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## ***Resources Safety and Health Queensland Act 2020***

### **TRANSFER NOTICE**

#### **Transfer of certain of Department of Natural Resources, Mines and Energy's assets, liabilities and instruments to Resources Safety and Health Queensland and related matters**

Pursuant to section 70(1) of the *Resources Safety and Health Queensland Act 2020*, I, Anthony Lynham, Minister for Natural Resources, Mines and Energy, do each of the following with effect on and from the Transfer Date:

- (a) **(assets)** transfer from the Transferor to the Transferee:
  - (i) the assets identified in **schedule 1** of the Transfer Statement; and
  - (ii) any other asset held by the Resources Safety and Health Division immediately before the Transfer Date solely for the purposes of:
    - A. resources safety and health operations and related administrative activities; or
    - B. any of the functions set out in section 10 of the *Resources Safety and Health Queensland Act 2020*;
- (b) **(freehold land)** transfer from the Transferor to the Transferee the Transferor's right, title and interest in each parcel of freehold land identified in **schedule 2** of the Transfer Statement, and all of the liabilities of the Transferor in respect of that land;
- (c) **(reserves under the Land Act 1994)** remove the Transferor and appoint the Transferee as trustee of, and transfer to the Transferee all of the Transferor's right, title and interest in, and liabilities associated with, the reserves identified in **schedule 3** of the Transfer Statement;
- (d) **(leases on freehold land)** transfer to the Transferee the Transferor's right, title and interest in, and liabilities associated with, each lease identified in **schedule 4** of the Transfer Statement;
- (e) **(instruments – contracts, deeds, memorandums of understanding and other instruments)** declare that the following instruments that apply to the Transferor are to apply to the Transferee in place of the Transferor:
  - (i) the contracts identified in **schedule 5** of the Transfer Statement;

- (ii) the motor vehicle leases identified in **schedule 6** of the Transfer Statement;
  - (iii) the deeds identified in **schedule 7** of the Transfer Statement;
  - (iv) the memorandums of understanding identified in **schedule 8** of the Transfer Statement;
  - (v) the other instruments identified in **schedule 9** of the Transfer Statement; and
  - (vi) any other instrument made, held or entered into by the Resources Safety and Health Division solely for the purposes of:
    - A. resources safety and health operations and related administrative activities; or
    - B. any of the functions set out in section 10 of the *Resources Safety and Health Queensland Act 2020*;
- (f) **(legal proceedings)** declare that:
- (i) all existing legal proceedings taken by or against the Transferor that are identified in **schedule 10** of the Transfer Statement are to be continued and taken by or against (as the case may be) the Transferee;
  - (ii) all legal proceedings that may be taken by or against the Transferor in respect of:
    - A. a resources safety and health matter under any of the Resources Safety legislation;
    - B. resources safety and health operations and related administrative activities, including the safety and health of persons in the resources industry; and
    - C. any of the functions set out in section 10 of the *Resources Safety and Health Queensland Act 2020*,are, after the Transfer Date, to be taken by or against the Transferee;
  - (iii) any legal proceedings that are being, or may be, taken by or against the Transferor relating to an asset, freehold land, reserve, lease or instrument identified in this Transfer Notice are to be continued or taken by or against the Transferee;
  - (iv) the Transferee is the successor in law to the Transferor with respect to those causes identified in paragraphs (f)(i), (f)(ii) and (f)(iii); and
  - (v) the Transferee must execute such instruments and make such applications to such relevant courts as is necessary to record the substitution of the Transferee for the Transferor;
- (g) **(contingent liabilities)** declare that:
- (i) any unknown or contingent liabilities, including any criminal liabilities, relating to anything referred to in this Transfer Notice that arose or are in connection with any fact, event or circumstances which occurred or existed before the Transfer Date transfer to the Transferee; and

- (ii) the Transferee is the successor in law to the Transferor with respect to those liabilities identified in (g)(i).

## Definitions

In this Transfer Notice:

**asset** includes the meaning given in section 70(8) of the *Resources Safety and Health Queensland Act 2020*.

**instrument** has the meaning given in section 69 of the *Resources Safety and Health Queensland Act 2020*.

**lease** includes the meaning given in section 70(8) of the *Resources Safety and Health Queensland Act 2020*.

**Resources Safety and Health Division** means the division of the Transferor known as the Resources Safety and Health Division and its administrative predecessors including:

- (a) Mine Safety and Health, Minerals and Energy Resources Division, Department of Natural Resources and Mines;
- (b) Mine Safety and Health Division, Department of Natural Resources and Mines;
- (c) Mine Safety and Health Division, Department of Employment, Economic Development and Innovation;
- (d) Safety and Health Division, Department of Mines and Energy;
- (e) Safety and Health, Department of Natural Resources, Mines and Water;
- (f) Safety and Health, Department of Natural Resources and Mines;
- (g) Safety and Health, Department of Mines and Energy;
- (h) Safety and Health, Department of Natural Resources and Mines;
- (i) Safety and Health, Department of Mines and Energy;
- (j) Health and Safety, Department of Minerals and Energy;
- (k) Health and Safety, Department of Resource Industries; and
- (l) Health and Safety / Mining Health and Safety, Department of Mines.

**Resources Safety legislation** means the *Explosives Act 1999*, the *Coal Mining Safety and Health Act 1999*, the *Mining and Quarrying Safety and Health Act 1999* and safety related provisions of the *Petroleum and Gas (Production and Safety) Act 2004*.

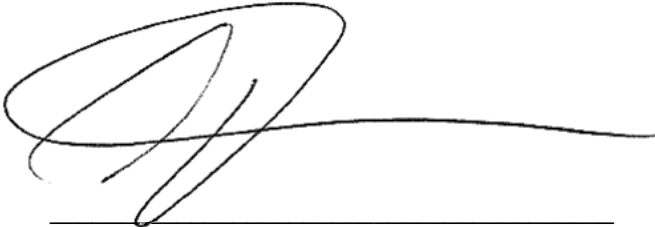
**right** includes the meaning given in section 69 of the *Resources Safety and Health Queensland Act 2020*.

**Transfer Date** means the day the Transfer Notice has effect being 1 July 2020.

**Transfer Statement** means the document entitled "*Department of Natural Resources, Mines and Energy Transfer Statement – Establishment of Resources Safety and Health Queensland*", a copy of which is signed by me and will be kept available for inspection by the persons to whom the matter relates at the Department of Natural Resources, Mines and Energy, 1 William Street, Brisbane and at Resources Safety and Health Queensland, 275 George Street, Brisbane.

**Transferee** means Resources Safety and Health Queensland established under section 5 of the *Resources Safety and Health Queensland Act 2020*.

**Transferor** means the State of Queensland acting through the Department of Natural Resources, Mines and Energy.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**Anthony Lynham**

Minister for Natural Resources, Mines and Energy  
Signed on the 19th day of June 2020