

Operational policy

Minister's power to impose, vary or remove a condition of an exploration permit or authority to prospect due to an exceptional event

MIN/2020/5324
25 May 2020
Version 1.00

Purpose

The purpose of this policy is to clarify the circumstances in which the Minister would impose, vary or remove a condition of an exploration permit (EP) or an authority to prospect (ATP) in response to an exceptional event.

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

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

Background

The Minister has the power, under section 141A of the *Mineral Resources Act 1989* (MRA) and section 42A of the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act), to impose, vary or remove a condition of an EP or ATP in an exceptional event (refer to Operational policy, MIN/2015/1313 Exceptional circumstances and exceptional events).

Policy determination

The Ministerial power is a discretionary power that is intended to provide flexibility to reduce or delay a work program or relinquishment requirements due to an exceptional event. It is intended to be used to benefit holders. The exceptional event will be the impetus for the exercise of the power and holders will not be required to apply.

This power allows the Minister to deal with large numbers of affected EPs or ATPs, without the need for individual applications to amend conditions. For example, the Minister may change a work program condition to suspend or defer all exploration for a period due to a weather event, and defer or reduce relinquishment conditions.

For guidance, examples of situations where the power may be used include **but are not limited to**:

- an exceptional event has occurred that prevents the exploration industry from conducting exploration; or

- where there has been a global downturn in the price of a commodity that adversely impacts a subset of explorers or producers; or
- to provide relief to a part of the resources sector that has been affected by a significant weather event in a particular geographical area; or
- there is a shortage of supply of a critical service to a sector of the exploration industry that has impacted on a large part of that sector. Examples could include:
 - the collapse of a large corporation providing analytical services to the coal industry; or
 - the collapse of a large corporation providing drilling services to the petroleum and gas sector.

These examples are provided as guidance and do not limit the Minister's power.

Document information

Availability: External or internal

Location: Business Industry Portal

Owner and approver: Deputy Director-General, Georesources Division

Review date: 25 May 2022

Related documents: This policy should be read in conjunction with Operational policy, MIN/2015/1313, Exceptional circumstances and exceptional events.

Contact: Contacts: For help and information about this policy, please contact the Mineral Assessment Hub on (07) 4447 9230 or email mineralhub@dnrme.qld.gov.au or the Coal Assessment Hub on (07) 4936 0169 or email coalhub@dnrme.qld.gov.au or the Petroleum Assessment Hub on (07) 3199 8118 or email petroleumhub@dnrme.qld.gov.au.

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.