

Early Bird expires 16 October*

One-day
Skill
Accelerator

Interactive
Panel
Discussion

Queensland Mining & Resources Law

Navigating the minefield of
legislation, regulation
& policy

27 November 2008

Stamford Plaza,
Brisbane

Don't miss this
opportunity to:

- Mitigate the impact of **Climate Change** and the **Carbon Pollution Reduction Scheme**
- Prepare for a **low-emissions future** for mining & resources
- Be up to speed with **liabilities, obligations and rights** under new regulations and changes to legislation in Queensland
- Assure compliance with standards on **safety and environmental impacts** with the commencement of the **Clean Energy Act 2008 (Qld)**
- Hear from acting counsel in **Queensland Conservation Council v Xstrata Coal Pty Ltd** and grasp implications on environmental impacts of greenhouse gas emissions
- Capitalise on a booming market, whilst **assessing risks and effectively protecting your client**

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Expert speakers include:

Dan Hunt, Director-General, **Department of Mines & Energy**

Craig Ricato, Company Secretary & General Counsel, **Linc Energy**

Darren Fooks, Partner, **Clayton Utz**

Allison Warburton, Partner, **Minter Ellison**

Matthew Smith, Managing Partner, **Sparke Helmore**

Darren White, Partner, **McCullough Robertson**

Stephen Keim SC, Barrister, **Queensland Bar**

Andrew Barger, Director, Industry Policy, **Queensland Resources Council**

Product of:

Conference program: Thursday, 27 November 2008

8:20 **Conference registration**

8:50 **Welcome and opening remarks from the Chair**
Prof Douglas Fisher, Professor of Environment & Resources Law,
Queensland University of Technology

9:00 **Director-General's Address**
Dan Hunt, Director-General,
Queensland Department of Mines & Energy

Legislation, Regulation and Policy

9:30 **Carbon Pollution Reduction Scheme: Managing impacts and capitalising on opportunities**

- Federal government's Carbon Pollution Reduction Scheme – overview and emerging legal and contracting issues
- How will the liability apply down the supply chain
- What government support is available for affected companies
- Becoming ETS-ready – staffing, recording and reporting, audit requirements, tracking sales of product
- Trading permits
- Opportunities

Allison Warburton, Partner, **Minter Ellison**

Allison Warburton, Partner, Minter Ellison is a partner in Minter Ellison's Energy and Resources team and co-heads its Climate Change practice. She has extensive experience in green credit trading and renewable energy projects including landfill gas, wind, hydro, waste mine gas and solar generation. Allison also advises on greenhouse compliance issues, including the National Greenhouse and Energy Reporting Act, Carbon Pollution Reduction Scheme, Commonwealth Mandatory Renewable Energy Target, the NSW Greenhouse Gas Abatement Scheme and the Queensland 13% gas scheme.

Hot Topic

10:10 **Morning tea**

10:30 **Trading in water markets for water-intensive industries – assuring water security for power generation and mining**

- Assessing recent water reforms in Queensland and impact on the resources industry – increasing competition for water and scarcity
- *South East Queensland Water (Restructuring) Act 2007* – assessing benefits and implications of structural and regulatory reforms to the South East Queensland water grid
- Market rules under the *Water Act 2000* and the *Water Supply (Safety and Reliability) Act 2008* (Qld) – trading, allocations, leases

Greg Claydon, Executive Director, Strategic Water Initiatives,
Queensland Department of Natural Resources & Water

11:10 **Clean Energy, Carbon Capture and Storage and Underground Coal Gasification – laws, strategies, mechanisms and technologies**

Aiming for a 60% reduction in greenhouse gas emissions by 2050, the Queensland Government's policy document *ClimateSmart 2050* allows for the introduction of the *Clean Energy Act 2008* (Qld). The recently released Garnaut Report also supports the rapid deployment of commercially promising technologies for a low-emissions future for coal. This session will convey a timely and relevant update on:

- Underground coal gasification under the *Mineral Resources Act 1989* and *Petroleum and Gas (Production and Safety) Act 2004* – clarifying rights, obligations, tenure and safety arrangements at various stages (exploration, testing and production)
 - Carbon Capture and Storage (CCS) and the *Offshore Petroleum (Greenhouse Gas Storage) Amendment Bill* – aiding CCS to battle climate change
 - Assessing the impact of geosequestration on Australian mining resources and legal ramifications
 - Coal Seam Methane tenure and LNG development issues
- Craig Ricato**, Company Secretary & In-House Counsel, **Linc Energy**
Paul Jardine, Special Counsel, **DLA Phillips Fox**

Craig Ricato, Company Secretary & General Counsel, Linc Energy, has experience working in top-tier legal and accounting firms, and immediately before joining Linc Energy he was a partner in a Brisbane-based law firm. In his position at Linc Energy, Craig's priorities are ensuring compliance with the regulatory requirements of both the ASX and ASIC, providing legal guidance to the Board, and managing the legal affairs of the Company.

Paul Jardine, Special Counsel, DLA Phillips Fox has extensive experience in advising on significant corporate and commercial transactions and in development and acquisition of major projects in the energy and resources sector. Paul advises on legislative regime and tenures for exploration and development of resources under Mineral Resources Act, Petroleum legislation, and Clean Energy Act 2008 as well as associated State and Commonwealth legislation. He has advised mine owners in relation to development of coal seam methane and negotiated agreements for commercialisation and development of CSM, as well as energy clients of provisions of Queensland and Commonwealth legislation relating to greenhouse initiatives and climate change. Paul was a former Vice President for Queensland AMPLA.

Hot Topic

12:00 **Boosting mining safety and health in Queensland under new changes to the legislative and regulatory regime**

Mining safety laws have been subject to recent amendments aimed at further improving the safety culture in the mining industry. This session will cover regulatory updates, challenges and issues towards achieving optimal mining safety in Queensland mines.

- Updates in OHS Law and regulatory updates in Queensland
- Changes in OHS law as a result of the *Clean Energy Act 2008* (Qld) and other recent amendments
- Critical challenges, issues and developments in mine safety and the effect on key obligation holders

Matthew Smith, Partner, **Sparke Helmore**

Matthew Smith, Managing Partner, Sparke Helmore (Qld), Practice Group Leader of the Workplace Team in Queensland, has over 13 years legal experience and is highly experienced in all areas of employment, industrial relations and occupational health and safety law. Matthew has advised in these areas across a range of blue chip private and public sector industries and bodies including government owned corporations, utilities and authorities.

Conference program continued

12:40 **Networking lunch for speakers and delegates**

1:40 **PANEL DISCUSSION: Resources Boom or Bust? Insights from 2008 onwards to 2009**

With coal mining arising as Queensland's most prosperous industry, what opportunities arise as a result of the changing landscape of mining in Australia and what strategies are in place to ensure industry competitiveness?

- Ensuring industry competitiveness
- Industry effects in the long-term of the new two-tier coal royalty rate, mineral prices v profits
- Climate change and a low emissions future for coal?
- Skills shortage, 457 visa changes and the need for green skills
- The uranium policy gulf – opportunity or threat?

Panellists:

Andrew Barger, Director – Industry Policy, **Queensland Resources Council**

Stephen Keim SC, Barrister, **Queensland Bar**

Dominic McGann, Partner, **McCullough Robertson**

Darren Fooks, Partner, **Clayton Utz**

2:20 **Obligation, Profit, Sustainability: Overcoming hurdles to environmental impacts and assessments**

- *Environmental Protection and Other Legislation Amendment Bill 2008* – towards uniform environmental obligations for all miners and mining leases across Queensland
- Pinpointing the regulatory requirements of environmental assessment
- Approval conditions and ongoing obligations
- Overcoming environmental approval hurdles
- Assuming responsibility for mine rehabilitation for abandoned mines
- Update: Compulsory splitting of mining lease applications under the *Mineral Resources Act* – scrutinising petroleum tenures
- Case Law Update: *Queensland Conservation Council v Xstrata Coal Pty Ltd & Gray v Minister for Planning and Ors*

Stephen Keim SC, Barrister, **Queensland Bar**

Stephen Keim SC, Barrister, Queensland Bar has been practising as a legal practitioner for over 30 years, the last 23 as a barrister. He became a Senior Counsel for the State of Queensland in 2004. Stephen's practice ranges across a number of areas but a strong vein of environment and development law has run through his work at the Bar. Stephen's writings on various subjects have recently been published in such fora as Crikey.com; Justinian and Opinion Online. He was appointed as counsel working extensively on the case, Queensland Conservation Council v Xstrata Coal Pty Ltd.

Hot Topic

Agreements and Relationships

3:00 **Minimising conflict with indigenous interests: Land Access and Native Title**

- Native Title and the approval process – land access and permits
- Negotiation and mediation for land use and cultural heritage agreements
- Ongoing engagement
- Case Law Update: Native title law in mining & resources industry

Andrew Preston, Barrister, **Queensland Bar**

Andrew Preston was admitted to practise as a Barrister of the Supreme Court of Queensland in 1989 and as a practitioner of the High Court of Australia in 1991. He is also a member of the national Native Title Practitioners Panel. He headed Crown Law's native title legal practice group for two years and

has spent time in the Policy and Legislation Division of the Department of Justice and Attorney-General advising the Attorney-General on various pieces of legislation and preparing draft legislation. He has been in private practice since July 2000 and continues to specialise in the areas of native title and cultural heritage.

3:40 **Afternoon tea**

4:00 **Overcoming roadblocks to Infrastructure, Rail and Port Access**

Infrastructure Access is a key issue in the planning and management of mining and resources projects but could also pose as a major roadblock for expansion. With a new entrant to Queensland's coal transport system, this session will explore:

- Government initiatives and response to access issues in Queensland
- Private operators v state-owned operators – breaking the monopoly
- Haulage contracts and revenue considerations
- Ensuring success of infrastructure access agreements
- Port Access – towards collaborative solutions to reduce impact of infrastructure bottlenecks and logistical issues in coal transport from mines to ports

Darren White, Partner, **McCullough Robertson**

Dominic McGann, Partner, **McCullough Robertson**

Darren White, Partner, McCullough Robertson, Infrastructure, Energy and Government Group advises clients on the development of mining and infrastructure projects, including assisting clients to obtain necessary regulatory approvals and drafting and negotiating project documentation. Darren has a particular focus on assisting clients with the development of greenfields mines and advising on the mining lease application process, including acting for clients in hearings before the Land and Resource Tribunal to resolve objections and compensation issues for mining projects.

Dominic McGann, Partner, McCullough Robertson has over 20 years experience as a general commercial lawyer. He specialises in government advisory work, resources, infrastructure and trade practices.

4:40 **Detangling the complexity of Joint Ventures and Contracts: Rights, duties, obligations and risks**

- What's new in joint venture structuring and why the standard JV structure does not work anymore
- If you can't farm in to a joint venture, what can you do these days?
- Weighing the pros and cons of the differing formats for joint venturers and why
- The progressively changing landscape – protecting your client in the new environment
- What practitioners are revising (force Majeure, pre-emptive rights clauses, et al)
- Feasibility studies and due diligence on JVs and acquisitions
- Contracting in China and Asia – any difference?

Darren Fooks, Partner, **Clayton Utz**

Darren Fooks, Partner, Clayton Utz specialises in mining, energy and infrastructure development. He has extensive experience in project development and the sale and purchase of mining, oil and gas, infrastructure and electricity projects in Australia, South East Asia and the South Pacific, as well as, joint venture development. Darren is the Clayton Utz representative to the Australian Mining and Petroleum Law Association and is a member of the Queensland Mining Council Environmental Law Committee.

5:20 **Close of conference**

Priority registration form

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- I am unable to attend but would like to purchase a set of conference papers for the Queensland Mining & Resources Law \$300.00 + GST = \$330.00

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- Register a team of 2 for the Queensland Mining & Resources Law conference at the same time, from the same organisation and receive a free pass for the 3rd delegate.

* Early Bird, team discounts and any other discount cannot be taken concurrently

C Event Pricing (please tick your selection)

Early Bird Special* (register & pay before 16 October 2008)

- One day conference \$850 + GST = \$935

Standard Price (register & pay after 16 October 2008)

- One day conference \$950 + GST = \$1045

Who Should Attend

- Lawyers
- In-House Counsel
- Policy Advisors
- Mining and Resource Consultants
- Mining Managers and Engineers
- Project, Land Access & Feasibility Managers
- CEOs & Chairpersons

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