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8 DECEMBER 2023

Legislative Enhancements to Mining Claims Feedback

**WESTERN DOWNS REGIONAL COUNCIL
SUBMISSION**

Part A - Proposed Legislative Changes that Relate to the Discussion Paper

1. **Question One:** Do you have any feedback on the proposed changes to modernise chapter 3 of the MR Act?

RESPONSE: Western Downs Regional Council acknowledges that changes will be made to modernise chapter 3 of the MR Act.

Changes to Ensure the Effective Regulation of Mining Claims

2. **Question Two:** Do you have any feedback on the proposed changes to the legislation relating to fees and charges?

RESPONSE: Western Downs Regional Council acknowledges that a new administrative and regulatory fee will be introduced for mining claim applications. Council strongly supports the Queensland Government undertaking further consultation with stakeholders prior to making changes to fees and charges.

3. **Question Three:** Do you have any feedback on the proposed changes to the legislation relating to application requirements?

RESPONSE: Western Downs Regional Council acknowledges the proposed introduction of a financial and technical capability statement as a part of mining claim applications; the proposal for a work program to be provided with a transfer application; and Ministerial discretion to disqualify persons from applying for another resource tenure based on previous mining claim cancellations or previous contravention of mining claim conditions.

4. **Question Four:** Do you have any feedback on the proposed changes to the legislation relating to the term of new mining claims?

RESPONSE: Western Downs Regional Council acknowledges the proposal for the maximum term for new hand-mining claims to be limited to 5 years; retention of the maximum term for prescribed mining claims of 10 years; and limits to be imposed on the number of claim renewals.

Changes to Support Genuine Small-Scale Mining Operations

5. **Question Five:** Do you have any feedback on the proposed changes to the legislation to clarify mining claim requirements?

RESPONSE: Western Downs Regional Council acknowledges the proposed changes to clarify the regulatory framework to facilitate compliance in the areas of mining claim entitlements; permitted structures; and work program requirements.

6. **Question Six:** Do you have any feedback on the proposed changes to the legislation relating to keeping records of mining activities?

RESPONSE: Western Downs Regional Council acknowledges the proposed requirement for mining claim holders to keep records as evidence of activity to allow authorised officers to determine whether holders are operating in accordance with the MR Act, their work program and using the claim appropriately.

7. **Questions Seven:** Do you have any feedback on the proposed changes to the legislation to improve coexistence?

RESPONSE: Western Downs Regional Council acknowledges proposed changes to the legislation to improve co-existence between mining claim holders and landholders including negotiating compensation agreements; opportunity for renegotiation; and enabling the Land Court to make determinations about agreements.

Changes to Address Non-Compliance

8. **Question Eight:** Do you have any feedback on the proposed changes to the legislation to address non-compliance?

RESPONSE: Western Downs Regional Council acknowledges proposed changes to legislation to introduce a new offence for contravening a condition of a mining claim to allow the department to better respond to any identified non-compliance.

9. **Question Nine:** Do you have any feedback on the proposed changes to the legislation to promote site clean-up?

RESPONSE: Western Downs Regional Council acknowledges the proposal for the Queensland Government to pool, accrue and keep interest on security held for terminated mining claims where the mining claim holder has not remediated and surrendered their claim. Council supports the use of these unclaimed funds to clean up and remediate abandoned mining claims.

Part B – Proposals for Further Consideration

10. **Question Ten:** Do you have any feedback on the proposed changes to the legislation regarding maximum penalty units and penalty infringement notices?

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RESPONSE: Western Downs Regional Council acknowledges the proposal for a maximum of 1000 penalty units, equating to a maximum fine of \$154, 800 and the intention to allow penalty infringement notices to be issued for certain contraventions of mining claims.

11. **Question Eleven:** Do you have any feedback on the proposed changes to the legislation relating to the transitional provisions?

RESPONSE: Western Downs Regional Council acknowledges proposed changes to the legislation relating to the transitional provisions including fees and charges; application requirements; term of mining claim; clear requirements for mining claim holders; evidence of activity; improving coexistence; and enhancing compliance functions.