is 3 years after the commencement.
- (3) For the period of the authorisation, the holder is taken to have complied with the

Mineral Resources Act, section 344C.

- (4) To remove any doubt, it is declared the Mineral Resources Act, section 348 applies in relation to the authorisation.

- (5) In this section—

*chief executive (MRA)* means the chief executive of the department in which the Mineral Resources Act is administered.

## **25 Obligation of holder of particular authority to consult about land comprising mine**

- (1) This section applies while the deemed authorisation is in effect.

- (2) Before giving a notice under the MQSH Act, section 47(1) in relation to a relevant mine, the holder of the deemed authorisation must consult with a registered native title body corporate for the land comprising the mine or part of the mine.

- (3) Before giving a notice under the MQSH Act, section 47(5) in relation to a relevant mine, the holder of the deemed authorisation must consult with a registered native title body corporate for the land the holder proposes to be added to or omitted from the mine.

- (4) If the holder gives a notice under the MQSH Act, section 47(1) or (5), the holder must, as soon as practicable after giving the notice, give the chief executive—

- (a) a copy of the notice; and
- (b) evidence of the consultation with a registered native title body corporate for the land mentioned in the notice.

- (5) In this section—

*deemed authorisation* means the

authorisation taken to have been given by the chief executive under section 24.

*mine* see the MQSH Act, section 9.

*MQSH Act* means the *Mining and Quarrying Safety and Health Act 1999*.

*relevant mine* means a mine comprised of all or part of the land that was, immediately before the termination of mining lease 1109, subject to mining lease 1109.

**8 Clause 16 (Amendment of sch 3 (Dictionary))**

Page 15, after line 27—

*insert—*

*registered native title body corporate* see the *Native Title Act 1993* (Cwlth), section 253.

**9 Clause 16 (Amendment of sch 3 (Dictionary))**

Page 16, after line 10—

*insert—*

(3) Schedule 3, definition *NSI mining interest*, ‘Region.’—

*omit, insert—*

Region, other than an approval to remove a mineral or property from the land under the Mineral Resources Act, section 313.

**10 Clause 18 (Amendment of s 9 (Meaning of coal mine))**

Page 16, lines 17 to 25 and page 17, lines 1 to 3—

*omit, insert—*

Section 9(1)—

*insert—*

- (f) a place that was a coal mine, or part of a coal mine, while—
  - (i) on-site activities are carried on, continuously or from time to time; and
  - (ii) an authorisation to enter land under the *Mineral Resources Act 1989*, section 344A(3) is in force for the place.

**11 After clause 20**

Page 17, after line 18—

*insert—*

**20A Amendment of s 201 (Term of environmental authority)**

Section 201—

*insert—*

- (2) To remove any doubt, it is declared that an environmental authority continues in force in relation to an ERA carried out on land identified by reference to a resource tenure even if the resource tenure expires or is cancelled.

**12 Clause 26 (Amendment of s 344 (Definitions for pt 4))**

Page 19, lines 22 to 24—

*omit, insert—*

- (c) for which no environmental authority is in force for activities mentioned in paragraph (a) that were carried out under a mining lease or mining claim that is no longer in force.

**13      Clause 26 (Amendment of s 344 (Definitions for pt 4))**

Page 20, lines 4 to 8—

*omit, insert—*

- (b) for which an environmental authority for the mining activities mentioned in paragraph (a) is in force.

**14      Clause 27 (Amendment of s 344A (Authorised person to carry out rehabilitation activities))**

Page 20, lines 27 to 31—

*omit, insert—*

land to enter the land, or part of the land, to carry out activities (also *rehabilitation activities*)—

- (a) for the environmental management of the land required of the holder under an environmental requirement under the Environmental Protection Act; or
  - (b) the holder would be required to carry out, if an EPA surrender application had been made for the environmental authority, to satisfy an EPA administering authority for the application of the approval matters for the application.
- (3A) If the holder is not otherwise authorised under this Act to carry out a rehabilitation activity mentioned in subsection (3), an authorisation under the subsection is taken to authorise the holder to carry out the activity for the period mentioned in subsection (4).
- (3B) However, an authorisation under subsection (3) does not authorise, and is not taken to authorise, the holder to carry out an activity that is an act to which the right to negotiate provisions apply.

**15      Clause 27 (Amendment of s 344A (Authorised person to carry out rehabilitation activities))**

Page 21, line 7, ‘prevented’—

*omit, insert—*

prevents

**16      Clause 27 (Amendment of s 344A (Authorised person to carry out rehabilitation activities))**

Page 21, after line 27—

*insert—*

*approval matter*, for an EPA surrender application, means a matter about which the EPA administering authority must be satisfied under the Environmental Protection Act, section 269.

*EPA administering authority*, for an EPA surrender application, means the administering authority for the application under the Environmental Protection Act.

*EPA surrender application* means a surrender application under the Environmental Protection Act, section 257(1).

**17      Clause 28 (Amendment of s 344B (Entering land to carry out rehabilitation activities))**

Page 22, lines 18 to 20—

*omit, insert—*

(2) Section 344B(2)—

*insert—*

(aa) if the entry is authorised under section 344A(3) and paragraph (a) does not apply—at any time after the end of the notice period; or

(3) Section 344B(2)(b), ‘within a period of 10



business days starting on’—

*omit, insert—*

at any time after

(4) Section 344B(2)(aa) and (b)—

*renumber* as section 344B(2)(b) and (c).

(5) Section 344B(4)—

*insert—*

***notice period*** means a period of 10 business days starting on the earlier of the following—

(a) the day the owner of the land is given notice of the entry under section 344C;

(b) the day the occupier of the land is given notice of the entry under section 344C.

## **18 Clause 36 (Amendment of s 9 (Meaning of *mine*))**

Page 27, lines 8 to 19—

*omit, insert—*

Section 9(1)—

*insert—*

(g) a place that was a mine, or part of a mine, while—

(i) operations are carried on, continuously or from time to time; and

(ii) an authorisation to enter land under the *Mineral Resources Act 1989*, section 344A(3) is in force for the place.

## **19 After clause 36**

Page 27, after line 19—

*insert—*

**36A Amendment of s 21 (Meaning of *operator*)**

Section 21(1)(b), ‘9(1)(d) or (f)’—

*omit, insert—*

9(1)(d), (f) or (g)

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