

## MINING ACT AND PETROLEUM ACT AMENDMENT ACT 1983

by R.A. North\*

In his address to the Queensland Branch of AMPLA on 17 March, 1983 Mr Gately\*\* indicated that amendments to the Queensland *Mining Act* and the Queensland *Petroleum Act* would be forthcoming. A Bill to amend both Acts was introduced into the Queensland Parliament on 24 March, 1983, has been passed but is not yet in force.

The Bill amends both Acts by introducing provisions governing the transfer of interests in Authorities to Prospect (ATPs). The Bill contains seven clauses to amend the *Mining Act* and two clauses to amend the *Petroleum Act* but of the seven relating to the *Mining Act* only one relates directly to Authority to Prospect Agreements and Transfers and of the two relating to the *Petroleum Act* only one relates directly to ATPs Agreements and Transfers.

This particular amendment to both Acts is the same and permits the holder of an ATP to make application to the Minister for approval "that all the entitlements of the holder under this Act with respect to the whole of the land of the subject of the Authority to Prospect shall vest in —

- (a) Another person or other persons; or
- (b) The holder and another person or other persons, specified in the application".

The amendment requires such application to be made in the prescribed form. The Minister is to have absolute discretion as to whether he will approve such an application and if so as to the stipulations and conditions on which such approval will be given. If the application is approved the Minister is to cause particulars of the vesting of the entitlements of the holder of the ATPs to be entered in the "appropriate Register and on the Authority to Prospect". Regulations prescribing the application form have not yet appeared.

The Bill also corrects omissions in the definition of "company" in both Acts. The definition of "company" in the *Mining Act* is expanded to include entities under the Companies (Queensland) Code and the definition of "company" in the *Petroleum Act* is amended not only to include entities under the Companies (Queensland) Code but also to include a recognised company within the meaning of the Queensland *Companies Act 1961-1974*. Both amendments are given retrospective operation to validate titles previously granted to such entities.

The other amendments to the *Mining Act* relate to s.21 (Application for and Issue of Mining Leases), s.44 (Mining Leases and Authorities to Prospect over Reserves), s.123 (Requirements of Application for Mining Tenements in Private Land) and s.238A (Surface Area in case of Coal Mining Lease) is repealed.

In his address Mr Gately referred to some of the difficulties which have arisen with respect to transfers and other dealings in such ATPs. While the amendments are welcome the Bill unfortunately does not remove many of the other uncertainties which exist. It is beyond the scope of this note to examine the issues further but it is hoped that they will be the subject of a detailed analysis when the provisions of the Bill are in force and the required Regulations have been prescribed.

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\*\* See AMPLA Bulletin Vol. 2(2), 29