

LEGISLATIVE COUNCIL
Question on notice

22 OCT 2013

Tuesday, 10 September 2013

283. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum.

(1) Is the Minister aware of the recent sale by Rey Resources Ltd of the Duchess Paradise coal project in the Fitzroy River catchment to a Hong Kong-based company called Crystal Yield Investment?

(2) As a result of this sale, exactly what form of tenement or mining right does Crystal Yield now own?

(3) Has the transfer of this tenement or right to Crystal Yield been completed:

(a) If so, when was it completed and what sum was paid by Crystal Yield Investment?

(4) Does Crystal Yield now own a mining lease or a mining license as defined in the *Mining Act 1978*:

(a) If no, by what process will Crystal Yield acquire such a tenement or license?

(5) When will the Mining Wardens Court make its determination on the grant of a mining lease for this project?

(6) Does the project require environmental approval prior to being granted a mining lease or license?

(7) Which entity, Rey Resources or Crystal Yield, will now be designated as the proponent responsible for preparing and submitting the project Public Environment Review (PER) report to the Environmental Protection Authority (EPA) for assessment?

(8) Given that the scoping study for the project was submitted to the EPA almost two years ago, when does the Minister expect Rey Resources or Crystal Yield to submit its PER documentation?

(9) Have officers of the Department of Mines met with representatives of Crystal Yield:

(a) If so, on what date and what was discussed?

(10) Given that, according to Rey Resources' reporting, Crystal Yield will withhold full payment for the project if a mining lease or license is not obtained by a specified date, does this arrangement place pressure on the Department of Mines and Petroleum, the EPA or the Minister to fast-track the granting of such tenements or licenses:

- (a) If so, what effect has this had on these entities; and
(b) If not, why not?
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Answer

- (1) Yes
- (2) None, the granted tenure over the coal project comprises two exploration licences held by Blackfin Pty Ltd, a wholly owned subsidiary of Rey Resources Ltd (Blackfin has made application to convert portions of the licences to a mining lease). No transfers of these licences to Crystal Yield Investments Ltd have been lodged; hence the licences remain registered in the name of Blackfin Pty Ltd.
- (3) No
- (a) Not applicable
- (4) No
- (a) The Department of Mines and Petroleum has no indication that Crystal Yield Investments Ltd will acquire the tenement. Crystal may acquire the mining lease by lodging a transfer of the mining lease after it is granted or it may lodge transfers of the underlying exploration licences, and pursuant to section 67(3) of the *Mining Act 1978* the mining lease application will continue in the name of the transferee of the exploration licences.
- (5) On 5 October 2012 the Mining Warden made an order that the hearing of the mining lease and its objections is stayed until such time as the Minister for Environment has made a determination pursuant to section 45 of the *Environmental Protection Act 1986*.
- (6) No, but the mining lease application cannot progress to grant without the Mining Warden providing his report and recommendation.
- (7) The tenement holder, Rey Resources Ltd, is subject to the requirements of the Environmental Protection Authority.
- (8) The timing of lodgement of the Public Environment Review documentation is at the discretion of the applicant.
- (9) No
- (a) Not applicable
- (10) No
- (a) Not applicable



(b) The mining lease application has to comply with all aspects of the *Mining Act 1978* and the *Native Title Act 1993* (Cwth) prior to the lease being granted, and subject to the requirements of the Environmental Protection Authority.