

# Australia - Queensland

## Relevant Laws

1. [Mineral Resources Act 1989](#) - Queensland [\(1989 Act\)](#)

## Conditions for Competitive Bidding

In Queensland, Australia, there is discretionary bidding for exploration permits for minerals other than coal. There may be competitive tender if the Minister considers it in the best interests of the State for an exploration permit to be granted by a competitive tender (Section 136A, 1989 Act).

There is also mandatory bidding for coal exploration permits (Section 136C, 1989 Act). However, there is no bidding for mineral development licenses. Applications for the grant of mineral development licenses made in respect of or including the same land shall be given priority by the Minister and at its discretion (Section 185, 1989 Act).

## Two-Tier Bidding – Pre-Qualification Criteria

By the Minister's discretion, there may be a process involving the short-listing of a group of possible preferred tenderers and inviting them to engage in another round of tendering before granting a license to a tenderer from the same group (Section 136I, 1989 Act).

## Bidding Process

The Minister may publish a gazette notice (*i.e.*, a call for exploration permit tenders for coal and non-coal resources) inviting the submission of tenders for an exploration permit. Any process the Minister considers appropriate may be used for a call for exploration permit tenders including, for example:

1. A process of appointing a preferred tenderer on the tenders made in response to the call (whether or not involving a cash bid component); or
2. A process involving short-listing a group of possible preferred tenderers and inviting them to engage in another round of tendering before appointing a preferred tenderer from that group (Section 136I, 1989 Act).

The Minister must not grant the exploration permit unless s/he is satisfied that the prescribed criteria for the grant of the permit are met, and the Minister must consider any "special criteria for the call" (Section 136K, 1989 Act). The Minister may require a chosen tenderer to pay any amounts necessarily incurred, or to be incurred, to enable the exploration permit to be granted; and do all or any of the following within a stated reasonable period: pay the rental for the first year of the term of the permit under Section 138, or give security for the permit (Section 136J, 1989 Act).

## Biddable Factors/ Evaluation Criteria

Requirements for making tender: (Section 136E, 1989 Act).

A tender for an exploration permit must:

1. Be in the approved form; and
2. Be accompanied by a statement specifying a description of the program of work to be carried out under the authority of the exploration permit, and specifying the estimated human, technical and financial resources proposed to be committed to exploration work during each year of the program
3. Be accompanied by a statement, separate from the statement mentioned above, detailing the tenderer's financial and technical resources;
4. Be accompanied by the following:
  - a. A statement, separate from the statements mentioned above about how and when the tenderer proposes to consult with, and keep informed, each owner and occupier of private or public land on which authorized activities for the proposed exploration permit are, or are likely to be carried out (Section 136E(d)(i), 1989 Act)

- b. Proof of the tenderer's identity
- c. The application fee prescribed under a regulation
- d. If a process for appointing a preferred tenderer involving a cash bid component is to be used for deciding the call—the tenderer's cash bid
  - i. *Note: Although only the government makes a tender technically, the Queensland legislation uses the term "preferred tenderer" to describe the successful bidder, thus the requirements for tenderers to "make a tender" constitute the biddable factors/evaluation criteria.*

### **Bidding Fee – Revenue/Buy-In**

Requirements for making tender include "the application fee prescribed under a regulation" (Section 136E(d)(iii), 1989 Act).

### **Eligibility**

There are references to "eligible persons" throughout, but there is no clear list of eligibility criteria.