

Operational policy

Mining Lease Notification and Transitional Arrangements

MIN/2015/1320

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Version 2.03

1. Purpose

This policy provides guidance on when the chief executive will issue a mining lease notice under the *Mineral Resources Act 1989* (MRA) to allow applicants to meet public notification requirements under the MRA and *Environmental Protection Act 1994* (EPA), where applicable.

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; all changes will be published through a revised version of this policy.

1.1 Relevant Legislation

This policy relates to the *Mineral Resources Act 1989* (MRA):

- 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

and the *Environmental Protection Act 1994* (EP Act):

- s.149 When notification stage applies
- s.150 Notification stage does not apply to particular applications
- s.152 Public notice of application

2. Policy Determination

2.1 Background

When a mining lease application is made, s 252 of the MRA requires the chief executive to issue a mining lease notice if satisfied that the applicant is eligible to apply for the mining lease and has complied with the application requirements.

Once the mining lease notice is issued, it triggers the requirement for notification of the mining lease application under s 252A of the MRA within specified timeframes.

If a new environmental authority (EA) for the mining activities is also required, the EA application under the EP Act must also be publicly notified (unless exempted – see below). Section 152 of the EP Act requires the applicant to notify the EA application at the same time, and in the same way, as any related mining lease application.

If the mining lease notice is issued under the MRA before the EA application is ready for notification, the applicant will be unable to notify both applications at the same time.

2.2 Joint notification

For relevant projects, DNRME will not issue the mining lease notice until it has received notification from the Department of Environment and Science (DES) that the EA application is ready for public notification. This policy determination enables the applicant to jointly notify the mining lease and EA applications.

Joint notification will be required in these scenarios:

- Mining lease application and EA application that hasn't completed an Environmental Impact Statement (EIS) before the EA application was made
- Mining lease application and an EA application where an EIS has been completed before the EA application was made, but the EP Act requires notification of the EA application
- Mining lease application and an EA major amendment application with EA notification required.

In all other instances joint notification is not required and the mining lease notice will be sent without DNRME waiting for notification from DES. See section 150 of the EP Act for when the notification stage does not apply.

2.3 Transitional Provisions Guide

The table below summarises the public notification process that will occur for mining lease applications lodged before April 2013, or between 1 April 2013 – 26 September 2016.

The effect of transitional provisions inserted into the MRA with the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCPC) is that in certain circumstances old applications will continue their public notification under the version of the MRA in force immediately before MERCPC commenced.

Date ML application lodged	Before 01/04/2013	01/04/2013 26/09/2016	After 26/09/2016
No COA or CPN issued	MLN will be issued (current MRA provisions apply)	MLN will be issued (current MRA provisions apply)	MLN will be issued (current MRA provisions apply)
COA issued, no CPN	CPN will be issued (pre-MERCPC MRA applies – s829)	CPN will be issued (pre-MERCPC MRA applies – s829)	n/a
COA and CPN issued	Pre-MERCPC MRA applies (s830 MRA)	Pre-MERCPC MRA applies (s830 MRA)	n/a

COA means Certificate of Application

CPN means Certificate of Public Notice

MLN means Mining Lease Notice

Document information

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

Keywords

MIN/2015/1320; Policy number 5/2013; operational policy; public notification; mining lease; environmental authority; EIS; mining lease notification and transitional arrangements; Mineral Resources Act;