

Operational policy

Application for extension of last renewed term of an exploration permit

MIN/2020/5325
25 May 2020
Version 1.00

Purpose

This policy clarifies the circumstances in which an extension of the last renewed term of an exploration permit (EP) may be considered favourably, and provides the assessment process and what information should accompany an application.

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

Under section 147CA of the MRA the holder of an EP may apply for a one-off extension of the last renewed term of an EP for a maximum of three years. An application can be made if the total of the initial term and all renewed terms of the EP do not exceed 15 years, and if an exceptional event (refer to Operational policy, MIN/2015/1313, Exceptional circumstances and exceptional events) has prevented the holder from carrying out its work program during the last renewed term. This policy also applies to the holder of an EP that is current upon commencement of the *Natural Resources and Other Legislation Amendment Act 2019*.

An application may be made within the extension period, which is defined as at least three months (or any shorter period allowed by the Minister in the particular case) and not more than six months before the last renewed term of the EP expires.

Under section 147CB the Minister must decide to extend or refuse to extend the last renewed term of the EP. The Minister may decide to extend the last renewed term of the EP only if the Minister is satisfied that:

- an exceptional event affecting the EP has occurred that has prevented the holder from carrying out the work program for that term; and
- the holder has otherwise complied with the MRA in relation to the EP.

An extension of term can only be applied for and approved once during the last term of the EP.

Under section 147F, if a transfer of the EP is registered under the *Mineral and Energy Resources (Common Provisions) Act 2014*, after the date on which an application for extension is made and before the application is decided, the extension granted on the application must be in the name of the transferee.

Policy determination

The extended term can only be for the time necessary to allow the holder to finalise the work program approved for the last renewed term. Applications will be considered on a case by case basis and only for exceptional events that occur in the last term. This is because consideration is given to exceptional events that occur in earlier terms through the renewal process.

Application for an extension of the work program approved for the last renewed term

An application must be made in the approved form, and be accompanied by a statement describing the exceptional event and the fee prescribed by a regulation.

The statement must detail:

- the exceptional event that has prevented the holder from meeting the current conditions;
- the exploration activities or outcomes pursued for the current term to date; and
- the attempts made to meet the conditions.

The holder must ensure that it provides comprehensive information in support of the extension sought. Failure to provide this information may result in the application being refused.

Technical assessment of the application

The intention of the technical assessment is to prepare a recommendation for consideration by the Minister of the proposed period of an extension. The period assessed will reflect the time that the holder reasonably requires to complete the approved work program as a demonstrable consequence of the impact of the exceptional event.

An application will be technically assessed to determine whether the extension of the work program is warranted and to determine the appropriate period of the extension, by considering the following factors:

- an assessment of whether actual active exploration has been undertaken in line with the work program to date;
- the length of time that the holder was unable to access the ground to carry out the work program due to the exceptional event;
- the length of time for exploration results to be analysed and reports developed in the period after being able to access the ground for exploration;
- the stage in the work program that the exceptional event occurred; and
- the attempts that have been made to meet the work program conditions

For example, if a flooding event occurred in the last year of the final term prevented the EP holder from carrying out work program activities for six months and the exploration results would not be available for another six months, this may result in the approval of an extension of 12 months provided the holder is otherwise compliant with the MRA.

Decision on application

The Minister or Minister's delegate may refuse an application to extend the last renewed term of an EP if:

- an application is lodged that relates to an exceptional event in a previous term of the EP;
- the Minister or Minister's delegate is not satisfied that the holder was prevented from carrying out the work program before the expiry of the EP;
- the holder is otherwise noncompliant with the MRA.

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.

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.

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.