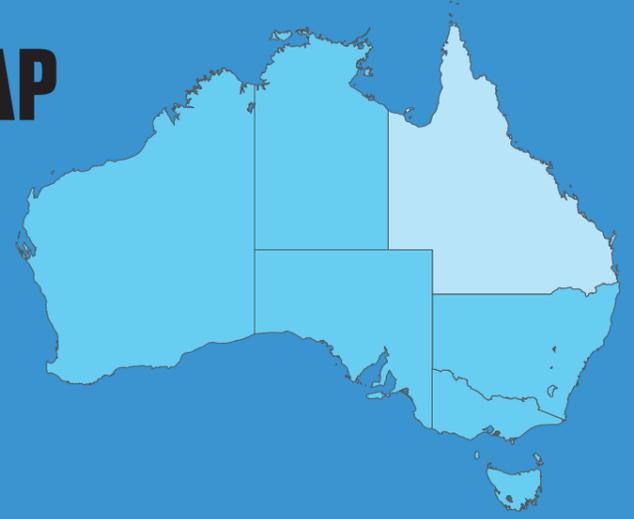


MINING LICENCE PROCESS MAP AUSTRALIA (QUEENSLAND)

**LICENCE:****MINING
LEASE****RESOURCE TYPE:****ALL MINERALS****SCALE:****LARGE-SCALE****ACTORS:**Applicant
(Miner)Minister for
Resources (Qld)Department of
Resources (Qld)Department of
Environment and
Science (Qld)

Land Court (Qld)

Native Title
Parties

Public

This process map describes the steps involved in applying for a mining lease to mine (extract and sell) minerals in Queensland. This process covers all minerals except uranium, which is prohibited under a longstanding Queensland government policy position.

Queensland is one of the largest mining jurisdictions in Australia. Mining makes up the [largest contribution](#) to the Queensland economy, accounting for 11.7% (\$39.6 billion in 2019/20). Queensland's coal and bauxite reserves are some of the largest in the world. Coal, liquified natural gas and minerals account for around 81% of the value of Queensland overseas exports.

In Australia, minerals are the property of the state and each state and territory has its own mining legislation. State ownership of minerals means that the state government controls who is given the right to mine rather than private land owners. Mining activities in Queensland are primarily regulated by the *Environmental Protection Act 1994 (Qld)*, the *Mineral Resources Act 1989 (Qld)* and the *Mineral Resources Regulation 2013 (Qld)*.

Before a mining lease is granted in Queensland, mining applicants need to satisfy a number of related approval requirements, for example, environmental approvals, native title and Aboriginal cultural heritage agreements, compensating private landowners and addressing any objections to the application.

The Queensland Department of Resources is responsible for assessing all mining lease applications. The application process takes an average of 34 months and mining companies must pay the first year's rent on lodgement of the application (\$63.70/hectare). An application fee is also required. [The amount](#) varies from \$835 for gemstones and precious stones to \$4,687 for coal. The application fee for an environmental authority is \$677 for a standard application plus 30% of the annual fee for a variation application or a site specific application.

A mining lease may also include authorisation for activities associated with mining – such as infrastructure to support mining operations, the processing of minerals, tailings dams, various types of water storage or treatment plants and rehabilitation and remediation associated with these activities.

**MINING****STEPS:****ACTORS:****1 LODGE APPLICATION**

The applicant (a person over 18, a company or a government owned corporation) lodges an application either online via the [MyMinesOnline](#) website, via a form sent by mail, or in person at a Mineral Assessment Hub, or in the case of coal, the Coal Assessment Hub. The application must describe the area they wish to mine, detail the proposed activities, and demonstrate that they have the financial and technical capability to ensure activities are adequately resourced.

Transparency International Australia (TIA) notes that applicants are not subject to integrity due diligence involving past lawful conduct and compliance in jurisdictions outside of Australia. This is a weakness in the approval process that can allow operators with a poor track record in other countries to mine in Australia.



MINING LICENCE PROCESS MAP AUSTRALIA (QLD)



- 1.1** The Mineral or Coal Assessment Hub, within the Department of Resources assesses the application and refers it to relevant agencies. This begins three concurrent processes:
- the Department of Resources mining proposal or initial development plan assessments (step 3 below).
 - the Department of Environment and Science environmental authority (EA) process (step 4 below). This process also includes an environmental impact statement (EIS) which assesses the economic, social and environmental effects and mitigation measures of the proposed mine.
 - (in most cases) the native title process where native title rights and interests are affected (step 5 below).



- 1.2** If the applicant meets the basic requirements of the application process and there is no existing mining lease, applications or other existing tenures and claims over any of the land, they will be issued with a mining lease notice. The mining lease notice will also be posted on the Department of Resources website.



2 PUBLIC NOTIFICATION

The applicant is required to notify persons such as landowners who will be affected by the proposed mine, and the local government body, that an application for a mining lease is underway. They must do this within 5 business days of receiving the mining lease notice. Written consent and compensation for landowners must be agreed before approval to mine can be granted. Native title negotiations go through a separate process (see step 5).



5
DAYS

- 2.1** The applicant publishes a copy of the mining lease notice in a local newspaper. The applicant is also required to publish the application notice for the environmental authority at the same time. Therefore, when applying for a mining lease, the applicant will begin the environmental authority application process at the same time as the mining lease process.



3 ASSESSMENT

- 3.1 Department of Resources assessments**
The applicant submits a mining proposal (for minerals) or initial development plan (for coal).
- 3.2** The Department of Resources conducts field assessments and inspections.
- 3.3** The Minister decides whether to approve the plan for the proposed mining lease. This cannot occur until step 5 has been concluded (if required).



4 ENVIRONMENTAL AUTHORITY PROCESS

The applicant applies for an environmental authority and progressive rehabilitation and closure plan (PRCP) with the Department of Environment and Science.



- 4.1** The Chief Executive of the Department of Environment and Science will decide if an environmental impact statement (EIS) is required. If so, the EIS process will commence. If the mining project is classified as a [coordinated project](#), the environmental impact assessment process is coordinated through the Office of the Coordinator-General and the Coordinator-General has the power to impose conditions on an environmental authority and a mining lease that cannot be overturned.



UP TO 2
YEARS

MINING LICENCE PROCESS MAP AUSTRALIA (QLD)

4.2 The applicant prepares the EIS. There is an opportunity for the public to make submissions on the EIS, and the Chief Executive decides whether to approve the EIS or request changes. Once approved, the Chief Executive can grant the environmental authority. The EIS process can take up to two years.

4.3 Once the EIS process is complete the Chief Executive will either approve the environmental authority subject to conditions (such as financial provisioning or surety for rehabilitation costs) or refuse the environmental authority.



4.4 Opportunity to object

Anyone who made a submission during the EIS process can make objections to the environmental authority. Often there is a supplementary EIS process where the applicant will address community concerns raised during the EIS process.

4.5 Once the objections process is finalised, the Department of Environment and Science will decide whether to approve the application and issue the environmental authority. A mining lease cannot be approved without an environmental authority. The application must be refused if the applicant is not registered as a suitable operator. One of the factors considered when deciding suitable operator status is an applicant's environmental track record in Australia.



TIA notes that an applicant's environmental track record overseas is not considered when deciding suitable operator status. This is a further weakness in the mining approval process that can allow operators with a poor track record in other countries to mine in Australia.



5 NATIVE TITLE PROCESS

If the land for the proposed mine is subject to native title, the applicant will need to negotiate an agreement with the Indigenous custodians. There are a number of possible agreement processes that can be used: the expedited process, the right to negotiate process or Indigenous Land Use Agreements. If relevant, a native title process needs to be complete before the mining lease application can proceed to the approval stage.



6 PUBLIC OBJECTIONS

Anyone can object to a mining lease application or an environmental authority application. The public has 20 days from the date of public notification to object to a mining lease or environmental authority. Any person or organisation may lodge an objection in writing.



6.1 The Department of Resources considers any objections to the mining lease. The Department of Environment and Science considers any objections to the environmental authority. Objections are referred to the Land Court by the relevant agency.



7 LAND COURT

If objections are referred to the Land Court, it will conduct hearings and recommend to the Minister that applications be granted or rejected in whole or in part or subject to conditions. Land Court hearings and subsequent appeals can add significant time to the approval timeline.



MINING LICENCE PROCESS MAP AUSTRALIA (QLD)



8 DECISION TO GRANT OR REJECT APPLICATION

The Department of Resources prepares decision documentation for the Minister. The Minister can grant or reject the application or refer it back to the Land Court to conduct a hearing. This step can only occur after the environmental authority, native title and other landholder compensation agreements, and public objection processes have concluded positively.



- 8.1 If an applicant is not happy with the outcome of the government's decision on their mining lease application they have the option of applying to the Supreme Court of Queensland for a judicial review of the decision. This type of review covers whether government decisions were legally made (questions of law).



9 MINING ACTIVITIES CAN COMMENCE

Mining activities can commence subject to any relevant conditions placed on the mining lease and environmental authority being met.