



North Stradbroke Island Protection and Sustainability Act 2011

Current as at 31 March 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

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The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the Reprints Act 1992 used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/information.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

North Stradbroke Island Protection and Sustainability Act 2011

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North Stradbroke Island Protection and Sustainability Act 2011

[as amended by all amendments that commenced on or before 31 March 2013]

An Act to provide for the ending of mining in the North Stradbroke Island Region, and to amend particular other Acts to provide for indigenous joint management of particular land in the region

Part 1 Preliminary

Division 1 Introduction and object of Act

1 Short title

This Act may be cited as the *North Stradbroke Island Protection and Sustainability Act 2011*.

2 Object of Act

The object of this Act is to substantially end mining interests over land in the North Stradbroke Island Region by the end of 2019, and end mining in the region in 2025—

- (a) to protect and restore environmental values of the region; and
- (b) to facilitate, under other Acts, the staged creation of areas to be jointly managed by the State and the traditional owners of the region.

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3 Act binds all persons

This Act binds all persons including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

Division 2 Interpretation

4 Dictionary

The dictionary in schedule 3 defines particular words used in this Act.

5 Meaning of *North Stradbroke Island Region*

- (1) The *North Stradbroke Island Region* is the part of the State shown as 'Area A' and 'Area B' on the map titled 'NSI 1' approved by the chief executive on 18 March 2011 and held by the department.

Editor's note—

The map titled 'NSI 1' may be viewed on the department's website at <www.derm.qld.gov.au>.

- (2) The exact location of the boundary of the North Stradbroke Island Region is held in digital electronic form by the department.
- (3) The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.

Part 2 Dealing with mining interests in the North Stradbroke Island Region

Division 1 General provision

6 No compensation

No amount, whether as compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the enactment or operation of this part.

Division 2 Provisions about mining interests

7 Application of pt 2

This part applies—

- (a) in relation to an NSI mining interest, including the granting of an NSI mining interest; and
- (b) despite the Mineral Resources Act or any other Act or law.

8 Termination of particular NSI mining interests

- (1) This section applies to an NSI mining interest if, under the Mineral Resources Act, the term of the mining interest would, apart from this section, and unless ended sooner for any reason, end after 31 December 2019.
- (2) This section does not apply to the following mining leases—
 - (a) 1105;
 - (b) 1108;
 - (c) 1109;
 - (d) 1124;

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(e) 7064.

- (3) The term of the NSI mining interest, unless ended sooner for any reason, ends at the end of 31 December 2019, and the mining interest can not at any time be renewed.
- (4) The holder of the NSI mining interest may not at any time apply for a renewal of the mining interest under the Mineral Resources Act after the commencement.

9 Termination of mining lease 1109

- (1) The term of mining lease 1109, unless ended sooner for any reason, ends at the end of 31 December 2015, and the lease can not at any time be renewed.
- (2) The holder of mining lease 1109 may not at any time apply for a renewal of the mining lease under the Mineral Resources Act after the commencement.

10 Particular NSI mining interests not to be renewed

- (1) An application for renewal of a relevant NSI mining interest made under the Mineral Resources Act but not decided before the commencement—
 - (a) can not be further dealt with under that Act; and
 - (b) is taken to have been withdrawn by the applicant on the commencement.
- (2) The holder of a relevant NSI mining interest may not apply for a renewal of the mining interest under the Mineral Resources Act after the commencement.
- (3) A renewal of a relevant NSI mining interest can not be granted under the Mineral Resources Act.
- (4) In this section—

holder, of a relevant NSI mining interest, means the holder of the mining interest under the Mineral Resources Act.

relevant NSI mining interest means an NSI mining interest in force on the commencement other than the following—

-
- (a) an NSI mining interest mentioned in schedule 1, column 1;
 - (b) an NSI mining interest mentioned in schedule 2, column 1;
 - (b) a mining interest to which section 8 or 9 applies.

11 Renewal of particular NSI mining leases

- (1) On the commencement, each mining lease mentioned in schedule 1, column 1 is taken to have been renewed under the Mineral Resources Act.
- (2) The mining lease is renewed—
 - (a) for the term stated opposite the mining lease in schedule 1, column 2; and
 - (b) subject to—
 - (i) each condition stated opposite the mining lease in schedule 1, column 3; and
 - (ii) any condition to which the mining lease was subject immediately before the renewal.
- (3) The renewals have effect as if they were granted by the Governor in Council under the Mineral Resources Act.
- (4) If there is an inconsistency between a condition mentioned in subsection (2)(b)(i) and a condition mentioned in subsection (2)(b)(ii), the condition mentioned in subsection (2)(b)(i) prevails to the extent of the inconsistency.
- (5) A mining lease mentioned in schedule 1, column 1 can not at any time be renewed after the end of the term stated opposite the mining lease in schedule 1, column 2.
- (6) The holder of a mining lease mentioned in schedule 1, column 1 may not at any time apply for a renewal of the mining lease under the Mineral Resources Act after the commencement.
- (7) This section does not limit the application of any provisions of the Mineral Resources Act to the renewed mining lease

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including, for example, provisions about cancelling a mining lease or reducing its area.

- (8) The renewal of each lease does not create any rights in addition to the rights created in the initial granting of the relevant lease.

12 Variation of conditions for particular NSI mining leases

- (1) On the commencement, the conditions of each mining lease mentioned in schedule 2, column 1 are varied as follows—
- (a) the term of the mining lease is varied to be the term stated opposite the mining lease in schedule 2, column 2;
 - (b) from the day the mining lease would have expired apart from this section, the conditions of the mining lease are varied to include each condition stated opposite the mining lease in schedule 2, column 3.
- (2) The variations of the conditions of the mining leases have effect as if they were made by the Governor in Council under the Mineral Resources Act, section 294.
- (3) If there is an inconsistency between a condition mentioned in subsection (1)(b) and a condition to which the mining lease was subject immediately before the variation of the term of the mining lease, the condition mentioned in subsection (1)(b) prevails to the extent of the inconsistency.
- (4) A mining lease mentioned in schedule 2, column 1 can not at any time be renewed after the end of the term stated opposite the mining lease in schedule 2, column 2.
- (5) The holder of a mining lease mentioned in schedule 2, column 1 may not at any time apply for a renewal of the mining lease under the Mineral Resources Act after the commencement.
- (6) This section does not limit the application of any provisions of the Mineral Resources Act to the mining lease as varied by this section including, for example, provisions about cancelling a mining lease or reducing its area.

-
- (7) The variation of the conditions of each lease does not create any rights in addition to the rights created in the initial granting of the relevant lease.

13 Dealing with applications for grant of NSI mining interest

- (1) An application for the grant under the Mineral Resources Act of an NSI mining interest made but not decided before the commencement—
- (a) can not be further dealt with under that Act; and
 - (b) is taken to have been withdrawn by the applicant on the commencement.
- (2) A person can not apply under the Mineral Resources Act, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004* for a grant of an NSI mining interest after the commencement.

14 Prohibition on grant of NSI mining interest

An NSI mining interest can not be granted.

Division 3 Provisions about particular environmental authority

15 Purpose of div 3

The purpose of this division is to provide for the amendment of a particular environmental authority for mining activities on North Stradbroke Island.

16 Definitions for div 3

In this division—

amendment application see the Environmental Protection Act, section 238(1).

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Enterprise Mine lease means mining lease 1105 or mining lease 1117 under the Mineral Resources Act.

restricted mine path, for an Enterprise Mine lease, means the area shown on the map titled 'NSI 2' approved by the chief executive on 18 March 2011 and held by the department.

Editor's note—

The map titled 'NSI 2' may be viewed on the department's website at <www.derm.qld.gov.au>.

17 Statutory conditions of the environmental authority for Enterprise Mine

Environmental authority MIN100971509 is taken to include the following conditions—

- (a) mining activities that are the winning of a mineral from the place where it occurs may be conducted only within the restricted mine path for an Enterprise Mine lease; and
- (b) mining activities that are the winning of a mineral from the place where it occurs within the restricted mine path for an Enterprise Mine lease may only be conducted until the end of 31 December 2019.

18 Application by Enterprise Mine lease holder to amend restricted mine path

- (1) A holder of an Enterprise Mine lease may apply, within 2 months after commencement, to the Minister to amend the restricted mine path of an Enterprise Mine lease to add an area of land to the restricted mine path.
- (2) The application must be—
 - (a) made in the approved form for an amendment application; and
 - (b) supported by enough information to allow the Minister to decide the application.

19 Minister to decide application

- (1) The Minister must, within the period prescribed under the *Environmental Protection Regulation 2008* for an amendment application, decide either to grant or refuse the application.
- (2) However, the Minister may amend the restricted mine path of an Enterprise Mine lease to add an area of land to the restricted mine path only if—
 - (a) the area proposed to be added to the mine path (the ***added area***) is not, or does not include, a threatened ecosystem; and
 - (b) the Minister is satisfied that the addition of the added area is reasonably necessary to facilitate mining at the same rate of production, until 31 December 2019, as the average rate for the Enterprise Mine lease over the two years immediately before commencement; and
 - (c) the mine path, after addition of the added area, is consistent with the conditions applying under environmental authority MIN100971509.

- (3) In this section—

threatened ecosystem means an ecosystem identified in the database known as the ‘Regional ecosystem description database’ kept by the department as one of the following—

- (a) an endangered dominant ecosystem;
- (b) an endangered sub-dominant ecosystem;
- (c) an of concern dominant ecosystem;
- (d) an of concern sub-dominant ecosystem.

Editor’s note—

The Regional ecosystem description database is available for inspection—

- (a) during office hours, at the Queensland Herbarium, Brisbane Botanic Gardens, Mt Coot-tha Road, Toowong and each regional office of the department; and
- (b) on the department’s website.

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20 Steps after making decision

- (1) If the Minister decides to grant the application, the Minister must, within 10 business days after the decision is made—
 - (a) amend the environmental authority to give effect to the amendment; and
 - (b) record particulars of the amendment in the appropriate register as if the authority had been amended under the Environmental Protection Act; and
 - (c) give the applicant a copy of the amended environmental authority.
- (2) The amendment takes effect on the day of the amendment or a later day stated in the amended environmental authority.
- (3) If the Minister decides to refuse the application, the Minister must, within 10 business days after the decision is made, give the applicant a written notice about the decision.

21 Applications to amend restricted mine path of Enterprise Mine lease under the Environmental Protection Act

- (1) Sections 17 and 18 do not stop the holder of environmental authority MIN100971509, whether or not amended under section 19, from applying to amend the environmental authority under the Environmental Protection Act, chapter 5, part 7.
- (2) However, an amendment of the environmental authority under the Environmental Protection Act, chapter 5, part 7 can not be made if the amendment would—
 - (a) result in the total area of the restricted mine path being increased in size—
 - (i) if the restricted mine path is amended under section 19—to an area more than 5% larger than the restricted mine path as amended under the section; or
 - (ii) otherwise—to an area more than 5% larger than the restricted mine path as defined in section 16; or

- (b) amend the condition of the environmental authority stated in section 17(b).
- (3) This section applies despite any provision of the Environmental Protection Act or any other Act or law.

Part 3 Miscellaneous

22 Opening and closing of road on DP104026

- (1) Lot 1 on SP228368 is dedicated to be a road for public use under the *Land Act 1994*.
- (2) The area of land shown as road to be closed on SP228368 is taken to be closed under the *Land Act 1994*.
- (3) This section applies despite any provision of the *Land Act 1994*.

Schedule 1 Conditions of renewal for particular mining leases

section 11

Column 1	Column 2	Column 3
Mining lease	Term of renewal	Conditions for renewal
Mining lease 1117	The term of renewal ends at the end of 31 December 2019.	
Mining leases 1103, 1118, 1119, 1120, 1121, 1129 and 1130	The term of renewal ends at the end of 31 December 2019.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.
Mining lease 1122	The term of renewal ends at the end of 31 December 2015.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.
Mining lease 1124	The term of renewal ends at the end of 31 October 2025.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.

Schedule 2 Variation of conditions of particular mining leases

section 12

Column 1	Column 2	Column 3
Mining lease	Term	Conditions
Mining lease 1163	The term for the mining lease is varied to end at the end of 31 December 2019.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.
Mining lease 1140	The term for the mining lease is varied to end at the end of 31 December 2019.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.
Mining lease 7064	The term for the mining lease is varied to end at the end of 31 October 2025.	The winning of a mineral from the place where it occurs in the area of land over which the lease is granted is not permitted under the lease.

Schedule 3 Dictionary

section 4

commencement means the day this definition commences.

environmental authority see the Environmental Protection Act, schedule 4.

Environmental Protection Act means the *Environmental Protection Act 1994*.

Mineral Resources Act means the *Mineral Resources Act 1989*.

mining interest means any lease, licence, permit or other instrument authorised under—

- (a) the Mineral Resources Act; or
- (b) the *Petroleum Act 1923*; or
- (c) the *Petroleum and Gas (Production and Safety) Act 2004*.

mining lease means a mining lease under the Mineral Resources Act.

North Stradbroke Island Region see section 5.

NSI mining interest means a mining interest over land in the North Stradbroke Island Region.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 March 2013. Future amendments of the North Stradbroke Island Protection and Sustainability Act 2011 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	14 April 2011	
Current as at 31 March 2013		Amendments included 2012 Act No. 16	Notes

5 List of legislation

North Stradbroke Island Protection and Sustainability Act 2011 No. 11

date of assent 14 April 2011

commenced on date of assent

amending legislation—

Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012 No. 16 pt 1, s 78 sch

date of assent 14 August 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 31 March 2013 (2013 SL No. 24)

6 List of annotations

Applications to amend restricted mine path of Enterprise Mine lease under the Environmental Protection Act

s 21 amd 2012 No. 16 s 78 sch

PART 4—AMENDMENT OF ACTS

pt hdg om R1 (see RA s 40)

Division 1—Amendment of Aboriginal Land Act 1991

div 1 (ss 23–29) om R1 (see RA ss 7(1)(k) and 40)

Division 2—Amendment of Nature Conservation Act 1992

div 2 (ss 30–47) om R1 (see RA ss 7(1)(k) and 40)

Division 3—Amendment of Sustainable Planning Act 2009

div 3 (ss 48–50) om R1 (see RA ss 7(1)(k) and 40)

7 Forms notified or published in the gazette

Lists of forms are no longer included in reprints. Now see the separate forms document published on the website of the Office of the Queensland Parliamentary Counsel at <www.legislation.qld.gov.au> under Information—Current annotations. This document is updated weekly and the most recent changes are marked with a change bar.