



Queensland

**Mining and Natural Resources Regulation
Youth Act 2008**

Act No. 1 of 2008



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Mining and Natural Resources Regulation Youth Act 2008

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Mining and Natural Resources Regulation Youth Act 2008

Act No. 1 of 2008

A Youth Act to establish a regulatory body to monitor and regulate carbon emissions and output from companies involved in the mining and consumption of natural resources in Queensland

[Assented to 4 July 2008]

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Mining and Natural Resources Regulation Youth Act 2008*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Definitions

In this Youth Act—

carbon dioxide emissions means emissions of greenhouse gas or carbon dioxide also represented as CO₂.

emissions target means a figure considered to be necessary for household greenhouse emissions reduction in a specified time frame by the State Carbon Emissions Regulation Board, to maintain environmental stability and sustainability.

INRRC see section 4(1).

natural resources means any naturally occurring substance that is considered valuable in its relatively unmodified form.

natural resources industry means an industry that uses, mines or sells natural resources.

output statements means a document that outlines all relevant figures that come as a result of the company operating.

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- (d) ensuring companies registered and operating in Queensland invest 10% of their profits into the research and development of more sustainable and environmentally friendly operating methods;
 - (e) regulating and monitoring safety standards on worksites registered and operating in Queensland;
 - (f) overseeing the implementation and enforcement of penalties as outlined in parts 3 and 4;
 - (g) reporting regularly to the Queensland Parliament on the effectiveness of this Youth Act.
- (2) The commission is responsible for implementing and overseeing a points system that covers companies registered under this jurisdiction, as follows—
- (a) each company is allocated 10 points by the commission;
 - (b) points are deducted for non-compliance with INRRC targets as prescribed by part 4.

Part 3 Implementation

6 Location

- (1) The INRRC must be located in the capital city of Queensland with resources available to regional areas.
- (2) Resources include—
 - (a) sub-branches in regional locations; and
 - (b) information available for work colleagues regarding meetings, research and innovation.

7 Assembly and meetings of commission

- (1) The commission must meet every 3 months.

- (2) Companies registered and operating in Queensland including all natural resource industry representatives will be required to attend.
- (3) Matters that must be discussed at each meeting include the following—
 - (a) new findings;
 - (b) related issues;
 - (c) research into new and innovative ways of mining and producing Queensland's natural resources.

8 Inspections

- (1) Inspections will take place every 6 months.
- (2) Companies inspected will be required to present a genuine output report at the inspection.
- (3) Harsh penalties will apply for failure to submit output reports or for uncooperative actions.

9 Output statements

- (1) All companies must prepare an output statement.
- (2) The output statement is to—
 - (a) give a detailed assessment of production; and
 - (b) state the amount of CO₂ emissions released; and
 - (c) report on the level of air quality; and
 - (d) ensure safety with the mining and production sectors.

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Part 4 Penalties

10 Points system

- (1) Three points will be credited to each industrial partner at the beginning of each year and expire at the end of the same year.
- (2) Points from a previous year will not be added to the amount credited at the beginning of a new year.
- (3) Inadequate performance on industry standards and failure to comply with the INRRC will result in the loss of points.
- (4) The loss of all 3 points will result in heavy penalties or forced closure of the company, as determined by the INRRC and precedents from previous cases.

11 Action taken if not meeting requirements in submissions

- (1) Each industrial partner must submit detailed documentation in the form of monthly activity statements.
- (2) If statements are not submitted, action will be taken as follows—
 - (a) the first instance will result in the deduction of 1 point and will require immediate submission of the relevant statements;
 - (b) two consecutive instances will result in—
 - (i) the loss of 1 point; and
 - (ii) the requirement of immediate submission of relevant activity statement; and
 - (iii) an industrial practices inspection by a member of the INRRC.
 - (c) non-compliance in submissions—
 - (i) the loss of 1 additional point; and
 - (ii) an industrial practices inspection by a member of the INRRC; and

- (iii) further penalties as considered necessary by INRRC at a commission meeting.
- (3) All submissions to the INRRC must comply with local, State and Commonwealth laws.
- (4) If companies are in breach of local, State or federal law outside of the INRRC jurisdiction, companies will be reported to the relevant authorities.

12 Actions taken if inspection requirements not met

- (1) Inspections will take place every 6 months and will assess—
 - (a) Workplace Health and Safety; and
 - (b) community health and safety; and
 - (c) production; and
 - (d) CO₂ emissions; and
 - (e) air quality.
- (2) If standards in key areas of importance are considered to be inadequate, action will be taken as follows—
 - (a) health and safety standards—
 - (i) penalties from \$10000 as assessed on inspection; and
 - (ii) loss of up to 3 points or as decided appropriate by the INRCC;
 - (b) production rates and practices that are detrimental to the environment or the community—
 - (i) the loss of up to 3 points, or as considered appropriate by the INRRC; and
 - (ii) assistance and advice from the INRRC to improve operations;
 - (c) carbon emissions exceed levels specified by the commission—the loss of 1 point for every 5% of excess carbon produced over the commission's ideal level, each

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site will be assessed by the commission and an ideal level assigned; and

- (d) regional air quality below standard—
 - (i) the loss of up to 2 points; and
 - (ii) a increase in profit percentage to be invested in research; and
 - (iii) provisions to assist the community where poor air quality is affecting the health and lifestyle of the community.
- (3) Failure to comply will result in additional penalties as assessed by INRRC inspection officers.

13 Penalties

- (1) Penalties may be imposed on industrial partners by the INRRC if—
 - (a) the penalty can be justified; and
 - (b) the penalty does not penalise companies for uncontrollable matters.
- (2) Persons within a company may also receive penalties if—
 - (a) the actions of the person has a negative impact on the company; and
 - (b) the effect of actions was reasonably foreseeable.
- (3) The INRRC board will decide the amount of the penalty.
- (4) A penalty issued by the INRRC can be appealed if—
 - (a) the company issued the penalty believes it to be unfair; or
 - (b) another company receives a lesser penalty for an equivalent infringement.
- (5) Failure to comply with the INRRC will result in a further penalty and legal action.

14 Board members

If a member of the INRRC abuses the position for personal benefit or to the detriment of others, the member will be subject to appropriate disciplinary action and will lose a place in the commission.

Part 5 Percentage of profit allocated to innovative and environmentally friendly industry advances

15 Tithe

At the end of every financial year companies regulated under the commission must allocate 1% of company gross profits to independent research to promote more environmentally friendly industry practices and 1% to the local community.

16 Research areas

Each company's contribution will directly fund research within the industry of that company.

17 Government contribution

For each 1% contribution made by Queensland industry, the Queensland government will contribute an amount equivalent to 50% to independent research companies.

18 Auditing

To ensure financial integrity each company regulated under the commission will provide monthly financial statements and be audited by the commission twice yearly.

Part 6 Safety, air quality and carbon emissions

19 Safety

- (1) Companies registered under the INRRC must follow safety guidelines set out by the following authorities—
 - (a) the Queensland Government;
 - (b) the Department for Natural Resources and Water;
 - (c) the INRRC.
- (2) Safety inspections will be carried out by INRRC representatives every 6 months.
- (3) Failure to follow the guidelines may result in 1 of more of the following—
 - (a) deduction of points;
 - (b) penalties for the person responsible;
 - (c) closure of operating facility.

20 Air quality inspections

- (1) Companies registered under the commission will be required to undertake regular air quality testing.
- (2) Testing is to be conducted at every 6 month inspection and will be carried out by the appropriate commission representatives.
- (3) Companies will be required to comply with guidelines and figures set by the commission and failure to do so will result in 1 or more of the following—
 - (a) loss of points;
 - (b) penalties for the person responsible;
 - (c) temporary or permanent loss of jobs.

21 Carbon emissions

- (1) Inspections will take place every 6 months and companies will be required to produce an activity statement on the level of carbon emissions being produced at that time.
- (2) Companies will be reminded of the requirement to produce an activity statement 1 week prior to inspection.
- (3) Failure to present an activity statement will result in penalties, as set out in part 4.

Part 7 Incentives

22 Awards

- (1) The commission will develop an incentive program to promote the positive steps mines and mining companies are taking with an additional assistance program.
- (2) Awards will work in relation to the penalty system.
- (3) The incentive program will contain several award categories—
 - (a) Development of a Innovative Industry Award;
 - (b) Emissions Reductions Award; and
 - (c) Safety and the Environment Award.

23 Development of an Innovative Industry Award

- (1) To be eligible for this award companies must work in relation to the categories in part 3.
- (2) The mine must be used to its full potential with consideration of its surrounding environment.
- (3) This award allows companies to develop new and innovative methods of mining and receive national recognition.

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24 Emissions Reduction Award

- (1) Mining companies that reduce CO₂ emissions considerably and comply with the rules and regulations outlined in this Act are eligible for this award.
- (2) State Government assistance will allow companies to maintain the desired emission rate and improve practises.

25 Safety and the Environment Award

- (1) An award will be given to companies which—
 - (a) consider the environment as well as the safety of the community around a mine;
 - (b) take precautionary measures to ensure that both the environment and the community are not harmed or degraded.
- (2) The award will promote innovative methods of mining.
- (3) To be eligible for the award, companies must—
 - (a) mine, whether open cut or underground, to full potential; and
 - (b) ensure that the security of all staff is not breached; and
 - (c) ensure health and staff regulations are not breached; and
 - (d) consider the wellbeing of the surrounding natural habitat when upgrades or development phrases are in process; and
 - (e) ensure the community in the district are well informed and consulted whenever progress is planned.