

Mineral Resources and Other Legislation Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Mineral Resources and Other Legislation Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

The key objective of the Bill is to deliver a more efficient framework for the assessment of mining lease applications (MLAs) and associated environmental authority (EA) applications while ensuring appropriate opportunities for community participation. Delivery of these changes will help strengthen Queensland's investment attractiveness in the resources sector, support continued investment and development, and contribute to long-term prosperity.

The Bill achieves this objective by:

- ensuring appropriate opportunities are available for affected persons and local communities to participate in statutory assessment processes;
- improving the efficiency and timeliness for the assessment and objection processes for mining leases (ML) and associated EAs; and
- providing greater certainty through a more streamlined approvals framework.

The need for these reforms reflects a number of inefficiencies in the current regulatory framework. Aspects of the current regulatory framework duplicate assessment requirements, require unnecessary procedural steps and contribute to unnecessary delays and costs for applicants, objectors and decision-makers.

The Bill addresses these issues by reducing duplication between the *Mineral Resources Act 1989* (MR Act) and the *Environmental Protection Act 1994* (EP Act), streamlining objection and notification processes, and ensuring hearings in the Land Court of Queensland (Land Court) are focused on matters that warrant independent consideration.

The Bill also seeks to support certainty for the Byerwen mine by repealing specific workforce accommodation obligations included in the MR Act that are inconsistent with a contemporary, principles based regulatory framework.

Achievement of policy objectives

The Bill improves the efficiency of the authorising aspects of the target regulatory frameworks by:

- removing duplicated environmental assessment requirements under the MR Act and EP Act
- removing the automatic referral of objections to the Land Court

- removing public notification, submission and objection processes for lower-risk applications for EAs
- refining objection rights and grounds for ML and associated EA applications
- better coordinating public notification processes for related ML and EA applications.

The Bill preserves appropriate opportunities for community participation and important environmental and decision-making safeguards.

The Bill also repeals certain provisions of the MR Act to support certainty for the Byerwen mine.

ML objections

Removing duplicated environmental assessment requirements

Environmental impacts associated with mining operations are regulated via EAs issued under the EP Act. Despite this, the Minister administering the MR Act is also required to consider whether a proposed mining operation will have adverse environmental impacts when deciding whether to grant an MLA. The Bill removes this duplication by removing the requirement for the Minister administering the MR Act to separately consider environmental impacts that are assessed under the EP Act. This avoids duplication between the two statutory frameworks while preserving the separate decision-making functions under each Act.

Removing automatic referral of objections to the Land Court

Under the pre-amended framework, an objection to an MLA or associated EA application is automatically referred to the Land Court for hearing and recommendation to the decision-maker, regardless of whether a hearing is necessary. This can result in additional time and costs for applicants, objectors and decision-makers. The Bill removes the requirement for every objection to automatically proceed to a Land Court hearing and instead, provides the relevant decision-maker with discretion to refer a matter to the Land Court where independent consideration is warranted. This ensures Land Court hearings are focused on matters where a hearing would assist in informing the decision, while avoiding unnecessary procedural steps where it would not.

Removing public notification processes for lower-risk applications for EAs

For EA applications associated with an MLA, public notification, submission and objection processes are applied under the pre-amended EP Act to both site-specific applications and lower-risk applications (standard and variation applications). This is not consistent with how standard and variation applications are dealt with for all other environmentally relevant activities (ERAs). Standard and variation applications can only be made where the government has published eligibility criteria for the activity as part of an ERA standard. These eligibility criteria must be met for a valid standard or variation application. The process for making the ERA standard, including the eligibility criteria, includes a public consultation process. Consequently, the Bill removes the duplicative ML objections process for standard and variation applications. This also enables removal of procedural requirements that are not necessary for these categories of applications for EAs.

Refining objection rights and grounds

Under the pre-amended framework any person may object to an MLA or associated EA application. The Bill amends this to provide that an objection may only be made by an affected person, or an owner or occupier of land within a defined geographical distance of the proposed mining operation. This focuses objection rights on entities that are more likely to be directly affected by the proposed mining operation and appropriately preserves their opportunity to participate in the decision-making process.

The pre-amended provisions provide that objections to MLAs and associated EA applications may be made on any ground, for any reason. The Bill amends this to provide that objections to MLAs and the associated draft EA documents must relate to specified grounds. This focusses objections on matters that are relevant to the statutory decision and assists decision-makers to efficiently consider issues raised by objectors.

The ability for any person to make a broad submission on any grounds is maintained for EA applications, but these submissions will carry less weight than objections, and submissions are only a consideration for the statutory decision-maker, not for the Land Court.

Coordinating public notification processes

Under the pre-amended framework, where an MLA requires a site-specific or major amendment application for an EA, separate public notification processes apply under the MR Act and EP Act, though these are undertaken simultaneously, through the EP Act requirements. The Bill provides for a combined public notification process for both applications. This enables a single notice to be published for both the MLA and EA application, ensuring notification timeframes for applicants and objectors do not inadvertently become misaligned. In addition, this process will provide for a single notice covering both applications, reducing duplication while providing a single coordinated opportunity for community participation.

Byerwen mine

Removing worker accommodation obligations

In addition to the reforms of the ML objection processes, the Bill also repeals certain provisions of the MR Act to support certainty for the Byerwen mine.

The pre-amended MR Act contains provisions that apply specifically to the Byerwen mine. These provisions require Byerwen Coal Pty Ltd (Byerwen Coal), as the holders of specific MLs and MLAs forming the Byerwen mine, to progressively accommodate its workforce in the township of Glenden, with 100 per cent required to be accommodated there from 31 March 2029. The provisions were introduced in 2023 to support the viability of Glenden, but did not address the township's ongoing reliance on a single mining operation or the need for broader land tenure reform.

These prescriptive obligations are inconsistent with a contemporary, principles based regulatory framework. Repealing them will provide certainty and flexibility to Byerwen Coal by allowing workforce accommodation arrangements to respond to operational requirements and changing circumstances.

Alternative ways of achieving policy objectives

The policy objectives cannot be achieved through non-legislative means because the proposed reforms amend statutory assessment, notification, objection and decision-making processes already established under the MR Act and the EP Act, as well as worker accommodation obligations under the MR Act.

Estimated cost for government implementation

The costs associated with implementing the Bill and ongoing administration will be managed by the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, administering the MR Act, and the Department of the Environment, Tourism, Science and Innovation, administering the EP Act, from existing departmental resources and budget allocations.

Implementation of the Bill will require coordinated operational, procedural and system changes across both departments, including updates to operational policy and guidance, business processes, business systems, delegations, stakeholder communications, and staff training.

Consistency with fundamental legislative principles

ML objections

The amendments have been drafted with regard to the fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992* (LSA) and are generally consistent with these provisions. However, the Bill does include several provisions that may be regarded as departures from FLPs. Amendments where FLP issues arise, together with the justification for any departure, are outlined below.

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review – LSA section 4(3)(a)

The decision-makers' discretionary powers to decide to refer an MLA or an EA application for a Land Court hearing

Under the pre-amended framework, before the Minister can make a decision, an MLA to which objections have been made is automatically referred to the Land Court under section 265 of the MR Act. Similarly, pre-amended section 185 of the EP Act required the administering authority to automatically refer an application for an EA for an ML, to the Land Court where an objection has been received. However, the Bill makes amendments to provide that the Minister under the MR Act and administering authority under the EP Act may decide an MLA, and an associated EA application to which objections have been made, without a Land Court hearing.

As a result of automatic Land Court objection hearing no longer applying, the discretionary referral power in the pre-amended section 271A(1)(c) of the MR Act will become more pertinent. Likewise, the Bill inserts section 186(1)(c) in the EP Act which provides for a discretionary power to refer. It is only if these powers are exercised that objectors will have the opportunity to promote the merits of their objection before the Land Court and to have a court hearing about the merit of expert evidence advanced by an applicant.

The referral power in section 271A(1)(c) is an existing discretionary power, and the Bill does not alter or define the power to a greater or lesser extent than currently defined. However, the removal of automatic referral to the Land Court changes the context in which the power will operate. The referral power under section 186(1)(c) of the EP Act mimics section 271A(1)(c) of the MR Act and shares the same justification.

As the powers under each Act do not prescribe specific criteria for referral, the amendments could be perceived as making the right for an objection to be heard dependent on an insufficiently defined power. There are decision-making criteria under section 271 of the MR Act and 187 of the EP Act that are the basis for the decision to refer. However, these criteria apply to the whole of the decision (to grant, refuse or refer). Each MLA and EA application is unique, the extent to which the decision-maker may need assistance from the Land Court will depend on the circumstances of the particular matter. These circumstances may include the nature and complexity of the objections and the issues raised by the objector, which cannot be exhaustively identified in advance. The approach is justified as prescribing specific criteria to refer could limit the decision-maker's discretion.

Legislation should be consistent with the principles of natural justice - LSA section 4(3)(b)

Limiting the right to object to 'eligible entities'

An objection to an MLA or EA application, under the pre-amended provisions could be made by any entity. The Bill amends section 260 (Objection to application for grant of mining lease) of the MR Act to provide that objections can only be made by 'eligible entities' having regard to the 125km eligibility zone. The Bill provides the same limitation for objections to site-specific applications for EAs for MLs under the EP Act.

It is possible that a person may be affected by a proposed mine but not be an 'eligible entity' and therefore not be able to 'be heard' via the MR Act and EP Act objection processes in relation to if, or how, the mine should proceed. This could be seen as inconsistent with the principle of natural justice.

However, sufficient regard has been had to this FLP because these changes are intended to ensure that local entities will continue to be heard in the decision-makers' consideration of an MLA or EA application via the objections process. Objectors will be limited, and it is intended that they will only include those persons who have a local connection with the area of the proposed ML. This will ensure the decision is timely and efficient to meet the policy objectives of the Bill.

Additionally, for a site-specific application for an EA for an ML, any entity will still be able to be heard via the open submission process for the proposed mine's EA. Consequently, sufficient regard is had to the fundamental legislative principle.

See also 'Sufficient regard to Aboriginal tradition and Island custom' below.

Limiting the grounds for objecting to MLAs

The principles of natural justice require that a person affected by a decision has a right to be heard about the decision. In deciding MLAs, under the pre-amended MR Act the provisions require the Land Court to hear all objections to an MLA before making a recommendation on the MLA to the Minister (MR Act). The Minister (MR Act) must consider that recommendation

when deciding the MLA. This gives effect to the right to be heard. Similarly, in deciding site-specific applications for EAs for MLs, the pre-amended EP Act requires the administering authority to consider the Land Court's recommendation following the hearing of any objections to the application.

Under the pre-amended objections framework, an objection could be made on any ground under both MR Act and EP Act. Under the amended framework, objections to an MLA may relate only to the matters the Minister is able to consider under amended section 271(1) of the MR Act. Similarly for the EP Act, the Bill limits the grounds for making an objection to the matters covered by the draft EA or draft progressive rehabilitation and closure plan (PRCP) schedule, or the decision-making criteria for those documents.

The principle of natural justice may be engaged to the extent that an entity may be affected by a decision in ways other than those contemplated by amended section 271(1) of the MR Act, or the amended EP Act, hence be unable to be heard about the effect of a proposed mining project upon them.

The change provides clarity around the matters that will inform decisions on MLAs and associated EA applications and will ensure objectors make relevant objections to the matters being considered by the decision-maker. This will make the process more efficient for applicants, objectors and for decision-makers and ensure objectors retain the right to be heard on matters relevant to the MLA and associated EA application.

Where entities may be impacted in ways other than those addressed via the criteria relevant to objections, the EP Act still allows for a submission to be made (on any grounds) and considered. To any extent that the Bill may curtail an entity's right to be heard via an objection, the submission process operates to ensure an alternative mechanism exists for a person to raise their concerns about the proposed decision. Consequently, sufficient regard is had to the fundamental legislative principle.

Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively - LSA section 4(3)(g)

Transitional provisions

Where an ML notice under current section 252 of the MR Act, or an application notice under the EP Act has been given and published prior to commencement of the Bill, some entities (that either have objected or intend to object) would expect to have the opportunity to promote the merits of their objection about the MLA or associated EA application before the Land Court. Amended chapter 15, part 24 of the MR Act establishes transitional provisions for the Bill. These provisions preserve the existing requirement for a Land Court hearing where the hearing has already commenced or the Land Court has made substantive directions or orders in relation to the matter, other than an order merely setting a hearing date. The Bill establishes equivalent transitional provisions for the EP Act. Where proceedings have not commenced, the decision-makers may decide the MLA or EA application without a Land Court hearing.

As such, the transitional provisions established by the Bill could be perceived as imposing retrospective obligations. However, these provisions do not impose any obligations on either the applicant or on objectors. To the extent that any right to a Land Court hearing is impacted, the transitional provisions are justified.

The transitional provisions deliver the greatest time and cost savings to objectors and applicants. Replacing the existing automatic Land Court referral regime with the discretionary ministerial/administrative authority referral power will embed efficiencies without changing the basis on which decisions are made. Applying the process established by this Bill to MLAs made before commencement of the Bill where mining lease notices (MLNs) have been issued will ensure unnecessary court processes are avoided.

Objections made to MLAs and EA applications must still be considered by the decision-makers, whether a referral to the Land Court is made or not. Therefore, objectors in this scenario will not be losing their right to be heard. They will still be heard about the same matters, the difference being they will be heard by the decision-makers instead of by the Land Court.

Legislation should have sufficient regard to Aboriginal tradition and Island custom - LSA section 4(3)(j)

Sufficient regard to Aboriginal tradition and Island custom

The decision-makers responsible for the administration of the MR Act and EP Act are informed by objections (amongst other things) when making decisions on MLAs and associated EA applications. Objections by Aboriginal people/s and/or Torres Strait Islander people/s may inform the decision-makers about Aboriginal tradition and/or Island custom to assist with the consideration of matters in amended sections 271(1) and 271(2) of the MR Act and amended EP Act.

The Bill amends section 260 of the MR Act to require that objectors must be ‘eligible entities’, where an ‘eligible entity’ comprises ‘affected persons’ or an owner or occupier of land within the 125km eligibility zone (the area outside of the boundary of the MLA). The Bill amends the EP Act to achieve the same intent for applications for EAs for MLs. Holders of exclusive native title to land in the application area and 125km eligibility zone are not listed in the definition of ‘affected person’, however are still taken to be an ‘affected person’ through the operation of section 10 of the Racial Discrimination Act 1975 (Cth). Despite this, some Aboriginal people/s and/or Torres Strait Islander people/s may not be able to use the formal objection processes in the MR Act or EP Act to object to either an MLA or draft EA. In the absence of any other mechanisms, this could result in a decision on an MLA not having sufficient regard to Aboriginal tradition and Island custom.

Defining ‘eligible entities’ to geographically limit the pool of potential objectors achieves the policy intent that the objections process is focussed on local, project-specific matters, while being timely and efficient. The use of land ownership or land occupation to determine eligible entity ensures that objective criteria can be relied upon to demonstrate proximity to the proposed mine providing clarity to applicants and administrative decision-makers about eligibility to object.

However, despite that definition, the decision on an MLA or associated EA application is subject to the requirements of the Human Rights Act 2019 (HR Act) and must be made in a way compatible with human rights, including cultural rights (that relate to Aboriginal tradition and/or Island custom).

Information about Aboriginal tradition and/or Island custom that may previously have been provided via the objections process in the MR Act or EP Act may still be relevant to some

decisions on MLAs and associated EA applications due to the operation of the HR Act. In addition, a submission may be made under the EP Act processes which may be considered by the administering authority, to meet the obligations under the HR Act. This will be the case, whether or not the source of that information is an ‘eligible entity’. Hence, though possibly not captured via the objection process, sufficient regard will be given to Aboriginal tradition and Island custom when decisions are made on MLAs and applications for EAs for MLs.

Byerwen mine

No FLPs have been identified for the amendments relating to the Byerwen mine.

Consultation

ML objections

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, in partnership with the Department of the Environment, Tourism, Science and Innovation, conducted targeted briefing sessions with representatives of the mining industry, local government sector, the Land Court, and legal practitioners on key amendments in the Bill. Following these briefings, the departments also met with representatives of the agricultural and farming industries to discuss the amendments.

Overall, stakeholders consulted generally supported the policy intent of the amendments. The issues raised through consultation were considered in finalising the Bill, with some minor amendments made to the Bill to address some concerns raised. However, consultation did not result in substantive changes to the Bill.

Byerwen mine

No public consultation was undertaken on the repeal of the Byerwen mine provisions from the MR Act.

Consistency with legislation of other jurisdictions

ML objections

Public participation and approval processes for mining activities vary across Australian jurisdictions, reflecting differences in legislative and regulatory frameworks. Accordingly, the amendments in the Bill are not uniform with or complementary to legislation of the Commonwealth or another State.

Notwithstanding these differences, the Bill is broadly consistent with approaches adopted in other major Australian mining jurisdictions, including New South Wales, Western Australia and Northern Territory. The approach in the Northern Territory appears particularly consistent with the proposed Queensland model.

Eligibility to object

Any person may object to an MLA in Western Australia. In New South Wales, only landholders and exploration licence holders where the proposed mine will occur may object. The Bill adopts

a different approach by permitting objections to MLAs by landholders and occupiers within a defined geographical area.

Neither Western Australia nor New South Wales provides for objections to applications for EAs, although submissions on environmental matters may be made. The Bill retains objection rights for eligible entities and public submission rights for higher-risk EA applications.

Independent merits review

While the Bill removes the automatic referral of objections to the Land Court, it retains a discretionary referral power so appropriate matters may still be determined by the Land Court. Neither Western Australia nor New South Wales provide for mandatory independent merits review of MLAs or EA applications before decisions are made. However, in the Northern Territory the Minister administering the Mineral Titles Act 2010 has a discretion to refer an application for a mining title to the Northern Territory Civil and Administrative Tribunal to make a recommendation about whether a mining title be issued (analogous to the MLA decision under the MR Act). The Environment Minister in the Northern Territory does not have a discretion to refer their consideration of environmental licences (analogous to the EA decision under the EP Act) for mining proposals to an independent body.

Risk-based public participation

The Bill adopts a risk-based approach to public participation by removing public notification, submission and objection requirements for lower-risk mining activities. Similar risk-based approaches are adopted in New South Wales and Western Australia.

Byerwen mine

As the proposed amendments relate specifically to the removal of conditions applying to the Byerwen mine, no broader jurisdictional analysis was considered necessary.

Notes on provisions

Part 1 – Preliminary

Clause 1 Short title

This clause provides that, when enacted, the Bill will be cited as the *Mineral Resources and Other Legislation Amendment Act 2026*.

Clause 2 Commencement

This clause provides for commencement of provisions. The following provisions of the *Mineral Resources and Other Legislation Amendment Act 2026*, which relate to provisions for Byerwen mine, will commence on assent:

- Clause 37;
- Clause 55;
- Clause 56, other than to the extent it inserts new chapter 15, part 24, division 3;
- Clause 57(1).

All remaining provisions will commence on a day to be fixed by proclamation.

Part 2 – Amendment of Environmental Protection Act 1994

Clause 3 Act Amended

This clause states that this part amends the *Environmental Protection Act 1994* (EP Act). The note states that further amendments to the EP Act can be found in schedule 1.

Clause 4 Amendment of s 55 (Acceptance of submissions)

This clause amends section 55 of the EP Act to remove outdated references and provide instead for submissions to be made in an approved form. This ensures that the requirements for basic information (such as a person's name and address) are contemporary and able to keep pace with technological change.

Clause 5 Amendment of s 112 (Other key definitions for ch 5)

This clause amends section 112 of the EP Act to clarify the defined term 'PRCP schedule' for chapter 5. The acronym PRCP is used in the defined term in this section – it refers to a progressive rehabilitation and closure plan (referenced in the EP Act as a ("PRC plan")), and the PRCP schedule is part of the PRC plan.

The term 'PRCP schedule' is defined in paragraph (b) by reference to an approved schedule under chapter 5, part 5, division 2. However, under that part (specifically section 172(3)(a)), the approval may be subject to either conditions or to amendment. Reading these two sections together, references throughout chapter 5 to an approved PRCP schedule would include both any conditions and any amendments. However, this amendment makes this connection simpler and removes any doubt that the intent is for approved PRCP schedules to mean the amended

PRCP schedule (if it was approved with amendment) as well as any conditions attaching to the approval.

Clause 6 Replacement of s 149 (When notification stage applies)

This clause provides that chapter 5 part 4 (the notification stage) does not apply to an application for an EA for mining activities, but otherwise applies to an EA application for a resource activity.

Chapter 5 sets out the stages for assessing an EA application as follows:

- Part 2 is the application stage (i.e., what is required for a properly made application)
- Part 3 is the information stage (i.e., so that the administering authority can seek further information needed to assess the application)
- Part 4 is the notification stage (i.e., when public notification of the application is required and when submissions can be made)
- Part 5 is the decision stage (i.e., the administering authority's decision about the EA application, the timing and criteria for that decision, and steps required after making the decision).

Under the pre-amended framework, the notification stage applies to applications for EAs for MLs and public notification is on the application documents, not on the documents which the administering authority produces for the purposes of the Land Court process (i.e., the draft EA and the draft PRCP schedule). The Bill consolidates the public participation processes for EAs for MLs, with requirements for public notification included as part of the decision stage.

The existing trigger for notification for other EA applications remains unchanged.

Clause 7 Amendment of s 150 (Notification stage does not apply to particular applications)

This clause amends section 150 of the EP Act as a consequence of the providing that the notification stage does not apply to applications for EAs for MLs under section 149.

Some subsections of the pre-amended section refer to applications for EAs for MLs and one refers to a proposed PRC plan. PRC plans are only required for site-specific applications for EAs for MLs (see section 125(1)(n) of the existing EP Act). The section is amended to no longer reference these matters that are no longer relevant.

Clause 8 Amendment of s 151 (When notification stage can start)

This clause amends section 151 of the EP Act as a consequence of the notification stage no longer applying to applications for EAs for MLs, removing reference to when the notification stage would have otherwise started.

Clause 9 Amendment of s 153 (Required content of application notice)

This clause amends section 153 of the EP Act as a consequence to the amendment to section 149 which means that the notification stage does not apply to applications for EAs for MLs.

The omitted subsection related to a proposed PRC plan, which is only relevant for applications for EAs for MLs, so is no longer required. The remaining subsections are renumbered, but otherwise unchanged.

Clause 10 Omission of s 154 (Submission period for application—mining activities)

This clause removes section 154 of the EP Act as a consequence of the notification stage no longer applying to applications for EAs for MLs. Specific reference to submission period for mining activities is no longer relevant.

Clause 11 Amendment of s 155 (Submission period for application—other resource activities)

This clause amends section 155 of the EP Act as a consequence of the notification stage no longer applying to applications for EAs for MLs. Reference to mining activities is removed from this section.

Clause 12 Amendment of s 156 (Publication of application notice and documents on website)

This clause amends section 156 of the EP Act as a consequence of the notification stage no longer applying to applications for EAs for MLs, including for standard or variation application types. As the entirety of the notification stage will now only apply to site-specific applications, there is no longer a need for this section to specify that it only applies to site-specific applications.

Clause 13 Amendment of s 157 (Public access to application documents)

This clause amends section 157 of the EP Act as a consequence of the notification stage no longer applying to applications for an EA for an ML. The omitted subsections referenced an application for an EA for an ML which are no longer relevant.

Clause 14 Amendment of s 158 (Declaration of compliance)

This clause amends section 158 of the EP Act as a consequence of the notification stage no longer applying to applications for an EA for an ML. As the entirety of the notification stage will now only apply to site-specific applications, there is no longer a need for this section to specify that it only applies to those types of applications. The remaining subsection is renumbered, but otherwise unchanged.

Clause 15 Amendment of s 160 (Right to make submission)

This clause amends section 160 of the EP Act as a consequence of the notification stage no longer applying to EA applications for an EA for an ML.

The omitted subsections referred to a proposed PRC plan which is only required for an application for an EA for an ML. Consequently, these references are no longer required. The remaining subsections are renumbered, but otherwise unchanged.

Clause 16 Amendment of s 161 (Acceptance of submission)

This clause amends section 161 of the EP Act to be consistent with section 55 and section 184 (inserted by this Bill) so that outdated references are removed and instead to provide that submissions are made in the approved form. This ensures that the requirements for basic information (such as a person's name and address) are contemporary and able to keep pace with technological change.

Clause 17 Amendment of ch 5, pt 5, div 2, sdiv 1A, hdg (Standard applications—general)

This clause removes reference to 'general' in the heading as it is no longer required. This is a consequence of the Bill omitting section 170.

Clause 18 Amendment of s 169A (Approval of standard applications generally)

This clause amends the heading and removes specific reference to applications for an EA for an ML as the references are no longer needed as a consequence of the Bill omitting section 170.

Clause 19 Replacement of ch 5, pt 5, div 2, sdiv 2, hdg (Other applications)

This clause replaces the chapter 5, part 5, division 2, subdivision 2 heading with a more descriptive heading as a consequence of the Bill omitting section 170.

Clause 20 Omission of ss 170, 175 and 177

This clause removes sections related to deciding a standard application for an EA for an ML. The removal is a consequence of the Bill establishing streamlined arrangements for applications for EAs for MLs.

Clause 21 Replacement of ch 5, pt 5, div 3 (Applications for mining activities relating to a mining lease)

This clause replaces chapter 5, part 5, division 3 of the EP Act, which provided for the notice of decision, notification and objections process, the Land Court process, and final decision for EAs for MLs.

Key changes to this division include:

- The publication and objections process will only apply to site-specific applications for EAs for MLs (as outlined above with the omission of section 170);
- The publication requirements will be through the ML notice and associated arrangements under the MR Act and occur after the draft EA and draft PRCP schedule have been issued;
- Objections processes are changed to match amendments to the MR Act, including:
 - a. Eligibility to lodge an objection will be limited;
 - b. After receiving an objection, referral of the objection to the Land Court will not be mandatory or automatic - it is the statutory decision-maker who decides whether to refer an objection to the Land Court;

- c. The Land Court's consideration is limited to the matters referred to it; and
- A submission may be lodged by any person about the draft EA or draft PRCP schedule during the same period when objections may be lodged, and may be considered by the statutory decision-maker;
 - The applicant's appeal rights are preserved through applying the usual review and appeal process in chapter 11, part 3 of the EP Act (i.e., a post-decision appeal right) (see the amendments to section 198 and schedule 2).

The overall structure of division 3 remains the same, with different subdivisions dealing with different aspects of the process for deciding applications for an EA for an ML:

- Subdivision 1 specifies definitions for division 3 and the types of application the division applies to;
- Subdivision 2 provides for the issue of the draft EA and draft PRCP schedule, and how objections and submissions can be made;
- Subdivision 3 provides for the decision of the administering authority after objections or submissions are received. These same provisions will also apply after a Land Court recommendation is made.
- Subdivision 4 provides the procedural steps for referring a matter to the Land Court, how the Land Court considers the matter, and the steps required before the Land Court's recommendation is considered by the administering authority.

Note, due to the operation of section 232, the process in this division also applies to major amendment applications as if they are a site-specific application, where a notice has been given under section 230A or 230B.

Division 3 Site-specific applications for mining activities relating to a mining lease

Subdivision 1 Preliminary

180 Definitions for division

This section establishes definitions specific to chapter 5, part 5, division 3. These terms are all defined by reference to the MR Act, so the explanation for each definition is outlined in the amendments to sections 252 and 260 of the MR Act.

181 Application of division

This section states that division 3 applies to a site-specific application for an EA for an ML. This is because applications for EAs for lower-risk activities (standard and variation applications) are dealt with through a streamlined assessment process, which is consistent with the process for other ERAs that are subject to an ERA standard. Only site-specific applications which are for EAs for MLs are subject to this division 3 process. This section means that the remainder of division 3 (sections 182 to 194B) only applies where the application being decided is a site-specific application for an EA for an ML.

Subdivision 2 Issue of draft documents

This subdivision provides for the issue of the draft EA and draft PRCP schedule (the draft documents) and outlines how objections and submissions can be made.

182 Administering authority must issue draft documents

This section requires the administering authority to issue a draft EA and draft PRCP schedule for applications for EAs for MLs.

For all other types of EA application (i.e., those not associated with an ML), the administering authority's decision under section 169A (standard application), section 171 (variation application) or section 172 (site-specific application) is the final decision, and either the EA is issued under section 195 (if the application is approved), or an information notice is sent under section 198 (if the application is refused).

For site-specific applications for an EA for an ML, the outcome following the section 172 decision is different. If the application is approved, the administering authority issues a draft EA, and because site-specific applications for MLs require a PRC plan, the draft PRCP schedule is issued at the same time. The draft EA and draft PRCP schedule issued under this section are collectively referred to as the ***draft documents*** (see the inserted definition in schedule 4).

The timeframe for issuing the draft documents is the same as the timeframe to issue an EA under section 195 – i.e., within 5 business days. The draft documents are issued to the applicant, and a notice is sent to the chief executive for the MR Act so that the MLN can be issued. The section provides that the notice given to the MRA chief executive must contain information about where copies of the draft documents can be obtained. The MLN requires the applicant to send certain documents to affected persons, and to publish the MLN (see amendment to section 252 of the MR Act). The draft documents then become the basis for any objection to be made (see section 183).

Note that, if the administering authority decides to refuse the application under section 172, the draft documents are not issued. This is because the usual process will apply (i.e., the issue of an information notice under section 198) and the applicant will then be able to seek internal review and appeal of the decision to refuse. This also applies where a PRC plan is refused under section 172(3)(b), because the application must then be refused under section 172(2).

Also, note that this section also applies to major amendment applications where a section 230A or 230B notice has been given (due to the operation of section 232). The major amendment may be to the EA or to the PRCP schedule. If the amendment is only to a PRCP schedule with no changes needed to the EA (and the section 230B notice applies as well as the requirements of section 232), then the assessment decision would be under section 172(3)(a) and the draft documents would be issued pursuant to that approval.

183 Objection to draft documents by eligible entity

This section specifies the way in which an eligible entity can make an objection to the draft documents issued under section 182.

As mentioned above, eligible entities will receive notice of the mining project through the MR Act requirements for an applicant to forward documents to an affected person, and to publish the MLN. The requirements of the MLN refer to this right to object as part of that notice.

However, the objection itself is to the draft documents under the EP Act, therefore the relevant section of the MR Act is mimicked in this section to enable those objections. At the same time, an objection to the MLA may be made under the MR Act.

In alignment with the MR Act requirements, only eligible entities (as defined in the MR Act) can lodge a properly made objection. The objection must be lodged with the administering authority, and a copy given to the applicant, before the last objection day (as per the MLN).

In order to be a properly made objection, the objection must be in the approved form and state the grounds of the objection, and the facts and circumstances for those grounds. Similar to the MR Act requirements, the grounds of objection for the draft documents are limited to those relevant for the decision under the EP Act. Consequently, the only valid grounds for an objection to the draft documents are the draft documents themselves (e.g., the requirements and conditions outlined in the draft EA and draft PRCP schedule issued under section 182), or the decision criteria for the approval (i.e., section 176 for the draft EA, and section 176A for the draft PRCP schedule).

The intention is that the approved form for section 183 of the EP Act and the approved form for section 260 of the MR Act will be made under each Act respectively, but be the same form. This will help to guide objectors to object to the correct instrument (i.e., the draft documents under the EP Act, or the MLA under the MR Act).

As the decision-maker has already considered all of the application documents in making the decision to approve the application and issue the draft EA and draft PRCP schedule, the intent is that most objectors will be guided by the approved form to identify which conditions or requirements of the draft documents are relevant to their objection (e.g., if the objector is concerned about the environmental values of groundwater, they would point to the relevant groundwater condition/s of the draft EA, and why those conditions do not address their concerns). This will enable their grounds of objection to be clear to the administering authority when considering the objection for the decision under section 186.

The objector also provides a copy of the objection to the applicant. This empowers the applicant to resolve any issues directly with the objector where that is appropriate, and for the applicant to continue to negotiate with the administering authority about the conditions of approvals.

There is also specific provision for the objection to be withdrawn by the objector (e.g., where the applicant and objector are able to resolve any issues raised). Notice of the withdrawal is given to the administering authority and/or the Land Court, depending on whether or not the objection has been referred to the Land Court.

As there is no statutory requirement for the applicant to provide a response about objections, ensuring that the applicant has notice of any withdrawal will depend on the natural justice principles applying to the administering authority's decision at the time the objection is withdrawn (e.g., if the matter is already before the Land Court, then the usual court procedures would apply).

184 Public submission about draft documents by any person

This section allows any person to lodge a submission about the draft documents issued under section 182.

The intent of this provision is to allow for a broad scope of information to be provided to the administering authority about the environmental impacts of the mining project, but to ensure that the scope for mandatory consideration of such information is still constrained to be consistent with the approach taken by the MR Act amendments.

As a result, submissions are treated differently to objections – they can be made by any person, and the grounds of the submission do not need to strictly relate to the draft documents or the decision criteria in sections 176 and 176A. They cannot be referred to the Land Court and the administering authority may, but is not required to, consider each submission in making the decision under section 186.

The timeframe for making a submission is the same as for an objection (i.e., before the last objection day stated in the MLN). Similarly, the submission is made by lodging it with the administering authority and giving a copy to the applicant.

While there will also be an approved form for a submission, this is primarily to allow for different types of submissions to require relevant details (e.g., electronic lodgement can require an email address instead of a residential address). The requirement for a submission to include the person's name will still be required via the approved form (i.e., anonymous submissions will not be accepted). This is the same as the requirement for a submission under section 161 of the EP Act, for other types of site-specific applications.

Subdivision 3 Decision on application

This subdivision includes the decision of the administering authority after objections or submissions are received. These provisions will also apply after a Land Court recommendation is made.

185 When administering authority must decide site-specific application

This section establishes when the administering authority must make a decision under section 186 for a site-specific application for an EA for an ML. The timeframe for a decision potentially applies twice:

1. After the objection period closes:

- the timeframes for a section 186 decision applies if a submission or objection is received;
- the administering authority must make a decision to either approve the application, refuse the application, or refer the matter to the Land Court;
- however, the decision to refer the matter to the Land Court may only be made if a properly made objection has been made under section 183. If submissions are received, but no objections, then the administering can only make a decision to either approve or refuse the application.

These matters are covered by subsections (1)(c) and (d) for the circumstances; subsections (2)(b)(ii) and (iii) for the timeframe; section 186 for the decision itself; and section 187 for the criteria for the decision.

2. After the Land Court matter is resolved:

- the timeframes for a section 186 decision only applies if the decision above was to refer the matter to the Land Court;
- can apply either after the Land Court has made a recommendation, or after all objections referred to the Land Court have been withdrawn or struck out;
- the administering authority must make a decision to either approve or refuse the application.

These matters are covered by subsections (1)(a) and (b) for the circumstances; subsections (2)(a) and (b)(i) for the timeframe; section 186 for the decision itself; and section 187 for the criteria for the decision.

The timeframe for the decision is consistent with the nature of the decision – i.e., for the first type of decision, the administering authority may be required to re-assess each of the decision criteria for the application in sections 176 and 176A to make the decision under section 186. Consequently, the timeframe for the decision is consistent with the timeframe for the initial assessment (see section 168 of the EP Act). As this division only applies to site-specific applications for an EA for an ML, and a PRC plan is always required for these types of applications, the decision must be made within 30 business days (consistent with section 168(1)(a) of the EP Act). However, this timeframe can be extended by a further 30 business days (without agreement), and extended further with the agreement of the applicant (e.g., if the applicant and the administering authority are negotiating to resolve issues arising from submissions and objections).

In the case of the second type of decision, the administering authority is considering the Land Court's recommendation only, so the decision must be made within 20 business days of the end of the process to consider the Land Court's recommendation (consistent with the timeframe in pre-amended section 194 of the EP Act). As per previous arrangements, the Land Court's recommendation is sent to the Ministers responsible for the MR Act and the *State Development and Public Works Organisation Act 1971* (if relevant). This process must be completed before the administering authority makes its decision under these provisions. See sections 194A and 194B as inserted by the Bill.

Note: if neither objections nor submissions are received by the end of the objections period, a further section 186 decision is not required, and the EA and PRCP schedule is issued as per the draft documents – see section 195.

186 Deciding site-specific application

This section provides for the decision that must be made if objections or submissions are received. The decision must consider the criteria mentioned in section 187 and may be to approve the application, refuse the application, or make a referral to the Land Court to conduct a hearing. This same section also applies after a Land Court process is completed.

The structure of the decision (i.e., approve, refuse or refer) is based on the equivalent provision of the MR Act (see section 271A of the MR Act). In line with the MR Act provision, there are two types of referral for which the administering authority can seek the Land Court's recommendation:

1. the matter generally – in the case of the EP Act, this is both of the draft documents and any relevant objections; or
2. a specific matter stated by the decision-maker – this is identical to section 271A(1)(c) of the MR Act.

Consistent with the equivalent section of the MR Act, the decision to refer a matter to the Land Court may only be made if the administering authority has received a properly made objection to the draft documents under the EP Act. If only submissions are received, then the administering authority may have regard to the matters raised in the submission in deciding to approve or refuse the application.

While there are no specific statutory criteria that apply where the decision is to refer the matter to the Land Court (rather than to approve/refuse the application), the intent (as outlined in the policy objectives for the Bill) is that the relevant decision-maker may decide to refer a matter to the Land Court where independent consideration is warranted; where a hearing may benefit the decision. The intent is that Land Court hearings can be focused on matters where a hearing would assist in informing the decision, while avoiding unnecessary procedural steps where it would not. For example, in some cases, the matters raised by objections may have been, or could be, adequately addressed through the assessment process, existing or additional conditions, amendments to the draft EA or draft PRCP schedule, or sufficient information is available to support an informed decision without a Land Court recommendation. In these circumstances, the intent is that administering authority can be satisfied that it may approve or refuse the application without referral to the Land Court (e.g., through engagement with applicants and objectors to clarify and address any issues raised in objections).

If the administering authority decides to approve an application under section 186(1)(a), it must either be on the basis of the draft EA and draft PRCP schedule for the application, or on stated conditions/amendments that are different to those in the draft EA and draft PRCP schedule. This makes clear that the administering authority may, upon considering the decision criteria in section 187, decide that the draft EA and draft PRCP schedule already sufficiently address the points raised by any submissions or objections.

187 Criteria for deciding site-specific application

This section sets out the criteria for making a decision under section 186.

These are essentially the same as the criteria for the initial decision in section 172 of the EP Act that inform the draft documents. That is, the criteria outlined in section 176 for the EA, and section 176A for the PRCP schedule.

Under those sections, the administering authority must comply with any relevant regulatory requirement – these are the requirements outlined in chapter 4 of the Environmental Protection Regulation 2019 (EP Reg). The requirements include where an application must be refused (e.g., section 41 of the EP Reg) and the matters to be addressed by an environmental objective assessment. However, these matters need only be reconsidered to the extent that they are relevant to an objection (or a submission) as assessment prior to the issue of the draft EA and draft PRCP would have already been required to comply with these requirements.

Subject to compliance with the regulatory requirements, the administering authority must have regard to:

- the draft EA and draft PRCP schedule – this ensures that the administering authority need not reconsider application material which was considered as part of the section 172 decision, but needs only consider the extent to which the grounds of an objection (or information in a submission) could support a change to the conditions or requirements of the draft documents or support a refusal; and
- the standard criteria (noting that this includes consideration of objections due to the operation of subsection (2)), but only to the extent that the standard criteria are relevant to the grounds of an objection (or information in a submission);
- plus, for a PRCP schedule:
 - the guidelines under section 550 (to the extent that they are relevant to the grounds of an objection (or information in a submission)); and
 - any relevant advice, report or guidance published by the Queensland Mining Rehabilitation Commissioner (to the extent that it is relevant to the grounds of an objection (or information in a submission)).

In addition, the administering authority cannot approve the PRCP schedule unless the criteria in subsection (5) are met. These are the same criteria in section 176A(3) of the EP Act.

With reference to the above, the administering authority's consideration of a submission made under section 184 is not mandated, but it may be taken into account.

If a decision had previously been made to refer a matter to the Land Court, and the Land Court had made a recommendation under section 192, then the administering authority must also consider that recommendation and any advice given by the MR Act Minister or the State Development Minister about the Land Court's recommendation under the section 194B (as inserted by this Bill). This maintains the final matters to be considered under section 194B of the pre-amendment EP Act.

Note that section 187(2) re-defines part of the definition of ‘standard criteria’ for the purposes of this section. Paragraph (f) of the definition of ‘standard criteria’, “all submissions made by the applicant and submitters” are part of the criteria for a decision. However, this division distinguishes between a submission and an objection, so for the purposes of this section, this criterion should be read as “all submissions made by the applicant, and any properly made objection made under section 183”. This ensures that the administering authority must have regard to objections in making the section 186 decision, while also excluding submissions made by submitters from always having to be considered.

The overall intent of the criteria prescribed under section 187 is to mimic the decision criteria under sections 176 and 176A without duplicating the decision that has already been made on the draft EA and draft PRCP schedule under section 172. Section 187(3) makes it clear that the draft EA, draft PRCP schedule and standard criteria are not to be reconsidered in full but rather only to the extent they relate to a properly made objection. This ensures that the decision made under section 172 does not need to be made anew as part of the section 186 decision.

In addition, while it is implicit that a decision-maker need only consider the criteria which are relevant to the decision, it is possible that the administering authority could be required to consider these criteria twice:

1. After the objections period closes – to decide whether to approve, refuse or refer the matter; and
2. If the matter is referred to the Land Court – to consider the Land Court’s recommendation (and s.194B advice) and decide whether to approve or refuse the application.

Consequently, subsection (6) removes any doubt that the administering authority need only consider the criteria which are relevant to the decision being made. For example, if the administering authority’s decision is to refer the matter to the Land Court, a full assessment of the regulatory requirements and possible changes to the draft EA or draft PRCP schedule is not necessary.

Subdivision 4 Referral to Land Court

This subdivision contains the procedural steps for referring a matter to the Land Court, how the Land Court considers the matter, and the steps required before the Land Court’s recommendation is considered by the administering authority under section 186.

188 Referral to Land Court

This section outlines the process for referring a matter to the Land Court where a decision under section 186 is to refer the matter. The procedural steps are essentially the same as section 185 of the pre-amendment EP Act, except that the referral need not include the application documents, but only the draft documents issued under section 182. This is because it is the draft documents which form the basis of an objection, and any decision to refer. Note that the Land Court still has the power to request documents under the usual court procedures.

In the case of the second type of referral (under section 186(1)(c)(ii) as inserted by the Bill), the administering authority need only include in the referral those objections which are relevant to the matter being referred. This could include only part of an objection where the objection covers multiple grounds. The purpose of this differentiation is to ensure that only immediately relevant material is provided to the Land Court.

Section 188(3) requires the administering authority to give notice of the referral to the MR Act chief executive immediately after making the referral. The purpose of this notice is to ensure the chief executive of the MR Act is aware of the administering authority's decision to make a referral under section 186(1)(c), noting the Land Court may seek to consolidate proceedings in the case that referrals are made under both the EP Act and MR Act for the same project, in response to objections received. A similar notice is required to be given to the administering authority under the EP Act if a referral is made under the MR Act (section 271C).

189 Land Court must fix date for hearing

This section outlines the Land Court's processes once a referral is received. This process aligns with section 272 of the MR Act (amended by this Bill).

This section replaces sections 186 and 187 of the pre-amendment EP Act, but does not maintain provisions relating to parties to Land Court proceedings. The decision-maker under the MR Act is not a party to an ML objection proceeding. Similarly, there is no requirement for the administering authority to automatically be a party to a proceeding under the EP Act.

190 Hearing by Land Court

This section sets out how a Land Court hearing is conducted. This process aligns with the process outlined in section 273 of the MR Act (inserted by this Bill). The only substantive difference between the provisions is that a Land Court hearing under the MR Act is on the application (or specific matter), while a Land Court hearing under the EP Act is on the draft documents (or specific matter).

191 Striking out objections

This section replicates section 188A of the pre-amendment EP Act, to provide for all or part of an objection to be able to be struck out by the Land Court. This section is largely unchanged from its previous form, except for cross-reference differences in subsection (2). As part of drafting practice, the cross references include additional provisions of the new division 3.

192 Recommendation by Land Court

This section sets out the requirements for a recommendation from the Land Court. This process aligns with section 274A of the MR Act (inserted by this Bill). The only substantive difference between the provisions is that the Land Court hearing under the MR Act is on the application (or specific matter), while the Land Court hearing under the EP Act is on the draft documents (or specific matter). There are also elements of

section 274A which are not required for a decision under the EP Act (e.g., subsection (3) which is about the grant of an ML over the surface area of a reserve). Reasons are required to be given by the Land Court for any recommendation. Note that, under section 186, the administering authority must have regard to the Land Court's recommendation when making its decision.

193 No recommendation required if no objections remaining

Under this section, the Land Court is not required to make a recommendation if all objections are withdrawn or struck out. This aligns with section 274B of the MR Act (inserted by this Bill).

194 Consolidation of proceedings

This section provides for the consolidation of Land Court proceedings when a referral has been made to the Land Court in response to an objection under both the EP Act and the MR Act for the same project. This replaces section 188(2) of the pre-amendment EP Act which required that the Land Court hear the two matters together. The provision aligns with section 274C of the MR Act (inserted by this Bill).

194A Notice of Land Court recommendation

This section replicates section 192 of the pre-amendment EP Act, to provide that the Land Court must give a copy of their recommendation to the Minister administering the MR Act, and to the State Development Minister in the case that the ML is, or is part of, a coordinated project.

194B Advice from MRA Minister and State Development Minister about Land Court recommendation

This section replicates section 193 of the pre-amendment EP Act, with updated cross-references, to provide for certain advice to be given to the administering authority to assist in the making of a decision about the EA application.

Clause 22 Replacement of ss 195 and 196

This clause replaces section 195 to provide for the issuing of an EA or PRCP schedule under each of the relevant types of applications or decisions and the timeframes under section 196 (as amended by this Bill) within which this must occur.

This clause also replaces section 196 as a consequence of the replacement of chapter 5, part 5, division 3, and the restructure of section 195.

195 Issuing environmental authority or PRCP schedule

The replaced section has been restructured to make it clear when the requirement to issue the EA (and any associated PRCP schedule) applies, reflecting current drafting practice to refer to each type of decision separately. In the majority of cases, the combination of sections 195 and 196 means that the EA is issued within 5 business days of the decision to approve the application.

In detail:

- Standard applications are covered by section 195(1)(a), (2)(a) and section 196(c);
- Variation applications are covered by section 195(1)(b) and (c), (2)(a), and section 196(c);
- Site-specific applications that do not relate to an ML are covered by section 195(1)(d), (2)(a) and section 196(c); and
- Site-specific applications that do relate to an ML are covered by section 195(1)(e), (1)(f), (2)(b) and section 196(a) or (c).

For site-specific applications for an EA for an ML, there are two approval documents – both the EA and the PRCP schedule must be issued under section 195 (see subsection (2)(b)).

Where the administering authority has made a section 186 decision to approve an EA application following the receipt of submissions and/or objections on the draft documents, both the EA and the PRCP schedule are issued within 5 business days of the section 186 decision (see sections 195(1)(f) and 196(c)).

Where draft documents were issued under section 182, and the MLN was published under the MR Act, but neither objections nor submissions were received, then the administering authority is required to issue the EA and the PRCP schedule as per the draft documents. The timeframe for issuing the EA and PRCP is different in this scenario since the objection period must end before the administering authority knows that neither objections nor submissions have been made. Consequently, this scenario is covered by sections 195(1)(f) and 196(a) so that the EA and PRCP are issued within 5 business days after the objection period has ended.

In addition, there is a new requirement under section 195(3) for the administering authority to give notice of certain decisions to the MR Act chief executive and within 5 business days of the decision. The MLN is to be issued after an EA is issued for a standard or variation application for an EA for an ML (see section 252 of the MR Act). This requirement only applies where the application is for an EA for an ML, as this is the only time that an MLN applies. While there is no ability to object to the EA in these circumstances, the MLN will reference the EA so that an eligible entity is fully informed when deciding whether to lodge an objection to the ML.

Section 195(4) requires the notice of the EA being issued to include a copy of the EA. A copy of the EA can be given electronically, for example through a computer system. This allows for the giving of a notice to be automated in future electronic system improvements. The notice can also refer to where a copy of the EA is available electronically, for example, that it is available from the public register portal.

196 Requirements for issuing environmental authority or PRCP schedule

The replaced section provides timeframes for issuing EAs or PRCP schedules. It also maintains the arrangements of the pre-amendment section 196 for applications for a

development approval under the *Planning Act 2016* that are taken to be an application for an EA.

In general, the EA or PRCP schedule is required to be issued within 5 business days of the decision to approve the application. Otherwise, issue is required within 5 business days of the end of the objections period (for EAs for MLs where no objections or submissions are received within the objection period).

Clause 23 Amendment of s 198 (Information notice about particular decisions)

This clause amends section 198 as a consequence of the changes in chapter 5, part 5, division 3 that establish streamlined arrangements for applications for an EA for an ML.

Where a decision under either section 172 or 186 is to refuse an EA application, the administering authority must give the applicant an information notice about the decision to refuse. This requirement also applies where the administering authority decides to impose a condition on an EA and the applicant has not agreed in writing to the condition or to inclusion of a condition to the same effect. This clause provides a similar requirement will apply for EAs for MLs where the administering authority decides to amend a related PRCP schedule and the amendment is not the same, or does not have the same effect as, an amendment agreed by the applicant.

Applicant appeal rights for applications for EAs for MLs are preserved through applying the review and appeal process in chapter 11, part 3 of the EP Act (i.e., a post-decision appeal right). This maintains natural justice considering section 183 of the pre-amendment EP Act is being omitted.

Section 183 of the pre-amendment EP Act provided the applicant with the ability to request that the administering authority refer the application to the Land Court after receiving the draft EA, and draft PRCP schedule, if relevant. This served as a means for the applicant to voice their dissatisfaction with the decision on the draft EA or draft PRCP schedule, ultimately resulting in a recommendation from the Land Court on their application. The amendment to section 198 (and schedule 2) will maintain this ability for the applicant to drive a “review” process adjudicated by the Land Court.

The exception to this is where the Land Court has made a recommendation about the matter already under the ML objections process (see section 192). In that case, a court has already determined the merits of the matter, so the applicant does not have a second opportunity for an appeal.

Note: subsection (4) is amended by this clause because it relates to where a submitter is also entitled to an information notice. This only refers to submissions made under chapter 5, part 4, which no longer applies to applications for an EA for an ML. Consequently, subsection (4) is amended to exclude applications for an EA for an ML.

Clause 24 Amendment of s 223 (Definitions for part)

This clause amends section 223 as a consequence of the notification stage no longer applying to applications for EAs for MLs, including for standard or variation application types. The

amendment changes the meaning of ‘minor amendment (threshold)’ for chapter 5, part 7 so that adding an ML to an existing EA does not automatically trigger a major amendment that would be treated as a site-specific application.

All standard and variation EA applications, including those for EAs for MLs, will now be assessed through streamlined assessment pathways (and not involve an objections or submissions process). An amendment application to add a new ML for a project that can comply with the eligibility criteria and can meet the standard conditions of an ERA standard should not trigger the equivalent assessment path of a site-specific application. Note: the term “eligible ERAs” is used in the amendment application process as it is equivalent to making a standard or variation application.

To keep the same policy intent (i.e., that adding a resources lease, which would be a site-specific application, is automatically a major amendment), subsection (e) of the definition of minor amendment (threshold) is edited for MLs. This same change is not required for other types of resources leases because they are always site-specific applications. As of the making of this Bill, there is no ERA standard for petroleum leases, geothermal leases or GHG injection and storage leases.

This clause also amends section 223 to replace the references to ‘relevant resource tenure’ with ‘relevant tenure’, a consequential amendment. No substantive change is intended.

Clause 25 Amendment of s 226A (Requirements for amendment applications for environmental authorities)

This clause amends the heading of section 226A as a consequence of the insertion of section 226AB to provide for automatic approvals where the amendment application is the equivalent of a standard application.

This clause also amends section 226A to replace the reference to ‘relevant resource tenure’ with ‘relevant tenure’, a consequential amendment. No substantive change is intended.

Clause 26 Insertion of new s 226AB

This clause inserts a new section to provide for automatic approvals where the amendment application is the equivalent of a standard application. Under the EP Act, applying for a new EA with a new resources tenure can be assessed under the streamlined assessment pathway of a standard application (where eligibility criteria and standard conditions are met). However, under the pre-amendment EP Act, an existing ERA project cannot add a new resources tenure using the same streamlined assessment pathway, even when the project can still meet the eligibility criteria and standard conditions of an ERA standard. It triggers a major amendment site-specific assessment process, regardless of whether it is still considered to be a low environmental risk.

This section rectifies this anomaly. The streamlined assessment pathway is now possible as a consequence of the ML objections process no longer applying to standard or variation applications for EAs for MLs.

The streamlined assessment pathway for amendments that comply with standard conditions means that there is no need for an assessment level decision. In the same way that standard

applications can be automatically approved by a computer system, these applications can be automatically approved by a computer system without any need for a person to review individual applications.

Note that the whole project (i.e., for both the activities covered by the existing EA and the activities covered by the amended EA) will need to comply with the threshold test of the eligibility criteria published with the ERA standard for that activity. In addition, the proponent will need to state, as part of their application, that the standard conditions will apply. This means that this process cannot be used to avoid assessment of the ERA project as a whole (e.g., cumulative impacts).

Clause 27 Replacement of s 227B (Amendment applications to which div 3 does not apply)

This clause replaces section 227B as a consequence of the insertion of section 226AB which provides for automatic approvals where the amendment application is the equivalent of a standard application. The pre-amendment provision, that the division does not apply to an amendment application for a condition conversion, is maintained.

Clause 28 Replacement of s 230 (Administering authority must require public notification for particular amendment applications)

This clause replaces section 230 and inserts sections 230A and 230B as a consequence of the notification stage no longer applying to applications for EAs for MLs, and the replacement of chapter 5, part 5, division 3, which provides for the notification and objections process for EAs for MLs.

Section 230 of the pre-amendment EP Act applied any time an amendment application for a resources activity was assessed to be a major amendment. However, there are now three different scenarios where some form of public notification is required:

- Section 230 applies where the amendment application is for resource activities not related to an ML – in this case the usual process applies with the notification stage applying for a site-specific application for the resource activity;
- Section 230A applies where the amendment application is for an EA for an ML and it is adding a new ML to an existing ERA project – in this case, the ML notification and objection process applies, with a site-specific application being notified through the MLN and part 5, division 3 applying for the Land Court process.
- Section 230B applies where the amendment application is for an EA for an ML but it does not include adding a new ML – in this case, the administering authority gives the equivalent of an MLN, but otherwise the usual ML notifications and objections process applies with part 5, division 3 applying for the Land Court process.

230 Public notification—environmental authority for resource ERA

This section maintains the requirements for amendment applications other than those relating to an ML, with a minor change made to ensure that public notification requirements for amendment applications are consistent with the requirements of an equivalent application for a new EA. Amendment applications, where the subject activities are eligible ERAs, are equivalent to standard or variation applications and the notification stage need not apply. Amendment applications, where at least one of the

subject activities are ineligible ERAs, are equivalent to site-specific applications and the notice under this section ensures that the notification stage still applies.

230A Public notification—addition of mining lease

This section applies where the major amendment includes adding a new ML to an existing ERA project. As the ML objections process for a new EA for an ML would have applied to a site-specific application, the same process applies for a major amendment application to add a new ML. The amendment application is assessed under chapter 5 as if it is a site-specific application, the draft EA and draft PRCP schedule are issued, and the MLN is issued for public notification. Then the usual ML objections process in chapter 5, part 5, division 3 applies.

230B Public notification—major amendment other than addition of mining lease

This section applies where the major amendment to the existing EA or PRC plan is significant, but does not include adding a new ML. In this case, the existing EA could have been a variation application for the initial assessment, and the information stage and decision stage requirements for a variation application should apply, but the ML objections process should only apply where activity would have been assessed as a site-specific application (i.e., if the change was not part of an ERA project).

Because the change to the project does not include a new ML, there is no MLN issued under the MR Act. Consequently, the ML notification and objections process is varied so that the administering authority gives the equivalent of an MLN.

Consequently, for these types of application, it is essentially the following process which will apply:

- An amendment application is made by the applicant to change the conditions of the EA, or to amend or change the conditions of a PRCP schedule.
- The administering authority assesses the application as a major amendment, and that it should be treated as a “site-specific” type of application.
- The administering authority issues the notice of assessment level decision, which specifies that the information stage and the decision stage (including ML notification and objections process) apply to the application.
- The administering authority assesses the application as if it’s a site-specific application and issues the draft EA and/or draft PRCP schedule to the applicant plus the major amendment notice under this section.
- As this scenario is not adding a new ML, there is no MLN under the MR Act, but the major amendment notice (issued by the administering authority) is the equivalent of an MLN, with some modifications:
 - The document (e.g., map or spatial data) that shows the eligibility zone will be based on the existing ML boundary as there is no new ML in this scenario. Under the *Acts Interpretation Act 1954* definition, a document is a record of information and includes an electronic document. As the ML boundaries are available as spatial data via GeoResGlobe, the notice can reference GeoResGlobe to fulfill the requirements of this section. Also, see section 490(6) of the EP Act in relation to evidentiary provisions for maps etc.

- The document that must be given to each affected person will be the major amendment notice. The administering authority may require additional information to be given to affected persons (for example, where additional information would assist an affected person to understand the change being made).
- The major amendment notice may also require that affected persons be given the draft documents (the draft EA and/or draft PRCP schedule issued to the applicant after the initial assessment is completed pursuant to section 172). For an amendment application to which this section applies, the draft documents would show the amendments to the EA and/or the PRCP schedule which the administering authority has preliminarily approved. However, this may not be required in every case as the draft documents (i.e., the draft EA/PRCP schedule as amended) would usually be published on a website for an affected person to access.
- The major amendment notice (as the equivalent of the MLN) must be given to affected persons and published in the same way as an MLN under the MR Act.
- The major amendment application is subject to objections and submissions as it would be for a site-specific application.

Note that this process applies whether the amendment application is for the EA conditions or for the PRCP schedule, or both. This is because an amendment application is for an EA, regardless of whether it's the EA conditions that change or the conditions or requirements of a PRCP schedule that change.

The process for objections, eligibility to object and the process for referral to Land Court, is the same as that outlined in the MR Act for a new ML. The EP Act specific processes in part 5, division 3 for submissions and how the Land Court considers the draft documents is also the same.

Most of the terms used in this section are already defined in the MR Act and are not duplicated for this section. Terms specifically defined in this section are where the definition in the MR Act refers to a proposed lease, which does not apply to this type of amendment application as the ML has already been granted. Due to the operation of subsection (11), any term used in this section has the same meaning as the term in the MR Act, not the EP Act definition meaning. Subsection (11) is modelled on the drafting for national laws where terms are defined by the Commonwealth Legislation.

The purpose of this section is to ensure that an amendment application for an EA for an ML that is a major amendment for an ineligible ERA, is subject to same notification requirements as an equivalent application for a new EA, even where the amendment does not relate to the addition of a new ML.

Clause 29 Amendment of s 232 (Relevant application process applies)

This clause amends section 232 as a consequence of the notification stage no longer applying to applications for EAs for MLs, and the replacement of chapter 5, part 5, division 3, which provides for the notification and objections process for EAs for MLs.

Under the pre-amendment process, major amendment applications are assessed as if they are site-specific applications, with the information stage, notification stage, and decision stage applying in the same way as per a new application.

The Bill provides for the following changes in process:

- A major amendment application will be subject to the usual requirements of the information stage and the decision stage, excluding the steps to be taken after deciding an application in chapter 5, part 5, division 4.
- The notification stage will only apply where a notice has been given under section 230 – this ensures that it is only triggered for the equivalent of a site-specific application for a resources activity (other than for an EA for an ML).
- The ML notification and objections process will only apply where a notice has been given under section 230A or 230B – similarly to the above, this ensures that this process is only triggered for the equivalent of a site-specific application.

Other changes to this section are a consequence of these amendments.

As per the pre-amendment process, submissions and objections made on an amendment application can only be about the amendments. So, a submission or objection would not be considered to be properly made if the grounds of the submission/objection relate to an existing condition or requirement of an EA or PRCP schedule, and that condition or requirement is not being changed.

Clause 30 Insertion of new ch 5, pt 7, div 5A

This clause inserts chapter 5, part 7, division 5A as a consequence of the insertion of section 226AB to provide for automatic approvals where the amendment application is the equivalent of a standard application, being for an eligible ERA.

Division 5A Process if proposed amendment relates to standard conditions only

241A Approval of amendment application relating to standard conditions only

This section provides for the automatic approval of a section 226AB amendment application in the same way that section 169A provides for the automatic approval of a standard application. Note: ***properly made amendment application*** is defined in section 227AAA of the EP Act to be an application that complies with sections 224 to 227AA, so this section only applies if the application was properly made under section 226AB.

Clause 31 Replacement of s 242 (Steps after deciding amendment application)

This clause replaces section 242 as a consequence of the replacement of chapter 5, part 5, division 3, which provides for the notification and objections process for EAs for MLs, and the insertion of new sections to provide for automatic approvals where the amendment application is the equivalent of a standard application.

Section 242 of the pre-amendment EP Act provided for the issue of an amended EA or PRCP schedule in the same way that section 195 provides for the issue of an approved EA or PRCP schedule after the initial standard, variation or site-specific application. In the same way that section 195 was updated to match drafting practices without changing the intent, this section is updated in the same way.

This section also provides that, where the application for an EA relates to a MLA (and the notification and objections process did not apply to the amendment application for the EA for an ML), the administering authority gives a notice to the chief executive of the MR Act so that the MLN issued under the MR Act can refer to the amended EA.

And similar to section 198, if the amendment application is refused, or amendment is made which the applicant did not agree to, the applicant's appeal rights are preserved, and an information notice must be given to the applicant about the decision. This currently applies to EAs which do not relate to MLs, and will apply to all EAs (including those which relate to MLs) in the future.

Clause 32 Amendment of s 540 (Registers to be kept by administering authority)

This clause amends section 540 of the EP Act to require that a register is to be kept of draft EAs and draft PRCP schedules issued under section 182. This is because it is the draft EA and draft PRCP schedule issued under section 182 which forms the basis of an objection under section 183 or a submission under section 184. Similar to how a register must be kept of application documents, the administering authority must also keep a register of also draft documents issued under section 182.

Clause 33 Amendment of s 555 (Electronic system for automatically issuing particular environmental authority)

This clause amends section 555 as a consequence of the insertion of the provisions to provide for automatic approvals where the amendment application is the equivalent of a standard application. This clause provides that a section 226AB amendment application can be automatically approved, in the same way as is the case for standard applications approved under section 169A.

Clause 34 Insertion of new ch 13, pt 37

This clause inserts chapter 13, part 37 of the EP Act to establish transitional arrangements for EA applications that are in progress when the Bill commences.

Division 2 applies to standard or variation applications for an EA for an ML. As notification and objections processes will no longer apply to these types of applications, they will be decided under the amended Act. The only exception to this is where the Land Court has already made its decision – in that case, the EA is decided in accordance with the pre-amendment process so that the Land Court's decision is implemented. It is anticipated that this will only apply to a very small number of applications as it is rare for objections to be made to standard or variation applications for EAs for MLs.

Division 3 applies to site-specific applications for an EA for an ML. The transitional provisions in this case align with the transitional provisions for the MR Act.

The amendments to the EP Act are intended to operate prospectively, subject to the specific provisions in chapter 13, part 37.

Part 37 Transitional provisions for Mineral Resources and Other Legislation Amendment Act 2026

Division 1 Preliminary

863 Definitions for part

This section establishes the following definitions for part 37:

- ‘amendment Act’, is defined to mean the *Mineral Resources and Other Legislation Amendment Act 2026*
- ‘former’, in relation to a provision of the EP Act, is defined to mean the provision as in force from time to time before the commencement of the Bill
- ‘new’, in relation to a provision of the EP Act, is defined to mean the provisions as in force from the commencement of the Bill provisions.

Division 2 Standard applications and variation applications for a mining activity relating to a mining lease

864 Standard application or variation application made before commencement

This transitional provision applies to a standard or variation application for an EA for an ML, where the Bill commences in the period between the application being made and the Land Court making its decision.

In this scenario, the application is decided under the usual decision sections for standard applications (section 169A) and variation applications (section 171). There is no need to issue a draft EA, and no need to consider any submissions or objections made. Any Land Court proceedings will come to an end.

For a variation application, because the decision is made under section 171 (as amended), the applicants appeal rights are preserved through the usual review and appeal procedures in chapter 11, part 3 of the EP Act.

Division 3 Site-specific applications for a mining activity relating to a mining lease

865 Definition for division

This transitional provision defines “site-specific application” for these transitional provisions (sections 866 to 869) to include major amendment applications. This is because the new ML objections process will apply equally to site-specific applications

and to those major amendment applications which are the equivalent of site-specific applications.

Note: amendment applications may include amendments to both EAs and PRCP schedules. In practice, adding a new PRC plan to an existing EA (e.g., due to the operation of chapter 13, parts 27, 31 and 35) also involves an amendment application, and it is intended that the transitional provisions apply to those amendment applications in the same way.

866 Application made and not referred to Land Court before commencement

This transitional provision applies for a site-specific application for an EA for an ML and aligns with the equivalent transitional provisions for the MR Act outlined in sections 907 and 908.

The transitional provision applies where the Bill commences in the period between a site-specific application for an EA being made and the matter being referred to the Land Court. Regardless of whether the MLN has been issued or not, the pre-amendment notification process applies, and the draft EA and draft PRCP schedule are issued as per the pre-amendment process. A submitter may choose to turn their submission into an objection, and this objection is taken to be an objection under section 183 (as inserted by this Bill). In this scenario, the process provided by the Bill applies from then on – with the administering authority making a decision under section 186 and the new Land Court process applying.

867 Referral to Land Court made before commencement if objections decision hearing not started

This transitional provision applies for a site-specific application for an EA for an ML and aligns with section 909 of the MR Act.

The transitional provision applies where the Bill commences in the period between a matter being referred to the Land Court, and the Land Court starting their hearing processes. In this case, the Land Court remits the matter back to the administering authority for a decision under the section 186 and the new Land Court process applies. Any applicant appeal rights are preserved through the new decision and the amendments to sections 198, 242 and schedule 2.

868 Referral to Land Court made before commencement if objections decision hearing started

This transitional provision applies for a site-specific application for an EA for an ML and aligns with section 910 of the MR Act.

The transitional provision applies where the Bill commences in the period between the Land Court starting their hearing processes (after referral) and making procedural directions for its decision. In this case, the Land Court remits the matter back to the administering authority for a decision under the section 186 and the new Land Court

process applies. Any applicant appeal rights are preserved through the new decision and the amendments to sections 198, 242, and schedule 2.

869 Objections decision made before commencement

This transitional provision applies for a site-specific application for an EA for an ML and aligns with section 911 of the MR Act.

The transitional provision applies where the Bill commences in the period between the Land Court's decision (following referral) and the final decision being made. In this scenario, the process in the pre-amendment Act continues to apply and the decision is made under the pre-amendment division 3, subdivision 4 (sections 194 to 194B).

Clause 35 Amendment of sch 2 (Original decisions)

This clause amends schedule 2, part 1, division 3 of the EP Act to preserve applicant appeal rights for decisions about EAs for MLs. The amendments follow the existing structure, with all decisions referred to in part 1 being appeals to the Land Court.

The changes to the reference to section 155, 159 and 234 are consequential amendments as the notification stage no longer applies to EAs for MLs. The change to section 171(2) means that the applicant can appeal the imposition of a condition from a variation application decision, where they did not agree to the condition.

Section 172 is referenced three times in schedule 2 for three different types of decision:

- The first reference (to subsection (2)(a)) is approving a site-specific application for a petroleum lease – this only applies for submitters, so it is unchanged.
- The second reference (also to subsection (2)(a)) is approving a condition where the applicant did not agree to the condition. This will only apply to EAs for MLs where the draft EA is issued, but no objections or submissions are lodged. In this case, the EA is issued as per the draft, so the applicant's appeal right attaches to the section 172 decision.
- The third reference (to subsection (2)(b)) is to where the site-specific application is refused. In this scenario, no draft EA is issued, so the applicant's appeal rights attach to the section 172 decision.

In addition, where the draft EA is issued, but no objections or submissions are lodged, the same applicant appeal right for the EA should also apply for the PRCP schedule. Consequently, a new reference for section 172(3) has been included. This applies to either conditions of the PRCP schedule, or to amendments made to the PRCP schedule (where the applicant did not agree to the conditions or amendment). However, note that a refusal of the PRCP schedule means that the application must be refused under section 172(2)(b), so the pre-amendment reference (as amended) to that section applies for all refusals. This is also the case where section 172 applies to a major amendment application because of the operation of section 232 – that is, if a major amendment application is for changes to a PRCP schedule, and the proposed PRCP schedule is refused, then the major amendment application must be refused under section 172(2)(b).

Where a draft EA and draft PRCP are issued, and either objections or submissions are received, then the administering authority makes a decision under section 186. As for the section 172 decision, either a decision to refuse the application, or any conditions/amendments to the

EA/PRCP schedule, are subject to review and appeal rights. As for section 172, conditions/amendments can only be appealed if the applicant did not agree to the condition/amendment.

If the section 186 decision is the result of a Land Court recommendation, there is no applicant appeal rights because the matter has already been determined by the court.

Note: the above applicant appeal rights apply regardless of whether the decision is on a site-specific application made under section 125 of the EP Act, or the decision is on a major amendment application decided under sections 171, 172 or 186 as if it was a site-specific application.

Clause 36 Amendment of sch 4 (Dictionary)

This clause amends schedule 4 of the EP Act to remove definitions which are no longer required as a result of the Bill, to amend definitions where cross-references have changed, and to define terms which are used in the provisions inserted by the Bill.

The inserted defined terms include:

- ‘draft documents’, is defined to mean the draft EA (as defined below) issued under section 182(2)(a) and the draft PRCP schedule (as defined below).
- ‘draft environmental authority’, is defined to mean the draft EA issued under section 182(2)(a), in relation to the application.
- ‘draft PRCP schedule’, is defined to mean the draft PRCP schedule issued under section 182(2)(b), in relation to the application.
- ‘eligible entity’, is given the same meaning as the corresponding defined term in section 180.
- ‘last objection day’, is given the same meaning as the corresponding defined terms in sections 180 and 230B.
- ‘mining lease notice’ is given the same meaning as the corresponding defined term in section 180.
- ‘MRA chief executive’, is defined to mean the chief executive of the relevant department administering the MR Act.
- ‘properly made objection’, is defined to mean an objection lodged under section 183 that has not been withdrawn.

Part 3 – Amendment of Mineral Resources Act 1989

Clause 37 Act amended

This clause states that this part amends the MR Act. The note states that further amendments to the MR Act can be found in schedule 1.

Clause 38 Replacement of s 252 (Issue of mining lease notice)

This clause replaces section 252 relating to the process for notifying an applicant that an MLA has progressed to the stage where an objection may be made. The provision is intended to ensure that an MLN is issued only once the application has met the relevant eligibility,

application and environmental requirements. The notice provides information about the application and the associated objection and submission process.

The section also establishes the period for eligible entities to lodge objections and submissions, supports procedural fairness and ensures that affected persons (who must be given a copy of the MLN under section 252A(1)) have a reasonable opportunity to participate in the process.

The requirement to provide access to relevant application information and a document (e.g., map or spatial data) that shows the proposed ML area and eligibility zone is intended to improve transparency and assist entities in understanding the application and determining whether they are eligible, and wish to, object. Under the Acts Interpretation Act 1954 definition, a document is a record of information and includes an electronic document. As the ML boundaries are available as spatial data via GeoResGlobe, the notice can provide a link to a website displaying spatial data from GeoResGlobe to fulfill the requirements of this section.

This amendment also brings together the relevant information about the ML and, where applicable, the associated EA process, providing a clear notification point from which the objection and submission periods commence.

The amended section allows the MLN to provide notification of both the MLA and, if relevant, its associated draft EA and draft PRCP schedule. This allows the MLN to jointly notify the objection process under the MR Act and the objection and submission process under the EP Act.

The MLN cannot be issued before the applicant has obtained either: a draft EA and a draft PRCP schedule (for site-specific applications, including amendment applications taken to be site-specific applications, for EAs under the EP Act); an EA (for standard and variation applications for EAs under the EP Act) or an amended EA (for amendment applications for EAs under the EP Act).

It also makes changes to the content of the MLN. The MLN will:

- state that only an '**eligible entity**' may lodge an objection to the MLA
- describe where a document (e.g., a map or spatial data) showing the boundary of the proposed ML and the '**125km eligibility zone**' can be found
- include (where applicable) the number of (and information about how to access) the draft EA and draft PRCP schedule and state that an '**eligible entity**' may object (and any person may make a submission) to either of those under the EP Act.

The intent is to simplify the notice requirements for applicants whilst ensuring appropriate notice for potential objectors/submitters. The MLN will cover both the objection process for MLAs and the objection and submission process for draft EAs and draft PRCP schedules. This will also ensure that the notification and objection/submission processes for both the MLA and draft EAs and draft PRCP schedules occurs at the same time.

Clause 39 Amendment of s 252A (Giving and publication of mining lease notice and other information)

This clause amends subsection 252A(1)(c) to reflect contemporary drafting practice. No substantive change is intended.

The clause also replaces subsection 252A(3). The pre-amendment section requires the applicant to publish, in an approved newspaper generally in the area of the proposed ML, a copy of the MLN and a sketch plan of the proposed ML area. The replacement section 252A(3) removes the requirement to publish a sketch plan in the newspaper. This is because section 252 already requires the MLN to include a document showing the boundary of the proposed ML and eligibility zone.

Clause 40 Amendment of s 252C (Continuing obligation to notify)

This clause amends section 252C to adjust the period during which an applicant for an ML has an obligation to notify an affected person with an additional document given to the chief executive (CE) about the MLA. The pre-amendment provision provides the notification obligation period commences the day after an MLN has been given to the applicant and ends before the hearing day for the application. However, as a Land Court hearing will no longer automatically occur following the making of an objection, the hearing day is no longer an appropriate end point for the notification obligation. The amended provision provides that the period during which there is a continuing obligation to notify ends on the last objection day for the application.

This means that any additional documents provided by the applicant to the CE (MR Act) (CE (MR Act)) after the last day for objections will no longer be required to be provided to affected persons.

Clause 41 Amendment of s 260 (Objection to application for grant of mining lease)

This clause amends section 260 to provide that only an ‘eligible entity’ can object to an MLA and that the grounds of objection must relate to 1 or more of the matters the Minister is able to consider under subsection 271(1). An ‘eligible entity’ for the purpose of this section means: an affected person; an occupier of land wholly or partly within the area of the proposed ML; or an owner or occupier of land wholly or partly within the 125km eligibility zone for the proposed ML.

These amendments are intended to reduce the risk that the ML objection process is used by entities to engage with the process, even though they are not likely to be directly impacted by the proposed mine. They will also ensure that properly made objections will assist the Minister (MR Act) in deciding the MLA because they will relate to matters that the Minister (MR Act) must consider when deciding the MLA.

Clause 42 Omission of ss 265 and 267A–269

This clause omits section 265 resulting in the cessation of the automatic referral of MLA objections to the Land Court. The intent is that the Minister (MR Act) under the reformed framework has discretion to decide to refer applications to the Land Court by exercising the discretion under the pre-amended provision in section 271A(1)(c).

The omitted subsections of section 265 provided for joint referrals to the Land Court by the CE (MR Act) of matters related to both the MLA and its associated EA. This will no longer occur. Separate referrals will be made (where applicable) under the amended respective legislation.

However, the Bill inserts provisions that will provide that opportunities for consolidated hearings will remain to ensure the most efficient process for both applicants and objectors.

This clause also omits section 267A, 268 and 269 of the pre-amendment MR Act which provide for the Land Court's power to strike out an objection, a hearing, and the making of a recommendation to the Minister, respectively. The omission of these sections is a consequence of the sections being relocated to sections 274, 273 and 274A respectively, with adjustments to adopt the policy intent of the Bill.

The provisions in omitted section 268 relating to the Land Court's powers and procedures, including those in relation to evidence, have been removed as they are already provided for under the *Land Court Act 2000* and do not need to be replicated in the MR Act.

Clause 43 Replacement of s 271 (Criteria for deciding mining lease application)

This clause replaces section 271. It provides the matters that the Minister (MR Act) must consider when deciding an MLA. Section 271(1) provides the matters that objections must relate to and that the Land Court must consider (if a referral is made). Section 271(2) contains criteria that only the Minister will need to consider.

Criteria for the Land Court recommendations on a hearing from pre-amended sections 269(4)(a)-(i), (k) and (m) are included in sections 271(1)(a)-(k) with no intended change to their interpretation, other than clarifying that the Minister must consider these criteria in deciding the MLA.

Section 269(4)(j) is omitted. This relates to the environmental impact criterion, which is removed because environmental impacts are addressed through the environmental assessment and approval framework under the EP Act.

The removal of automatic referral of objections to the Land Court means that the Land Court will no longer automatically consider properly made objections to the MLA unless referred by the Minister (MR Act). Section 271(2)(a) ensures that the Minister must consider any properly made objection to the extent that the objection is relevant to the matters the Minister is able to consider under section 271(1) relating to the criteria for deciding an MLA. This ensures that regardless of whether there is a referral to the Land Court, properly made objections to the MLA are considered as part of the Minister's decision-making in considering grant of the MLA.

Section 271(2)(c) requires only the Minister (MR Act) to consider 'whether there is any other good reason for rejecting the ML application' whereas this matter was considered by the Land Court under the pre-amended section 269(4)(l). This supports the Bill's policy intent of providing a predictable framework by promoting certainty around the scope of matters that may be raised in an objection and considered by the Land Court.

Section 271(3) provides that the Minister must not consider a criterion mentioned in section 271(1) or a criterion the Minister considers relevant under section 386M to the extent the criterion relates to environmental harm as defined under the EP Act. This is excluded because environmental harm (as defined under the EP Act) is essentially adverse impacts to environmental values, and impact on environmental values is addressed through the

environmental assessment and approval framework under the EP Act. As the grounds of objection and the matters that the Land Court considers for an ML objection are also limited to the matters that the Minister can consider under section 271(1), this also removes any duplication for objectors and the Land Court between the grounds of objections under the MR Act and the grounds of objections under the EP Act.

Environmental harm is excluded from consideration under section 271(1) to the extent the relevant criterion relates to environmental harm, as required by section 271(3). Consequently, under section 271(2)(a), the Minister is required to consider an objection only to the extent it is relevant to matters the Minister is able to consider under section 271(1). Section 271(2)(b), which requires the Minister to consider a recommendation of the Land Court under section 274A, operates separately from this limitation. Environmental harm is also not excluded from consideration under section 271(2)(c).

Section 271(4) clarifies that, in making a decision under 271A, the Minister is only required to consider the criteria to the extent the Minister considers necessary. This is intended to recognise that the extent to which the Minister must consider the criteria may vary depending on the decision being made. For example, it is not necessary that the Minister consider the criteria for a decision to refer (under section 271A(1)(c)) to the same extent as a decision to grant an ML (under section 271A(1)(a)) because the decision to refer is a preliminary decision intended to obtain advice from the Land Court to inform the decision to grant or reject the application. This will embed efficiency into the referral decision-making process. In other respects, section 271(4) is intended to reflect general decision-making principles.

Clause 44 Amendment of s 271A (Deciding mining lease application)

This clause amends section 271A(1)(c) to separate the two types of referrals that the Minister may make. This supports the drafting of other provisions that are tailored to the different types of referrals but is otherwise not intended to be a substantive change. It also omits the reference to a ‘further hearing’ because (unlike when used under the pre-amended provisions) when this referral power is used after the Bill commences, there will be no preceding hearing, because the automatic referral of all objections will not have occurred.

The clause also adjusts the Minister’s power to decide to make either type of referral to the Land Court so that it is only available where a properly made objection has been received. The intention of this change is to provide increased certainty in the MLA process by clarifying that there can be no decision to make a referral to the Land Court under this section where no properly made objection has been received.

Clause 45 Amendment of s 271AB (Application for later specific purpose mining lease or transportation mining lease)

This clause changes the heading of section 271AB as a drafting adjustment to better state the effect of the pre-amended provision. No change is made to the operative parts of section 271AB. Section 271AB is better described as a section relating to deciding an application in the relevant circumstances, rather than as a section about the application itself.

Clause 46 Insertion of new s 271C

This section provides a mechanism for giving effect to a discretionary decision by the Minister to refer the MLA to the Land Court under section 271A(1)(c).

The CE (MR Act) makes the referral by filing a notice in the approved form making the referral, a copy of the MLA, and a copy of any additional information given by the applicant under section 386J(1)(b). For a hearing on the application generally, the CE (MR Act) must also file a copy of each properly made objection to the MLA. For a hearing on a specific matter stated by the Minister, the CE (MR Act) must file a copy of each properly made objection to the MLA to the extent the Minister considers the objection relevant to the specific matter.

When making a referral on an application generally or a specific matter, the CE (MR Act) may only provide properly made objections to the Land Court. This is intended to avoid the Land Court considering objections that the Minister is not required to consider under section 271(2)(a).

The referral mechanism is intended to ensure that only the objections that the Minister considers are relevant to the specific matter are referred to the Land Court. This is intended to avoid the Land Court having to consider matters on which the Minister does not require a recommendation.

Section 271C(3) also includes a requirement that the CE (MR Act) give notice to the administering authority where the MLA being referred relates to a site-specific application for an EA for an ML. This is intended to ensure that the departments responsible for administering the MR Act and the EP Act are aware of referral decisions. This can provide an opportunity for (discretionary) Land Court hearings to be conducted efficiently and jointly where it is intended that both MR Act and EP Act matters will be referred to the Land Court.

Clause 47 Replacement of s 272 (Minister may remit to Land Court for additional evidence)

This clause replaces section 272 to change its operation in relation to referrals made under section 271A(1)(c) in two ways.

Firstly, it requires the Land Court to notify the EP Act administering authority when it sets a date for a hearing if the MLA relates to a site-specific application for an EA. This is intended to enable the departments that administer the MR Act and the EP Act to remain jointly informed about the progress of any referral made by the Minister (MR Act) that is related to a site-specific application for an EA for an ML.

Secondly, it ensures that the Land Court only notifies objectors of the hearing date if those objectors have made objections that have been referred to the Land Court by the CE (MR Act). It will no longer be necessary for the Land Court to notify all objectors where the referral has been made on a specific matter only. This is intended to reduce the administrative burden on the Land Court, objectors and on the applicant.

Clause 48 Relocation and renumbering of s 273 (Restriction on grant of mining lease that does not include surface of land)

This clause renumbers and relocates pre-amended section 273 as section 271AC as a drafting adjustment. No substantive change is intended.

Clause 49 Insertion of new ss 273 to 274C

This clause inserts sections 273 to 274C to provide for Land Court hearings and processes. This includes that hearings by the Land Court may be consolidated where an objection to an ML has been referred under the MR Act and an objection has also been referred under the EP Act for the site-specific application for an EA for an ML.

273 Hearing by Land Court

This section provides for hearings conducted by the Land Court consequential to the omission of pre-amended section 268 by the Bill. Pre-amendment subsections 268(2) and (4) are not replicated in new section 273 because they are addressed by existing provisions in the *Land Court Act 2000* and do not need to be repeated in the MR Act. Additionally, pre-amendment subsection 268(3) is not replicated because it is not required as the Land Court will only receive properly made objections from the CE (MR Act) under section 271C(2)(d).

Section 273(1) is intended to distinguish between the two different types of referrals that the Minister (MR Act) can decide to make under section 271A(1)(c) and to guide the Land Court on the requirements for the hearing in each case.

Subsections 273(2) and (3) retain the provisions under pre-amendment subsections 268(5), (6) and (7) which provide that nothing prevents the Land Court from adjourning a hearing or determining compensation under section 279; and the Minister may ask the Land Court why a hearing has not been finalised.

274 Striking out objections

This section provides for the striking out of objections by the Land Court. It replicates pre-amendment section 267A which is omitted by the Bill. Consequential changes to section numbers are also made. No substantive change is intended.

274A Recommendation by Land Court

This section provides the requirements for Land Court recommendations. It recognises the difference between the two types of referrals that the Minister (MR Act) may decide to make (under section 271A(1)(c)) and that the Land Court's recommendations will relate to the referral. If the referral is for the Land Court to conduct a hearing on the MLA generally, the Land Court recommendation must involve a recommendation about whether the application should be granted or rejected. However, if the referral is for the Land Court to conduct a hearing on a specific matter, the recommendation must relate to the specific matter.

The provisions in subsection 274A(6) are intended to guide the Land Court on the matters it must consider and to limit the matters to those stated. These vary according to which of the two types of referrals is made. Those matters that the Minister can consider in subsection 271(1) are similar to pre-amended subsection 269(4), with some differences that implement the policy intent of the Bill, as discussed above. For clarity, it is intended that the use of the words ‘must take into account and consider only’ does not prevent the consideration of matters required by legislation other than the MR Act.

274B No recommendation required if no objections remaining

This section provides for the requirements of the Land Court where all objections have been withdrawn or struck out before a recommendation has been made. It provides that the Land Court must remit matters to the Minister (MR Act) and is not required to make a recommendation. This provision is similar to pre-amended section 265(10). The pre-amended provision gave the Land Court a discretion to remit a matter back to the CE (MR Act) where all objections were either withdrawn or struck out before a recommendation was made. However, the Bill makes this remittance mandatory under section 274B(2). This addresses the policy intent of the Bill that the process be timely, cost effective and predictable. Land Court recommendations will not be made in those circumstances, enabling the Minister (MR Act) to make a decision.

274C Consolidation of proceedings

This section provides for the consolidation of hearings by the Land Court where both an MLA and its related draft EA and PRCP schedule have been referred. It generally retains provisions from the pre-amendment section 265(9). The intent is that (where possible) the Land Court can manage a situation where hearings are required under both the MR Act and the EP Act on the same mining proposal, so that they are heard in the most efficient manner for the Court, applicants and objectors.

Clause 50 Amendment of s 275 (Application for inclusion of surface of area of mining lease)

This clause amends the heading of section 275 as a drafting adjustment to better reflect the nature of the application under this section. No substantive change is intended.

Clause 51 Amendment of s 275A (Application for surface of restricted land to be included in mining lease)

This clause amends the heading of section 275A as a drafting adjustment to better reflect the nature of the application under this section. No substantive change is intended.

Clause 52 Amendment of s 279A (Minister may refuse to grant mining lease if compensation not determined)

This clause is a consequential amendment to section 279A(1)(d). The intention is to provide certainty for the operation of this provision because Land Court objection hearings will no longer be automatic where objections are received. As amended, the provision includes an additional scenario where there has been an objection lodged but no referral to the Land Court.

This provides certainty about when the Minister may exercise their power in section 279A(2) to refuse to grant the ML.

Clause 53 Amendment of s 318AAE (Limits on consideration and disclosure of Aurukun agreement in Land Court hearing)

This clause is a consequential change to section 318AAE(1)(a) due to the omission of section 268 by the Bill. No substantive change is intended.

Clause 54 Amendment of s 318CB (Restriction on issuing mining lease notice and additional requirements for grant)

This clause corrects errors and makes minor drafting changes in pre-amendment section 318CB relating to the issue of MLNs and giving notice in the area of petroleum leases. MLNs are issued under section 252.

Clause 55 Omission of ch 12, pt 4C (Provisions about Byerwen mine)

This clause removes chapter 12, part 4C (Provisions about Byerwen mine) from the MR Act to repeal the workforce accommodation obligations on the Byerwen mine project. New transitional provisions are provided for under clause 56 that preserve the continued operation of ML700066 and the legal effect of relevant decisions, rights, obligations and other matters arising under chapter 12, part 4C before their repeal.

Clause 56 Insertion of new ch 15, pt 24

This clause inserts part 24 into chapter 15 containing transitional provisions for the *Mineral Resources and Other Legislation Amendment Act 2026*.

The amendments to the MR Act are intended to operate prospectively, subject to the specific provisions in part 24.

Part 24 Transitional provisions for Mineral Resources and Other Legislation Amendment Act 2026

Division 1 Preliminary

902 Definitions of Part

This section provides key terms used in the transitional provisions.

Division 2 Provisions for Byerwen mine

903 Continuation in effect, and variation, of ML700066

This section provides for the continuation and variation of ML700066 without workforce accommodation obligations. The section clarifies that from commencement, ML700066 continues in effect as if it had been granted by the Minister under section 271A on 1 September 2023. The section clarifies that despite section 284(3), the initial

term of ML700066 commenced on 1 September 2023. The section provides on commencement, ML700066 is varied to remove the workforce accommodation provisions included in the ML by pre-amended section 334ZJN(4) and includes the removal of a condition varied before commencement as mentioned in pre-amended section 334ZJN(7). This section also clarifies that ML700066 as it continues in effect under this section, expires on 31 March 2030 and may be renewed or consolidated with another ML.

904 Variation of other Byerwen mining leases

This section provides for the variation of other Byerwen MLs to remove the workforce accommodation provisions included in the leases by pre-amended section 334ZJO(2) or as required under pre-amended section 334ZJP(3).

905 How Act applies to variations under this division

This section clarifies that the MR Act applies in relation to a variation of an ML under this division as if the variation had been made by the Minister under section 294(1) on the day of commencement.

906 No compensation payable by the State

This section provides that no compensation is payable by the State to any person in connection with the enactment or operation of former chapter 12, part 4C or this division, or anything done to give effect to those provisions. An exception is provided for compensation required under sections 279 and 280 of the MR Act.

Division 3 Other provisions

907 Mining lease notice not issued before commencement

This transitional provision applies if, before the commencement, an MLA is made, but an MLN has not been given to the applicant by the chief executive. On commencement, the MLA will proceed under the new provisions. This means that (amongst other things) only ‘*eligible entities*’ will be able to object to these MLAs and the amended decision-making criteria (without ‘environmental impacts’) will apply.

908 Mining lease notice issued before Commencement

This transitional provision applies if, before the commencement, an MLA is made and an MLN has been given, but the MLA has not been referred to the Land Court or decided. Objections to the MLA lodged before or after commencement, are taken to be objections under pre-amended section 260 (meaning that anyone can object), and the amended framework applies. The effect of this is that the amended decision-making criteria under section 271 and discretionary referral under section 271A will apply to the MLA.

909 Referral to Land Court made before commencement if hearing not started

This transitional provision is intended to ensure that the benefit of the new provisions applies for MLAs in some circumstances even if they have been referred for an objection hearing and whether or not a hearing date has been set before commencement. These MLAs will instead be subject to the discretionary Land Court hearing regime that commences under the Bill, meaning that even if a date had been set, a Land Court hearing will not occur unless the Minister (MR Act) in the exercise of their discretion under the new provisions chooses to refer the application generally or a specific matter (again) to the Land Court. The new grounds for decision-making will also apply, meaning that ‘environmental impacts’ will not be considered by the Minister (MR Act) or by the Land Court (should a discretionary referral be made). However, where an objection had already been made on the grounds of ‘environmental impacts’, see the notes on section 908 above.

910 Referral to Land Court made before commencement if hearing started

This transitional provision acknowledges the considerable investment of resources (by applicants, objectors and by the Land Court) in preparing for and contributing to an automatic objection hearing in the Land Court. Where an objection hearing has started or otherwise progressed by direction or order of the Land Court (other than a direction or order that merely sets a date for the hearing) at commencement, this section is intended to ensure that the resources invested by all parties and the Land Court are respected and that the process be allowed to run its course under the pre-amended provisions.

911 Recommendation of Land Court made before commencement

This transitional provision is similarly intended to respect the time and cost invested by applicants, objectors and the Land Court where a recommendation has been made by the Land Court prior to commencement. In that case, the pre-amended provisions will also apply to the MLA meaning that (amongst other things) the criteria upon which the Minister (MR Act)’s decision is made will be based on the pre-amended criteria.

Clause 57 Amendment of sch 2 (Dictionary)

This clause removes the terms *accommodates*, *Byerwen mine*, *Byerwen mine project*, *Glenden, ML700066*, *rostered worker* and *worker*. This is a consequence of the changes made to repeal the workforce accommodation obligations on the Byerwen mine project.

This clause also inserts new definitions in Schedule 2 of the MR Act as follows.

‘**125km eligibility zone**’ definition has been inserted to support the introduction of the term ‘**eligible entity**’ in section 260.

‘**properly made objection**’ definition has been relocated to schedule 2 due to the omission of section 265. The definition is an objection lodged under section 260 that has not been withdrawn. This means a properly made objection must be lodged by an eligible entity, in the

approved form, stating the grounds of objection and the facts and circumstances relied on, and the grounds must relate to 1 or more of the matters the Minister is able to consider under section 271(1). The intent of this is to ensure that, if an objection includes grounds not mentioned in section 271(1), it may still be considered to the extent that the objection is relevant to the grounds in section 271(1).

The definition of ‘*site-specific application*’ in the MR Act, links the term to its use in the EP Act to support interaction between the MR Act and the EP Act, and is intended to include major amendment applications for EAs under the EP Act where the MLN will notify for both the major amendment application and the new ML.

A consequential amendment is also made due to renumbering of provisions in section 252. For MLAs, ‘*last objection day*’ is now defined instead in section 252(3)(i).

Part 4 – Other amendments

Clause 58 Acts amended

This clause provides that schedule 1 amends the Acts mentioned.

Schedule 1 Other amendments

Environmental Protection Act 1994

1 Section 126D(2)(b)(i), ‘relevant resource tenure’—

This provision replaces the term ‘relevant resource tenure’ to ‘relevant tenure’, a consequential amendment. No substantive change is intended.

2 Section 171(2)(a), ‘different to’—

This provision corrects the reference of “conditions which are different from the standard condition” due to current drafting practices. There is no change to the meaning or intent.

3 Section 173(4), ‘sections 170, 171 and 172’—

This provision removes the reference to section 170 from section 173(4), consequential to the omission of section 170.

4 Section 213(1)(d), ‘different to’—

This provision corrects the reference of “conditions which are different from the standard condition” due to current drafting practices. There is no change to the meaning or intent.

5 Section 234(1), ‘sections 153(1)(g) and 154’—

This provision removes the reference to section 154 from section 243(1), consequential to the omission of section 154.

Land Court Act 2000

Consequential amendments are made to the *Land Court Act 2000* (LC Act) to continue its existing operability after renumbering of certain provisions in the MR Act.

1 Section 52A, definition *recommendatory provision*, paragraph (c), 'subdivision 3'—

This provision is consequential to amendments to replace ch 5, pt 5, div 3 of the EP Act by clause 21. No substantive change is intended.

2 Section 52A, definition *recommendatory provision*, paragraph (d)(ii), 'sections 265, 268 and 269'—

This provision makes consequential amendments to s52A(d)(ii) that refer to provisions of the MR Act that have undergone section changes resulting from the Bill. No substantive change is intended.

3 Section 52C(3)(f), 'section 78 or 268'—

This provision is a consequential change to section 52C(3)(f) to reflect changes to other section numbers referenced in the MR Act resulting from the Bill. No substantive changes are intended.

4 Section 52C(6), definition *relevant objection*, paragraph (b), 'section 182'—

This provision makes consequential amendments to the definition of 'relevant objection' to reference the correct EP Act provisions resulting from the Bill. No substantive changes are intended.

5 Schedule 2, definition *administrative function*, example 2, 'section 269'—

This provision makes consequential amendments to the definition of 'administrative function' in Schedule 2 of the LC Act to refer to the relevant section of the MR Act resulting from the Bill. No substantive changes are intended.

Mineral Resources Act 1989

1 Section 261(1)(b), 'section 265'—

This provision is consequential to amendments to section 261 because it refers to a provision (section 265) that is omitted by the Bill. The automatic Land Court referral process under section 265 is no longer relevant. In other respects, section 261 is unchanged in relation to the withdrawal of objections. Land Court referrals (where they do occur) will be made under section 271A(1)(c).

2 Section 299(7), from ‘Sections 232’ to ‘275’—

This provision is a consequential change to section 299(7) to reflect changes to other section numbers resulting from the Bill. No substantive changes are intended to the existing pathway for the consolidation of MLs over contiguous areas.

3 Section 307(3)(a), ‘section 265’—

This provision is a consequential change to section 307(3)(a) due to the omission of section 265 by the Bill. No substantive change is intended.

4 Section 318AAA(3), ‘271A(1)(c), 271B, 272, 273’—

This provision is a consequential change to section 318AAA due to renumbering of some provisions referred to in pre-amendment section 318AAA(3). No substantive change is intended.

5 Section 318AAF, heading, ‘273’—

This provision is a consequential change to the heading of section 318AAF due to the renumbering of section 273 as section 271AC by the Bill. No substantive change is intended.

6 Section 334ZJ(5)(g), note, ‘sections 269(4) and 271’—

This provision is a consequential change to section 334ZJ due to the omission of section 269(4) by the Bill and insertion of section 274A(6). No substantive change is intended.