

Operational Policy

Mining lease notice – assessment of coal or oil shale mining lease application

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Purpose

This policy sets out the principles the department will follow when assessing whether to issue a mining lease notice for a coal and oil shale mining lease.

This policy is written to:

- provide guidance and clarity to both applicants and departmental officers
- promote consistency of permit administration and regulation across resource legislation
- promote the purpose and objectives of the resource legislation
- increase the department's timeliness and efficiency of processing permit applications and requests
- clarify when IDP and CSG statements should be technically assessed.

The information in this policy does not override legislative requirements, and reflects current practices within the department. These practices may change from time to time with all changes to be published through a revised version of this policy.

Background

Under Chapter 6 of the MRA a decision maker is required to assess a mining lease application to be satisfied the applicant is an eligible person and has met the requirements of s.245.

If the decision maker is satisfied of these requirements, they are required to prepare and issue a mining lease notice in accordance with s.252 of the MRA.

Relevant Legislation

This policy relates to the following sections of the *Mineral Resource Act 1989* (MRA):

- s.233 Only eligible persons to hold mining leases
- s.245 Application for grant of mining lease
- s.252 Issue of mining lease notice
- s.252A Giving and publication of mining lease notice and other information
- s.252B Declaration of compliance with obligations
- s.318AP Additional requirements for making application
- s.318DT General requirements (initial development plan requirements)
- s.318DU Plan period
- s.318DV Statement about interests of relevant petroleum tenure holder
- s.318DW Requirement to optimise use of incidental coal seam gas
- 318DZ Ministerial approval of proposed plan
- s.318EA Deciding whether to approve proposed plan

These sections are considered when assessing an application for a coal or oil shale mining lease.

Policy Determination

Assessing a coal or oil shale mining lease application

Chapter 8 of the MRA sets out additional application requirements that must be assessed to determine whether the applicant has satisfied the obligations in the MRA.

Under ss.318AP and 318DT of the MRA the following application requirements must be assessed:

- the initial development plan (IDP), and
- the coal seam gas (CSG) statement.

There two types of assessment that generally need to be completed for an IDP and CSG statement are an assessment of the statutory obligations and a technical assessment.

Assessment of the statutory obligations

An assessment against the statutory obligations requires the decision maker to ensure that the applicant has met the statutory requirements under ss.318AP and 318DT of the MRA.

This will require the decision maker to confirm:

- that the CSG statement and the IDP have been included with the application, and
- the CSG statement and the IDP comply with the content required under ss.318AP and 318DT of the MRA.

This assessment is undertaken by the decision maker when they are assessing the application against the requirements of s.245 of the MRA.

Technical Assessment

A technical assessment is an assessment of the substance of the IDP and CSG statement. This will require a comprehensive assessment of the content of the IDP and CSG statement under ss.318AP, 318DT, 318DU, 318DV, 318DW and 318DZ of the MRA.

The technical assessment ensures that the content that has been submitted by an applicant is sufficient for approval by the decision maker under s318EA of the MRA. If the proposed plan is not approved the mining lease application must be rejected under s318DZ of the MRA.

When is a mining lease notice issued for a coal or oil shale mining lease application?

Under s.252 of the MRA the decision maker needs to be satisfied that the application has complied with the statutory requirements of the MRA for making an application. Therefore the mining lease notice may be issued after the decision maker has assessed the application against the statutory obligations of s.318AP and s.318DT of the MRA.

The decision maker does **not** need to be satisfied that the content of the IDP or a Coal Seam Gas Statement would be approved by the decision maker under s.318EA of the MRA, before issuing a mining lease notice.

The mining lease notice is issued because the application has met all of the statutory requirements with respect to making an application for a mining lease. The content of an IDP or CSG statement is not an application requirement, it is a requirement that must be satisfied before *granting* the mining lease.

Other activities which are not application requirements include:

- negotiation and consultation with a permit holder under ss.318AT, 318AW, 318AZ, 318C, 318CA and 318CB of the MRA, and
- a coordination arrangement under s.318CQ of the MRA.

Important Note: An IDP may also be amended after the mining lease notice has been issued. This will not impact on the mining lease notice or any interested parties, as the IDP will still need to be approved, and copies of the amended IDP must be provided to relevant landholders under s.252C of the MRA.

Availability:	External
Location	Business Industry Portal
Owner:	Georesources Division
Date of this Version	30 June 2019 Previously version 2.0 was named <i>Certificate of Application – assessment of a coal or oil shale mining lease</i>
Review Date	30 June 2021
Approving Authority	Deputy Director General
Related documents	This policy should be read in conjunction with: Guideline for preparing CSG statements and addressing CSG assessment criteria
Contact:	For help and information contact the Coal Assessment Hub Phone: (07) 4936 0169 Email: CoalHub@dnrme.qld.gov.au For technical support contact the MyMinesOnline Helpdesk. Telephone: +61 7 3199 8133 Email: mines_online@dnrme.qld.gov.au 8.30am – 4.30pm (AEST) Monday to Friday on Queensland business days.

Disclaimer

The purpose of this policy is to provide a framework for consistent application and interpretation of the legislation administered by the department. Policies may be applied flexibly where individual circumstances require an alternative application of policy. Where this policy, or part of this policy, is inconsistent with relevant legislation, the legislation will prevail to the extent of the inconsistency. While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Queensland Government should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.