



Queensland

# Mineral and Energy Resources and Other Legislation Amendment Act 2024

## Act No. 33 of 2024

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An Act to amend the Corrective Services Act 2006, the Electricity Act 1994, the Environmental Protection Act 1994, the Fossicking Act 1994, the Gasfields Commission Act 2013, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Land Access Ombudsman Act 2017, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral and Energy Resources (Financial Provisioning) Act 2018, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Regional Planning Interests Act 2014, the Water Act 2000 and the legislation mentioned in schedule 1 for particular purposes

[Assented to 18 June 2024]





Queensland

# Mineral and Energy Resources and Other Legislation Amendment Act 2024

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*.

### **2 Commencement**

The following provisions commence on a day to be fixed by proclamation—

- (a) part 3;
- (b) part 5;
- (ba) sections 36 and 37;
- (bb) parts 7 to 10;
- (bc) sections 150 to 156, 158 to 162, 163, 164 and 165 to 170;
- (bd) section 171, to the extent it inserts section 1043;
- (be) section 173(1) and (2);
- (c) part 14;
- (d) schedule 1, part 2.

## **Part 1A Amendment of Corrective Services Act 2006**

### **2A Act amended**

This part amends the *Corrective Services Act 2006*.

[s 2B]

---

**2B Omission of s 177 (When exceptional circumstances parole order may start)**

Section 177—

*omit.*

**2C Amendment of s 180 (Applying for parole order etc.)**

Section 180(4)—

*omit.*

**2D Amendment of s 193 (Deciding parole applications—general)**

Section 193—

*insert—*

- (9) If the parole board decides to grant the application, the parole order starts on the day stated in the order (the *start day*).
- (10) If the application for a parole order was made under section 176, the start day must not be more than 14 days after the date of the parole order.
- (11) If the application for a parole order was made under section 180, the start day must be—
  - (a) for a parole order made more than 14 days before the prisoner’s parole eligibility date—the parole eligibility date; or
  - (b) otherwise, a day that is—
    - (i) on or after the prisoner’s parole eligibility date; and
    - (ii) not more than 14 days after the date of the parole order.

---

**2E Amendment of s 208 (Reconsidering decision to suspend or cancel parole order)**

Section 208(3), after ‘the day’—

*insert—*

, not more than 14 days after the day the changed decision is made,

**2F Insertion of new ch 7A, pt 19**

Chapter 7A—

*insert—*

**Part 19 Declaratory and validation provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2024**

**490ZN Start of parole orders**

- (1) This section applies to a decision of the parole board under section 193, made before the commencement, that—
  - (a) granted an application for a parole order; and
  - (b) stated a day on which the order started.
- (2) The decision is not to be taken to be invalid only because the stated day on which the order started was later than the day the decision was made.

**490ZO Particular parole board appointments**

- (1) This section applies in relation to a person who, during the relevant period, was appointed under

[s 2F]

---

former section 228 to act in the office of a professional board member.

- (2) It is declared that—
- (a) despite former section 228 and the terms of the person's appointment, the person is taken to have been validly appointed to act in the office at all times during the relevant period; and
  - (b) each relevant exercise of power by the person is, and always has been, as valid as it would be or would have been had the person been validly appointed to act in the office at all times during the relevant period; and
  - (c) anything done by an entity relying on a decision made, or other thing done, during the relevant period by the parole board is, and always has been, as valid as it would be or would have been had the person been validly appointed to act in the office when the decision was made or other thing done.

*Example of a thing done by an entity—*

executing a warrant

- (3) In this section—

***done*** includes purportedly done.

***exercise or performance*** includes purported exercise or performance.

***former section 228***, in relation to an appointment, means section 228 as in force at the time of the appointment.

***made*** includes purportedly made.

***relevant exercise of power*** means an exercise or performance, during the relevant period, of a power or function conferred on a board member by this Act (including the making of a decision).

*relevant period* means the period from 3 July 2017 to 5 June 2024.

## Part 2                      **Amendment of Electricity Act 1994**

### **3            Act amended**

This part amends the *Electricity Act 1994*.

### **4            Amendment of s 116 (Authority to acquire land)**

(1) Section 116, ‘acquire’—

*omit, insert—*

take

(2) Section 116(4), ‘The *Acquisition of Land Act 1967* applies’—

*omit, insert—*

The process for the taking of land and the payment of compensation for taking land under the *Acquisition of Land Act 1967*, part 2, divisions 2 and 3, and parts 3 and 4, applies

(3) Section 116—

*insert—*

(4A) Also, the *Acquisition of Land Act 1967*, sections 36 and 37 apply in relation to the taking of land under subsection (4) as if the authorised electricity entity were exercising its power to take land, as a constructing authority, under that Act.

(4) Section 116—

*insert—*

(5A) An authorised electricity entity acting under an authority given, or taken to be given, under subsection (1) may take land under the authority

[s 5]

---

even if another entity may derive a benefit from any action taken on the land after it is taken.

(5) Section 116(6), ‘acquisition’—

*omit, insert—*

taking

(6) Section 116—

*insert—*

(7A) Also, to remove any doubt, it is declared that the taking of land under an authority granted under this section is not a taking of land under the *Acquisition of Land Act 1967*.

## 5 Insertion of new ch 14, pt 20

Chapter 14—

*insert—*

### Part 20

### Validation provision for Mineral and Energy Resources and Other Legislation Amendment Act 2024

#### 362 Validation of acquisitions of land

(1) This section applies if—

(a) before the commencement, land was taken by an authorised electricity entity under former section 116; and

(b) the taking of land would have been valid and lawful if it had been made after the commencement of new section 116.

(2) The taking of land by the authorised electricity entity is taken to be, and always to have been,



valid and lawful.

- (3) Also, anything done or purportedly done as a result of, or in reliance on, the taking of the land is taken to be, and always to have been, as valid and lawful as it would have been if, at the time it was done, new section 116 had been in force.
- (4) To remove any doubt, it is declared that subsection (2) applies even if another entity has derived a benefit from any action taken on the land after it was taken.
- (5) In this section—

*former section 116* means section 116 as in force before the commencement.

*new section 116* means section 116 as in force on the commencement.

## Part 2A                      Amendment of Environmental Protection Act 1994

### 5A      Act amended

This part amends the *Environmental Protection Act 1994*.

### 5B      Amendment of s 206 (Environmental authority for particular resource activities includes condition prohibiting use of restricted stimulation fluids)

- (1) Section 206, heading—

*omit, insert—*

**206 Environmental authorities for particular resource activities includes particular conditions**

- (2) Section 206(1) to (3)—

*omit, insert—*

[s 5C]

---

- (1) An environmental authority issued for a resource activity other than a mining activity is taken to include a condition prohibiting the use of restricted stimulation fluids.

*Example of the use of restricted stimulation fluids—*

the use of hydrocarbon chemicals to stimulate the fracturing of coal seams

- (2) Also, an environmental authority issued for a petroleum activity is taken to include a condition prohibiting the injection of a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.
- (3) A condition mentioned in subsection (1) or (2) is taken to be a standard condition imposed on the environmental authority.

## **5C Amendment of s 225 (Amendment application can not be made in particular circumstances)**

Section 225—

*insert—*

- (4) Despite section 224, an amendment application for an environmental authority for a petroleum activity can not be made if the proposed amendment would allow the carrying out of an activity under the authority that is, or involves, the injection of a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.

## **5D Insertion of new ch 13, pt 33**

Chapter 13—

*insert—*

---

## Part 33                      Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2024

### 818 Definitions for part

In this part—

*former authority* see section 819(1).

*new*, for a provision of this Act, means the provision as in force from the commencement.

*relevant amendment* means an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, part 2A.

### 819 Ending of particular environmental authorities

- (1) On the commencement, both of the following environmental authorities (each a *former authority*) are ended—
  - (a) the environmental authority with the environmental authority number ‘EPPG00646913’;
  - (b) the environmental authority with the environmental authority number ‘P-EA-100365782’.
- (2) Subsections (3) and (4) apply in relation to the former authority mentioned in subsection (1)(a).
- (3) Despite subsection (1), conditions 58 to 60 of the former authority continue to apply as if the authority had not ended.

[s 5D]

---

*Note—*

See the GHG storage Act, section 459 in relation to a right of entry to facilitate compliance with conditions 58 to 60.

- (4) Until conditions 58 to 60 have been complied with, the administering authority for the former authority must not give a notice, mentioned in the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, section 58(4), for the former authority.

## **820 Applications made before commencement**

- (1) This section applies in relation to each of the following applications (each a *relevant application*) made before the commencement—
  - (a) an application for an environmental authority for a GHG storage activity if the relevant tenure for the application is a relevant proposed GHG permit;
  - (b) an amendment application mentioned in new section 225(4);
  - (c) an amendment application for a former authority.
- (2) If the relevant application was not decided before the commencement, the relevant application is taken to be withdrawn on the commencement.
- (3) Subsections (4) and (5) apply if—
  - (a) an original decision was made in relation to the relevant application before the commencement; and
  - (b) no review decision for the original decision was made before the commencement.
- (4) If, on the commencement, the review application period for the original decision has not ended, the review application period for the original decision

is taken to have ended.

- (5) If, on the commencement, an application for review of the original decision has not been finally dealt with, the application for review is taken to be withdrawn.
- (6) Subsections (7) and (8) apply if—
  - (a) an original decision was made in relation to the relevant application before the commencement; and
  - (b) a review decision for the original decision was made before the commencement.
- (7) If, on the commencement, the appeal period for the review decision has not ended, the appeal period for the review decision is taken to have ended.
- (8) If, on the commencement, an appeal against the review decision has not been finally dealt with—
  - (a) the appeal is taken to be withdrawn; and
  - (b) if a court has started to hear the appeal—the court must stop hearing the appeal.
- (9) In this section—

***appeal period***, for a review decision, means the period mentioned in section 525 or 532(2) or (3).

***CTSCo*** means Carbon Transport and Storage Corporation (CTSCo) Pty Limited ACN 143 012 971.

***Origin*** means Origin Energy Future Fuels Pty Ltd ACN 105 431 534.

***relevant proposed GHG permit*** means each of the following proposed GHG permits—

- (a) the proposed GHG permit applied for by CTSCo and described as ‘EPQ12’;

[s 5D]

---

- (b) the proposed GHG permit applied for by Origin and described as ‘EPQ16’;
- (c) the proposed GHG permit applied for by Origin and described as ‘EPQ17’.

*review application period*, for an original decision, see section 521(2)(a).

### **821 Application of new s 206 to environmental authorities issued before commencement**

- (1) This section applies in relation to an environmental authority issued before the commencement (the *existing environmental authority*).
- (2) New section 206 applies in relation to the existing environmental authority.
- (3) Despite section 210, if there is any inconsistency between the condition imposed under new section 206(2) (the *new condition*) and another condition of the existing environmental authority, the new condition prevails to the extent of the inconsistency.

### **822 No compensation payable by the State**

- (1) No compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.
- (2) This section applies despite any other Act or law.

### **823 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—

- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition—
    - (i) from the operation of this Act as in force before the commencement of a relevant amendment; and
    - (ii) to the operation of this Act as in force after the commencement of the relevant amendment; and
  - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences.
  - (3) A transitional regulation must declare it is a transitional regulation.
  - (4) This section and any transitional regulation expire on the day that is 3 years after the day this section commences.

## 5E Amendment of sch 4 (Dictionary)

Schedule 4—

*insert—*

***enhanced petroleum recovery*** see the GHG storage Act, schedule 2.

***GHG stream*** see the GHG storage Act, section 12.

***Great Artesian Basin*** see the GHG storage Act, schedule 2.

[s 6]

---

## **Part 3**                                 **Amendment of Fossicking Act 1994**

### **6**         **Act amended**

This part amends the *Fossicking Act 1994*.

### **7**         **Amendment of s 3 (Definitions)**

(1) Section 3—

*insert—*

*licensee—*

(a) means the holder of a licence; and

(b) for part 3, division 2—see section 24.

(2) Section 3, definition *protected area*, paragraph (b), ‘an area of regional interest’—

*omit, insert—*

a strategic environmental area

### **8**         **Replacement of s 24 (Meaning of *licensee* in division)**

Section 24—

*omit, insert—*

#### **24**    **Meaning of *licensee***

In this division, *licensee* includes—

(a) a member of a club that holds a licence; and

(b) a member of a commercial tour group if the commercial tour operator for the commercial tour holds a licence; and

(c) a member of an educational organisation that holds a licence; and



- 
- (d) a member of a licensee's family, other than a licensee mentioned in any of paragraphs (a) to (c).

**9 Amendment of s 25 (Licence needed to fossick)**

Section 25(1)—

*omit, insert—*

- (1) A person must not fossick for fossicking materials unless the person is a licensee.

Maximum penalty—50 penalty units.

**10 Amendment of s 27 (Licensee must get permission to fossick on occupied land etc.)**

- (1) Section 27, heading—

*omit, insert—*

**27 Permission required to fossick on particular land**

- (2) Section 27(1)—

*insert—*

- (ba) on land the subject of an application for a mining lease under the *Mineral Resources Act 1989* without the applicant's written permission; or

- (3) Section 27(1)(ba) to (d)—

*renumber* as section 27(1)(c) to (e).

- (4) Section 27(3)—

*omit, insert—*

- (3) A person who has given permission for a licensee to fossick on land as mentioned in subsection (1) may, by written notice given to the holder of the licence, withdraw the permission.



**13 Amendment of s 1 (Short title)**

Section 1, ‘*Gasfields Commission Act 2013*’—  
*omit, insert—*  
*Coexistence Queensland Act 2013*

**14 Amendment of s 3 (Purpose)**

(1) Section 3, ‘the Gasfields Commission’—  
*omit, insert—*  
*Coexistence Queensland*

(2) Section 3, from ‘and the’—  
*omit, insert—*  
*, the resources industry and the renewable energy industry.*

**15 Amendment of s 6 (Establishment of commission)**

(1) Section 6, heading, ‘commission’—  
*omit, insert—*  
***Coexistence Queensland***

(2) Section 6, ‘The Gasfields Commission’—  
*omit, insert—*  
*Coexistence Queensland*

**16 Replacement of s 7 (Commission’s functions)**

Section 7—  
*omit, insert—*

**7 Coexistence Queensland’s functions**

(1) Coexistence Queensland has the following functions—

[s 16]

---

- (a) facilitating better relationships between landholders, regional communities, the resources industry and the renewable energy industry;
- (b) providing a central point of contact for enquiries about matters affecting the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry;
- (c) in response to requests for advice from the chief executive under the *Regional Planning Interests Act 2014* about assessment applications under that Act, advising that chief executive about the ability of landholders, regional communities and the resources industry to coexist within the area the subject of the application;
- (d) providing advice to the Minister, other Ministers, government entities or other stakeholders about matters relating to the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry, including—
  - (i) emerging issues about those matters; and
  - (ii) leading practice about those matters;
- (e) partnering with appropriate entities to deliver educational resources and other information about health and wellbeing matters relating to the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry;
- (f) facilitating appropriate entities to undertake community engagement and participation in community initiatives about assessing health

and wellbeing concerns relating to activities carried out in the resources industry or the renewable energy industry;

- (g) publishing educational resources and other information about the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry;
- (h) any other function given to Coexistence Queensland under this Act or another Act;
- (i) partnering with appropriate entities for the purpose of conducting research related to a function mentioned in any of paragraphs (a) to (h).

(2) In this section—

*appropriate entities* includes, for example—

- (a) a government department, or agency, of Queensland or elsewhere; and
- (b) an entity that is performing or has performed an independent academic or scientific study.

## 17 Replacement of s 9 (Membership of commission)

Section 9—

*omit, insert—*

### 9 Membership of Coexistence Queensland

Coexistence Queensland consists of—

- (a) a full-time or part-time member, who is the chairperson; and
- (b) up to 6 part-time members.

[s 18]

---

**18 Amendment of s 9A (Appointment as a commissioner)**

(1) Section 9A, heading and subsection (1), ‘commissioner’—

*omit, insert—*

member

(2) Section 9A(2), ‘to the commission’—

*omit, insert—*

to Coexistence Queensland

(3) Section 9A(2)(b)—

*omit, insert—*

(b) Coexistence Queensland will include—

(i) a member who has knowledge of, or experience with, the interests of landholders; and

(ii) a member who has knowledge of, or experience with, the interests of communities in which the resources industry or the renewable energy industry operates; and

(iii) a member who has knowledge of, or experience with, the resources industry; and

(iv) a member who has knowledge of, or experience with, the renewable energy industry; and

(c) the members reflect the diversity of the Queensland community involved in matters relating to the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry.

(4) Section 9A(3)—

*omit, insert—*

- (3) The performance of Coexistence Queensland's function mentioned in section 7(1)(c) is not invalid for the purposes of the *Regional Planning Interests Act 2014* only because of a defect or irregularity in the appointment of a member or because Coexistence Queensland was not properly constituted.

**19 Replacement of s 10 (Eligibility for appointment as a commissioner)**

Section 10—

*omit, insert—*

**10 Eligibility for appointment as a member**

A person is eligible for appointment as a member if the person has qualifications or experience in any of the following—

- (a) the resources industry;
- (b) the renewable energy industry;
- (c) a branch of science relating to activities carried out as part of the resources industry or the renewable energy industry, or the impact of those activities on the environment;
- (d) legal practice relevant to activities carried out as part of the resources industry or the renewable energy industry;
- (e) negotiations between landholders and the resources industry or the renewable energy industry;
- (ea) the agricultural industry;
- (f) land management;
- (g) land valuation;
- (h) community development;

[s 20]

---

(i) the financial and business sector.

**20 Amendment of s 20 (Commission board meetings)**

(1) Section 20, heading, ‘Commission board’—

*omit, insert—*

**Coexistence Queensland**

(2) Section 20, ‘commissioners (a *commission board meeting*)’—

*omit, insert—*

members (a *Coexistence Queensland meeting*)

**21 Amendment of s 23 (Power to require particular information from government entities)**

(1) Section 23(1)(a), ‘onshore gas industry’—

*omit, insert—*

resources industry or the renewable energy industry

(2) Section 23(1)(b), ‘the commission’—

*omit, insert—*

Coexistence Queensland

(3) Section 23(3)(c), ‘commissioner’—

*omit, insert—*

chairperson

**22 Omission of s 25 (Compulsory consultation)**

Section 25—

*omit.*



**23 Amendment of pt 3, div 2, hdg (Powers relating to landholders, onshore gas operators and other entities)**

Part 3, division 2, heading, ‘landholders, onshore gas operators and other’—

*omit, insert—*

**prescribed**

**24 Amendment of s 26 (Power to require particular information from prescribed entities)**

(1) Section 26(1)(a), from ‘the commission’ to ‘the commission’s’—

*omit, insert—*

Coexistence Queensland reasonably requires for the effective and efficient carrying out of Coexistence Queensland’s

(2) Section 26(3)(c), ‘commissioner’—

*omit, insert—*

chairperson

(3) Section 26—

*insert—*

(5) In this section—

***prescribed entity*** means—

- (a) a landholder; or
- (b) a resource authority holder; or
- (c) a renewable energy entity; or
- (d) a company engaged under a written agreement to carry out an activity, on behalf of a resource authority holder or a renewable energy entity, that is part of the resources industry or the renewable energy industry.

***renewable energy entity*** means an entity that

[s 25]

---

carries out an activity that is part of the renewable energy industry.

*resource authority holder* means the holder of a resource authority.

## 25 Replacement of s 29 (Gasfields community leaders council)

Section 29—

*omit, insert—*

### 29 Community leaders council

- (1) Coexistence Queensland must establish a committee, and may establish more than 1 committee, (each a *community leaders council*) for the purpose of assisting Coexistence Queensland to identify issues affecting the coexistence of landholders, regional communities, the resources industry and the renewable energy industry.
- (2) A community leaders council is to consist of the chief executive officer and other individuals Coexistence Queensland is satisfied represent local governments, regional communities, the agricultural industry, the resources industry and the renewable energy industry.
- (3) The chief executive officer is to preside at meetings of a community leaders council.

## 26 Omission of s 40 (Summary offences)

Section 40—

*omit.*

**27 Amendment of pt 7, hdg (Transitional provisions for Gasfields Commission and Other Legislation Amendment Act 2017)**

Part 7, heading, ‘for Gasfields Commission and Other Legislation Amendment Act 2017’—

*omit.*

**28 Insertion of new pt 7, div 1, hdg**

Before section 47—

*insert—*

**Division 1 Transitional provisions for Gasfields Commission and Other Legislation Amendment Act 2017**

**29 Amendment of s 47 (Definitions for part)**

(1) Section 47, heading, ‘part’—

*omit, insert—*

**division**

(2) Section 47, before definition *amending Act*—

*insert—*

In this division—

**30 Insertion of new pt 7, div 2**

Part 7—

*insert—*

**Division 2 Transitional provisions for Mineral and Energy Resources and Other**

## Legislation Amendment Act 2024

### 51 Change in name of Coexistence Queensland

- (1) To remove any doubt, it is declared that the amendment of section 6 by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* has effect only to change the name of the entity that is Coexistence Queensland, and does not establish a new entity.
- (2) A reference in an instrument to the Gasfields Commission may, if the context permits, be taken to be a reference to Coexistence Queensland.

### 52 Continuation of particular former functions for 1-year period

- (1) This section applies if Coexistence Queensland has started, but not finished, carrying out a former function before the commencement.
- (2) Coexistence Queensland may continue to carry out the former function as if the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* had not been enacted.
- (3) However, Coexistence Queensland must finish carrying out the former function within 1 year after the commencement.
- (4) In this section—  
*former function* means a function under section 7(1)(b), (e) or (f) or 25 as in force immediately before the commencement.

### 53 Continuation of commissioners as members

- (1) A person who was a commissioner immediately

---

before the commencement continues as a member until the person's appointment as a member ends under this Act.

- (2) A reference in an instrument to a commissioner may, if the context permits, be taken to be a reference to a member.

#### **54 Minister may remove existing members**

- (1) The Minister may, within 1 year after the commencement, remove an existing member from office as a member by notice given to the member.
- (2) In deciding whether to remove an existing member from office, the Minister must have regard to the matters mentioned in section 9A(2).
- (3) If the Minister decides to remove an existing member from office by notice given under subsection (1), the removal takes effect on the day stated in the notice, which must not be earlier than the day the notice is given to the member.
- (4) No compensation is payable to a person who is removed from office under this section.
- (5) To remove any doubt, it is declared that subsection (4) does not limit or otherwise affect a person's right to a benefit or an entitlement that has accrued before the person is removed from office under this section.
- (6) In this section—  
*existing member* means a person who continues as a member under section 53.

#### **55 Continuation of gasfields community leaders council as community leaders council**

The gasfields community leaders council in

[s 31]

---

existence immediately before the commencement continues as a community leaders council under section 29.

### 31 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definitions *commission*, *commission board meeting*, *commissioner*, *onshore gas industry*, *onshore gas operator*, *petroleum*, *prescribed entity* and *resources industry*—

*omit.*

(2) Schedule 1—

*insert—*

***agricultural industry*** means the industry involved in the carrying out in Queensland of an activity related to the use of land for agricultural purposes.

***Coexistence Queensland*** means Coexistence Queensland established under section 6.

***Coexistence Queensland meeting*** see section 20.

***member*** means a person appointed as a member of Coexistence Queensland under section 9A.

***renewable energy industry*** means the industry involved in the carrying out in Queensland of the following activities—

- (a) generating electricity from a renewable energy source;
- (b) transmitting or supplying electricity generated from a renewable energy source;
- (c) storing energy generated from a renewable energy source.

***renewable energy source*** means a source of renewable energy other than a source prescribed by regulation.

*Examples of sources of renewable energy—*

solar, wind, biomass, geothermal, hydropower

**resource authority** see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 10.

**resources industry** means the industry involved in the carrying out in Queensland of an activity for which a resource authority is required to lawfully carry out.

## Part 5 **Amendment of Geothermal Energy Act 2010**

### **32 Act amended**

This part amends the *Geothermal Energy Act 2010*.

*Note—*

See also the amendments in schedule 1, part 2.

### **33 Amendment of s 192 (Power to require information or reports about authorised activities to be kept or given)**

(1) Section 192(2)—

*insert—*

(c) other information or a report prescribed by regulation.

(2) Section 192(3), ‘by the chief executive’—

*omit.*

### **34 Replacement of s 196 (Public release of required information)**

Section 196—

*omit, insert—*

[s 34]

---

### **196 Public release of required information**

- (1) The mere fact of the existence of a geothermal tenure is taken to be an authorisation from the holder of the tenure to the chief executive to do the following in relation to required information for the tenure—
  - (a) to publish, in the way prescribed by regulation, the information for public use;
  - (b) to make the information available to a person on payment of the fee prescribed by regulation.
- (2) Subsections (3) to (6) apply if a confidentiality period is prescribed by regulation for the required information.
- (3) Subsection (1) does not apply in relation to the required information until the confidentiality period ends.
- (4) Subsection (5) applies if—
  - (a) the required information is about an authorised activity carried out only in an area that stops being in the area of the geothermal tenure; and
  - (b) immediately before the area stops being in the area of the geothermal tenure, the confidentiality period has not ended.
- (5) The confidentiality period ends when the area stops being in the area of the geothermal tenure.

*Example—*

The required information is a well completion report about a geothermal well drilled on particular land in the area of a geothermal permit. The land is relinquished under the relinquishment condition for the permit. A confidentiality period for the required information ends when the land is relinquished.

- (6) However, subsection (5) does not apply if—



- (a) the geothermal tenure is a geothermal permit; and
  - (b) after the commencement of this subsection, the area stops being in the geothermal permit's area under section 189(1) or (2).
- (7) An authorisation under subsection (1) is not affected by the ending of the geothermal tenure.

## Part 6 **Amendment of Greenhouse Gas Storage Act 2009**

### **35 Act amended**

This part amends the *Greenhouse Gas Storage Act 2009*.

*Note—*

See also the amendments in schedule 1, part 2.

### **35A Amendment of s 33 (Call for tenders)**

Section 33(1), after '(a *call for tenders*)'—

*insert—*

for land other than unavailable land for a GHG permit

### **35B Amendment of s 44 (Area of GHG permit)**

(1) Section 44(4), after paragraph (a)—

*insert—*

(aa) land in the Great Artesian Basin;

(2) Section 44(4)(aa) to (c)—

*renumber* as section 44(4)(b) to (d).

[s 35C]

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**35C Amendment of s 135 (Area of GHG lease)**

(1) Section 135(4), after paragraph (a)—

*insert—*

(aa) land in the Great Artesian Basin;

(2) Section 135(4)(aa) to (c)—

*renumber* as section 135(4)(b) to (d).

**36 Amendment of s 257 (Power to require information or reports about authorised activities to be kept or given)**

(1) Section 257(2)—

*insert—*

(c) other information or a report prescribed by regulation.

(2) Section 257(3), ‘notice by the chief executive’—

*omit, insert—*

requirement

**37 Replacement of s 261 (Public release of required information)**

Section 261—

*omit, insert—*

**261 Public release of required information**

(1) The mere fact of the existence of a GHG authority is taken to be an authorisation from the holder of the authority to the chief executive to do the following in relation to required information for the authority—

(a) to publish, in the way prescribed by regulation, the information for public use;

- (b) to make the information available to a person on payment of the fee prescribed by regulation.
- (2) Subsections (3) to (6) apply if a confidentiality period is prescribed by regulation for the required information.
- (3) Subsection (1) does not apply in relation to the required information until the confidentiality period ends.
- (4) Subsection (5) applies if—
  - (a) the required information is about an authorised activity carried out only in an area that stops being in the area of the GHG authority; and
  - (b) immediately before the area stops being in the area of the GHG authority, the confidentiality period has not ended.
- (5) The confidentiality period ends when the area stops being in the area of the GHG authority.

*Example—*

The required information is a well completion report about a well drilled on particular land in the area of a GHG permit. The land has been relinquished under the relinquishment condition for the permit. A confidentiality period for the required information ends when the land is relinquished.

- (6) However, subsection (5) does not apply if—
  - (a) the GHG authority is a GHG permit; and
  - (b) after the commencement of this subsection, the area stops being in the permit's area under section 48(1) or (2).
- (7) An authorisation under subsection (1) is not affected by the ending of the GHG authority.

[s 37A]

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## **37A Insertion of new ch 8, pt 7**

Chapter 8—

*insert—*

### **Part 7 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2024**

#### **Division 1 Preliminary**

##### **453 Definitions for part**

In this part—

***CTSCo*** means Carbon Transport and Storage Corporation (CTSCo) Pty Limited ACN 143 012 971.

***EPQ10*** means the GHG permit granted on 9 December 2019 to CTSCo and described as ‘EPQ10’.

***relevant amendment*** means an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, section 35A, 35B, 35C, 37A or 37B.

#### **Division 2 Provisions for ending of EPQ10**

##### **454 Ending of EPQ10**

On the commencement, EPQ10 is ended.

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### **455 Reporting and record keeping requirements**

- (1) The following continue to apply in relation to CTSCo as if EPQ10 were still in effect and CTSCo were still its holder—
  - (a) sections 253 and 257;
  - (b) a condition of EPQ10 requiring CTSCo to give a report or information about an authorised activity carried out under EPQ10.
- (2) To remove any doubt, it is declared that sections 256, 258, 259 and 422 apply in relation to the ending of EPQ10 under section 454.

### **456 Decommissioning of wells**

- (1) To remove any doubt, it is declared that section 266 does not apply in relation to EPQ10.
- (2) Section 267 applies in relation to EPQ10 as if—
  - (a) EPQ10 were still in effect and CTSCo were still its holder; and
  - (b) the reference to ‘Subject to section 266,’ in section 267(1) were omitted; and
  - (c) section 267(1)(b) provided as follows—
    - (b) either—
      - (i) the day that is 2 years after the day EPQ10 ended under section 454; or
      - (ii) if before the day provided for under subparagraph (i), the Minister fixes a day—that day.
- (3) Section 268 does not apply in relation to EPQ10.

*Note—*

See section 459 in relation to a right of entry to facilitate decommissioning of wells.

[s 37A]

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- (4) Section 269 applies in relation to EPQ10 as if—
  - (a) EPQ10 were still in effect and CTSCo were still its holder; and
  - (b) section 269(2) did not apply; and
  - (c) section 269(3) provided as follows—
- (3) The well is taken to have been transferred to the State.

#### **457 Removal of equipment and improvements**

Section 334 applies in relation to EPQ10 as if section 334(5), definition *removal day*, paragraph (a) provided as follows—

- (a) the day that is 2 years after the day EPQ10 ended under section 454;

*Note—*

See section 459 in relation to a right of entry to facilitate removal of equipment or improvements.

#### **458 Enforcement of end of authority and area reduction obligations**

To remove any doubt, it is declared that chapter 5, part 15 applies in relation to the ending of EPQ10 under section 454.

#### **459 Right of entry to facilitate decommissioning of wells and removal of equipment and improvements**

- (1) CTSCo may enter the following land to carry out decommissioning for EPQ10—
  - (a) land (the *primary land*) on which the decommissioning must be carried out;

- 
- (b) any other land (the *access land*) it is reasonably necessary to cross for access to the primary land.
- (2) For subsection (1), the Common Provisions Act, chapter 3, parts 2, 3, 4A and 7 apply to CTSCo as if—
- (a) EPQ10 were still in effect and CTSCo were still its holder; and
- (b) the primary land and access land were in EPQ10's area; and
- (c) decommissioning were an authorised activity for EPQ10.
- (3) To remove any doubt, it is declared that the right to enter land, under the Common Provisions Act, section 72B(2), continues to apply in relation to CTSCo until the rehabilitation conditions have been complied with.
- (4) In this section—
- decommissioning*, for EPQ10, means—
- (a) decommissioning a well under section 267 as applied in relation to EPQ10 by this division; and
- (b) removing equipment or improvements under section 334 as applied in relation to EPQ10 by this division.
- rehabilitation conditions* means conditions 58 to 60 of the environmental authority, with the environmental authority number 'EPPG00646913', ended under the Environmental Protection Act, section 819(1)(a).

#### **460 Withdrawal of particular requests and applications**

- (1) This section applies in relation to each of the

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following applications and requests made, but not decided, before the commencement—

- (a) a request, under section 91(3), to approve a proposed later work program for EPQ10;
  - (b) an application, under section 101(1), for a declaration that all or part of the area of EPQ10 is a potential storage area.
- (2) On the commencement, the application or request is taken to be withdrawn.

### **Division 3      Other provisions**

#### **461 Withdrawal of undecided applications for proposed GHG permits**

- (1) This section applies in relation to each of the following applications made, but not decided, before the commencement—
  - (a) the application made by CTSCo for the proposed GHG permit described as ‘EPQ12’;
  - (b) the application made by Origin for the proposed GHG permit described as ‘EPQ16’;
  - (c) the application made by Origin for the proposed GHG permit described as ‘EPQ17’.
- (2) On the commencement, the applications are taken to be withdrawn.
- (3) In this section—

*Origin* means Origin Energy Future Fuels Pty Ltd ACN 105 431 534.



#### **462 No compensation payable by the State**

- (1) No compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.
- (2) This section applies despite any other Act or law.

#### **463 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
  - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition—
    - (i) from the operation of this Act as in force before the commencement of a relevant amendment; and
    - (ii) to the operation of this Act as in force after the commencement of the relevant amendment; and
  - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire on the day that is 3 years after the day this section commences.

### **37B Amendment of sch 2 (Dictionary)**

#### Schedule 2—

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*insert—*

***Great Artesian Basin*** means the area that is on or below the surface of the plan area under the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017*.

## **Part 7                          Amendment of Land Access Ombudsman Act 2017**

### **38            Act amended**

This part amends the *Land Access Ombudsman Act 2017*.

### **39            Amendment of long title**

Long title, from ‘disputes’—

*omit, insert—*

**land access disputes, and to conduct ADRs for  
ADR election notice disputes**

### **40            Amendment of s 3 (Purpose of Act)**

Section 3, from ‘a way’—

*omit, insert—*

the land access ombudsman to—

- (a) investigate, and facilitate the timely resolution of, land access disputes; and
- (b) conduct ADRs for ADR election notice disputes.

### **41            Amendment of s 4 (How purpose is achieved)**

Section 4(c), from ‘to’—

*omit, insert—*

to—

- (i) investigate, and facilitate the timely resolution of, land access disputes; and
- (ii) conduct ADRs for ADR election notice disputes.

#### **42 Amendment of s 7 (What is a *land access dispute*)**

Section 7—

*insert—*

- (c) a dispute about an alleged breach of an access agreement between—
  - (i) the resource authority holder and the owner or occupier of land who entered into the agreement; or
  - (ii) the successors and assigns of a party to the agreement mentioned in subparagraph (i) that are bound by the agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 79.

#### **43 Amendment of s 16 (Functions)**

(1) Section 16—

*insert—*

- (aa) to conduct ADRs for ADR election notice disputes;

(2) Section 16(c), after ‘disputes’—

*insert—*

and ADR election notice disputes

(3) Section 16(d), ‘(c)’—

*omit, insert—*

[s 44]

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(d)

- (4) Section 16(aa) to (e)—  
*renumber* as section 16(b) to (f).

**44 Amendment of s 18 (What land access ombudsman can not deal with)**

- (1) Section 18(1)(a)—  
*omit, insert*—
- (a) an agreement mentioned in section 7 not yet entered into;

**45 Amendment of s 20 (Land access ombudsman not subject to direction)**

- Section 20(b), from ‘to’—  
*omit, insert*—
- to—
- (i) investigations of land access dispute referrals; or
- (ii) the conduct of an ADR; or

**46 Insertion of new pt 2, div 2, sdiv 1, hdg**

Before section 23—  
*insert*—

**Subdivision 1 Establishment**

**47 Replacement of s 25 (Finances of office)**

Section 25—  
*omit, insert*—

## **25 Application of other Acts**

The office is—

- (a) a statutory body for the *Financial Accountability Act 2009*; and
- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

*Note—*

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the office's powers.

## **48 Insertion of new pt 2, div 2, sdiv 2 and sdiv 3, hdg**

After section 25—

*insert—*

### **Subdivision 2 Financial matters**

#### **25A Annual budgets**

- (1) The land access ombudsman must, before each 31 March, prepare, in consultation with the advisory council, a budget of estimated costs of the office for the next financial year, having regard to expected cost recovery fees for the year.
- (2) The Minister must approve, or refuse to approve, a budget by each 30 April.
- (3) However, a failure by the Minister to act under subsection (2) does not prevent the Minister approving, or refusing to approve, a budget at a later time.
- (4) A budget has no effect until it has been approved by the Minister on the recommendation of the advisory council and the land access ombudsman.
- (5) During a financial year the land access ombudsman may prepare amendments to the

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office's budget for that year.

- (6) An amendment of a budget has no effect until it has been approved by the Minister on the recommendation of the advisory council and the land access ombudsman.
- (7) If the advisory council and the land access ombudsman differ about what should be recommended to the Minister for an approval under this section, the Minister may still give the approval.
- (8) The land access ombudsman may authorise spending by the office during a financial year only under the budget for that year, unless the Minister otherwise approves.
- (9) This section does not require the land access ombudsman to give the Minister any details that would, if given, prejudice a current investigation.

## **25B Budget guidelines**

- (1) The land access ombudsman must, in consultation with the advisory council, prepare budget guidelines, including guidelines for the working out, structure and adjustment of cost recovery fees.
- (2) The budget guidelines must provide for the cost recovery fees for the holders of prescribed resource authorities under division 3 to be adjusted at least twice a year having regard to the holders' forecasted costs and relevant performance costs.
- (3) In this section—  
*forecasted costs* has the same meaning as in section 31G.  
*relevant performance costs* has the same meaning as in section 31G.

---

## Subdivision 3 Officers and employees

### 49 Amendment of s 30 (Officers not subject to outside direction)

(1) Section 30(a), after ‘Act’—

*insert—*

, or an ADR under part 3A,

(2) Section 30(b), after ‘investigations’—

*insert—*

or an ADR under part 3A

### 50 Insertion of new pt 2, div 3 and new pt 2A

After section 31—

*insert—*

## Division 3 Funding for performance of functions

### Subdivision 1 Preliminary

#### 31A Definition for division

In this division—

*prescribed resource authority* means a resource authority prescribed by regulation for this division.

### Subdivision 2 Industry levy

#### 31B Annual levy for performance of functions

(1) The performance of the functions of the office are

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to be funded by an annual levy payable by each holder of a prescribed resource authority.

- (2) The levy must be worked out in the way prescribed by regulation.
- (3) The way the levy is worked out must be transparent and likely to be readily understood by holders of prescribed resource authorities.
- (4) The levy must be—
  - (a) based on the amount needed to recover the estimated costs to the office of performing its functions in a financial year; and
  - (b) apportioned, where practicable, between the holders of prescribed resource authorities or classes of holders of prescribed resource authorities according to the cost to the office of performing functions specific to the holders or class of holders.
- (5) The office must give a notice about the levy, and any changes to the levy, to each holder of a prescribed resource authority.

### **31C Recovery of levy**

- (1) The levy worked out under section 31B must be paid by each holder of a prescribed resource authority in the amount, at the time and in the way prescribed by regulation.
- (2) If the holder of a prescribed resource authority does not pay the levy as required under the regulation, the State may recover from the holder the amount of the levy as a debt.

## **Subdivision 3 Cost recovery fees**



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### **31D Cost recovery fee**

- (1) Generally, performance of the functions of the land access ombudsman under parts 3 and 3A is funded by a fee (the *cost recovery fee*) imposed on each holder of a prescribed resource authority.
- (2) The cost recovery fee must be paid to the land access ombudsman office.

### **31E Amount of cost recovery fee**

The cost recovery fee for the holder of a prescribed resource authority is the amount worked out under section 31G.

### **31F When cost recovery fee is payable**

- (1) The land access ombudsman must at least 14 days, but no more than 1 month, before the end of each quarter—
  - (a) work out, under section 31G, the cost recovery fee for the next quarter payable by each holder of a prescribed resource authority; and
  - (b) give the holder of the prescribed resource authority an invoice for the fee.
- (2) If an entity becomes the holder of a prescribed resource authority during a quarter, the land access ombudsman must—
  - (a) work out, under section 31G, the cost recovery fee payable by the holder for the part of the quarter starting from when the entity became a holder (the *part quarter*); and
  - (b) give the holder an invoice for the amount of the fee for the part quarter.
- (3) For applying section 31G for the part quarter, a

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reference in section 31G to the assessed quarter is taken to include a reference to the part quarter.

- (4) The cost recovery fee stated in an invoice under subsection (1) or (2) is payable 14 days after the holder of the prescribed resource authority receives the invoice.

### **31G Working out cost recovery fee generally**

- (1) This section provides for the working out of the cost recovery fee for a holder of a prescribed resource authority for a quarter (the *assessed quarter*).
- (2) The land access ombudsman must prepare a forecast of the costs (*forecasted costs*) that the ombudsman reasonably considers will be the holder's likely relevant performance costs for the assessed quarter.
- (3) In making the forecast for the assessed quarter, the land access ombudsman may, but is not required to, have regard to the holder's relevant performance costs for the previous quarter or likely relevant performance costs for the current quarter.
- (4) The amount of the holder's cost recovery fee for the assessed quarter is the amount of the forecasted costs for the quarter, subject to any adjustment required under the budget guidelines prepared under section 25B.
- (5) The holder is not entitled to, or to be credited for, interest on any amount credited to the holder because of an adjustment mentioned in subsection (4).
- (6) In this section—

*current quarter* means the quarter in which the forecast for the assessed quarter is made.

*previous quarter* means the quarter ending immediately before the current quarter, whether or not the holder was a holder for all of that quarter.

*relevant performance costs*, for the holder of a prescribed resource authority, means the costs incurred by the land access ombudsman, as worked out under the budget guidelines prepared under section 25B, to perform the ombudsman's functions in relation to referrals under part 3, or applications under part 3A, relating to the holder.

## **Subdivision 4 Supplementary fees**

### **31H Supplementary fees**

- (1) Subsection (2) applies if, at any time, the land access ombudsman informs the Minister that, because of any of the following, receipts under subdivisions 2 and 3 are not, or may not be, enough to fund all of the ombudsman's functions—
  - (a) unforeseen expenditure;
  - (b) a revised budget.
- (2) The Minister may recommend to the Governor in Council the making of a regulation to impose a supplementary fee on all holders of prescribed resource authorities, or a stated class of holders of prescribed resource authorities, of an amount that will allow all of the ombudsman's functions to be funded.
- (3) Subsection (4) applies if, at any time, the land access ombudsman informs the Minister that because of a particular matter concerning an individual holder of a prescribed resource authority, receipts under subdivisions 2 and 3 are

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not, or may not be, enough to fund all of the ombudsman's functions.

- (4) The Minister may recommend to the Governor in Council the making of a regulation to impose a supplementary fee on the individual holder of the prescribed resource authority of an amount that the land access ombudsman considers will allow all of the ombudsman's functions to be funded.
- (5) A supplementary fee must be paid at the time and in the way provided for under a regulation.

## **Part 2A            Advisory Council**

### **31I Establishment**

An advisory council is established.

### **31J Functions**

The advisory council's functions are to—

- (a) monitor the land access ombudsman's independence; and
- (b) advise the land access ombudsman on the following—
  - (i) policy and procedural issues relating to this Act;
  - (ii) the operation of this Act for—
    - (A) holders of resource authorities; and
    - (B) owners or occupiers of private land;
  - (iii) the preparation of annual budgets under section 25A and budget guidelines under section 25B;

- 
- (iv) the development of procedural guidelines under section 65; and
  - (c) advise the Minister on the funding of the land access ombudsman's functions; and
  - (d) as soon as practicable after the end of each financial year, prepare and provide the Minister with advice about—
    - (i) matters arising in relation to the land access ombudsman's independence during the financial year; and
    - (ii) matters arising in relation to a matter mentioned in paragraph (b) during the financial year.

### **31K Members**

- (1) The advisory council consists of a chairperson and at least 6 other members appointed by the Minister.
- (2) The chairperson must—
  - (a) have expertise in the provision of legal and alternative dispute resolution services in the resources or agricultural sector; and
  - (b) be independent of the interests of—
    - (i) holders of resource authorities; and
    - (ii) owners or occupiers of private land.
- (3) The other members must consist of—
  - (a) members who represent the interests of the resources sector; and
  - (b) members who represent the interests of agricultural and other landholder groups.
- (4) The other members must be appointed on the chairperson's recommendation.

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### **31L Term**

- (1) Each member of the advisory council holds office for the term stated in the member's instrument of appointment.
- (2) The stated term must not be more than 5 years.
- (3) The member may be reappointed.

### **31M Remuneration and conditions**

- (1) Each member of the advisory council is to be paid the remuneration, if any, and other allowances, if any, decided by the Minister.
- (2) Each member holds office on the terms and conditions, not provided for by this Act, that are decided by the Minister.

## **51 Amendment of s 34 (Protection from liability for referring land access dispute)**

Section 34(1)(b), from 'conduct' to 'make good agreement'—  
*omit, insert—*  
agreement

## **52 Amendment of s 36 (Acceptance or refusal of referral)**

Section 36(3)(a) and (b)—  
*omit, insert—*

- (a) the dispute resolution process, if any, in the agreement the subject of the land access dispute referral; or
- (b) a process for alternative dispute resolution under another Act.

**53 Amendment of s 45 (Power to enter dispute land)**

- (1) Section 45(1), ‘a conduct and compensation agreement’—  
*omit, insert—*  
an agreement other than a make good agreement

**54 Insertion of new pt 3A**

After part 3—  
*insert—*

**Part 3A ADR for ADR election  
notice disputes**

**50A Definitions for part**

In this part—

*ADR* see section 50B.

*initiating party* see section 50C(1).

*other party* see section 50C(1).

**50B Purpose of part**

The purpose of this part is to enable a party who has a right to require or request another party to participate in a non-binding alternative dispute resolution process (an *ADR*), under particular provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989* and the *Water Act 2000*, to apply to the land access ombudsman to conduct the ADR.

**50C When party may apply to land access  
ombudsman to conduct ADR**

- (1) This section applies if a party (the *initiating*

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*party*) has a right to give an ADR election notice to another party (the *other party*) under—

- (a) any of the following provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*—
    - (i) section 51A(2);
    - (ii) section 88(2);
    - (iii) section 92A(2); or
  - (b) either of the following provisions of the *Mineral Resources Act 1989*—
    - (i) section 85AA(2);
    - (ii) section 283C(2); or
  - (c) the *Water Act 2000*, section 426(2)(b).
- (2) The initiating party may, in the ADR election notice, state the land access ombudsman as the ADR facilitator proposed to conduct the ADR.
  - (3) If the other party accepts the land access ombudsman as the ADR facilitator, the initiating party may apply to the land access ombudsman to conduct the ADR.
  - (4) This section applies despite any agreement to the contrary.

### **50D Requirements for making application**

- (1) The application must be in the approved form.
- (2) The approved form must provide for the name and contact details of each of the following to be provided—
  - (a) the initiating party;
  - (b) the other party.



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### **50E Deciding application**

The land access ombudsman must decide to conduct or refuse to conduct the ADR within 10 business days after the application is made.

### **50F Steps after, and taking effect of, decision**

- (1) If the land access ombudsman decides to conduct the ADR—
  - (a) the land access ombudsman must give notice of the decision to—
    - (i) the initiating party; and
    - (ii) the other party; and
  - (b) the land access ombudsman is taken to be appointed as the ADR facilitator, under the Act mentioned in section 50C(1) under which the ADR election notice was given, on the day on which the notice mentioned in paragraph (a) is given; and
  - (c) the land access ombudsman must conduct the ADR under the Act mentioned in section 50C(1) under which the ADR election notice was given.
- (2) If the land access ombudsman decides not to conduct the ADR, the land access ombudsman must give the initiating party and the other party notice of the decision.

## **55 Replacement of s 52 (Evidentiary provision)**

Section 52—

*omit, insert—*

### **52 Evidentiary provision**

- (1) A notice given by the land access ombudsman under section 51 for a land access dispute referral

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about an agreement is admissible in a proceeding about the agreement before the Land Court under—

- (a) either of the following provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*—
    - (i) section 53A;
    - (ii) section 99A; or
  - (b) the *Water Act 2000*, section 434.
- (2) A notice given by the land access ombudsman under section 51 for a land access dispute referral about an agreement is admissible in an arbitration about the agreement as evidence of the matters in the notice.

**56 Amendment of s 53 (Recommendation about Resource Act offence or resource authority breach)**

(1) Section 53(1)—

*omit, insert—*

- (1) This section applies if—
  - (a) the land access ombudsman has accepted—
    - (i) a land access dispute referral; or
    - (ii) an application to conduct an ADR; and
  - (b) the ombudsman reasonably suspects a party to the land access dispute or the ADR who holds a resource authority—
    - (i) has committed, is committing, or is likely to commit, an offence against a Resource Act (the *possible offence*); or
    - (ii) has breached, is breaching, or is likely to breach, a condition of a resource authority that relates to land access (the *possible authority breach*).

- 
- (2) Section 53(2), ‘chief executive (natural resources and mines)’  
*omit, insert—*  
relevant chief executive
- (3) Section 53—  
*insert—*
- (7) In this section—  
***relevant chief executive*** means—
- (a) if the possible offence or possible authority breach is against a Resource Act mentioned in schedule 1, definition *Resource Act*, paragraph (a)—the chief executive of the department in which the *Mineral and Energy Resources (Common Provisions) Act 2014* is administered; or
  - (b) if the possible offence or possible authority breach is against a Resource Act mentioned in schedule 1, definition *Resource Act*, paragraph (b) or (c)—the chief executive of the department in which the *Coal Mining Safety and Health Act 1999* is administered.

**57 Amendment of s 54 (Recommendation about offence against Water Act 2000)**

Section 54(1)—  
*omit, insert—*

- (1) This section applies if—
- (a) the land access ombudsman has accepted—
    - (i) a land access dispute referral; or
    - (ii) an application to conduct an ADR; and
  - (b) the ombudsman reasonably suspects a party to the land access dispute or the ADR who holds a resource authority has committed, is

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committing, or is likely to commit, an offence against the *Water Act 2000*, chapter 3 (the *possible offence*).

**58 Amendment of s 55 (Recommendation about offence against Environmental Protection Act 1994)**

Section 55(1)—

*omit, insert—*

- (1) This section applies if—
  - (a) the land access ombudsman has accepted—
    - (i) a land access dispute referral; or
    - (ii) an application to conduct an ADR; and
  - (b) the ombudsman reasonably suspects a party to the land access dispute or the ADR who holds a resource authority has committed, is committing, or is likely to commit, an offence against the *Environmental Protection Act 1994* (the *possible offence*).

**59 Amendment of s 56 (Advice about systemic issues)**

Section 56(1), after ‘referrals’—

*insert—*

or 1 or more ADRs conducted by the land access ombudsman

**60 Replacement of s 58 (Protection from liability for giving agreement to land access ombudsman)**

Section 58—

*omit, insert—*

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**58 Protection from liability for giving agreement to land access ombudsman**

- (1) This section applies if—
- (a) a party to a relevant agreement gives a copy of the agreement, or part of the agreement, to the land access ombudsman—
    - (i) because of a requirement under section 42; or
    - (ii) under part 3A; or
    - (iii) on the party’s own initiative; and
  - (b) the agreement contains a condition prohibiting the disclosure of all or any part of the agreement.
- (2) The party does not incur any civil liability for breach of the condition by giving the agreement, or part of the agreement, to the land access ombudsman.
- (3) In this section—
- relevant agreement* means—
- (a) an agreement to which a land access dispute relates; or
  - (b) an agreement to which an ADR election notice mentioned in section 50C relates.

**61 Amendment of s 59 (Confidentiality requests)**

Section 59(1), from ‘conduct’ to ‘make good agreement’—

*omit, insert—*

relevant agreement mentioned in section 58

**62 Amendment of s 63 (Annual report)**

- (1) Section 63(2)(a)—

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*insert—*

- (iia) applications for an ADR made;
- (iib) applications for an ADR that the land access ombudsman has accepted;
- (iic) applications for an ADR that the land access ombudsman has refused;

(2) Section 63(2)(a)(iia) to (v)—

*renumber* as section 63(2)(a)(iv) to (viii).

(3) Section 63(3), after ‘dispute’—

*insert—*

or an ADR

### **63 Amendment of s 65 (Procedural guidelines)**

(1) Section 65(1)—

*omit, insert—*

- (1) The land access ombudsman may make procedural guidelines about practices and procedures for any of the following—
  - (a) land access dispute referrals;
  - (b) investigations under this Act;
  - (c) the conduct of ADRs.

(2) Section 65(3)—

*omit, insert—*

- (3) A procedural guideline—
  - (a) must not be inconsistent with—
    - (i) this Act; or
    - (ii) to the extent the guideline relates to a land access dispute—a provision of an Act mentioned in section 7 relating to the land access dispute; or

- (iii) to the extent the guideline relates to an ADR—a provision of an Act mentioned in section 50C(1) relating to the ADR; and
- (b) must be consistent with best practice industry standards.

**64 Amendment of pt 7, hdg (Transitional provision)**

Part 7, heading, ‘provision’—

*omit, insert—*

**provisions**

**65 Insertion of new pt 7, div 1, hdg**

Before section 67—

*insert—*

**Division 1                      Transitional provision for  
Act No. 34 of 2017**

**66 Insertion of new pt 7, div 2**

After section 67—

*insert—*

**Division 2                      Transitional provisions for  
Mineral and Energy  
Resources and Other  
Legislation Amendment  
Act 2024**

**68 Definition for division**

In this division—

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*new*, for a provision of this Act, means the provision as in force from the commencement.

## **69 Land access dispute referral relating to matters arising before commencement**

A land access dispute mentioned in new section 7(c) may be the subject of a land access dispute referral—

- (a) whether the agreement the subject of the dispute was entered into before or after the commencement; and
- (b) whether the land access dispute arose before or after the commencement.

## **70 Protection from liability for referring land access dispute**

New section 34 applies in relation to the referral to the land access ombudsman of a land access dispute mentioned in new section 7(c)—

- (a) whether the agreement the subject of the dispute was entered into before or after the commencement; and
- (b) whether the land access dispute arose before or after the commencement.

## **71 Power to enter dispute land**

New section 45 applies in relation to a land access dispute referral mentioned in new section 7(c)—

- (a) whether the agreement the subject of the dispute was entered into before or after the commencement; and
- (b) whether the land access dispute arose before or after the commencement.



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**72 ADR for ADR election notice disputes relating to matters arising before commencement**

New part 3A applies in relation to an ADR election notice given after the commencement—

- (a) whether the agreement in relation to which the ADR election notice was given was entered into before or after the commencement; and
- (b) whether the ADR election notice dispute in relation to which the ADR election notice was given arose before or after the commencement.

**73 Protection from liability for giving agreement to land access ombudsman**

New section 58 applies in relation to a relevant agreement given to the land access ombudsman after the commencement whether the agreement was entered into before or after the commencement.

**67 Amendment of sch 1 (Dictionary)**

- (1) Schedule 1, definition *Resource Act*—  
*omit.*
- (2) Schedule 1—  
*insert—*

*access agreement* see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 47(2).

*ADR* see section 50B.

*ADR election notice dispute* means a dispute in relation to which an ADR election notice mentioned in section 50C is given.

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***advisory council*** means the advisory council established under section 31I.

***cost recovery fee*** see section 31D(1).

***initiating party***, for part 3A, see section 50C(1).

***other party***, for part 3A, see section 50C(1).

***prescribed resource authority***, for part 2, division 3, see section 31A.

***Resource Act*** means—

- (a) a Resource Act under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 9; and
- (b) the *Coal Mining Safety and Health Act 1999*; and
- (c) the *Mining and Quarrying Safety and Health Act 1999*.

## Part 8 **Amendment of Mineral and Energy Resources (Common Provisions) Act 2014**

### 68 **Act amended**

This part amends the *Mineral and Energy Resources (Common Provisions) Act 2014*.

*Note—*

See also the amendments in schedule 1, part 2.

### 71 **Amendment of s 4 (How main purposes are achieved)**

(1) Section 4(1)(c), ‘new’—

*omit.*

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**72 Amendment of s 15B (What is a *preliminary activity*)**

Section 15B(2)—

*omit, insert—*

- (2) Subsection (3) applies to an authorised activity for a resource authority other than an activity that is aerial surveying carried out at 1,000ft or more above land.
- (3) Despite subsection (1), the activity is not a preliminary activity for the resource authority if the activity—

- (a) is carried out on land that—

- (i) is less than 100ha; and

- (ii) is being used for intensive farming or broadacre agriculture; or

*Examples for subparagraph (ii)—*

- land used for dryland or irrigated cropping, plantation forestry or horticulture
- land used for a dairy, cattle or sheep feedlot, a piggery or a poultry farm

- (b) affects the lawful carrying out of an organic or bio-organic farming system.

**73 Replacement of ch 2, pt 2 (Caveats)**

Chapter 2, part 2—

*omit, insert—*

**Part 2 Caveats**

**24 Application of part**

This part applies in relation to—

- (a) a resource authority; or

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- (b) an application for a mining lease under the Mineral Resources Act.

## **25 Lodging of caveat**

- (1) A person claiming an interest in the resource authority or the application for a mining lease may lodge a caveat over the authority or application if the caveat—
  - (a) complies with the prescribed requirements for the caveat; and
  - (b) is not a prohibited caveat; and
  - (c) is accompanied by the fee prescribed by regulation.
- (2) On receipt of the caveat, the chief executive must—
  - (a) record the existence of the caveat in the register; and
  - (b) notify the following persons of the receipt of the caveat—
    - (i) each holder of the resource authority or applicant for the application;
    - (ii) each person who has a registered interest in the resource authority or application;
    - (iii) any caveator for a prior caveat over the resource authority or application if the prior caveat is in effect.
- (3) The caveat has no effect if the caveat—
  - (a) does not comply with the prescribed requirements for the caveat; or
  - (b) is a prohibited caveat.
- (4) In this section—

*prohibited caveat* means a caveat of a type prescribed by regulation to be a prohibited caveat.

*registered interest*, in the resource authority or the application for a mining lease, means an interest in the authority or application recorded in the register.

## **26 Effect of lodging caveat**

- (1) This section applies if a caveat is lodged over the resource authority or the application for a mining lease under this part.
- (2) From the date and time of lodgement of the caveat until the caveat lapses or is withdrawn or removed, the caveat prevents the following—
  - (a) the registration of a dealing in relation to the resource authority;
  - (b) the registration under the Mineral Resources Act of a transfer of the application or a transfer of an interest in the application.
- (3) However—
  - (a) the lodgement of the caveat does not prevent the registration of an instrument of a type prescribed by regulation; and
  - (b) if the caveat is lodged over only a share in the resource authority, the lodgement of the caveat does not prevent the registration of a dealing in relation to other shares in the resource authority.
- (4) The caveat does not create an interest in the resource authority or the application.
- (5) For this section, the date and time of lodgement of the caveat is the date and time endorsed by the chief executive on the caveat as the caveat's date and time of lodgement.

## **27 Lapsing of caveat**

- (1) A caveat lodged under this part lapses—
  - (a) for a caveat for which there is consent—at the end of the term stated in the caveat; or
  - (b) for a caveat for which there is no consent—
    - (i) if an order of the Land Court is in effect in relation to the caveat—when the order stops having effect; or
    - (ii) otherwise—on the day that is 3 months after the date of lodgement of the caveat or on an earlier day stated in the caveat.
- (2) If there is consent to the caveat and the caveat does not state the term of the caveat, the caveat continues in effect until it is withdrawn or removed.
- (3) For this section—
  - (a) there is consent to a caveat over the resource authority only if each holder of the authority consented to the lodgement of the caveat and the consent was lodged with the caveat; and
  - (b) there is consent to a caveat over the application for a mining lease only if each applicant consented to the lodgement of the caveat and the consent was lodged with the caveat; and
  - (c) the date of lodgement of a caveat is the date endorsed by the chief executive on the caveat as the caveat's date of lodgement.

## **28 Withdrawal or removal of caveat**

- (1) The caveator for a caveat lodged under this part may withdraw the caveat by written notice given

to the chief executive.

- (2) Either of the following persons may apply to the Land Court for an order that a caveat lodged under this part be removed—
  - (a) a person who has a present or prospective right or interest in the resource authority, or the application for a mining lease, over which the caveat is lodged;
  - (b) a person whose present or prospective right to deal with the resource authority, or the application for a mining lease, over which the caveat is lodged is affected by the caveat.
- (3) The Land Court may make the order—
  - (a) whether or not the caveator has been served with the application for the order; and
  - (b) on the terms the Land Court considers appropriate.

## **29 Recording of lapsing, withdrawal or removal of caveat**

As soon as practicable after a caveat lodged under this part lapses, is withdrawn or is ordered to be removed, the chief executive must record the lapse, withdrawal or removal in the register.

## **30 Further caveat not available to same person**

- (1) This section applies if a caveat is lodged over an interest in the resource authority or the application for a mining lease under this part (the *original caveat*).
- (2) A further caveat with the same caveator can not be lodged over the resource authority or the application on the same, or substantially the same,

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grounds as those stated in the original caveat unless—

- (a) each holder of the authority, or each applicant for the application, has consented to the lodgement of the further caveat and the consent is lodged with the further caveat; or
- (b) a court of competent jurisdiction has given leave to lodge the further caveat.

### **31 Compensation for lodging caveat without reasonable cause**

The caveator for a caveat lodged under this part without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.

## **75 Amendment of s 40 (Exemptions from obligations)**

- (1) Section 40—

*insert—*

- (2A) Further, an obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 does not apply if the entry is for the purpose of carrying out an authorised activity for the resource authority that is aerial surveying carried out at 1,000ft or more above land.

- (2) Section 40(2A) and (3)—

*renumber* as section 40(3) and (4).

## **76 Amendment of s 48 (Owner or occupier must not unreasonably refuse to make access agreement)**

Section 48, note—



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*omit.*

## **77 Insertion of new ch 3, pt 2, div 4, sdiv 2A**

Chapter 3, part 2, division 4—

*insert—*

### **Subdivision 2A ADR**

#### **51A Party may seek ADR**

- (1) This section applies if a dispute arises between a resource authority holder and an owner or occupier of land (the *parties*) about—
  - (a) deciding a matter mentioned in section 49(1)(a), (b) or (c); or
  - (b) whether an access agreement between the parties should be varied because of a material change in circumstances.
- (2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.
- (3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.
- (4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.
- (5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR.

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(6) Chapter 7A, part 1, division 2 applies to the ADR.

## 78 Insertion of new s 53A

After section 53—

*insert—*

### **53A Power of Land Court to decide alleged breach of access agreement**

- (1) If a party to an access agreement believes the other party has breached the agreement, the party may apply to the Land Court for an order about the alleged breach.
- (2) An application may be made during the term, or after the end, of the agreement.
- (3) The Land Court may make any order it considers appropriate on an application under this section.
- (4) In this section—

*party*, to an access agreement, means—

- (a) the following persons who entered into the agreement—
  - (i) the resource authority holder;
  - (ii) the owner or occupier of private land; or
- (b) the successors and assigns of a party mentioned in paragraph (a) that are bound by the agreement under section 79.

## 79 Amendment of s 54 (Report to owners and occupiers)

(2) Section 54—

*insert—*

- (4) This section does not apply if the entry to the land is for the purpose of carrying out an authorised

activity for the resource authority that is aerial surveying carried out at 1,000ft or more above land.

**80 Amendment of s 88 (Party may seek ADR)**

- (1) Section 88, heading, ‘seek’—

*omit, insert—*

**require**

- (2) Section 88(2), from ‘a notice’ to ‘(an **ADR**)’—

*omit, insert—*

an ADR election notice requiring the other party to participate in ADR

- (3) Section 88(3) and (4)—

*omit, insert—*

- (3) For subsection (2), the dispute is resolved by the parties entering into a conduct and compensation agreement.

- (4) Section 88(6), ‘subsection (5)’—

*omit, insert—*

subsection (4)

- (5) Section 88(7), ‘subsection (6)’—

*omit, insert—*

subsection (5)

- (6) Section 88(8)—

*omit, insert—*

- (8) Chapter 7A, part 1, division 2 applies to the ADR.

- (7) Section 88(5) to (8)—

*renumber* as section 88(4) to (7).

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**81 Omission of ss 89 and 90**

Sections 89 and 90—

*omit.*

**82 Amendment of s 91A (Party may request arbitration)**

(1) Section 91A(1)(a), after ‘notice’—

*insert—*

under section 84

(2) Section 91A(1)(b), from ‘notice’ to ‘section 89(2) or (4)’—

*omit, insert—*

notice under section 88 to another party seeking to negotiate the resolution of a dispute and at the end of the ADR period for the ADR

(3) Section 91A(2), ‘a notice (an *arbitration election notice*)’—

*omit, insert—*

an arbitration election notice

(4) Section 91A(3)—

*omit.*

(5) Section 91A—

*insert—*

(4A) If a party given an arbitration election notice does not accept the request for arbitration within 15 business days after the notice is given, the party is taken to refuse the request.

(6) Section 91A(5), ‘subsection (4)’—

*omit, insert—*

subsection (3)

(7) Section 91A(5), ‘under subsection (3)(b)’—

*omit, insert—*

in the arbitration election notice

(8) Section 91A—

*insert—*

(8) Chapter 7A, part 2, division 2 applies to the arbitration.

(9) Section 91A(4) and (4A)—

*renumber* as section 91A(3) and (4).

### **83 Omission of ss 91B–91E**

Sections 91B to 91E—

*omit.*

### **84 Insertion of new ch 3, pt 7, div 2, sdiv 5**

Chapter 3, part 7, division 2—

*insert—*

#### **Subdivision 5 ADR about particular costs and material changes in circumstances**

##### **92A Party may seek ADR**

- (1) This section applies if a dispute arises between a resource authority holder and an eligible claimant (the *parties*) about—
  - (a) the payment of negotiation and preparation costs under section 91; or
  - (b) whether the compensation liability or future compensation liability of the resource authority holder to the eligible claimant, agreed to under a conduct and compensation agreement or decided by the Land Court, has been affected by a material change in

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circumstances since the agreement or decision.

- (2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.
- (3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.
- (4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.
- (5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR.
- (6) Chapter 7A, part 1, division 2 applies to the ADR.

## **85 Amendment of s 96 (Party may apply to Land Court)**

- (1) Section 96(1)(a), after 'notice'—

*insert—*

under section 88

- (2) Section 96(1)(b) and (c)—

*omit, insert—*

- (b) at the end of the ADR period for the ADR, the parties have not entered into a conduct and compensation agreement; and
- (c) the dispute is not the subject of arbitration under chapter 7A, part 2, division 2.

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**88 Insertion of new ch 7A**

After chapter 7—

*insert—*

## **Chapter 7A Dispute resolution**

### **Part 1 ADR**

#### **Division 1 ADR election notice**

##### **196I Contents of ADR election notice**

An ADR election notice for ADR for the resolution of a dispute must state—

- (a) details of the matters the subject of the dispute; and
- (b) the type of ADR proposed; and
- (c) the name of an ADR facilitator, who is independent of both parties to the dispute, proposed to conduct the ADR; and

*Note—*

See the *Land Access Ombudsman Act 2017*, part 3A for the ability to propose the land access ombudsman as the ADR facilitator.

- (d) who is liable for the costs of the ADR facilitator; and
- (e) any other information prescribed by regulation.

#### **Division 2 Provisions about ADR**

### **196J Application of division**

This division applies in relation to ADR for the resolution of a dispute between parties mentioned in any of the following provisions that is conducted in response to an ADR election notice for the ADR—

- (a) section 51A(1);
- (b) section 88(1);
- (c) section 92A(1).

### **196K Conduct of ADR**

- (1) The parties must use all reasonable endeavours to negotiate a resolution of the dispute within 30 business days after the ADR facilitator is appointed (the *usual period*).
- (2) A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances.
- (3) If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the longer period applies instead of the usual period.
- (4) The party who is the resource authority holder is liable for the costs of the ADR facilitator.

### **196L Non-attendance at ADR**

- (1) This section applies if—
  - (a) a party (the *non-attending party*) does not attend the ADR; and
  - (b) another party (the *attending party*) attends the ADR.
- (2) The non-attending party is liable to pay the attending party's reasonable costs of attending.



- (3) The attending party may apply to the Land Court for an order requiring the payment of the costs.
- (4) The Land Court may order the payment of the costs only if the Court is satisfied the non-attending party did not have a reasonable excuse for not attending.

### **196M Protection, immunity and confidentiality**

The *Civil Proceedings Act 2011*, part 6, division 5 applies to ADR conducted by an ADR facilitator as if—

- (a) a reference to an ADR process included a reference to the ADR; and
- (b) a reference to an ADR convenor included a reference to the ADR facilitator.

*Note—*

See the *Civil Proceedings Act 2011*, section 53 in relation to the admissibility of evidence of anything done or said, or an admission made, at ADR, without the agreement of the parties.

## **Part 2                      Arbitration**

### **Division 1                Arbitration election notice**

#### **196N Contents of arbitration election notice**

An arbitration election notice for an arbitration of a dispute must state—

- (a) details of the matters the subject of the dispute; and
- (b) the name of an arbitrator, who is independent of both parties to the dispute, proposed to conduct the arbitration; and

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- (c) that, if the request for arbitration is accepted, an application to the Land Court for a decision about the dispute can not be made; and
- (d) that the costs of the arbitration are payable by the parties as mentioned in section 196R; and
- (e) any other information prescribed by regulation.

## **Division 2            Provisions about arbitration**

### **196O Application of division**

This division applies in relation to an arbitration of a dispute between parties mentioned in section 91A(2) that is conducted in response to an arbitration election notice for the arbitration.

### **196P Arbitrator's functions**

- (1) The arbitrator has authority to decide the dispute by the issuance of an award.
- (2) However, the arbitrator may decide a matter the subject of the dispute only to the extent it is not subject to a conduct and compensation agreement between the parties.
- (3) The award must be made within 6 months after the appointment of the arbitrator.

### **196Q Application of Commercial Arbitration Act 2013**

The *Commercial Arbitration Act 2013* applies to the arbitration to the extent it is not inconsistent

with this division.

### **196R Costs of arbitration**

- (1) If, before the appointment of the arbitrator, the parties have not participated in ADR about the dispute, the party who is the resource authority holder is liable to pay the fees and expenses of the arbitrator.
- (2) If, before the appointment of the arbitrator, the parties have participated in ADR about the dispute, the parties are liable to pay the fees and expenses of the arbitrator in equal shares unless the parties agree, or the arbitrator decides, otherwise.
- (3) Other than as provided under subsection (1) or (2), each party to an arbitration must bear the party's own costs for the arbitration unless the parties agree, or the arbitrator decides, otherwise.

## **89 Insertion of new ss 204A and 204B**

After section 204—

*insert—*

### **204A Alternative calculation of rent for resource authorities**

- (1) A regulation may provide for the Minister to apply an alternative way of calculating the rent payable for a resource authority, so that a lesser amount of rent is payable, in the circumstances prescribed by regulation.
- (2) Subsection (3) applies if, under a regulation made under subsection (1)—
  - (a) the Minister applies an alternative way of calculating the rent payable for a resource authority for a particular period; and

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- (b) the calculated amount is less than the amount of rent that would otherwise be payable for the period under the relevant Resource Act for the authority or a condition of the authority.
- (3) Despite the relevant Resource Act for the resource authority or a condition of the authority, the rental payable for the authority for the period is the lesser amount.

### **204B Deferral of payment of rent for resource authorities**

- (1) A regulation may provide for an arrangement for deferring the payment of rent payable for a resource authority because of hardship, including providing for when the arrangement ends.
- (2) Subsection (3) applies if—
  - (a) the holder of a relevant authority is required, under a relevant Resource Act for the authority or a condition of the authority, to pay the rent payable for the authority—
    - (i) within a particular period; or
    - (ii) on, before or by a particular day; and
  - (b) under an arrangement mentioned in subsection (1), the payment of the rent is deferred to a later day.
- (3) The requirement is taken to require the holder to pay the rent on or before the later day.

## **91 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *ADR*, *ADR election notice*, *affected resource authority*, *arbitration election notice*, *coal seam gas* and *conference election notice*—  
*omit.*

(2) Schedule 2—

*insert—*

**ADR** means a non-binding alternative dispute resolution process, including, for example, a case appraisal, conciliation, mediation or negotiation.

**ADR election notice** means a notice complying with section 196I.

**ADR period**, for ADR, means the period applying under section 196K(1) or (3) in relation to the ADR.

**arbitration election notice** means a notice complying with section 196N.

**coal seam gas** means a substance (in any state) occurring naturally in association with coal, or with strata associated with coal mining, if the substance is petroleum under the P&G Act.

(3) Schedule 2, definition *ADR facilitator*, ‘an’—

*omit.*

(4) Schedule 2, definition *minimum negotiation period*, after ‘period’—

*insert—*

, for chapter 3, part 7,

(7) Schedule 2, definition *negotiation and preparation costs*, paragraph (b), ‘section 88(6)’—

*omit, insert—*

section 88(5)

(8) Schedule 2, definition *prescribed ADR institute*, ‘conduct an’—

*omit, insert—*

conduct

[s 92]

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## Part 9 **Amendment of Mineral and Energy Resources (Financial Provisioning) Act 2018**

### 92 **Act amended**

This part amends the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.

*Note—*

See also the amendments in schedule 1, part 2.

### 93 **Amendment of s 11 (What is the *fund threshold*)**

(1) Section 11(1)—

*omit, insert—*

(1) The ***fund threshold*** applying to an authority is—

- (a) the amount prescribed for the authority by regulation for this paragraph; or
- (b) if no amount is prescribed under paragraph (a) for the authority—the amount under subsection (2) for the authority.

(1A) The amount for subsection (1)(b) is—

- (a) if the holder of the authority has a prescribed rating—\$600m; or
- (b) if the scheme manager considers the financial soundness of a parent corporation of the holder when making an allocation decision for the authority and the parent corporation has a prescribed rating—\$600m; or
- (c) for an authority for which there is more than 1 holder—
  - (i) if the scheme manager considers the financial soundness of any or all of the

holders of the authority when making an allocation decision for the authority and at least 1 of the holders considered has a prescribed rating—\$600m; or

- (ii) if the scheme manager considers the financial soundness of a parent corporation of any or all of the holders of the authority when making an allocation decision for the authority and at least 1 of the parent corporations considered has a prescribed rating—\$600m; or

(d) in any other case—\$450m.

- (2) Section 11(2)(b)—

*omit, insert—*

(b) the number of holders of authorities affected by the amount; and

(ba) the effect of the matters mentioned in paragraphs (a) and (b) on the financial viability of the scheme fund; and

- (3) Section 11(2)(c), after ‘threshold’—

*insert—*

applying to all or some of the authorities

- (4) Section 11(2)(ba) and (c)—

*renumber* as section 11(2)(c) and (d).

- (5) Section 11—

*insert—*

- (3) In this section—

***prescribed rating***, in relation to the holder of an authority, means a credit rating prescribed by regulation.

- (6) Section 11(1A) to (3)—

[s 94]

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*renumber* as section 11(2) to (4).

**94 Amendment of s 26 (Application of subdivision)**

(1) Section 26(1)(b)(i), after ‘amount’—

*insert—*

, of more than \$100,000,

(2) Section 26(1)(b)(ii), ‘\$100,000’—

*omit, insert—*

\$10m

(3) Section 26(2)—

*omit, insert—*

(2) Also, this subdivision applies if—

(a) the administering authority decides, under the *Environmental Protection Act 1994*, section 300, the estimated rehabilitation cost for an authority; and

(b) the estimated rehabilitation cost decided by the administering authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and

(c) the scheme manager gives the holder an election notice for the authority.

(3) If the administering authority makes more than 1 decision under the *Environmental Protection Act 1994*, section 300 in relation to an authority—

(a) subsection (1) applies only in relation to the first decision for which the estimated rehabilitation cost is equal to or more than the prescribed ERC amount; and

(b) subsection (2) applies only in relation to the first decision for which the estimated rehabilitation cost is equal to or more than



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\$100,000 but less than the prescribed ERC amount.

- (4) However, subsection (1) does not apply in relation to the first decision for which the estimated rehabilitation cost is equal to or more than the prescribed ERC amount if—
  - (a) before the decision is made, the scheme manager had given the holder an election notice for the authority; and
  - (b) immediately before the decision is made, the election notice is in effect.
- (5) Also, subsection (2) does not apply in relation to the first decision for which the estimated rehabilitation cost is equal to or more than \$100,000 but less than the prescribed ERC amount if, immediately before the decision is made, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.
- (6) A reference in subsections (3), (4) and (5) to a decision of the administering authority includes a decision made before the commencement.

**95 Amendment of s 27 (Scheme manager must make initial risk category allocation)**

- (1) Section 27(1)—  
*insert—*
  - (ca) moderate-high;
- (2) Section 27(1)(ca) and (d)—  
*renumber* as section 27(1)(d) and (e).

**96 Insertion of new s 27A**

After section 27—

[s 97]

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*insert—*

**27A Scheme manager must decide annual review allocation day**

- (1) The scheme manager must decide the annual review allocation day for the authority.
- (2) In deciding the annual review allocation day, the scheme manager—
  - (a) must consider—
    - (i) the effect the day will have on the operation of the scheme; and
    - (ii) any administrative efficiencies the day may achieve for the holder of the authority; and
    - (iii) submissions made under section 28; and
  - (b) may consider any other matter the scheme manager considers relevant to the decision.

**97 Amendment of s 28 (Scheme manager must notify holder of indicative risk category allocation)**

- (1) Section 28, heading, after ‘category allocation’—

*insert—*

**and indicative review day**

- (2) Section 28(1), after ‘initial risk category allocation’—

*insert—*

and the annual review allocation day

- (3) Section 28(1)—

*insert—*

- (ca) the annual review allocation day the scheme manager intends to decide for the authority (the *indicative review day*); and

- 
- (4) Section 28(1)(e)(i), ‘or (d)’—  
*omit, insert*—  
  , (d) or (e)
  - (5) Section 28(1)(ca) to (e)—  
*renumber* as section 28(1)(d) to (f).
  - (6) Section 28(2), ‘subsection (1)(e)’—  
*omit, insert*—  
  subsection (1)(f)

**98 Amendment of s 29 (When indicative risk category allocation becomes the initial risk category allocation)**

- (1) Section 29, heading—  
*omit, insert*—  

**29 When indicative risk category allocation and  
indicative review day become the initial risk  
category allocation and annual review  
allocation day**
- (2) Section 29(a), after ‘section 28’—  
*insert*—  

in relation to the indicative risk category  
allocation
- (3) Section 29—  
*insert*—
  - (2) Also, the scheme manager must decide the annual review allocation day for the authority as being the day stated under section 28(1)(d) in the notice of indicative decision if the holder—
    - (a) does not make submissions under section 28 in relation to the indicative review day; or

[s 99]

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- (b) gives the scheme manager a notice under section 28 that the holder accepts the indicative review day.

**99 Amendment of s 30 (Period for making initial risk category allocation)**

- (1) Section 30, heading, from ‘making’—  
*omit, insert—*  
**deciding initial risk category allocation and annual review allocation day**
- (2) Section 30, after ‘decide the initial risk category allocation’—  
*insert—*  
and the annual review allocation day
- (3) Section 30(a), after ‘allocation’—  
*insert—*  
and the indicative review day
- (4) Section 30(d), ‘make the decision’—  
*omit, insert—*  
decide the initial risk category allocation

**100 Amendment of s 31 (Notice of initial risk category allocation)**

- (1) Section 31, heading, after ‘allocation’—  
*insert—*  
**and annual review allocation day**
- (2) Section 31, ‘deciding the initial risk category allocation’—  
*omit, insert—*  
deciding both the initial risk category allocation and the annual review allocation day
- (3) Section 31—

*insert—*

- (ca) the annual review allocation day; and
- (cb) when the annual review allocation day takes effect; and

(4) Section 31(ca) to (e)—

*renumber* as section 31(d) to (g).

(5) Section 31—

*insert—*

- (2) The annual review allocation day takes effect on the day stated in the notice.

**101 Amendment of pt 3, div 1, sdiv 2, hdg (Changed holder review allocation)**

Part 3, division 1, subdivision 2, heading, ‘review’—  
*omit.*

**102 Amendment of s 32 (Scheme manager may review risk category allocation if changed holder)**

(1) Section 32, heading, ‘may review’—

*omit, insert—*

**decision on**

(2) Section 32—

*insert—*

(1A) Also, this section applies if—

- (a) the estimated rehabilitation cost for an authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and
- (b) a changed holder event happens in relation to the authority; and

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- (c) the scheme manager gives the changed holder an election notice for the authority.
- (3) Section 32(2), ‘The’—  
*omit, insert—*  
If the authority is allocated to a risk category, the
- (4) Section 32—  
*insert—*
  - (2A) If the authority is not allocated to a risk category, the scheme manager must—
    - (a) decide to allocate the authority to a risk category (the ***changed holder initial allocation***); and
    - (b) decide the annual review allocation day for the authority.
- (5) Section 32(3), ‘review’—  
*omit.*
- (6) Section 32(4), ‘subsection (3)(a)(i)’—  
*omit, insert—*  
subsection (5)(a)(i)
- (7) Section 32—  
*insert—*
  - (7) In deciding the annual review allocation day, the scheme manager—
    - (a) must consider—
      - (i) the effect the day will have on the operation of the scheme; and
      - (ii) any administrative efficiencies the day may achieve for the changed holder of the authority; and
      - (iii) submissions made under section 34; and

(b) may consider any other matter the scheme manager considers relevant.

(8) Section 32(1A) to (7)—  
*renumber* as section 32(2) to (9).

**103 Amendment of s 33 (Application to scheme manager if proposed changed holder)**

(1) Section 33—  
*insert*—

(1A) Also, this section applies if—

- (a) the estimated rehabilitation cost for an authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and
- (b) a changed holder event is proposed in relation to the authority; and
- (c) had the proposed changed holder event happened, division 1A would apply in relation to the changed holder.

(2) Section 33(2) and (3), ‘review’—  
*omit*.

(3) Section 33(2)(a) to (c)—  
*omit, insert*—

- (a) the proposed changed holder event had happened; and
- (b) for an authority to which subsection (2) applies—the scheme manager had given the changed holder an election notice for the authority.

(4) Section 33(1A) to (3)—  
*renumber* as section 33(2) to (4).

[s 104]

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**104 Amendment of s 34 (Scheme manager must notify interested entity of indicative changed holder review allocation)**

- (1) Section 34, heading, ‘review’—  
*omit.*
- (2) Section 34(1), ‘review’—  
*omit.*
- (3) Section 34(1)—  
*insert—*
  - (ba) if the authority is not allocated to a risk category—the annual review allocation day the scheme manager intends to decide for the authority (the *indicative review day*); and
- (4) Section 34(1)(c), ‘section 32(6)’—  
*omit, insert—*
  - section 32(8)
- (5) Section 34(1)(c), ‘section 32(6)(c)’—  
*omit, insert—*
  - section 32(8)(c)
- (6) Section 34(1)(e), ‘or (d)’—  
*omit, insert—*
  - , (d) or (e)
- (7) Section 34(1)(ba) to (e)—  
*renumber* as section 34(1)(c) to (f).
- (8) Section 34(2), ‘subsection (1)(e)’—  
*omit, insert—*
  - subsection (1)(f)
- (9) Section 34(3), definition *interested entity*, paragraph (b), ‘review’—



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*omit.*

**105 Amendment of s 35 (When indicative changed holder allocation becomes the changed holder review allocation)**

- (1) Section 35, heading—

*omit, insert—*

**35 When indicative changed holder allocation and indicative review day become the changed holder allocation and annual review allocation day**

- (2) Section 35(a), after ‘section 34’—

*insert—*

in relation to the indicative changed holder allocation

- (3) Section 35—

*insert—*

- (2) If the authority is not allocated to a risk category, the scheme manager must decide the annual review allocation day for the authority as being the day stated under section 34(1)(c) in the notice of indicative decision if the interested entity—
- (a) does not make submissions under section 34 in relation to the indicative review day; or
  - (b) gives the scheme manager a notice under section 34 that the interested entity accepts the indicative review day.

**106 Amendment of s 36 (Notice of changed holder review allocation)**

- (1) Section 36, ‘review allocation’—

*omit, insert—*

[s 106]

---

allocation

- (2) Section 36(a), from ‘(the’ to ‘authority)’—  
*omit.*
- (3) Section 36—  
*insert—*
  - (ba) if the scheme manager decides the annual review allocation day for the authority under section 32(4)(b)—
    - (i) the annual review allocation day; and
    - (ii) when the annual review allocation day takes effect; and
- (4) Section 36(c), ‘section 32(6)’—  
*omit, insert—*  
section 32(8)
- (5) Section 36(c), ‘section 32(6)(c)’—  
*omit, insert—*  
section 32(8)(c)
- (6) Section 36(f), ‘review decision’—  
*omit, insert—*  
allocation
- (7) Section 36(ba) to (f)—  
*renumber* as section 36(c) to (g).
- (8) Section 36—  
*insert—*
  - (2) The annual review allocation day takes effect on the day stated in the notice.

**107 Amendment of s 37 (When changed holder review decision takes effect)**

(1) Section 37, ‘review decision’—

*omit, insert—*

allocation

(2) Section 37(1)(c), ‘section 36’—

*omit, insert—*

section 36(1)

(3) Section 37(2)—

*omit, insert—*

(2) However—

(a) subsection (1)(d) applies only if—

(i) the application for approval of the prescribed dealing is made within the prescribed period after the notice under section 36(1) is given to the interested entity; and

(ii) for an authority to which section 33(2) applied—the scheme manager gives the changed holder an election notice for the authority; and

(b) subsection (1)(e) applies only if—

(i) notice of the notifiable dealing is given within the prescribed period after the notice under section 36(1) is given to the interested entity; and

(ii) for an authority to which section 33(2) applied—the scheme manager gives the changed holder an election notice for the authority; and

(c) subsection (1)(f) applies only if—

[s 108]

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- (i) the proposed changed holder event happens within the prescribed period after the notice under section 36(1) is given to the interested entity; and
- (ii) for an authority to which section 33(2) applied—the scheme manager gives the changed holder an election notice for the authority.

**108 Amendment of s 38 (Annual review of risk category allocation)**

(1) Section 38—

*insert—*

(1A) Also, this section applies if—

- (a) an authority is allocated to a risk category; and
- (b) the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and
- (c) the scheme manager has given the holder an election notice for the authority; and
- (d) the election notice is in effect.

(2) Section 38(2), ‘each anniversary day’—

*omit, insert—*

the annual review allocation day

(3) Section 38—

*insert—*

- (2A) However, subsection (3) does not apply to an annual review allocation day that is within 9 months after—
  - (a) the initial allocation day for the authority; or

- (b) the day a changed holder allocation takes effect for the authority; or
  - (c) the day a change to the annual review allocation day takes effect.
- (4) Section 38(4), ‘subsection (3)(a)(i)’—  
*omit, insert—*  
subsection (5)(a)(i)
- (5) Section 38(7)—  
*omit.*
- (6) Section 38(1A) to (6)—  
*renumber* as section 38(2) to (8).

## 109 Insertion of new pt 3, div 1, sdiv 3A

Part 3, division 1—

*insert—*

### **Subdivision 3A Changing annual review allocation day**

#### **41A Application to scheme manager to change annual review allocation day**

- (1) The holder of an authority may apply to the scheme manager to change the annual review allocation day for the authority to another day (the *proposed day*).
- (2) The application must state—
  - (a) the proposed day; and
  - (b) the reasons for the proposed change.
- (3) In deciding the application, the scheme manager—
  - (a) must consider—

[s 109]

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- (i) the effect the proposed day will have on the operation of the scheme; and
  - (ii) any administrative efficiencies the proposed day may achieve for the holder; and
- (b) may consider any other matter the scheme manager considers relevant.
- (4) The scheme manager must consider the application and decide—
  - (a) to change the annual review allocation day to the proposed day; or
  - (b) to refuse the application.
- (5) The scheme manager must make the decision within—
  - (a) 20 business days after receiving the application; or
  - (b) if the scheme manager and the holder agree to a longer period for deciding the application—the longer period.
- (6) As soon as practicable after making the decision, the scheme manager must give the holder notice of the decision.
- (7) If the scheme manager decides to change the annual review allocation day, the notice under subsection (6) must state—
  - (a) the annual review allocation day for the authority; and
  - (b) when the change to the annual review allocation day takes effect.

#### **41B Scheme manager may change annual review allocation day on own initiative**

- (1) The scheme manager may decide, on the scheme

- 
- manager's own initiative, to change the annual review allocation day for an authority to another day (the *new day*).
- (2) The scheme manager must, before deciding to change the annual review allocation day to the new day, give the holder of the authority a notice (a *notice of indicative decision*) stating—
- (a) the new day; and
  - (b) the reasons for the proposed change; and
  - (c) that the holder may, within 20 business days after the notice of indicative decision is given—
    - (i) make submissions to the scheme manager about a matter mentioned in paragraph (a) or (b); or
    - (ii) give the scheme manager notice that the holder accepts the new day as the annual review allocation day for the authority.
- (3) The scheme manager may extend the period mentioned in subsection (2)(c) by notice given to the holder.
- (4) In deciding whether to change the annual review allocation day to the new day, the scheme manager—
- (a) must consider—
    - (i) the effect the new day will have on the operation of the scheme; and
    - (ii) any administrative efficiencies the new day may achieve for the holder; and
  - (b) may consider any other matter the scheme manager considers relevant.
- (5) After considering any submissions made under subsection (2), the scheme manager must

[s 109]

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- decide—
- (a) to change the annual review allocation day to the new day; or
  - (b) to change the annual review allocation day to another day agreed between the scheme manager and the holder; or
  - (c) not to change the annual review allocation day.
- (6) The scheme manager must make the decision—
- (a) if the holder gives the scheme manager a notice under subsection (2) that the holder accepts the new day—within 5 business days after the scheme manager receives the notice; or
  - (b) if the holder does not make submissions under subsection (2)—within 5 business days after the period in which the holder was permitted to make submissions ends; or
  - (c) if the holder makes submissions under subsection (2)—within 20 business days after the scheme manager receives the submissions.
- (7) As soon as practicable after making the decision, the scheme manager must give the holder notice of the decision.
- (8) If the scheme manager decides to change the annual review allocation day, the notice under subsection (7) must state—
- (a) the annual review allocation day for the authority; and
  - (b) when the change to the annual review allocation day takes effect.



#### **41C When change to annual review allocation day takes effect**

A change to the annual review allocation day for an authority takes effect on the day stated in the notice given under section 41A(6) or 41B(7) for the authority.

#### **41D Change to annual review allocation day in relation to changed holder event**

- (1) This section applies if—
  - (a) a changed holder event happens or is proposed in relation to an authority; and
  - (b) the scheme manager is reviewing or deciding, under section 32, the risk category allocation to which the authority is allocated.
- (2) Sections 41A and 41B apply in relation to the changed holder as if a reference in the sections to the holder of an authority were a reference to the changed holder for the authority.
- (3) However, a change to the annual review allocation day must not take effect before the changed holder allocation takes effect under section 37.

#### **110 Amendment of s 42 (Holder must give scheme manager notice if changed holder)**

Section 42(1), from ‘If an’ to ‘risk category’—

*omit, insert—*

If the estimated rehabilitation cost for an authority is equal to or more than \$100,000

[s 111]

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## 111 Insertion of new pt 3, div 1A

Part 3—

*insert—*

### **Division 1A Election for risk category allocation**

#### **45A Definitions for division**

In this division—

*applicable holder*, of an authority, means—

- (a) if section 45B(1) or (2) applies in relation to the authority—the holder of the authority; or
- (b) if section 45B(3) applies in relation to the authority—the changed holder of the authority.

*election period*, in relation to an authority, means the period—

- (a) starting on the day the applicable holder is given a notice under section 45C in relation to the authority; and
- (b) ending on the earlier of the following—
  - (i) 20 business days after the applicable holder is given the notice under section 45C;
  - (ii) if the applicable holder gives a notice under section 45D(2) in relation to the authority—the day the notice is given.

#### **45B Application of division**

(1) This division applies if—

- (a) the administering authority decides, under the *Environmental Protection Act 1994*,

- section 300, the estimated rehabilitation cost for an authority; and
- (b) the estimated rehabilitation cost decided by the administering authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and
  - (c) the decision is the first decision in relation to the authority for which the estimated rehabilitation cost is equal to or more than \$100,000 but less than the prescribed ERC amount; and
  - (d) immediately before the decision is made, the authority is not subject to risk category allocation under division 1; and
  - (e) the holder of the authority is also the holder of an authority—
    - (i) for which the estimated rehabilitation cost is equal to or more than \$100,000; and
    - (ii) that is allocated to a risk category other than high.
- (2) Also, this division applies if—
- (a) the administering authority decides, under the *Environmental Protection Act 1994*, section 300, the estimated rehabilitation cost for an authority; and
  - (b) the estimated rehabilitation cost decided by the administering authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and
  - (c) immediately before the decision is made—
    - (i) the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount; and

[s 111]

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- (ii) the authority is allocated to a risk category other than high; and
  - (d) the holder of the authority is also the holder of an authority—
    - (i) for which the estimated rehabilitation cost is equal to or more than \$100,000; and
    - (ii) that is allocated to a risk category other than high.
- (3) Further, this division applies if—
  - (a) the estimated rehabilitation cost for an authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and
  - (b) a changed holder event happens in relation to the authority; and
  - (c) the changed holder is also the holder of an authority—
    - (i) for which the estimated rehabilitation cost is equal to or more than \$100,000; and
    - (ii) that is allocated to a risk category other than high.
- (4) A reference in subsection (1)(c) to a decision of the administering authority includes a decision made before the commencement.

#### **45C Scheme manager must give notice about election**

- (1) The scheme manager must give the applicable holder of the authority a notice stating the applicable holder may elect for the authority to be subject to risk category allocation under division 1 within the election period.

- (2) The scheme manager must give the applicable holder the notice—
  - (a) if section 45B(1) or (2) applies in relation to the authority—within 10 business days after the scheme manager receives notice of the administering authority’s decision in relation to the authority under the *Environmental Protection Act 1994*, section 301; or
  - (b) if section 45B(3) applies in relation to the authority—within 10 business days after the scheme manager receives a notice under section 42 in relation to the changed holder event.

#### **45D Applicable holder may elect for authority to be subject to risk category allocation**

- (1) The applicable holder may elect for the authority to be subject to risk category allocation under division 1 by giving the scheme manager notice of the election within the election period.
- (2) If the applicable holder decides not to make the election, the applicable holder may give the scheme manager notice of the applicable holder’s decision within the election period.

#### **45E Scheme manager to give election notice**

If the applicable holder gives the scheme manager a notice under section 45D(1) within the election period, the scheme manager must give the applicable holder a notice (an *election notice*) stating—

- (a) the day the notice is given; and
- (b) the authority to which the notice relates; and

[s 111]

---

- (c) that the authority is subject to risk category allocation under division 1.

#### **45F Period of election notice**

- (1) An election notice for the authority has effect from the day the election notice is given to the applicable holder.
- (2) An election notice for the authority stops having effect if—
  - (a) the estimated rehabilitation cost for the authority is—
    - (i) less than \$100,000; or
    - (ii) equal to or more than the prescribed ERC amount; or
  - (b) the scheme manager makes an allocation decision for the authority that allocates the authority to a risk category of high; or
  - (c) the authority is surrendered under the *Environmental Protection Act 1994*, chapter 5; or
  - (d) for an applicable holder mentioned in section 45A, definition *applicable holder*, paragraph (a)—a changed holder event happens that has the effect of another holder of the authority being liable to pay a contribution, or give a surety, under this part; or
  - (e) for an applicable holder mentioned in section 45A, definition *applicable holder*, paragraph (b) if a changed holder event of a type mentioned in section 31A(1)(a) happened—the prescribed dealing is not approved under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 by the Minister.

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**112 Amendment of s 46 (Application of subdivision)**

- (1) Section 46(a)(i) and (b)(ii)—

*insert—*

(D) moderate-high;

- (2) Section 46(b)(ii), from ‘the scheme’ to ‘allocates’—

*omit, insert—*

the previous annual review decision for the authority, made within 21 months before the decision mentioned in subparagraph (i), allocated

- (3) Section 46(b)—

*insert—*

(iv) the scheme manager is satisfied when the scheme manager makes the annual review decision mentioned in subparagraph (i) that the scheme manager is unlikely to be asked under section 64 to make a payment from the scheme fund in relation to the authority.

**113 Amendment of s 47 (Holder must pay contribution to scheme fund)**

- (1) Section 47(1)(b), ‘review decision’—

*omit, insert—*

allocation

- (2) Section 47(2), formula—

*omit, insert—*

$$C = \frac{A \times B}{365} \times D$$

- (3) Section 47(2), definition A, from ‘that is’—

*omit, insert—*

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that is the current review day.

(4) Section 47(2)—

*insert—*

**D** is the number of days between the current review day and—

- (a) for an initial allocation decision—the annual review allocation day occurring more than 9 months after the current review day; or
- (b) for a changed holder allocation—
  - (i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or
  - (ii) otherwise—the annual review allocation day occurring more than 9 months after the current review day; or
- (c) for an annual review decision—
  - (i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or
  - (ii) otherwise—the next annual review allocation day occurring more than 9 months after the current review day.

**114 Amendment of s 48 (Rate of contribution if holder not able to give surety)**

Section 48, ‘moderate’—

*omit, insert—*



moderate-high

**115 Amendment of s 49 (Holder must pay contribution and give surety if estimated rehabilitation cost more than fund threshold)**

(1) Section 49(1), (2), definition *A* and (3), after ‘threshold’—  
*insert—*

applying to the authority

(2) Section 49(2), formula—  
*omit, insert—*

$$C = \frac{A \times B}{365} \times D$$

(3) Section 49(2)—  
*insert—*

*D* is the number of days between the current review day and—

- (a) for an initial allocation decision—the annual review allocation day occurring more than 9 months after the current review day; or
- (b) for a changed holder allocation—
  - (i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or
  - (ii) otherwise—the annual review allocation day occurring more than 9 months after the current review day; or
- (c) for an annual review decision—

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- (i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or
- (ii) otherwise—the next annual review allocation day occurring more than 9 months after the current review day.

**116 Amendment of s 50 (Refund of contribution to previous holder)**

- (1) Section 50, heading, after ‘holder’—

*insert—*

**if changed holder allocation takes effect**

- (2) Section 50(1)(b), from ‘12 months’ to ‘review decision’—

*omit, insert—*

period for which the contribution is paid, the scheme manager makes a changed holder allocation

- (3) Section 50(2), from ‘pro rata’—

*omit, insert—*

proportion of the amount of the contribution the previous holder paid that is equal to the number of days between—

- (a) the day the changed holder allocation takes effect; and
- (b) the end of the period for which the previous holder paid the contribution.

- (4) Section 50(3)—

*omit.*

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**117 Insertion of new s 50A**

After section 50—

*insert—*

**50A Refund of contribution to previous holder if election notice not given to changed holder**

- (1) This section applies if—
  - (a) a holder of an authority (a *previous holder*) pays a contribution; and
  - (b) during the period for which the contribution is paid, a changed holder event happens that has the effect of another holder of the authority (the *changed holder*) being liable to give a surety under this part; and
  - (c) the changed holder is liable to give the surety because the scheme manager did not give the changed holder an election notice for the authority.
- (2) The scheme manager must, within 30 business days after the changed holder gives the surety under this part, refund to the previous holder the proportion of the amount of the contribution the previous holder paid that is equal to the number of days between—
  - (a) the day the changed holder’s liability takes effect under subdivision 2; and
  - (b) the end of the period for which the previous holder paid the contribution.

**118 Amendment of s 53 (Application of subdivision)**

- (1) Section 53(b)(i) and (c)(i), ‘or moderate’—

*omit, insert—*

, moderate or moderate-high

- (2) Section 53(d)—

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*omit, insert—*

- (d) all of the following apply—
  - (i) a changed holder event of a type mentioned in section 31A(1)(a) happens in relation to an authority for which the estimated rehabilitation cost is equal to or more than \$100,000 but less than the prescribed ERC amount;
  - (ii) the prescribed dealing is approved under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 by the Minister;
  - (iii) if division 1A applies in relation to the changed holder for the changed holder event—the election period has ended and the scheme manager has not given the changed holder an election notice for the authority; or
- (da) both of the following apply—
  - (i) a changed holder event of a type mentioned in section 31A(1)(b), (c) or (d) happens in relation to an authority for which the estimated rehabilitation cost is equal to or more than \$100,000 but less than the prescribed ERC amount;
  - (ii) if division 1A applies in relation to the changed holder for the changed holder event—the election period has ended and the scheme manager has not given the changed holder an election notice for the authority; or
- (db) all of the following apply—
  - (i) the administering authority decides, under the *Environmental Protection*

- 
- Act 1994*, section 300, the estimated rehabilitation cost for an authority;
- (ii) the estimated rehabilitation cost decided by the administering authority is equal to or more than \$100,000 but less than the prescribed ERC amount;
  - (iii) if division 1A applies in relation to the holder for the administering authority's decision—the election period has ended;
  - (iv) an election notice is not in effect for the authority; or
- (dc) both of the following apply—
- (i) a changed holder event happens in relation to an authority for which the estimated rehabilitation cost is less than \$100,000;
  - (ii) if the changed holder event is of a type mentioned in section 31A(1)(a)—the prescribed dealing is approved under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 by the Minister; or
- (dd) both of the following apply—
- (i) the administering authority decides, under the *Environmental Protection Act 1994*, section 300, the estimated rehabilitation cost for an authority;
  - (ii) the estimated rehabilitation cost decided by the administering authority is less than \$100,000; or
- (3) Section 53(da) to (e)—  
*renumber* as section 53(e) to (i).

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**119 Amendment of s 54 (Scheme manager’s decision about financial viability of scheme fund)**

Section 54(2), after ‘fund threshold’—

*insert—*

applying to the authority

**120 Amendment of s 55 (Holder must give surety)**

(1) Section 55(2)(a)(ii), ‘review decision’—

*omit, insert—*

allocation

(2) Section 55(2)(c), after ‘section 53(d)’—

*insert—*

, (e), (f), (g) or (h)

(3) Section 55(2)(d), ‘section 53(e)’—

*omit, insert—*

section 53(i)

(4) Section 55(3) and (4)—

*omit.*

(5) Section 55(5)—

*renumber* as section 55(3).

**121 Insertion of new s 55A**

After section 55—

*insert—*

**55A When surety must be given**

(1) This section states when the holder of the authority must give the surety.

(2) For an authority mentioned in section 53(a) or (b), the surety must be given within 30 business days

after—

- (a) for an initial allocation decision—the initial allocation day for the authority; or
  - (b) for a changed holder allocation—the day the decision takes effect under section 37; or
  - (c) for an annual review decision—the annual review day for the authority.
- (3) For an authority mentioned in section 53(c), the surety must be given within 30 business days after the day the scheme manager decides the holder must give a surety, rather than pay a contribution, to preserve the financial viability of the scheme fund.
- (4) For an authority mentioned in section 53(d), the surety must be given within 30 business days after the later of the following—
- (a) if division 1A applies in relation to the changed holder for the changed holder event—the day the election period ends;
  - (b) the day the prescribed dealing is approved.
- (5) For an authority mentioned in section 53(e), the surety must be given within 30 business days after—
- (a) if division 1A applies in relation to the changed holder for the changed holder event—the day the election period ends; or
  - (b) otherwise—the day the changed holder event happens.
- (6) For an authority mentioned in section 53(f), if division 1A applies in relation to the holder for the administering authority's decision, the surety must be given within 30 business days after—
- (a) if the period for which a contribution to the scheme fund has been paid for the authority

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- has not ended immediately before the election period ends—the day that is the end of the period for which the contribution was paid; or
- (b) otherwise—the day the election period ends.
- (7) For another authority mentioned in section 53(f), the surety must be given within 30 business days after—
- (a) if the period for which a contribution to the scheme fund has been paid for the authority has not ended immediately before the administering authority makes the decision—the day that is the end of the period for which the contribution was paid; or
- (b) otherwise—the day the administering authority makes the decision.
- (8) For an authority mentioned in section 53(g), the surety must be paid within 30 business days after the changed holder event happens.
- (9) For an authority mentioned in section 53(h), the surety must be paid within 30 business days after—
- (a) if the period for which a contribution to the scheme fund has been paid for the authority has not ended immediately before the administering authority made the decision—the day that is the end of the period for which the contribution was paid; or
- (b) otherwise—the day the administering authority makes the decision.
- (10) For a small scale mining tenure mentioned in section 53(i), the surety must be given before carrying out an activity, or allowing the carrying out of an activity, under the tenure.



- (11) The scheme manager may extend a period mentioned in any of subsections (2) to (9) if the scheme manager is satisfied it is not reasonably practicable for the holder to obtain the surety within the period.

**122 Amendment of s 57 (When holder must give increased surety)**

- (1) Section 57(1)(b)—

*omit, insert—*

- (b) before the next allocation decision is made for the authority—
- (i) the estimated rehabilitation cost for the authority increases; or
- (ii) for an authority mentioned in section 53(b)—the fund threshold applying to the authority decreases.

- (2) Section 57(2)(b)—

*omit, insert—*

- (b) for an authority mentioned in section 53(b)—
- (i) if subsection (1)(b)(i) applies—that equals the amount of the increased estimated rehabilitation cost for the authority less both the fund threshold applying to the authority and the amount of the surety for the authority already given; or
- (ii) if subsection (1)(b)(ii) applies—that equals the amount of the estimated rehabilitation cost for the authority less both the amount of the decreased fund threshold applying to the authority and

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the amount of the surety for the authority already given.

**123 Amendment of s 64 (Requesting entity may ask for payment from scheme fund)**

(1) Section 64(3)—

*omit, insert—*

(3) Before making a request for payment of the costs and expenses mentioned in section 63(b) relating to mining activities carried out on a pre-commencement abandoned mine site, the requesting entity must consult with the advisory committee about the proposed request.

(3A) Before making a request for payment of the costs and expenses mentioned in section 63(c) relating to remediation activities carried out on a pre-commencement abandoned operating plant, the requesting entity must consult with the advisory committee about the proposed request.

(2) Section 64(4), ‘under’—

*omit, insert—*

for payment of the costs and expenses mentioned in

(3) Section 64(5)—

*insert—*

***pre-commencement abandoned operating plant*** means an abandoned operating plant in existence before 1 April 2019.

(4) Section 64(3A) to (5)—

*renumber* as section 64(4) to (6).

**124 Amendment of s 73 (Investigation of actuarial sustainability of scheme)**

Section 73(3)(b)(i), after ‘threshold’—

*insert—*

applying to all or some of the authorities

**125 Amendment of s 76F (Application for judicial review of particular decisions)**

(1) Section 76F(1)(b) and (2), definition *dissatisfied person*, paragraph (b), ‘review’—

*omit.*

(2) Section 76F(1)—

*insert—*

(d) a decision about the annual review allocation day for an authority under section 27A or 32(4)(b);

(e) a decision to change the annual review allocation day for an authority under part 3, division 1, subdivision 3A.

(3) Section 76F(2), definition *dissatisfied person*—

*insert—*

(d) for a decision about the annual review allocation day for an authority under section 27A—the holder of the authority; or

(e) for a decision about the annual review allocation day under section 32(4)(b)—the interested entity for which the decision is made; or

(f) for a decision to change the annual review allocation day for an authority under part 3, division 1, subdivision 3A—the holder of the authority or, if section 41D applies, the changed holder for the authority.

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**126 Insertion of new s 86A**

After section 86—

*insert—*

**86A Combined notices**

If the scheme manager is required under this Act to give an entity notices under more than 1 provision in relation to an authority, the scheme manager may give the entity a combined notice for the provisions.

**127 Insertion of new pt 7, div 1, hdg**

Part 7, before section 89—

*insert—*

**Division 1 Transitional provisions for  
Act No. 30 of 2018**

**128 Amendment of s 89 (Application of part)**

(1) Section 89, heading, ‘part’—

*omit, insert—*

**division**

(2) Section 89(1), ‘This part’—

*omit, insert—*

This division

**129 Insertion of new pt 7, div 2**

Part 7—

*insert—*

**Division 2 Transitional provisions for  
Mineral and Energy**

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## Resources and Other Legislation Amendment Act 2024

### Subdivision 1 Interpretation

#### 93 Definitions for division

In this division—

*allocation process*, for an authority, means the process for making an initial allocation decision under former part 3, division 1, subdivision 1 for the authority.

*amendment Act* means the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*.

*annual review process*, for an authority, means the process for making an annual review decision under former part 3, division 1, subdivision 3 for the authority.

*changed holder review process*, for an authority in relation to which a changed holder event happens or is proposed, means the process for making a changed holder review allocation under former part 3, division 1, subdivision 2 in relation to the changed holder event, including because of an application made under former section 33.

*former*, for a provision of this Act, means the provision as in force from time to time before the commencement.

*new*, for a provision of this Act, means the provision as in force from the commencement.

*relevant anniversary day*, for an authority, means the anniversary day within the meaning of former

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section 38(7) first occurring after the commencement.

## **Subdivision 2 Provisions relating to authorities for which estimated rehabilitation cost is \$10m or more**

### **94 Allocation process not finished before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had started, but not finished, the allocation process for an authority; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.
- (2) The allocation process for the authority continues as if the amendment Act had not been enacted.
- (3) The scheme manager must—
  - (a) decide the annual review allocation day for the authority; and
  - (b) give the holder notice of the decision before or when the notice mentioned in former section 31 is given to the holder.
- (4) The annual review allocation day takes effect on the day the risk category allocation is decided for the authority under the allocation process.
- (5) Despite subsection (2) and former section 31(d), a notice given under former section 31 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount

must be paid or given under the new division.

- (6) The initial risk category allocation decided for the authority under the allocation process is taken to be an initial risk category allocation for the authority under new section 27.
- (7) The day the risk category allocation is decided under the allocation process is taken to be the initial allocation day for the authority under new section 31(1)(a).

## **95 Changed holder review process not finished before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had started, but not finished, the changed holder review process for an authority in relation to which a changed holder event happened or is proposed; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.
- (2) The changed holder review process for the authority continues as if the amendment Act had not been enacted.
- (3) However, new section 41D applies in relation to the authority for the changed holder event as if a reference in the section to section 32 included a reference to former section 32.
- (4) Despite subsection (2) and former section 36(d), a notice given under former section 36 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount must be paid or given under the new division.
- (5) The changed holder review allocation decided for

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the authority under the changed holder review process is taken to be a changed holder review allocation for the authority under new section 32.

- (6) The changed holder review allocation takes effect under new section 37.
- (7) For applying new section 37, a reference in the section to section 36(1) is taken to be a reference to former section 36.

## **96 Existing changed holder review allocation not in effect before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had made a changed holder review allocation under former section 32 in relation to an authority; and
  - (b) immediately before the commencement, the changed holder review allocation had not taken effect under former section 37; and
  - (c) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.
- (2) The changed holder review allocation is taken to be a changed holder review allocation decided under new section 32.
- (3) The changed holder review allocation takes effect under new section 37.
- (4) For applying new section 37, a reference in the section to section 36(1) is taken to be a reference to former section 36.

## **97 Annual review process not finished before the commencement**

- (1) This section applies if—



- (a) before the commencement, the scheme manager had started, but not finished, the annual review process for an authority; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.
- (2) The annual review process continues as if the amendment Act had not been enacted.
- (3) The scheme manager must—
  - (a) decide the annual review allocation day for the authority; and
  - (b) give the holder notice of the decision before or when the notice mentioned in former section 41 is given to the holder.
- (4) The annual review allocation day takes effect on the relevant anniversary day for the authority.
- (5) New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority.
- (6) Despite subsection (2) and former section 41(d), a notice given under former section 41 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount must be paid or given under the new division.
- (7) The annual review allocation decided for the authority under the annual review process is taken to be an annual review allocation for the authority under new section 38.
- (8) The day the annual review allocation is decided under the annual review process is taken to be the annual review day for the authority under new section 41(a).
- (9) To the extent new part 3, division 2, subdivision 1 applies in relation to the annual review decision, a

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reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority.

## **98 Annual review allocation day for particular existing authorities**

- (1) This section applies in relation to an authority if—
  - (a) immediately before the commencement—
    - (i) the authority is allocated to a risk category; and
    - (ii) the annual review process for the authority had not started; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.
- (2) The scheme manager must, within 30 business days after the commencement—
  - (a) decide the annual review allocation day for the authority; and
  - (b) give the holder notice of the decision.
- (3) The annual review allocation day takes effect on the relevant anniversary day for the authority.
- (4) New part 3, division 1, subdivision 3 applies in relation to the authority as if a reference in new section 38(3) to the annual review allocation day included a reference to the relevant anniversary day for the authority.
- (5) New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority.
- (6) To the extent new part 3, division 2, subdivision 1 applies in relation to an annual review decision made because of subsection (4), a reference in new sections 47 and 49 to the current review day

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is taken to be a reference to the relevant anniversary day for the authority.

### **Subdivision 3 Provisions relating to authorities for which estimated rehabilitation cost is \$100,000 or more but less than \$10m**

#### **99 Option to elect if allocation process not finished before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had started, but not finished, the allocation process for an authority; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.
- (2) On the commencement, the allocation process stops.
- (3) The scheme manager must, within 10 business days after the commencement, give the holder a notice stating—
  - (a) that the holder may elect for the authority to be subject to risk category allocation under part 3, division 1; and
  - (b) that the holder may make the election within 20 business days after the notice is given to the holder.
- (4) The holder may elect for the authority to be subject to risk category allocation under new part 3, division 1 by giving the scheme manager notice of the election within the period mentioned in

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subsection (3)(b).

- (5) If the holder gives the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b), the scheme manager must give the holder a notice stating—
  - (a) the day the notice is given; and
  - (b) the authority to which the notice relates; and
  - (c) that the authority is subject to risk category allocation under part 3, division 1.
- (6) A notice given under subsection (5) is taken to be an election notice for the authority under new part 3, division 1A.
- (7) If the scheme manager gives the holder a notice under subsection (5)—
  - (a) the balance of the allocation process restarts as if the amendment Act had not been enacted; and
  - (b) the scheme manager must—
    - (i) decide the annual review allocation day for the authority; and
    - (ii) give the holder notice of the decision before or when the notice mentioned in former section 31 is given to the holder.
- (8) The annual review allocation day takes effect on the day the risk category allocation is decided for the authority under the allocation process.
- (9) For restarting the allocation process under subsection (7)(a), if a period mentioned in former section 28 or 30 had started but not ended before the commencement, the period is extended by the period—
  - (a) starting on the commencement; and

- (b) ending at the end of the period mentioned in subsection (3)(b).
- (10) Despite subsection (7)(a) and former section 31(d), a notice given under former section 31 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount must be paid or given under the new division.
- (11) The initial risk category allocation decided for the authority under the allocation process is taken to be an initial risk category allocation for the authority under new section 27.
- (12) The day the risk category allocation is decided for the authority under the allocation process is taken to be the initial allocation day for the authority under new section 31(1)(a).
- (13) If the holder does not give the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b)—
  - (a) the allocation process ends; and
  - (b) the scheme manager must give the holder a notice stating—
    - (i) that the allocation process has ended; and
    - (ii) that part 3, division 2, subdivision 2 applies in relation to the authority; and
  - (c) new part 3, division 2, subdivision 2 applies in relation to the authority as if—
    - (i) the matters mentioned in new section 53(f) applied in relation to the authority; and
    - (ii) new section 55A required the surety for the authority to be given within 30

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business days after the period mentioned in subsection (3)(b) ends.

### **100 Option to elect if changed holder review process not finished before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had started, but not finished, the changed holder review process for an authority in relation to which a changed holder event happened or is proposed; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.
- (2) On the commencement, the changed holder review process stops.
- (3) The scheme manager must, within 10 business days after the commencement, give the changed holder a notice stating—
  - (a) that the changed holder may elect for the authority to be subject to risk category allocation under part 3, division 1; and
  - (b) that the changed holder may make the election within 20 business days after the notice is given to the changed holder.
- (4) The changed holder may elect for the authority to be subject to risk category allocation under new part 3, division 1 by giving the scheme manager notice of the election within the period mentioned in subsection (3)(b).
- (5) If the changed holder gives the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b), the scheme

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- manager must give the changed holder a notice stating—
- (a) the day the notice is given; and
  - (b) the authority to which the notice relates; and
  - (c) that the authority is subject to risk category allocation under part 3, division 1.
- (6) A notice given under subsection (5) is taken to be an election notice for the authority under new part 3, division 1A.
- (7) If the scheme manager gives the changed holder a notice under subsection (5)—
- (a) the balance of the changed holder review process restarts as if the amendment Act had not been enacted; and
  - (b) the scheme manager must—
    - (i) decide the annual review allocation day for the authority; and
    - (ii) give the changed holder notice of the decision before or when the notice mentioned in former section 36 is given to the interested entity.
- (8) The annual review allocation day takes effect when the changed holder review allocation takes effect under subsection (12).
- (9) For restarting the changed holder review process under subsection (7)(a), if a period mentioned in former section 34 had started but not ended before the commencement, the period is extended by the period—
- (a) starting on the commencement; and
  - (b) ending at the end of the period mentioned in subsection (3)(b).
- (10) Despite subsection (7)(a) and former section

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36(d), a notice given under former section 36 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount must be paid or given under the new division.

- (11) The changed holder review allocation decided for the authority under the changed holder review process is taken to be a changed holder review allocation for the authority under new section 32.
- (12) The changed holder review allocation takes effect on the later of the following days—
  - (a) the day the notice under former section 36 is given to the interested entity;
  - (b) the day the changed holder review decision would take effect under new section 37.
- (13) A reference in this Act to the changed holder review allocation taking effect under new section 37 is taken to include a reference to the day the changed holder review allocation takes effect under subsection (12).
- (14) For applying new section 37, a reference in the section to section 36(1) is taken to be a reference to former section 36.
- (15) If the changed holder does not give the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b)—
  - (a) the changed holder review process ends; and
  - (b) the scheme manager must give the changed holder a notice stating that the changed holder review process has ended; and
  - (c) for an authority in relation to which a changed holder event has happened—new part 3, division 2, subdivision 2 applies in relation to the authority as if—



- 
- (i) a reference in new section 53(d) and (e) to a changed holder event happening or a prescribed dealing being approved included a reference to the event happening or the prescribed dealing being approved before the commencement; and
  - (ii) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
    - (A) if the changed holder event is of a type mentioned in section 31A(1)(a)—when the prescribed dealing is approved;
    - (B) the day the period mentioned in subsection (3)(b) ends.

### **101 Option to elect for particular authorities if changed holder review allocation not in effect before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had made a changed holder review allocation under former section 32 in relation to an authority that allocated the authority to the risk category of very low, low or moderate; and
  - (b) immediately before the commencement, the changed holder review allocation had not taken effect under former section 37; and
  - (c) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.
- (2) The scheme manager must, within 10 business

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days after the commencement, give the changed holder a notice stating—

- (a) that the changed holder may elect for the authority to be subject to risk category allocation under part 3, division 1; and
  - (b) that the changed holder may make the election within 20 business days after the notice is given to the changed holder.
- (3) The changed holder may elect for the authority to be subject to risk category allocation under new part 3, division 1 by giving the scheme manager notice of the election within the period mentioned in subsection (2)(b).
- (4) If the changed holder gives the scheme manager a notice under subsection (3) within the period mentioned in subsection (2)(b), the scheme manager must give the changed holder a notice stating—
- (a) the day the notice is given; and
  - (b) the authority to which the notice relates; and
  - (c) that the authority is subject to risk category allocation under part 3, division 1.
- (5) A notice given under subsection (4) is taken to be an election notice for the authority under new part 3, division 1A.
- (6) If the scheme manager gives the changed holder a notice under subsection (4)—
- (a) the scheme manager must—
    - (i) decide the annual review allocation day for the authority; and
    - (ii) give the changed holder notice of the decision before or when the notice mentioned in former section 36 is given to the interested entity; and

- (b) the changed holder review allocation is taken to be a changed holder review allocation for the authority under new section 32; and
- (c) the changed holder review allocation takes effect on the later of the following days—
  - (i) the day the notice is given under subsection (4);
  - (ii) the day the changed holder review allocation would take effect under new section 37.
- (7) A reference in this Act to the changed holder review allocation taking effect under new section 37 is taken to include a reference to the day the changed holder review allocation takes effect under subsection (6)(c).
- (8) For applying new section 37, a reference in the section to section 36(1) is taken to be a reference to former section 36.
- (9) The annual review allocation day takes effect when the changed holder review allocation takes effect under subsection (6)(c).
- (10) If the changed holder does not give the scheme manager a notice under subsection (3) within the period mentioned in subsection (2)(b)—
  - (a) the changed holder review allocation does not take effect; and
  - (b) the scheme manager must give the changed holder a notice stating that the changed holder review allocation does not take effect; and
  - (c) for an authority in relation to which the changed holder event has happened—new part 3, division 2, subdivision 2 applies in relation to the authority as if—

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- (i) a reference in new section 53(d) and (e) to a changed holder event happening or a prescribed dealing being approved included a reference to the event happening or the prescribed dealing being approved before the commencement; and
- (ii) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
  - (A) if the changed holder event is of a type mentioned in section 31A(1)(a)—when the prescribed dealing is approved;
  - (B) the day the period mentioned in subsection (2)(b) ends.

### **102 Existing authorities with high risk category allocation if changed holder review allocation not in effect before the commencement**

- (1) This section applies if—
  - (a) before the commencement, the scheme manager had made a changed holder review allocation under former section 32 in relation to an authority that allocated the authority to the risk category of high; and
  - (b) immediately before the commencement, the changed holder review allocation had not taken effect under former section 37; and
  - (c) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.
- (2) On the commencement—

- (a) the changed holder review allocation does not take effect; and
  - (b) the scheme manager must give the holder a notice stating that the changed holder review allocation does not take effect.
- (3) For an authority in relation to which the changed holder event has happened, new part 3, division 2, subdivision 2 applies in relation to the authority as if—
- (a) a reference in new section 53(d) and (e) to a changed holder event happening or a prescribed dealing being approved included a reference to the event happening or the prescribed dealing being approved before the commencement; and
  - (b) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
    - (i) if the changed holder event is of a type mentioned in former section 31A(1)(a)—when the prescribed dealing is approved;
    - (ii) the day the scheme manager gives the notice under subsection (2)(b).

### **103 Option to elect for particular authorities if annual review process not finished before the commencement**

- (1) This section applies if—
- (a) before the commencement, the scheme manager had started, but not finished, the annual review process for an authority; and
  - (b) on the commencement—

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- (i) the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m; and
    - (ii) the authority is allocated to the risk category of very low, low or moderate.
  - (2) On the commencement, the annual review process stops.
  - (3) The scheme manager must, within 10 business days after the commencement, give the holder a notice stating—
    - (a) that the holder may elect for the authority to be subject to risk category allocation under part 3, division 1; and
    - (b) that the holder may make the election within 20 business days after the notice is given to the holder.
  - (4) The holder may elect for the authority to be subject to risk category allocation under new part 3, division 1 by giving the scheme manager notice of the election within the period mentioned in subsection (3)(b).
  - (5) If the holder gives the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b), the scheme manager must give the holder a notice stating—
    - (a) the day the notice is given; and
    - (b) the authority to which the notice relates; and
    - (c) that the authority is subject to risk category allocation under part 3, division 1.
  - (6) A notice given under subsection (5) is taken to be an election notice for the authority under new part 3, division 1A.
  - (7) If the scheme manager gives the holder a notice under subsection (5)—

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- (a) the balance of the annual review process restarts as if the amendment Act had not been enacted; and
  - (b) the scheme manager must—
    - (i) decide the annual review allocation day for the authority; and
    - (ii) give the holder notice of the decision before or when the notice mentioned in former section 41 is given to the holder.
  - (8) The annual review allocation day takes effect on the relevant anniversary day for the authority.
  - (9) New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority.
  - (10) For restarting the annual review process under subsection (7)(a), if a period mentioned in former section 39 had started but not ended before the commencement, the period is extended by the period—
    - (a) starting on the commencement; and
    - (b) ending at the end of the period mentioned in subsection (3)(b).
  - (11) Despite subsection (7)(a) and former section 41(d), a notice given under former section 41 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount must be paid or given under the new division.
  - (12) The annual review allocation decided for the authority under the annual review process is taken to be an annual review allocation for the authority under new section 38.
  - (13) The day the annual review allocation is decided under the annual review process is taken to be the

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annual review day for the authority under new section 41(a).

- (14) To the extent new part 3, division 2, subdivision 1 applies in relation to the annual review decision, a reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority.
- (15) If the holder does not give the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b)—
- (a) the review process ends; and
  - (b) the scheme manager must give the holder a notice stating—
    - (i) that the review process has ended; and
    - (ii) that part 3, division 2, subdivision 2 applies in relation to the authority; and
  - (c) new part 3, division 2, subdivision 2 applies in relation to the authority as if—
    - (i) the matters mentioned in new section 53(f) applied in relation to the authority; and
    - (ii) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
      - (A) the relevant anniversary day; or
      - (B) the day the period mentioned in subsection (3)(b) ends.

**104 Existing authorities with high risk category allocation if annual review process not finished before the commencement**

- (1) This section applies if—



- (a) before the commencement, the scheme manager had started, but not finished, the annual review process for an authority; and
- (b) on the commencement—
  - (i) the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m; and
  - (ii) the authority is allocated to the risk category of high.
- (2) On the commencement—
  - (a) the review process ends; and
  - (b) the scheme manager must give the holder a notice stating that the review process has ended.
- (3) If, for the last annual review decision made in relation to the authority before the commencement, former section 46(b) applied, new part 3, division 2, subdivision 2 applies in relation to the authority as if—
  - (a) the matters mentioned in new section 53(f) applied in relation to the authority; and
  - (b) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
    - (i) the relevant anniversary day for the authority;
    - (ii) the day the scheme manager gives the notice under subsection (2)(b).

### **105 Option to elect before relevant anniversary day for particular existing authorities**

- (1) This section applies if—
  - (a) immediately before the commencement—

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- (i) an authority was allocated to the risk category of very low, low or moderate; and
    - (ii) the annual review process for the authority had not started; and
  - (b) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.
- (2) The scheme manager must, at least 30 business days before the relevant anniversary day for the authority, give the holder a notice stating—
- (a) that the holder may elect for the authority to be subject to risk category allocation under part 3, division 1; and
  - (b) that the holder may make the election within 20 business days after the notice is given to the holder.
- (3) The holder may elect for the authority to be subject to risk category allocation under new part 3, division 1 by giving the scheme manager notice of the election within the period mentioned in subsection (2)(b).
- (4) If the holder gives the scheme manager a notice under subsection (3) within the period mentioned in subsection (2)(b), the scheme manager must give the holder a notice stating—
- (a) the day the notice is given; and
  - (b) the authority to which the notice relates; and
  - (c) that the authority is subject to risk category allocation under part 3, division 1.
- (5) A notice given under subsection (4) is taken to be an election notice for the authority under new part 3, division 1A.

- (6) If the scheme manager gives the holder a notice under subsection (4)—
  - (a) new part 3, division 1, subdivision 3 applies in relation to the authority as if a reference in new section 38(3) to the annual review allocation day included a reference to the relevant anniversary day for the authority; and
  - (b) the scheme manager must—
    - (i) decide the annual review allocation day for the authority; and
    - (ii) give the holder notice of the decision before or when the notice under new section 41 is given to the holder.
- (7) The annual review allocation day takes effect on the relevant anniversary day for the authority.
- (8) New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority.
- (9) To the extent new part 3, division 2, subdivision 1 applies in relation to an annual review decision made because of subsection (6), a reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority.
- (10) If the holder does not give the scheme manager a notice under subsection (3) within the period mentioned in subsection (2)(b)—
  - (a) the scheme manager must give the holder a notice stating that part 3, division 2, subdivision 2 applies in relation to the authority; and
  - (b) new part 3, division 2, subdivision 2 applies in relation to the authority as if—

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- (i) the matters mentioned in new section 53(f) applied in relation to the authority; and
  - (ii) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
    - (A) the relevant anniversary day;
    - (B) the day the period mentioned in subsection (2)(b) ends.
- (11) This section stops applying in relation to the authority if, after the commencement and before the relevant anniversary day for the authority—
- (a) the estimated rehabilitation cost for the authority is less than \$100,000; or
  - (b) the authority is surrendered under the *Environmental Protection Act 1994*, chapter 5; or
  - (c) a changed holder event happens that has the effect of another holder of the authority being liable to pay a contribution, or give a surety, under new part 3.
- (12) Also, this section stops applying in relation to the authority if—
- (a) the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount; and
  - (b) immediately before the estimated rehabilitation cost increased, an election notice is not in effect for the authority.

**106 Application of new pt 3, div 1, sdiv 2 for particular authorities to which s 105 applies**

- (1) This section applies if—

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- (a) section 105 stops applying in relation to an authority—
    - (i) under section 105(11)(c); or
    - (ii) because section 105, according to its terms, is spent; and
  - (b) under new part 3, division 1A, the scheme manager gives the changed holder an election notice for the authority.
- (2) For deciding the changed holder allocation in relation to the changed holder event, new part 3, division 1, subdivision 2 applies in relation to the authority as if the authority were not allocated to a risk category.

**107 Particular existing authorities if s 105 stops applying because estimated rehabilitation cost equal to or more than prescribed ERC amount**

- (1) This section applies if section 105 stops applying in relation to an authority under section 105(12).
- (2) New section 26(1) does not apply in relation to the administering authority's decision of the estimated rehabilitation cost for the authority.
- (3) New part 3, division 1, subdivision 3 applies in relation to the authority as if a reference in new section 38(3) to the annual review allocation day included a reference to the relevant anniversary day for the authority.
- (4) The scheme manager must—
  - (a) decide the annual review allocation day for the authority; and
  - (b) give the holder notice of the decision before or when the notice under new section 41 is given to the holder.
- (5) The annual review allocation day takes effect on

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the relevant anniversary day for the authority.

- (6) New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority.
- (7) To the extent new part 3, division 2, subdivision 1 applies in relation to an annual review decision made because of subsection (3), a reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority.

## **Subdivision 4 Transitional regulation**

### **108 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
  - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act, as in force before its amendment by the amendment Act, to the operation of this Act, as in force after its amendment by the amendment Act; and
  - (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.

### **109 Expiry of subdivision and transitional regulation**

This subdivision and any transitional regulation

under section 108 expire on the day that is 2 years after the day this section commences.

### 130 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *changed holder review day* and *changed holder review decision*—

*omit.*

(2) Schedule 1—

*insert—*

***annual review allocation day***, for an authority, means—

- (a) the day, in each year, decided by the scheme manager before which the scheme manager will make an annual review allocation for the authority; or
- (b) if a change to the day mentioned in paragraph (a) takes effect under part 3, division 1, subdivision 3A—the day, in each year, as changed from time to time under that subdivision.

***applicable holder***, for part 3, division 1A, see section 45A.

***changed holder allocation*** means a changed holder initial allocation or a changed holder review allocation.

***changed holder initial allocation*** see section 32(4)(a).

***current review day***, for an authority, means—

- (a) for an initial allocation decision—the initial allocation day for the authority; or
- (b) for a changed holder allocation—the day the decision takes effect under section 37; or

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- (c) for an annual review decision—the annual review allocation day before which the annual review decision is made for the authority.

*election notice* see section 45E.

*election period*, in relation to an authority, see section 45A.

*indicative review day*—

- (a) for part 3, division 1, subdivision 1—see section 28(1)(d); or  
(b) for part 3, division 1, subdivision 2—see section 34(1)(c).

- (3) Schedule 1, definition *allocation decision*, paragraph (b), ‘review decision’—

*omit, insert*—

allocation

- (4) Schedule 1, definition *annual review allocation*, ‘section 38(2)(b)’—

*omit, insert*—

section 38(3)(b)

- (5) Schedule 1, definition *changed holder review allocation*, ‘section 32(2)(b)’—

*omit, insert*—

section 32(3)(b)

- (6) Schedule 1, definition *initial allocation day*, ‘section 31(a)’—

*omit, insert*—

section 31(1)(a)

- (7) Schedule 1, definition *notice of indicative decision*—

*insert*—

- (d) for part 3, division 1, subdivision 3A—see section 41B(2).



- (8) Schedule 1, definition *relevant holder*, paragraph (b)—  
*omit, insert—*
- (b) a changed holder allocation—see section 32(8)(b); or
- (9) Schedule 1, definition *relevant holder*, paragraph (c), ‘section 38(6)(c)’—  
*omit, insert—*
- section 38(8)(c)

## Part 10                      **Amendment of Mineral Resources Act 1989**

### 131      **Act amended**

This part amends the *Mineral Resources Act 1989*.

*Note—*

See also the amendments in schedule 1.

### 132      **Amendment of s 85 (Compensation to be settled before grant or renewal of mining claim)**

Section 85(4)—

*insert—*

*Note—*

The applicant and an interested party may also agree to participate in ADR under sections 85AA to 85AD to determine the amount of compensation for subsection (1)(a).

### 133      **Insertion of new ss 85AA–85AD**

After section 85—

*insert—*

### **85AA Party may seek ADR**

- (1) This section applies if a dispute arises between the applicant and an interested party under section 85 (the *parties*) about the determination of an amount of compensation for section 85(1)(a).
- (2) Either party may give a notice (an *ADR election notice*) to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.
- (3) The ADR election notice must state—
  - (a) details of the matters the subject of the dispute; and
  - (b) the type of ADR proposed; and
  - (c) the name of an ADR facilitator, who is independent of both parties, proposed to conduct the ADR; and

*Note—*

See the *Land Access Ombudsman Act 2017*, part 3A for the ability to propose the land access ombudsman as the ADR facilitator.

- (d) that the applicant is liable for the costs of the ADR facilitator; and
  - (e) any other information prescribed by regulation.
- (4) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.
- (5) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.
- (6) If the request for ADR is accepted under subsection (4), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election

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notice, or another ADR facilitator, to conduct the ADR.

### **85AB Conduct of ADR**

- (1) This section applies if a request for ADR is accepted under section 85AA(4).
- (2) The parties must use all reasonable endeavours to negotiate a resolution of the dispute within 30 business days after the ADR facilitator is appointed (the *usual period*).
- (3) A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances.
- (4) If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the longer period applies instead of the usual period.
- (5) The applicant is liable for the costs of the ADR facilitator.

### **85AC Non-attendance at ADR**

- (1) This section applies if—
  - (a) a party who accepts a request for ADR (the *non-attending party*) does not attend the ADR; and
  - (b) another party (the *attending party*) attends the ADR.
- (2) The non-attending party is liable to pay the attending party's reasonable costs of attending.
- (3) The attending party may apply to the Land Court for an order requiring the payment of the costs.
- (4) The Land Court may order the payment of the costs only if the Court is satisfied the non-attending party did not have a reasonable

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excuse for not attending.

### **85AD Protection, immunity and confidentiality**

The *Civil Proceedings Act 2011*, part 6, division 5 applies to ADR conducted by an ADR facilitator under section 85AB as if—

- (a) a reference to an ADR process included a reference to the ADR; and
- (b) a reference to an ADR convenor included a reference to the ADR facilitator.

*Note—*

See the *Civil Proceedings Act 2011*, section 53, in relation to the admissibility of evidence of anything done or said, or an admission made, at ADR, without the agreement of the parties.

### **134 Amendment of s 131 (Who may apply)**

- (1) Section 131(1)(b), ‘and less’—

*omit, insert—*

if less

- (2) Section 131—

*insert—*

- (2A) Also, an application can not be made for an exploration permit for a relevant sub-block during the period stated in a gazette notice published under subsection (6) in relation to the sub-block.

- (3) Section 131(3), ‘(the *relevant sub-block*)’—

*omit.*

- (4) Section 131(3)(b), ‘relevant’—

*omit.*

- (5) Section 131—

*insert—*

- (5) The Minister may publish a gazette notice stating that the making of an application for an exploration permit for a particular relevant sub-block is postponed for a stated period.
- (6) However, the Minister may publish the gazette notice only if satisfied the postponement is in the best interests of the State.
- (7) The stated period must not start before the day the gazette notice is published.
- (8) In this section—

*relevant sub-block* means a sub-block that has been the subject of an exploration permit or an application for an exploration permit.

- (6) Section 131(2A) to (8)—

*renumber* as section 131(3) to (9).

### **135 Amendment of s 276 (General conditions of mining lease)**

- (1) Section 276(1)—

*insert—*

- (ea) a condition that the holder must keep the surface of the area of the mining lease tidy during the term of the lease, including, for example, ensuring that—
  - (i) rubbish and debris are removed from the surface and waste is properly stored; and
  - (ii) equipment is stored in an orderly way; and

- (2) Section 276(1)(k)(i) and (ii), ‘as prescribed’—

*omit, insert—*

prescribed by regulation

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- (3) Section 276(1)(m)—  
*omit, insert—*  
(m) a condition prescribed by regulation; and
- (4) Section 276(1)(ea) to (n)—  
*renumber* as section 276(1)(f) to (o).
- (5) Section 276(2), ‘and (h)’—  
*omit, insert—*  
and (i)
- (6) Section 276(5)—  
*omit, insert—*  
(5) A condition imposed on a mining lease under subsection (1)(n) or (o), (3) or (4) does not apply to the extent the condition is the same as, substantially the same as or inconsistent with a relevant environmental condition for the mining lease.

**136 Amendment of s 281 (Determination of compensation by Land Court)**

Section 281(1)—

*insert—*

*Note—*

The persons who could be parties to the agreement may also agree to participate in ADR under sections 283C to 283F to determine the amount of compensation.

**137 Amendment of s 283B (Review of compensation by Land Court)**

Section 283B(2)—

*insert—*

*Note—*

The mining lease holder and an owner in relation to the mining lease mentioned in section 279(1)(a) or 280(1) may also agree to participate in ADR under sections 283C to 283F to agree to amend the original compensation.

## 138 Insertion of new ss 283C–283F

After section 283B—

*insert—*

### **283C Party may seek ADR**

- (1) This section applies if a dispute arises between an applicant for the grant of a mining lease or a mining lease holder and an owner in relation to the lease mentioned in section 279(1)(a) or 280(1) (the *parties*) about—
  - (a) the determination of an amount of compensation for section 279(1)(a) or 280(1); or
  - (b) the amendment of an agreement or determination about compensation under section 283A.
- (2) Either party may give a notice (an ***ADR election notice***) to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.
- (3) The ADR election notice must state—
  - (a) details of the matters the subject of the dispute; and
  - (b) the type of ADR proposed; and
  - (c) the name of an ADR facilitator, who is independent of both parties, proposed to conduct the ADR; and

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*Note—*

See the *Land Access Ombudsman Act 2017*, part 3A for the ability to propose the land access ombudsman as the ADR facilitator.

- (d) that the applicant or mining lease holder is liable for the costs of the ADR facilitator; and
  - (e) any other information prescribed by regulation.
- (4) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.
  - (5) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.
  - (6) If the request for ADR is accepted under subsection (4), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR.

### **283D Conduct of ADR**

- (1) This section applies if a request for ADR is accepted under section 283C(4).
- (2) The parties must use all reasonable endeavours to negotiate a resolution of the dispute within 30 business days after the ADR facilitator is appointed (the *usual period*).
- (3) A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances.
- (4) If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the



longer period applies instead of the usual period.

- (5) The applicant or mining lease holder is liable for the costs of the ADR facilitator.

### **283E Non-attendance at ADR**

- (1) This section applies if—
  - (a) a party who accepts a request for ADR (the *non-attending party*) does not attend the ADR; and
  - (b) another party (the *attending party*) attends the ADR.
- (2) The non-attending party is liable to pay the attending party's reasonable costs of attending.
- (3) The attending party may apply to the Land Court for an order requiring the payment of the costs.
- (4) The Land Court may order the payment of the costs only if the Court is satisfied the non-attending party did not have a reasonable excuse for not attending.

### **283F Protection, immunity and confidentiality**

The *Civil Proceedings Act 2011*, part 6, division 5 applies to ADR conducted by an ADR facilitator under section 283D as if—

- (a) a reference to an ADR process included a reference to the ADR; and
- (b) a reference to an ADR convenor included a reference to the ADR facilitator.

*Note—*

See the *Civil Proceedings Act 2011*, section 53, in relation to the admissibility of evidence of anything done or said, or an admission made, at ADR, without the agreement of the parties.

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**139 Amendment of s 317C (What is a *prescribed mineral mining lease*)**

- (1) Section 317C(1)(b)(i), after ‘for the project’—  
*insert—*  
other than an excluded year
- (2) Section 317C(1)(b)(ii), after ‘for the lease’—  
*insert—*  
other than an excluded year
- (3) Section 317C(3), note—  
*omit.*
- (4) Section 317C(5)—  
*omit, insert—*
  - (5) In this section—  
***excluded year***, in relation to a mining lease for a prescribed mineral, means—
    - (a) for a lease that is part of a mining project—
      - (i) a project year for the project that began before the mineral was prescribed by regulation to be a prescribed mineral; or
      - (ii) if the prescribed threshold for the mineral is decreased and, prior to the decrease taking effect, an amount of the mineral that equals or exceeds the former prescribed threshold had not been mined under the project in a project year for the lease—a project year for the project that began before the decrease took effect; or
    - (b) otherwise—
      - (i) a lease year for the lease that began before the mineral was prescribed by

regulation to be a prescribed mineral;  
or

- (ii) if the prescribed threshold for the mineral is decreased and, prior to the decrease taking effect, an amount of the mineral that equals or exceeds the former prescribed threshold had not been mined under the lease in a lease year for the lease—a lease year for the lease that began before the decrease took effect.

***threshold year***, in relation to a mining lease for a prescribed mineral, means—

- (a) if the lease is part of a mining project—the first project year, after any excluded years, in which a threshold amount of the prescribed mineral is mined under the mining project; or
- (b) otherwise—the first lease year, after any excluded years, in which a threshold amount of the prescribed mineral is mined under the lease.

#### **140 Amendment of s 317D (What is a *new prescribed mineral mining lease*)**

- (1) Section 317D(1)(b)(ii)—

*insert—*

*Note—*

See also section 317H(2) for the holder's right to lodge another proposed initial development plan for a new prescribed mineral mining lease if an earlier proposed plan is refused within 6 months after the time mentioned in paragraph (a).

- (2) Section 317D(2)—

*omit.*

[s 141]

---

## 141 Insertion of new s 317DA

After section 317D—

*insert—*

### **317DA What is the *lodgement period* for a new prescribed mineral mining lease**

The *lodgement period* for a new prescribed mineral mining lease is the period of 6 months starting when the mining lease becomes a prescribed mineral mining lease under section 317C(2).

## 142 Replacement of s 317X (Changes to prescribed minerals or prescribed thresholds)

Section 317X—

*omit, insert—*

### **317X Effect if mineral stops being prescribed mineral or prescribed threshold increases**

- (1) A mining lease for a prescribed mineral stops being a prescribed mineral mining lease if the mineral stops being a prescribed mineral.
- (2) Also, a mining lease for a prescribed mineral stops being a prescribed mineral mining lease if—
  - (a) the prescribed threshold for the mineral increases; and
  - (b) for a mining lease that is part of a mining project—an amount of the mineral that equals or exceeds the increased prescribed threshold for the mineral has not been mined under the project in any project year for the project; and
  - (c) for a mining lease that is not part of a mining project—an amount of the mineral that equals or exceeds the increased prescribed threshold for the mineral has not

been mined under the lease in any lease year for the lease.

- (3) However, if the mining lease is for more than 1 prescribed mineral, the mining lease stops being a prescribed mineral mining lease only if subsection (1) or (2) applies for each prescribed mineral.

**143 Amendment of ch 7, hdg (Transfers affecting applications for mining leases)**

Chapter 7, heading, after ‘leases’—

*insert—*

**and appeals relating to dealings**

**144 Amendment of ch 7, pt 1, hdg (Application transfers)**

Chapter 7, after part 1 heading—

*insert—*

*Note—*

For the lodging and effect of caveats over an application for a mining lease or an interest in the application, see the Common Provisions Act, chapter 2, part 2.

**145 Amendment of ch 7, pt 4, hdg (Appeals about transfers)**

Chapter 7, part 4, heading, ‘about transfers’—

*omit, insert—*

**relating to transfers and other dealings**

**146 Replacement of s 382 (Public release of required information)**

Section 382—

*omit, insert—*

[s 146]

---

### **382 Public release of required information**

- (1) The holder of a mining tenement is taken to authorise the chief executive to do the following in relation to required information for the tenement—
  - (a) to publish, in the way prescribed by regulation, the information for public use;
  - (b) to make the information available to a person on payment of the fee prescribed by regulation.
- (2) Subsections (3) to (6) apply if a confidentiality period is prescribed by regulation for the required information.
- (3) Subsection (1) does not apply in relation to the required information until the confidentiality period ends.
- (4) Subsection (5) applies if—
  - (a) the required information is about an authorised activity carried out only in an area that stops being in the area of the mining tenement; and
  - (b) immediately before the area stops being in the area of the mining tenement, the confidentiality period has not ended.
- (5) The confidentiality period ends when the area stops being in the area of the mining tenement.

*Example—*

The required information is a seismic survey carried out on particular land in the area of an exploration permit. The land has stopped being in the permit's area under section 139. A confidentiality period for the required information ends when the land stops being in the permit's area.

- (6) However, subsection (5) does not apply if—

- (a) the mining tenement is an exploration permit and, after the commencement of this subsection, the area stops being in the permit's area under section 177; or
  - (b) the mining tenement is a mineral development licence and, after the commencement of this subsection, the area stops being in the licence's area under section 226A.
- (7) An authorisation under subsection (1) is not affected by the ending of the mining tenement.

## 147 Insertion of new ch 15, pt 23

Chapter 15—

*insert—*

### **Part 23**                      **Transitional provision for Mineral and Energy Resources and Other Legislation Amendment Act 2024**

#### **901 Application of particular condition to mining leases**

Section 276(1)(f), as inserted by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, applies in relation to a mining lease whether the lease was granted before or after the commencement.

## 148 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *initial plan period* and *specified works*—

[s 149]

---

*omit.*

(2) Schedule 2—

*insert—*

**ADR** means a non-binding alternative dispute resolution process, including, for example, a case appraisal, conciliation, mediation or negotiation.

**ADR facilitator** means a person who facilitates ADR.

**lodgement period**, for a new prescribed mineral mining lease, see section 317DA.

(3) Schedule 2, definition *new prescribed mineral mining lease*, ‘section 317D(1)’—

*omit, insert—*

section 317D

## Part 11                      **Amendment of Petroleum Act 1923**

### 149      **Act amended**

This part amends the *Petroleum Act 1923*.

*Note—*

See also the amendments in schedule 1, part 2.

### 149A    **Amendment of s 44 (Form etc. of lease)**

Section 44(2)—

*omit, insert—*

- (2) Despite subsection (1), the holder can not—
- (a) carry out GHG stream storage; or



- 
- (b) inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.
- (3) In this section—
- enhanced petroleum recovery* see the GHG storage Act, schedule 2.
- Great Artesian Basin* see the GHG storage Act, schedule 2.

## 150 Amendment of s 53B (Plan period)

Section 53B(2)—

*omit, insert—*

- (2) The stated period must not be longer than—
- (a) if the remaining term of the lease is less than 5 years from the day the current plan period for the lease ends—the remaining term of the lease; or
- (b) if the remaining term of the lease is 5 years or more from the day the current plan period for the lease ends—5 years from the day the current plan period for the lease ends.
- (3) In this section—
- current plan period*, for a lease, means the plan period for the current development plan for the lease.

## 151 Amendment of s 53C (Application of sdiv 2)

- (1) Section 53C, heading, ‘sdiv 2’—

*omit, insert—*

### **subdivision**

- (2) Section 53C, ‘is lodged for approval’—

[s 152]

---

*omit, insert—*

for a lease is lodged for approval by the lessee

## **152 Insertion of new s 53CA**

After section 53C—

*insert—*

### **53CA Application of pt 9, div 1 to lodgement**

Part 9, division 1 applies in relation to the lodgement of the proposed later development plan—

- (a) as if the lodgement of the proposed plan were the making of an application under this Act by the lessee; and
- (b) as if a reference in section 120 to the requirements under this Act for making an application were a reference to the later development plan requirements; and
- (c) with any other necessary changes.

## **153 Amendment of s 53E (Deciding whether to approve proposed plan)**

Section 53E(3) and (4)—

*omit.*

## **154 Replacement of s 76D (Public release of required information)**

Section 76D—

*omit, insert—*

### **76D Public release of required information**

- (1) The mere fact of the existence of a 1923 Act petroleum tenure is taken to be an authorisation

from the holder of the tenure to the chief executive to do the following in relation to required information for the tenure—

- (a) to publish, in the way prescribed by regulation, the information for public use, including, for example, to support petroleum exploration, production or development;
  - (b) to make the information available to a person on payment of the fee prescribed by regulation.
- (2) Subsections (3) to (5) apply if a confidentiality period is prescribed by regulation for the required information.
  - (3) Subsection (1) does not apply in relation to the required information until the confidentiality period ends.
  - (4) Subsection (5) applies if—
    - (a) the required information is about an authorised activity carried out only in an area that stops being in the area of the 1923 Act petroleum tenure; and
    - (b) immediately before the area stops being in the area of the tenure, the confidentiality period has not ended.
  - (5) The confidentiality period ends when the area stops being in the area of the 1923 Act petroleum tenure.
  - (6) An authorisation under subsection (1) is not affected by the ending of the 1923 Act petroleum tenure.

[s 155]

---

**155 Amendment of s 76G (Power to require information or reports about authorised activities to be kept or given)**

(1) Section 76G(1)(a), after ‘keep’—

*insert—*

in the stated way

(2) Section 76G(2)—

*insert—*

(c) other information or a report prescribed by regulation.

(3) Section 76G(3), ‘notice’—

*omit, insert—*

requirement

(4) Section 76G(4), ‘prescribed under a’—

*omit, insert—*

prescribed by

**156 Replacement of s 119 (Application of div 1)**

Section 119—

*omit, insert—*

**119 Application of division**

This division applies in relation to an application under this Act.

*Note—*

See also section 53CA for the application of this division to the lodgement of a proposed later development plan for a lease.

**156A Insertion of new pt 19**

After part 18—

*insert—*

---

## Part 19 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2024

### 212 Definition for part

In this part—

*relevant amendment* means an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, section 149A or 156A.

### 213 Withdrawal of proposed later development plan for PL1

- (1) This section applies in relation to the lease described as ‘PL1’ (the *lease*) granted to Bridgeport Energy Pty Limited ACN 137 446 952 (the *lessee*).
- (2) The proposed later development plan for the lease, lodged by the lessee but not approved before the commencement, is taken to be withdrawn on the commencement.
- (3) Any relevant fee that accompanied the lodgement of the proposed later development plan must be refunded to the lessee.
- (4) Despite section 53B—
  - (a) the plan period for the previous development plan is taken to be extended to—
    - (i) the day that is 1 year after the day of the commencement; or

[s 156A]

---

- (ii) if before the day provided for under subparagraph (i), the Minister fixes a day—that day; and
  - (b) the previous development plan is taken to be, and to always have been, as effective as it would have been if the plan period, as extended under paragraph (a), were stated in the previous development plan.
- (5) During the plan period for the previous development plan, as extended under subsection (4)(a), section 74Q(3)(b)(i) applies in relation to the lease as if the reference to ‘, but no more than 100,’ were omitted.
- (6) In this section—  
*previous development plan* means the development plan for the lease approved, under part 6, division 2, on 11 February 2016.

## **214 No compensation payable by the State**

- (1) No compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.
- (2) This section applies despite any other Act or law.

## **215 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
  - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition—

- (i) from the operation of this Act as in force before the commencement of a relevant amendment; and
  - (ii) to the operation of this Act as in force after the commencement of the relevant amendment; and
- (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences.
  - (3) A transitional regulation must declare it is a transitional regulation.
  - (4) This section and any transitional regulation expire on the day that is 3 years after the day this section commences.

## Part 12

## Amendment of Petroleum and Gas (Production and Safety) Act 2004

### 157 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

*Note—*

See also the amendments in schedule 1.

### 157A Amendment of s 32 (Exploration and testing)

Section 32(2)—

*insert—*

[s 158]

---

- (d) inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.

**158 Amendment of s 64A (What is the *relinquishment day*)**

Section 64A—

*insert—*

- (2) This section does not apply in relation to an authority to prospect granted before 25 May 2020.

*Note—*

For an authority to prospect granted before 25 May 2020, see section 71AA.

**159 Amendment of s 65 (Standard *relinquishment condition*)**

- (1) Section 65(1)(a), ‘on or before’—

*omit, insert—*

by the end of

- (2) Section 65(1)(c), ‘the day on which’—

*omit, insert—*

on the day

- (3) Section 65(2), ‘on or before’—

*omit, insert—*

by the end of

**160 Amendment of s 66 (Part usually required to be *relinquished*)**

- (1) Section 66(3), ‘is the *usual relinquishment*’—

*omit, insert—*

are the *usual relinquishment* for the authority to prospect



(2) Section 66, after subsection (3)—

*insert—*

*Note—*

For an authority to prospect granted before 25 May 2020, see sections 71AA and 1004.

**161 Amendment of s 68 (Adjustments for sub-blocks that can not be counted)**

Section 68(1), after ‘usual relinquishment’—

*insert—*

for the authority

**162 Insertion of new s 71AA**

After section 71—

*insert—*

**71AA Provision relating to authorities to prospect granted before 25 May 2020**

- (1) This section applies to an authority to prospect granted before 25 May 2020.
- (2) Each of the following days is a *relinquishment day* for the authority if the day is at least 30 days after the day this section commences—
  - (a) a day stated in the authority to be a relinquishment day;
  - (b) if no relinquishment days are stated in the authority—each day during the term of the authority that is a 4-yearly interval after the day the authority took effect.
- (3) Subject to sections 66A, 68 and 69, the holder of the authority must relinquish, by the end of each relinquishment day for the authority, at least 8.33% of the original notional sub-blocks of the

[s 162A]

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authority for each year since the authority took effect.

- (4) The sub-blocks required to be relinquished under subsection (3) are the *usual relinquishment* for the authority.
- (5) This part, other than sections 64A and 66, applies in relation to the authority as if—
  - (a) a reference in section 62(4), 65(2), 66A(1)(b) or 68(1) to the relinquishment day for the authority were a reference to a relinquishment day for the authority; and
  - (b) a reference in section 65(1)(a) to the relinquishment day for the authority were a reference to each relinquishment day for the authority; and
  - (c) a reference in section 66A to section 66 or section 66(2) were a reference to subsection (3).

## **162A Amendment of s 71B (ATP storage testing)**

Section 71B(6)—

*omit, insert—*

- (6) Despite subsections (1) to (3), an authority to prospect holder must not—
  - (a) carry out GHG stream storage; or
  - (b) inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.

## **162B Amendment of s 109 (Exploration, production and storage activities)**

Section 109(2)—

*insert—*

- (d) inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.

### **163 Amendment of s 143 (General requirements)**

Section 143(1)(a)—

*omit, insert—*

- (a) comply with the initial development plan requirements other than section 139; and

### **164 Insertion of new s 143A**

After section 143—

*insert—*

#### **143A Plan period**

- (1) The proposed later development plan must state its period.
- (2) The stated period must not be longer than—
  - (a) for a proposed later development plan that relates to an application under division 6 to renew the lease—
    - (i) if the renewed term sought for the lease is less than 5 years—the renewed term; or
    - (ii) if the renewed term sought for the lease is 5 years or more—5 years from the day the renewed term starts; or
  - (b) otherwise—
    - (i) if the remaining term of the lease is less than 5 years from the day the current plan period for the lease ends—the remaining term of the lease; or

[s 164A]

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- (ii) if the remaining term of the lease is 5 years or more from the day the current plan period for the lease ends—5 years from the day the current plan period for the lease ends.
- (3) In this section—
- current plan period*, for a petroleum lease, means the plan period for the current development plan for the lease.

#### **164A Amendment of s 150C (PL storage testing)**

Section 150C(6)—

*omit, insert—*

- (6) Despite subsections (1) to (3), a petroleum lease holder must not—
- (a) carry out GHG stream storage; or
  - (b) inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.

#### **165 Amendment of s 170B (Applying to amalgamate 1923 Act lease)**

(1) Section 170B(2)(a)—

*omit, insert—*

- (a) for each individual lease—
  - (i) the holder of the individual lease has applied under section 908 for a petroleum lease for all or part of the area of the lease (a *section 908 application*); or
  - (ii) the application for amalgamation is accompanied by a section 908

application in relation to the individual lease; and

- (2) Section 170B(4) and (5), ‘the application under section 908’—

*omit, insert—*

a section 908 application

### **166 Amendment of s 170D (Deciding application)**

Section 170D(2)(b)—

*insert—*

- (iii) a relevant environmental authority for the amalgamated lease has been issued.

### **167 Amendment of s 170E (Provisions of amalgamated lease)**

Section 170E(2)—

*omit, insert—*

- (2) If, before the amalgamated lease is granted, petroleum production under each of the individual leases has not started, any production commencement day stated in the amalgamated lease under section 123(3)(c) must not be later than the earliest production commencement day for the individual leases.
- (3) Subsections (4) and (5) apply if, before the amalgamated lease is granted, petroleum production under some, but not all, of the individual leases has started.
- (4) The amalgamated lease may, under section 123(3)(c), state a production commencement day for the petroleum production that has not yet started (the *uncommenced aspect*).
- (5) Section 154(1) and subdivision 3 apply in relation to the amalgamated lease as if—

[s 168]

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- (a) a reference in the provisions to petroleum production under the lease were a reference to the uncommenced aspect; and
- (b) a reference in the provisions to a production commencement day for the lease were a reference to a production commencement day for the uncommenced aspect stated in the amalgamated lease under subsection (4).

**168 Replacement of s 550 (Public release of required information)**

Section 550—

*omit, insert—*

**550 Public release of required information**

- (1) The mere fact of the existence of a petroleum tenure is taken to be an authorisation from the holder of the tenure to the chief executive to do the following in relation to required information for the tenure—
  - (a) to publish, in the way prescribed by regulation, the information for public use, including, for example, to support petroleum exploration, production and development;
  - (b) to make the information available to a person on payment of the fee prescribed by regulation.
- (2) Subsections (3) to (6) apply if a confidentiality period is prescribed by regulation for the required information.
- (3) Subsection (1) does not apply in relation to the required information until the confidentiality period ends.
- (4) Subsection (5) applies if—

- 
- (a) the required information is about an authorised activity carried out only in an area that stops being in the area of the petroleum tenure; and
  - (b) immediately before the area stops being in the area of the tenure, the confidentiality period has not ended.
- (5) The confidentiality period ends when the area stops being in the area of the petroleum tenure.

*Example—*

The required information is a well completion report about a well drilled on particular land in the area of an authority to prospect. The land is relinquished under the relinquishment condition for the authority. A confidentiality period for the required information ends when the land is relinquished.

- (6) However, subsection (5) does not apply if—
  - (a) the petroleum tenure is an authority to prospect; and
  - (b) after the commencement of this subsection, the area stops being in the authority's area under section 101(1) or (2).
- (7) An authorisation under subsection (1) is not affected by the ending of the petroleum tenure.

**169 Amendment of s 553 (Power to require information or reports about authorised activities to be kept or given)**

- (1) Section 553(1)(a), after 'keep'—

*insert—*

in the stated way

- (2) Section 553(1)(a), example, '*prescribed*'—

*omit.*

- (3) Section 553(2)—

[s 169A]

---

*insert—*

(c) other information or a report prescribed by regulation.

(4) Section 553(3), ‘notice’—

*omit, insert—*

requirement

(5) Section 553(4), ‘prescribed under a’—

*omit, insert—*

prescribed by

## **169A Insertion of new s 851C**

Before section 852—

*insert—*

### **851C Advice by office about subsurface impacts from relevant authorised activities**

- (1) The office may, on request, provide information or advice about matters related to subsurface impacts from relevant authorised activities to the following entities—
- (a) the chief executive;
  - (b) the chief executive of another department;
  - (c) Coexistence Queensland under the *Coexistence Queensland Act 2013*.

(2) In this section—

***office*** means the Office of Groundwater Impact Assessment established under the Water Act, section 455.

***relevant authorised activities*** means authorised activities for a petroleum tenure or a 1923 Act petroleum tenure.



**170 Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)**

Section 910(2)(c), after subparagraph (iv)—

*insert—*

*Note—*

See also section 1043 in relation to the plan period for a proposed later development plan for a replacement tenure.

**171 Insertion of new ch 15, pt 32**

Chapter 15—

*insert—*

**Part 32 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2024**

**1042A Definition for part**

In this part—

*relevant amendment* means an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, section 157A, 162A, 162B, 164A or 171, to the extent it inserts this section and sections 1044 to 1046.

**1043 Plan period for proposed later development plans for replacement tenures**

- (1) This section applies to an application for a replacement tenure under section 908(2) (a *grant application*).
- (2) Section 143A(2)(a) applies in relation to the grant

[s 171]

---

application as if—

- (a) a reference in the section to an application under chapter 2, part 2, division 6 to renew a petroleum lease were a reference to the grant application; and
- (b) a reference in the section to the renewed term for a petroleum lease were a reference to the term of the replacement tenure.

#### **1044 Application of new ss 32, 71B, 109 and 150C**

- (1) New sections 32, 71B, 109 and 150C apply in relation to an authority to prospect, or a petroleum lease, whether the authority or lease was granted before or after the commencement.
- (2) In this section—  
*new*, for a provision of this Act, means the provision as in force from the commencement.

#### **1045 No compensation payable by the State**

- (1) No compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.
- (2) This section applies despite any other Act or law.

#### **1046 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
  - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition—

- 
- (i) from the operation of this Act as in force before the commencement of a relevant amendment; and
  - (ii) to the operation of this Act as in force after the commencement of the relevant amendment; and
- (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences.
  - (3) A transitional regulation must declare it is a transitional regulation.
  - (4) This section and any transitional regulation expire on the day that is 3 years after the day this section commences.

## 173 Amendment of sch 2 (Dictionary)

(1A) Schedule 2—

*insert—*

***enhanced petroleum recovery*** see the GHG storage Act, schedule 2.

***Great Artesian Basin*** see the GHG storage Act, schedule 2.

(1) Schedule 2, definition *relinquishment day*, ‘section 64A’—

*omit, insert—*

sections 64A(1) and 71AA(2)

(2) Schedule 2, definition *usual relinquishment*, ‘section 66(3)’—

*omit, insert—*

sections 66(3) and 71AA(4)

[s 174]

---

## **Part 13**                      **Amendment of Regional Planning Interests Act 2014**

### **174 Act amended**

This part amends the *Regional Planning Interests Act 2014*.

*Note—*

See also the amendments in schedule 1, part 1.

### **175 Amendment of s 46 (Additional advice or comment about assessment application)**

Section 46(1), ‘must ask the Gasfields Commission’—

*omit, insert—*

may ask Coexistence Queensland

### **176 Insertion of new pt 10**

After section 108—

*insert—*

## **Part 10**                      **Transitional provision for Mineral and Energy Resources and Other Legislation Amendment Act 2024**

### **109 Advice about existing assessment applications**

- (1) This section applies if an assessment application has been made, but not decided, before the commencement.
- (2) Section 46(1) as in force before the commencement continues to apply in relation to

---

the assessment application as if the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* had not been enacted.

**177 Amendment of sch 1 (Dictionary)**

- (1) Schedule 1, definition *Gasfields Commission*—  
*omit.*
- (2) Schedule 1—  
*insert—*

*Coexistence Queensland* means Coexistence Queensland under the *Coexistence Queensland Act 2013*.

**Part 14 Amendment of Water Act 2000**

**178 Act amended**

This part amends the *Water Act 2000*.

**179 Amendment of s 425 (Application of div 4)**

- (1) Section 425, after paragraph (a)—  
*insert—*
  - (aa) the parties can not agree on the amount of the costs the resource tenure holder must reimburse the bore owner under section 423(3)(a); or
- (2) Section 425(aa) to (c)—  
*renumber* as section 425(b) to (d).

[s 180]

---

**180 Amendment of s 426 (Parties may seek conference or independent ADR)**

Section 426(5)(c)—

*insert—*

*Note—*

See the *Land Access Ombudsman Act 2017*, part 3A for the ability to propose the land access ombudsman as the ADR facilitator.

**181 Amendment of s 435 (Provisions for making decision)**

(1) Section 435(1), after paragraph (a)—

*insert—*

(aa) if the dispute is about the amount of the costs the resource tenure holder must reimburse the bore owner under section 423(3)(a)—to make a declaration about, or an order for the payment of, costs under that section; or

(2) Section 435(1)(aa) to (c)—

*renumber* as section 435(1)(b) to (d).

## **Part 15 Other amendments**

**183 Legislation amended**

Schedule 1 amends the legislation it mentions.

## Schedule 1      Other amendments

section 183

### Part 1                      Amendments commencing on assent

#### Gasfields Commission Act 2013

##### 1      Amendment of various provisions

Each provision mentioned in column 1 is amended by omitting the words in column 2 and inserting the words in column 3—

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
part 2, heading	Gasfields Commission	Coexistence Queensland
part 2, division 1, heading	commission	Coexistence Queensland
section 8, heading	Commission's	Coexistence Queensland's
section 8(1) and (2)	The commission	Coexistence Queensland
section 8(1)	the commission's	its
section 8(2)	the commission	it
section 11(1) and (2)	commissioner	member
section 11(1)	commissioner's	member's

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 12(1) and (2)	commissioner	member
section 12(3)	commissioners	members
section 13	commissioner	member
section 14	commissioner	member
section 15	commissioner	member
section 16, heading	commissioner	chairperson or member
section 16(1) to (3) and (4), definition <i>eligible person</i>	commissioner	member
section 17	commissioner	member
part 2, division 3, heading	commissioners	members
section 18(1)	The commission	Coexistence Queensland
section 18(1) and (4)	commissioner's	member's
section 18(3)	commissioner	member
section 19, heading and subsections (1)(a) and (7), note	commission board	Coexistence Queensland
section 19	commissioner	member
section 19(1)(b)(i) and (ii)	the commission's	Coexistence Queensland's
section 19(2), (3) and (8), definition <i>close relative</i>	commissioner's	member's
section 19(2) and (3)	commissioners	members
section 19(6)	commission decision	decision by Coexistence Queensland



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
part 2, division 4, heading	Commission board	Coexistence Queensland
section 21	commission board	Coexistence Queensland
section 21(a) and (b)	the commission	Coexistence Queensland
section 22, heading and subsections (2) to (5)	commission board	Coexistence Queensland
section 22(1)	Commission board	Coexistence Queensland
section 22(3)	commissioner	member
section 22(3) and (4)	commissioners	members
section 22(5)	the commission	Coexistence Queensland
part 3, heading	the commission	Coexistence Queensland
section 24(1)(a)	the commission	Coexistence Queensland
section 24(2)	him or her	the chief executive
section 24(2)(b)	commissioner	chairperson
section 27(1)	The commission	Coexistence Queensland
section 27(1) and (2)	the commission	Coexistence Queensland
section 28	he or she	the chairperson
section 28	or commission	or Coexistence Queensland

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 28(a) and (b)	the commission	Coexistence Queensland
section 30(1) and (3)	The commission	Coexistence Queensland
section 30(4) and (7)	commissioner	member
section 30A	the commission	Coexistence Queensland
section 30A(1)(a)	commission board	Coexistence Queensland
section 31, heading	commission staff	staff of Coexistence Queensland
section 31(1)	The commission	Coexistence Queensland
section 32(1)	The commission	Coexistence Queensland
section 32(1), (2)(c) and (3)	the commission	Coexistence Queensland
section 32(2)(c)	the authority's	Coexistence Queensland's
section 33, heading	Commission	Coexistence Queensland
section 33	Commissioners	Members
section 33	the commission	Coexistence Queensland
section 34(1)(a) and (c), (5) and (8), definition <i>financial management policies</i> , including note	the commission	Coexistence Queensland

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 34(1)(b), (6)(a) and (b) and (7)	commissioners	members
section 34(1)(b)	the commission's	Coexistence Queensland's
section 35(1)	The commission	Coexistence Queensland
section 35(1) and (4)	the commission	Coexistence Queensland
section 35(2)	commissioners	members
section 36(1)	commissioner	member
section 36(2)	The commission	Coexistence Queensland
section 36(2) and (3)	the commission	Coexistence Queensland
section 39(1)(a)	commissioner	member
section 39(1)(a)	the commission	Coexistence Queensland
section 41(a) and (b)	commissioner	member
section 41(b)	the commission	Coexistence Queensland
section 42	commissioner	member
section 43(1)(b)	the commission	Coexistence Queensland
section 44(1)	commissioner	member
section 44(2)	the commissioner or	a member or the
section 45, heading	Commission	Coexistence Queensland

Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 45(1)	The commission	Coexistence Queensland
section 45(2)	the commission's	Coexistence Queensland's

## **Mineral Resources Act 1989**

**1 Section 334ZZT(3), '(other than subdivision 3)'—**  
*omit.*

**2 Section 397B(1)(a), 'parts are'—**  
*omit, insert—*  
chapter is

## **Petroleum and Gas (Production and Safety) Act 2004**

**1 Section 293(3), '(other than subdivision 3)'—**  
*omit.*

## **Public Sector Act 2022**

**1 Schedule 1, entry for Gasfields Commission—**  
*omit.*

**2 Schedule 1—**

*insert—*

Coexistence Queensland under the  
*Coexistence Queensland Act 2013*

chief executive officer  
under the *Coexistence  
Queensland Act 2013*

**Regional Planning Interests Act 2014**

**1 Sections 49(1)(e), 51(2)(c) and (4)(b) and 56(2)(c), ‘the  
Gasfields Commission’—**

*omit, insert—*

Coexistence Queensland

**Part 2 Amendments commencing by  
proclamation**

**Geothermal Energy Act 2010**

**1 Section 195(b), ‘matters’—**

*omit, insert—*

things

## **Greenhouse Gas Storage Act 2009**

- 1 Section 29, note 1, from ‘(Access’ to ‘activities)’—**  
*omit.*
- 2 Section 109, note 1, from ‘(Access’ to ‘activities)’—**  
*omit.*
- 3 Section 260(b), ‘matters’—**  
*omit, insert—*  
things

## **Mineral and Energy Resources (Common Provisions) Act 2014**

- 1 Section 21(1)(a), ‘any’—**  
*omit, insert—*  
either
- 2 Section 21(1)(a)(ii)—**  
*omit.*
- 3 Section 21(1)(a)(iii), ‘section 53(e)’—**  
*omit, insert—*  
section 53(i)
- 4 Section 21(1)(a)(iii)—**  
*renumber as section 21(1)(a)(ii).*

**5 Section 103, definition *coal seam gas*—**

*omit.*

**6 Section 153(1)(b), after ‘period’—**

*insert—*

under section 85

**7 Section 202(2)(a)—**

*insert—*

(iv) the degree of precision required for information contained in the material; and

## **Mineral and Energy Resources (Financial Provisioning) Act 2018**

**1 Sections 39(1)(c) and 41(c), ‘section 38(6)’—**

*omit, insert—*

section 38(8)

**2 Sections 39(1)(c) and 41(c), ‘section 38(6)(c)’—**

*omit, insert—*

section 38(8)(c)

**3 Section 45, ‘review decision’—**

*omit, insert—*

allocation

**4 Section 61(1)(a), after ‘section 53(d)’—**

*insert—*

, (e), (f), (g) or (h)

**5 Section 61(1)(b), ‘section 53(e)’—**

*omit, insert—*

section 53(i)

**6 Section 61(3)(a), ‘section 55(3)’—**

*omit, insert—*

section 55A

## **Mineral Resources Act 1989**

**1 Section 81(1)(m)(iii), ‘authority’—**

*omit, insert—*

government

**2 Section 137(2)(e), ‘subsection (4)’—**

*omit, insert—*

the Common Provisions Act, section 196C

**3 Sections 178A(b)(ii), 178B(b)(ii), 178C(b)(ii), 231AA(b)(ii), 231AB(b)(ii), 231AC(b)(ii) and 315(1)(b)(ii)—**

*omit, insert—*

(ii) the format of the report;



- (iii) the information to be contained in the report and the degree of precision required for the information.

**4 Section 315A(2)(b)(ii)—**

*omit, insert—*

- (ii) the format of the report;
- (ia) the information to be contained in the report and the degree of precision required for the information;

**5 Section 315A(2)(b)(ia) and (iii)—**

*renumber* as section 315A(2)(b)(iii) and (iv).

**6 Section 315B(2)(b)(ii)—**

*omit, insert—*

- (i) the format of the report;
- (iii) the information to be contained in the report and the degree of precision required for the information.

**7 Section 317H(2), ‘initial plan period’—**

*omit, insert—*

lodgement period

**8 Section 317H(3), definition *relevant fee*, ‘the proposed initial development plan’—**

*omit, insert—*

a proposed initial development plan for a new prescribed mineral mining lease

**9 Section 317H(3), definition *relevant fee*, paragraph (a), ‘initial plan period’—**

*omit, insert—*

lodgement period for the lease

**10 Section 317I(1)(a) and (b), ‘initial plan period’—**

*omit, insert—*

lodgement period for the lease

**11 Sections 317Z, 318BL, 318BM, 318BU, 318CG and 318ELBG, ‘section 276(1)(n)’—**

*omit, insert—*

section 276(1)(o)

**12 Section 383, heading, ‘Minister’—**

*omit, insert—*

**Chief executive**

## **Petroleum Act 1923**

**1 Section 76C(b), ‘matters’—**

*omit, insert—*

things

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## **Petroleum and Gas (Production and Safety) Act 2004**

**1 Section 234(3A)(c)(iii), ‘section 276(1)(m) or 276(3)’—**

*omit, insert—*

section 276(1)(n) or (3)

**2 Section 236(1)(c)(ii) and note—**

*omit, insert—*

(ii) if any relevant lease is a mining lease—the main purposes of the Common Provisions Act, chapter 4 and the objectives of the Mineral Resources Act.

**3 Section 284, after ‘petroleum tenure’—**

*insert—*

holder

**4 Section 284, ‘under a’—**

*omit, insert—*

by

**5 Section 381(a), ‘this chapter’—**

*omit, insert—*

the Common Provisions Act, chapter 4

**6 Section 549(b), ‘matters’—**

*omit, insert—*

things