

14 May 2018

Hon. Jackie Trad
Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships
1 William Street
Brisbane QLD 4000

By email: treasurer@ministerial.qld.gov.au

Our ref VK-M&R

Dear Deputy Premier

Mineral and Energy Resources (Financial Provisioning) Bill 2018 – Supplementary submission

On behalf of the Queensland Law Society's Mining and Resources Committee, we wish to inform you of a drafting error in the Mineral and Energy Resources (Financial Provisioning) Bill 2018 (the **Bill**). As you are aware, the Bill is to be considered in the upcoming Parliamentary sittings on 15 to 17 May 2018.

We have identified an issue with the drafting of proposed section 753 of the *Environmental Protection Act 1994* (Qld) (the **EP Act**) regarding the transitional provisions for existing plans of operations for mining leases.

Under the Bill, section 753(2) states that (our emphasis):

*'The plan of operations continues as **a plan of operations under section 291** until the earlier of the following:*

- (a) the day the plan period for the plan of operations end;*
- (b) the day a PRCP schedule is approved for the holder for the mining lease.'*

However, section 291 of the EP Act under the Bill relates only to a plan of operations for a petroleum lease. We believe the reference in section 753 should be '*continues as a plan of operations under **the pre-amended Act***' and that this is the intended effect behind the provision.

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If the Bill passes as currently drafted, the drafting of this section will call into question the validity and application of all plans of operations for mining leases. It will affect the ability of every mining project in Queensland to stagger the transition into the new financial assurance regime.

To the extent it is possible, QLS asks that urgent action is taken to have this error corrected and the Bill amended and clarified before it is passed during the next Parliamentary sitting.

If you have any further enquiries or would like to discuss the content of our submission, please do not hesitate to contact Senior Policy Solicitor, Vanessa Krulin, on (07) 3842 5872 or by email to V.Krulin@qls.com.au.

Yours faithfully

Ken Taylor
President

A handwritten signature in black ink, appearing to read 'Ken Taylor', with a long horizontal line extending to the right.