



Queensland

Mineral and Energy Resources (Common Provisions) Regulation 2016

Subordinate Legislation 2016 No. 169

made under the

Coal Mining Safety and Health Act 1999

Geothermal Energy Act 2010

Greenhouse Gas Storage Act 2009

Mineral and Energy Resources (Common Provisions) Act 2014

Mineral Resources Act 1989

Petroleum Act 1923

Petroleum and Gas (Production and Safety) Act 2004

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Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Mineral and Energy Resources (Common Provisions) Regulation 2016*.

2 Commencement

This regulation commences on 27 September 2016.

3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

Chapter 2 Dealings and caveats

Part 1 Dealings

4 Prescribed dealings—Act, s 17

- (1) For section 17(1) of the Act, each of the following is a prescribed dealing—
 - (a) a change to the resource authority holder's name even if the holder continues to be the same person after the change;
 - (b) a mortgage over the resource authority or over a share in the resource authority;
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b);
 - (d) if the resource authority is a lease—

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- (i) a sublease of the lease; or
 - (ii) a transfer of a sublease of the lease or of a share in the sublease;
 - (e) an assessable transfer;
 - (f) a non-assessable transfer.
- (2) To remove any doubt, it is declared that any transaction or commercial agreement not mentioned in subsection (1) is not a prescribed dealing.
- (3) In this section—
- lease* means—
- (a) a mining lease under the Mineral Resources Act; or
 - (b) a petroleum lease under the P&G Act; or
 - (c) a lease under the 1923 Act; or
 - (d) a geothermal production lease under the Geothermal Act; or
 - (e) a GHG lease under the Greenhouse Gas Act.

5 Prohibited dealings—Act, s 18

For section 18(1)(b) of the Act, the following dealings with a resource authority are prohibited—

- (a) for resource authorities under the Mineral Resources Act—a dealing with a prospecting permit, other than a transfer of a prospecting permit under the Mineral Resources Act, section 334N;
- (b) for resource authorities under the P&G Act—
 - (i) a transfer of a data acquisition authority or of a share in a data acquisition authority, other than a transfer by operation of law under the P&G Act, section 182; and
 - (ii) a transfer of a water monitoring authority or of a share in a water monitoring authority, other than a

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- transfer by operation of law under the P&G Act, section 201; and
- (iii) a transfer of a survey licence; and
 - (iv) a transfer of a pipeline licence, unless the pipeline the subject of the licence and the pipeline land for the licence are also to be transferred to the transferee of the pipeline licence; and
 - (v) a transfer of a petroleum facility licence, unless the petroleum facility the subject of the licence and the petroleum facility land for the licence are also to be transferred to the transferee of the licence; and
 - (vi) a transfer of a pipeline authorised under the P&G Act, section 33 or 110;
- (c) for resource authorities under the Greenhouse Gas Act—
- (i) a transfer of a GHG data acquisition authority or of a share in a GHG data acquisition authority, other than a transfer by operation of law under the Greenhouse Gas Act, section 240; and
 - (ii) a transfer of a pipeline authorised under the Greenhouse Gas Act, section 31 or 111.

6 Transmission by death—Act, s 19

- (1) This section applies if a prescribed dealing with a resource authority is required to be executed because the holder of the resource authority has died.
- (2) For section 19(2) of the Act, the executor, administrator or public trustee administering the holder's estate must apply to the Minister for approval to register the prescribed dealing.
- (3) The application must be made after the grant of probate or letters of administration has been made.
- (4) However, if the Minister is satisfied the value of the holder's estate is not sufficient to justify the expense of an application for the grant of probate or letters of administration, the

application must be made at least 6 months after the day the holder died.

7 Sale by mortgagee—Act, s 19

- (1) This section applies if a prescribed dealing with a resource authority is required to be executed because of the exercise of a power of sale in relation to the resource authority by a mortgagee.
- (2) For section 19(2) of the Act, the mortgagee must apply to the Minister for approval to register the prescribed dealing.

8 Bankruptcy—Act, s 19

- (1) This section applies if a prescribed dealing with a resource authority is required to be executed because the holder of the resource authority is declared bankrupt.
- (2) For section 19(2) of the Act, the trustee administering the bankruptcy must apply to the Minister for approval to register the prescribed dealing.

9 Administration, receivership or liquidation—Act, s 19

- (1) This section applies if a prescribed dealing with a resource authority is required to be executed because the holder of the resource authority is placed into administration, receivership or liquidation.
- (2) For section 19(2) of the Act, the administrator, receiver or liquidator must apply to the Minister for approval to register the prescribed dealing.

10 Deciding application for registration of prescribed dealing that is assessable transfer—Act ss 19 and 194

- (1) This section prescribes, for sections 19(3) and 194(1) of the Act, the criteria for deciding an application to the Minister for approval to register a prescribed dealing that is an assessable transfer.

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- (2) The Minister must consider—
 - (a) the application and any additional information accompanying the application; and
 - (b) for a transfer of a resource authority under the Mineral Resources Act that is an exploration permit, mineral development licence or mining lease—whether the proposed transferee has the human, technical and financial resources to comply with the conditions of the resource authority under section 141, 194 or 276 of the Mineral Resources Act; and
 - (c) for a transfer of a resource authority under the P&G Act—the relevant criteria that apply under the P&G Act, chapter 2 or 4 for obtaining the type of resource authority the subject of the transfer; and
 - (d) for a transfer of a resource authority under the 1923 Act—the capability criteria under the 1923 Act for the authority; and
 - (e) for a transfer of a resource authority under the Geothermal Act—the relevant criteria that apply under the Geothermal Act, chapter 2 or 3 for obtaining the type of resource authority the subject of the transfer; and
 - (f) for a transfer of a resource authority under the Greenhouse Gas Act—the relevant criteria that apply under the Greenhouse Gas Act, chapter 2 or 3 for obtaining the type of resource authority the subject of the transfer; and
 - (g) the public interest.
- (3) However, subsection (2) does not apply if, under subsection (6), the approval is taken to have been given.
- (4) The approval may be given only if the proposed transferee is—
 - (a) an eligible person; and
 - (b) for a resource authority other than a small scale mining tenure within the meaning of the Environmental

Protection Act—a registered suitable operator under the Environmental Protection Act; and

- (c) for a resource authority under the Geothermal Act—the holder of any authorisation under the *Water Act 2000* required for the purposes of the resource authority.
- (5) Also, the Minister may refuse to give the approval if the Minister is not satisfied the transferor has substantially complied with the conditions of the resource authority.
- (6) The approval is taken to have been given if—
 - (a) under section 23(3) of the Act, an indicative approval has been given for the proposed prescribed dealing; and
 - (b) subsection (4) and section 23 of the Act do not prevent the giving of the approval.

11 Deciding application for registration of prescribed dealing other than assessable transfer—Act ss 19 and 194

- (1) This section prescribes, for sections 19(3) and 194(1) of the Act, the criteria for deciding an application to the Minister for approval to register a prescribed dealing other than an assessable transfer.
- (2) The Minister must consider the application and any additional information accompanying the application.
- (3) Subsection (4) applies if the prescribed dealing is—
 - (a) a transmission by death of a resource authority or of a share in a resource authority; or
 - (b) a transfer of a resource authority or a share in a resource authority by operation of law.
- (4) The approval may be given only if the proposed transferee is—
 - (a) an eligible person; and
 - (b) for a resource authority other than a small scale mining tenure within the meaning of the Environmental

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Protection Act—a registered suitable operator under the Environmental Protection Act.

12 Deciding application for indicative approval—Act ss 23 and 194

- (1) This section prescribes, for sections 23(3) and 194(1) of the Act, the criteria for deciding an application to the Minister for indicative approval to register a proposed prescribed dealing that is an assessable transfer.
- (2) The Minister must consider—
 - (a) the application and any additional information accompanying the application; and
 - (b) the matters mentioned in section 10(2)(b) to (g) as if the application were an application for approval to register the prescribed dealing.

13 Prescribed period for application for registration after indicative approval—Act, s 23

For section 23(4)(b) of the Act, the period within which a prescribed applicant must apply to the Minister under section 19 of the Act for approval to register the proposed prescribed dealing is the period of 6 months starting on the day the indicative approval is given.

Part 2 Caveats

14 Prohibited caveats—Act, s 25

For section 25(4) of the Act, definition *prohibited caveat*, a prohibited caveat is a caveat that applies to a prospecting permit under the Mineral Resources Act.

15 Instruments not prevented from being registered—Act, s 26

- (1) For section 26(2)(a) of the Act, lodgement of a caveat does not prevent registration of the following—
 - (a) an instrument stated in the caveat as an instrument to which the caveat does not apply;
 - (b) an instrument to the registration of which the caveator consents in the approved form;
 - (c) an instrument executed by a mortgagee whose interest was registered before lodgement of the caveat if—
 - (i) the mortgagee has power under the mortgage to execute the instrument; and
 - (ii) the caveator claims an interest in the resource authority as security for the payment of money or money's worth;
 - (d) an instrument of transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat;
 - (e) another instrument that, if registered, will not affect the interest claimed by the caveator.
- (2) Subsection (3) applies if a person lodges a caveat over a resource authority and any of the following apply—
 - (a) an application under section 23(2) of the Act for an indicative approval of a proposed prescribed dealing with the resource authority has been made;
 - (b) an indicative approval of a proposed prescribed dealing with the resource authority has been given under section 23(5) of the Act;
 - (c) an application under section 19(1) of the Act for registration of a prescribed dealing that is an assessable transfer has been made;
 - (d) an application under section 19(1) of the Act for registration of a prescribed dealing mentioned in section 4(1)(a), (b), (c), (d) or (f) has been made.

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- (3) For section 26(2)(a) of the Act, lodgement of the caveat does not prevent registration of the following—
 - (a) for subsection (2)(a) or (b)—the proposed prescribed dealing;
 - (b) for subsection (2)(c) or (d)—the prescribed dealing.

Chapter 3 Land access

Part 1 Land access code

16 Land access code for private land—Act, s 36

- (1) This section makes, for section 36 of the Act, a land access code for all Resource Acts that—
 - (a) states best practice guidelines for communication between the holders of resource authorities and owners and occupiers of private land; and
 - (b) imposes on resource authorities mandatory conditions concerning the conduct of authorised activities on private land.
- (2) The land access code consists of—
 - (a) the best practice guidelines stated in parts 1 and 2 of the document called ‘Land Access Code’ dated September 2016 and published by the department on its website; and
 - (b) schedule 1.

Part 2 Private land

17 Entry notice—Act, s 39

- (1) This section prescribes, for section 39(2)(a) of the Act, the requirements for an entry notice.
- (2) The notice must state—
 - (a) a description of the land to be entered; and
 - (b) the period during which the land is to be entered; and
 - (c) the authorised activities proposed to be carried out on the land; and
 - (d) when and where the activities are to be carried out; and
 - (e) the contact details of—
 - (i) the resource authority holder; or
 - (ii) another person the resource authority holder has authorised to discuss the matters stated in the notice.
- (3) If the notice is the first entry notice for the land given by the resource authority holder to a particular owner or occupier of the land, the notice must be accompanied by a copy of—
 - (a) the resource authority to which the entry relates; and
 - (b) any relevant environmental authority for the resource authority; and
 - (c) the land access code; and
 - (d) any code or code of practice made under a Resource Act applying to authorised activities for the resource authority.
- (4) In this section—

relevant environmental authority, for a resource authority, means the environmental authority required under the Environmental Protection Act issued for all of the authorised

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activities of the resource authority that are environmentally relevant activities under that Act.

18 Maximum period for entry—Act, s 39

- (1) This section prescribes, for section 39(4) of the Act, definition *maximum period for entry*, the maximum period that access to land is to be allowed for a particular entry to the land.
- (2) The maximum period is—
 - (a) for an entry for a purpose relating to an exploration resource authority—6 months starting on the first day of the entry; or
 - (b) for an entry for a purpose relating to a production-related resource authority—1 year starting on the first day of the entry; or
 - (c) if the owner or occupier of the land and the resource authority holder agree in writing to a longer period—the longer period.

19 Application for approval to give entry notices by publication—Act, s 41 and 188

- (1) This section applies if a resource authority holder applies to the chief executive for approval to give an entry notice by publishing it in a stated way.
- (2) For sections 41(4) and 188(1)(b) of the Act, the application must state—
 - (a) the applicant's name and address; and
 - (b) the resource authority to which the entry notice relates; and
 - (c) the land to which the entry notice relates; and
 - (d) the name and address of each owner or occupier of the land to which the entry notice relates; and
 - (e) for an owner or occupier mentioned in paragraph (d) who is an individual—the reasons why it is

impracticable to give the owner or occupier the notice personally; and

- (f) the proposed stated way of publishing the entry notice.

20 Waiver of entry notice—Act, s 42

- (1) This section prescribes, for section 42(2)(a) of the Act, the requirements for a waiver of entry notice.
- (2) The notice must state—
 - (a) that the resource authority holder has told the owner or occupier of the land that the owner or occupier is not required to give a waiver of entry notice; and
 - (b) the authorised activities proposed to be carried out on the land; and
 - (c) the period during which the land will be entered; and
 - (d) when and where the activities are to be carried out.
- (3) The notice must be signed by the owner or occupier of the land, unless the notice is part of a conduct and compensation agreement.

21 Deferral agreement—Act, s 44

- (1) This section prescribes, for section 44(2) of the Act, the requirements for a deferral agreement.
- (2) The agreement must state—
 - (a) that the resource authority holder has told the owner or occupier of the land that the owner or occupier is not required to enter into a deferral agreement; and
 - (b) the period during which the land will be entered; and
 - (c) the authorised activities proposed to be carried out on the land; and
 - (d) when and where the activities are to be carried out; and

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- (e) the period for which the deferral agreement has effect; and
 - (f) when a conduct and compensation agreement will be entered into.
- (3) The agreement must be signed by—
- (a) the resource authority holder; and
 - (b) the owner or occupier of the land.

22 Opt-out agreement—Act, s 45

- (1) This section prescribes, for section 45(2) of the Act, the requirements for an opt-out agreement.
- (2) The agreement must be—
- (a) in the approved form; and
 - (b) signed by the resource authority holder and the owner or occupier of the land.

23 Report to owner or occupier—Act, s 54

- (1) This section prescribes—
- (a) for section 54(2) of the Act, the period within which a report about entry to land must be given to an owner or occupier of the land; and
 - (b) for section 54(3) of the Act, the requirements for the report.
- (2) The period for giving the report is—
- (a) for an owner or occupier of land who has been given an entry notice by a resource authority holder—within 3 months after the end of the entry period stated in the notice; or
 - (b) for an owner or occupier of land who has given a waiver of entry notice to a resource authority holder—

-
- (i) for an entry for a purpose related to an exploration resource authority—within 6 months after the waiver of entry notice was given; or
 - (ii) for an entry for a purpose related to a production-related resource authority—within 1 year after the waiver of entry notice was given; or
 - (iii) if, within the period mentioned in subparagraph (i) or (ii), the owner or occupier of the land and the resource authority holder agree in writing to a longer period—within the longer period.
- (3) The report must state—
- (a) whether or not any activities were carried out on the land; and
 - (b) if activities were carried out on the land—
 - (i) the nature and extent of the activities; and
 - (ii) where the activities were carried out.

Part 3 Public land

Division 1 Entry to public land

24 Periodic entry notice—Act, s 57

- (1) This section prescribes—
- (a) for section 57(2)(b) of the Act, the prescribed period before the start of the entry period for which the resource authority holder, or any of the holder's employees or agents, may enter the land to carry out the authorised activity (the *minimum notice period*); and
 - (b) for section 57(2)(c) of the Act, the requirements for the periodic entry notice; and

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- (c) for section 57(3) of the Act, the period applying for the entry in relation to which the entry period can not be longer (the *maximum entry period*).
- (2) The minimum notice period is 30 business days.
- (3) The periodic entry notice must state—
 - (a) a description of the land to be entered; and
 - (b) the activities proposed to be carried out on the land; and
 - (c) when and where the activities are to be carried out; and
 - (d) the contact details for—
 - (i) the resource authority holder; or
 - (ii) another person the holder has authorised to discuss the matters stated in the notice.
- (4) The maximum entry period is—
 - (a) for an entry to carry out an authorised activity for an exploration resource authority—6 months starting on the first day of the entry; or
 - (b) for an entry to carry out an authorised activity for a production-related resource authority—1 year starting on the first day of the entry; or
 - (c) if the public land authority and the resource authority holder agree in writing to a longer period—the longer period.

25 Waiver of entry notice—Act, s 60

- (1) This section prescribes, for section 60(2)(a) of the Act, the requirements for a waiver of entry notice.
- (2) The notice must state—
 - (a) that the resource authority holder has told the public land authority that the authority was not required to give a waiver of entry notice; and
 - (b) the authorised activities proposed to be carried out on the land; and

- (c) the period during which the land will be entered; and
 - (d) when and where the activities are to be carried out.
- (3) The notice must be signed by the public land authority.

Division 2 Notifiable road use

26 Notifiable road use—Act, s 62

- (1) For section 62 of the Act, a notifiable road use is—
- (a) use of a public road, within an authorised area for a resource authority, for transport relating to a seismic survey or drilling activity; or
 - (b) use of a public road at more than the haulage threshold rate if the haulage relates to—
 - (i) transporting minerals that were mined, released by mining, or processed on land in an authorised area for a resource authority under the Mineral Resources Act; or
Example of processed minerals—
minerals processed in a refinery to become another substance
 - (ii) transporting petroleum produced or processed in an authorised area for a resource authority under the P&G Act or 1923 Act; or
 - (iii) transporting GHG streams for a resource authority under the Greenhouse Gas Act; or
 - (iv) constructing a pipeline for a relevant resource authority.
- (2) Subsection (1)(b) applies even if the public road is not on land in the area of the resource authority.
- (3) In this section—

haulage threshold rate means—

- (a) for a State-controlled road—50,000t a year; or

[s 27]

(b) for another public road—10,000t a year.

relevant resource authority means a resource authority under the P&G Act, 1923 Act, Geothermal Act or Greenhouse Gas Act.

27 Notice of notifiable road use—Act, s 63

- (1) This section prescribes, for section 63(1)(a) of the Act, the requirements for a notice that a resource authority holder proposes to carry out a notifiable road use.
- (2) The notice must state—
 - (a) the public road proposed to be used; and
 - (b) the type of vehicle proposed to be used; and
 - (c) the type of material proposed to be hauled; and
 - (d) the total weight of material proposed to be hauled, expressed—
 - (i) as the total weight of material to be hauled in a year; or
 - (ii) in another way; and
 - (e) the period during which the public road is proposed to be used; and
 - (f) the frequency of vehicle movements on the public road; and
 - (g) contact details for—
 - (i) the resource authority holder; or
 - (ii) another person the resource authority holder has authorised to discuss the matters stated in the notice.
- (3) The notice must be given—
 - (a) at least 10 business days before the notifiable road use is proposed to start; or

-
- (b) if the public road authority agrees in writing to a shorter period—within the shorter period.

28 Exempted resource authority—Act, s 65

- (1) This section applies to a resource authority included in a project declared to be a coordinated project under the *State Development and Public Works Organisation Act 1971*, section 26.
- (2) The resource authority is exempt from chapter 3, part 3, division 2 of the Act.

Part 4 Restricted land

29 Activities that are not prescribed activities—Act, s 67

- (1) This section prescribes, for section 67 of the Act, definition *prescribed activity*, paragraph (b)(v), activities that are not prescribed activities for a resource authority.
- (2) The activities are each of the following associated with the installation of an underground pipeline or cable as mentioned in section 67, definition *prescribed activity*, paragraph (b)(i) of the Act—
- (a) preliminary surveying;
 - (b) rehabilitation including, for example, revegetation.

Part 5 Compensation and negotiated access

30 Conduct and compensation agreement—Act, s 83

- (1) This section prescribes, for section 83(4) of the Act, the requirements for a conduct and compensation agreement entered into by an eligible claimant and a resource authority holder.

[s 31]

- (2) The agreement must—
 - (a) provide for the matters mentioned in section 83(1) of the Act; and
 - (b) state whether the agreement is for all or part of the holder's compensation liability to the eligible claimant; and
 - (c) if the agreement is for only part of the compensation liability, state—
 - (i) details of each activity, or the effect of the activity, to which the agreement relates; and
 - (ii) the period for which the agreement has effect; and
 - (d) provide—
 - (i) to the extent the compensation liability is monetary—the amount of the compensation; and
 - (ii) for how and when the compensation liability will be met; and
 - (e) state that under section 92 of the Act—
 - (i) the resource authority holder is required to give notice of the agreement to the registrar; and
 - (ii) the registrar is required to record the agreement in the relevant register.
- (3) The agreement must be signed by—
 - (a) the eligible claimant; and
 - (b) the resource authority holder.
- (4) This section does not limit the matters that may be provided for in a conduct and compensation agreement.

31 Negotiation notice—Act, s 84

- (1) This section prescribes, for section 84(2) of the Act, the requirements for a negotiation notice given to an eligible claimant.

-
- (2) The notice must state each of the following—
- (a) if the resource authority holder wants to negotiate a conduct and compensation agreement—
 - (i) whether the holder wants to negotiate all or part of the holder’s compensation liability; and
 - (ii) if the holder wants to negotiate only part of the compensation liability—which part of the liability the holder wants to negotiate;
 - (b) if the resource authority holder wants to negotiate a deferral agreement—that fact and the reasons for the holder wanting to negotiate the agreement;
 - (c) a description of the land proposed to be entered;
 - (d) the activities proposed to be carried out on the land;
 - (e) when and where the activities are to be carried out;
 - (f) the contact details for—
 - (i) the resource authority holder; or
 - (ii) another person the resource authority holder has authorised to discuss the matters stated in the notice.
- (3) The notice must be accompanied by a copy of the land access code, if any, applicable to the eligible claimant.

32 Minimum negotiation period—Act, s 85

- (1) This section prescribes, for section 85(2)(a) of the Act, the minimum negotiation period.
- (2) The minimum negotiation period is—
 - (a) 20 business days starting on the day the negotiation notice is given; or
 - (b) if the eligible claimant and the resource authority holder agree in writing to a longer period—the longer period.

[s 33]

33 Conduct of conference—Act, s 89

- (1) This section prescribes, for section 89(2) of the Act, the requirements for conducting a conference to negotiate a conduct and compensation agreement.
- (2) The authorised officer conducting the conference must give the parties a written notice—
 - (a) requesting their attendance at the conference; and
 - (b) stating—
 - (i) when and where the conference will be held; and
 - (ii) the matters to be discussed at the conference.
- (3) A party given notice of the conference may attend and take part in the conference.
- (4) A party must not be represented by a lawyer at the conference unless—
 - (a) the other party agrees; and
 - (b) the authorised officer is satisfied there is no disadvantage to the other party.
- (5) A person, other than a party or a lawyer representing a party, may attend the conference to help a party only with the authorised officer's approval.
- (6) The authorised officer must take all reasonable steps to help the parties reach an early and inexpensive settlement of the matters to be settled at the conference.
- (7) Other than as provided for under the Act and subsections (2) to (6), the conference must be conducted in the way decided by the authorised officer.

34 Requirements for road compensation agreement—Act, s 94

- (1) This section prescribes, for section 94(2) of the Act, the requirements for a road compensation agreement.
- (2) The agreement must—

-
- (a) state whether the agreement is for all or part of the compensation liability; and
 - (b) if the agreement is for part of the compensation liability, state—
 - (i) each part of the notifiable road use to which the agreement relates; and
 - (ii) the period for which the agreement has effect; and
 - (c) provide for how and when the compensation liability will be met.
- (3) The agreement must be signed by—
- (a) the resource authority holder; and
 - (b) the public road authority.

Part 6 Miscellaneous

35 **Prescribed criteria for deciding compensation by Land Court—Act, s 100**

- (1) For section 100(3)(a) of the Act, the criteria the Land Court may have regard to, in deciding a resource authority holder’s compensation liability to a public road authority, are each of the following—
- (a) the reasonableness of the cost, damage or loss claimed by the authority;
 - (b) if the authority is a local government—the extent to which the cost, damage or loss claimed by the authority is met by an amount the holder is liable to pay the authority for —
 - (i) a notifiable road use; or
 - (ii) rates or charges under the *Local Government Act 2009*;
 - (c) any other relevant matter.

[s 36]

- (2) In considering under subsection (1)(a) the reasonableness of the cost, damage or loss claimed by the authority, the Land Court may have regard to—
 - (a) any action taken, or proposed, by the holder to avoid, minimise or remedy the cost, damage or loss; and
 - (b) any act or omission of the authority relevant to the cost, damage or loss.
- (3) Subsection (1)(b)(ii) applies whether or not the rates or charges relate to a notifiable road use.

36 Prescribed period for complying with requirement to give chief executive copy of notice or consent—Act, s 205

- (1) This section prescribes, for section 205(1) of the Act, the period within which a relevant entity must comply with a requirement of the chief executive to give the chief executive a copy of a notice or consent given by or to the relevant entity under chapter 3 of the Act.
- (2) The period is 10 business days starting on the day the chief executive makes the requirement.

Chapter 4 Overlapping coal and petroleum resource authorities

Part 1 Preliminary

37 Definitions for chapter

In this chapter—

P50 petroleum reserves means petroleum reserves for which there is at least a 50 per cent probability that the quantities

actually recovered will equal or exceed the best estimate of production within the meaning of the SPE code.

SPE code means the document called ‘Petroleum Resources Management System’ published in 2007 by the Society of Petroleum Engineers.

Part 2 Right of way for coal

38 Notice to chief executive about new mining commencement date—Act, s 127

For section 127(8)(b)(iii) of the Act, the notice to be given to the chief executive by the ML (coal) holder within 20 business days after a new mining commencement date is accepted or established must also state the identifying number of the ML (coal).

39 Prescribed threshold for petroleum production—Act, s 127

For section 127(9) of the Act, definition *prescribed threshold*, the threshold for production of petroleum is 80 per cent of P50 petroleum reserves.

40 Notice to chief executive about agreed joint development plan—Act, s 130

For section 130(2)(b)(iii) of the Act, the notice to be given to the chief executive stating that an agreed joint development plan is in place must include the following additional information—

- (a) a map that shows—
 - (i) each of the resource authorities, identified by their identifying number, to which the plan relates; and
 - (ii) each overlapping area to which the plan relates;

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- (b) the statement in the agreed joint development plan, required under section 130(3)(f) of the Act, about the optimisation of the development and use of the State's coal and coal seam gas resources;
- (c) a statement about whether the agreed joint development plan has been prepared in accordance with section 130(3) of the Act.

41 Contract for delivery of incidental coal seam gas by ML (coal) holder—Act, s 138

For section 138(5) of the Act, the contract for delivery of incidental coal seam gas by a ML (coal) holder to a petroleum resource authority holder must include an agreed term about each of the matters mentioned in section 42(a) to (e).

42 Notice of offer or re-offer of supply of incidental coal seam gas—Act, s 138

For section 138(8) of the Act, a notice of offer or re-offer by the ML (coal) holder to supply incidental coal seam gas must include the following—

- (a) the indicative volume, composition and production rate of the gas;
- (b) whether the gas is diluted incidental coal seam gas or undiluted incidental coal seam gas and the percentage of methane in each;
- (c) a single location at which the gas is proposed to be delivered;
- (d) the transportation requirements for the proposed delivery of the gas;
- (e) the proposed payment arrangements including, for example, arrangements for—
 - (i) payment by the petroleum resource authority holder of a reasonable contribution to production costs; and

- (ii) payment by the petroleum resource authority holder of transportation costs; and
 - (iii) payment by the petroleum resource authority holder of costs incurred by the ML (coal) holder in the event that the petroleum resource authority holder does not take supply of the accepted gas.
- (f) the due date for acceptance of the offer.

Part 3

Subsequent petroleum production

43 Notice to chief executive about agreed joint development plan—Act, s 142

For section 142(2)(b)(iii) of the Act, the notice to be given to the chief executive stating that an agreed joint development plan is in place must include the following additional information—

- (a) a map that shows—
 - (i) each of the resource authorities, identified by their identifying number, to which the plan relates; and
 - (ii) each overlapping area to which the plan relates;
- (b) the statement in the agreed joint development plan, required under section 142(3)(e) of the Act, about the optimisation of the development and use of the State's coal and coal seam gas resources;
- (c) a statement about whether the agreed joint development plan has been prepared in accordance with section 142(3) of the Act.

[s 44]

Part 4 Compensation

44 Definition for part

In this part—

avoided costs, of a PL holder, means costs avoided by the PL holder in not producing the coal seam gas foregone by the PL holder including, for example, production costs, operation costs, maintenance costs, transport costs, royalties and capital expenditure.

45 Lost production—Act, s 162

For section 162(2) of the Act, lost production must be calculated in the following way and consistent with the following principles—

- (a) the volume of lost production is based on the PL holder's production forecast for the period—
 - (i) starting on the earlier date, for the IMA or RMA, stated in an acceleration notice given to the PL holder under section 128(2) of the Act; and
 - (ii) ending on—
 - (A) the mining commencement date, for the IMA or RMA, as mentioned in section 128(1) of the Act; or
 - (B) if the mining commencement date, for the IMA or RMA, is changed under section 127 of the Act—the new changed date, for the IMA or RMA, as mentioned in section 115(1)(c) of the Act;
- (b) if the PL holder has not started producing coal seam gas in an IMA or RMA before the date on which the PL holder is given an acceleration notice under section 128(2) of the Act, and because of the earlier date, for the IMA or RMA, stated in the acceleration notice, the PL holder considers it is uneconomical to start producing

coal seam gas, the volume of lost production is based on the PL holder's production forecast for the period—

- (i) starting on the date the PL holder is given the acceleration notice; and
- (ii) ending on—
 - (A) the mining commencement date, for the IMA or RMA, as mentioned in section 128(1) of the Act; or
 - (B) if the mining commencement date, for the IMA or RMA, is changed under section 127 of the Act—the new changed date, for the IMA or RMA, as mentioned in section 115(1)(c) of the Act; and
- (c) the volume of lost production is based on the PL holder's production forecast for P50 petroleum reserves for wells located in an IMA or RMA for the overlapping area;
- (d) the volume of lost production is based on the PL holder's demonstrated intention and capacity to produce the coal seam gas;
- (e) the value and volume of lost production is supported by documentary evidence;
- (f) if required by the ML (coal) holder—the volume of lost production is independently certified by an appropriately qualified person;
- (g) the value of lost production is based on the price of coal seam gas on the date the PL holder intended to produce the coal seam gas comprising the lost production;
- (h) the value of lost production excludes the PL holder's avoided costs.

[s 46]

46 Cost of replacement of PL major gas infrastructure—Act, s 163

For section 163(2) of the Act, the cost of replacement of PL major gas infrastructure must be calculated in the following way and consistent with the following principles—

- (a) the cost is limited to PL major gas infrastructure located in an IMA or RMA for the overlapping area;
- (b) the cost is based on the cost of PL major gas infrastructure that is of the same standard and specification as the PL major gas infrastructure required to be replaced as at the date the PL major gas infrastructure is required to be replaced;
- (c) if PL major gas infrastructure of the standard and specification mentioned in paragraph (b) is not available, whether for practical or regulatory reasons, the cost includes any reasonable cost attributable to the lack of availability;
- (d) if the PL holder chooses to replace PL major gas infrastructure with infrastructure of an additional capacity or different specification to the PL major gas infrastructure required to be replaced, the cost excludes any cost attributable to the additional capacity or different specification;
- (e) the cost includes the cost of removal and relocation of the PL major gas infrastructure;
- (f) the cost is fair and reasonable;
- (g) the cost is supported by documentary evidence.

47 Cost of replacement of PL minor gas infrastructure—Act, s 164

For section 164(2) of the Act, the cost of replacement of PL minor gas infrastructure must be calculated in the following way and consistent with the following principles—

- (a) the cost is limited to PL minor gas infrastructure located in an IMA or RMA for the overlapping area;

- (b) the cost is based on the depreciated value of the PL minor gas infrastructure at the date the PL holder is no longer able to use the infrastructure;
- (c) the cost includes the cost of removal and relocation of the PL minor gas infrastructure;
- (d) the cost does not include an amount for which compensation is payable for lost production;
- (e) the cost is fair and reasonable;
- (f) the cost is supported by documentary evidence.

48 Cost of replacement of PL connecting infrastructure—Act, s 165

For section 165(2) of the Act, the cost of replacement of PL connecting infrastructure must be calculated in the following way and consistent with the following principles—

- (a) the cost is based on PL connecting infrastructure located in an IMA or RMA for the overlapping area;
- (b) the cost is based on the cost of PL connecting infrastructure that is of the same standard and specification as the PL connecting infrastructure required to be replaced as at the date the PL connecting infrastructure is required to be replaced;
- (c) if PL connecting infrastructure of the standard and specification mentioned in paragraph (b) is not available, whether for practical or regulatory reasons, the cost includes any reasonable cost attributable to the lack of availability;
- (d) if the PL holder chooses to replace PL connecting infrastructure with infrastructure of an additional capacity or different specification to the PL connecting infrastructure required to be replaced, the cost excludes any cost attributable to the additional capacity or different specification;

[s 49]

- (e) the cost includes the cost of removal and relocation of the PL connecting infrastructure;
- (f) the cost is fair and reasonable;
- (g) the cost is supported by documentary evidence.

49 Cost of abandonment of ATP major gas infrastructure—Act, s 166

For section 166(2) of the Act, the cost of abandonment of ATP major gas infrastructure must be calculated in the following way and consistent with the following principles—

- (a) the cost is limited to ATP major gas infrastructure located in an IMA or RMA for the overlapping area;
- (b) the cost is based on the depreciated value of the infrastructure at the date the ATP holder is no longer able to use the infrastructure;
- (c) the cost is fair and reasonable;
- (d) the cost is supported by documentary evidence.

50 Minimising compensation liability—Act, s 170

For section 170(1) of the Act, an ML (coal) holder and a petroleum resource authority holder must take all reasonable steps to minimise compensation liability in the following way and consistent with the following principles—

- (a) the ML (coal) holder and petroleum resource authority holder must give each other all information reasonably necessary to allow them to minimise compensation liability;
- (b) the ML (coal) holder and petroleum resource authority holder must consider all reasonable proposals including, for example, co-operative arrangements, to the extent the proposals allow them to minimise compensation liability;

Examples of co-operative arrangements—

- the ML (coal) holder may permit producing or planned wells to remain within the IMA or RMA if safe to do so
 - the ML (coal) holder may fund accelerated gas recovery or resequencing of gas production
 - the PL holder may relocate rather than replace PL major gas infrastructure
- (c) all reasonable steps to minimise compensation liability must be taken.

51 Offsetting of compensation liability—Act, s 171

For section 171(3) of the Act, the value of incidental coal seam gas mentioned in section 171(1) of the Act must be calculated in the following way and consistent with the following principles—

- (a) if the incidental coal seam gas is undiluted incidental coal seam gas—the value of the gas is based on the value of gas that has the same percentage of methane as the gas comprising the PL holder’s lost production;
- (b) if the incidental coal seam gas is diluted incidental coal seam gas—the value of the gas is adjusted for its calorific value;
- (c) the volume and value of the incidental coal seam gas is supported by documentary evidence;
- (d) if the incidental coal seam gas is undiluted incidental coal seam gas mentioned in section 171(1)(b) of the Act—the volume of gas is independently certified by an appropriately qualified person.

52 Reconciliation payment—Act, s 172

For section 172(3)(a) of the Act, the amount of a reconciliation payment must be calculated in the following way and consistent with the following principles—

[s 53]

- (a) the amount of the reconciliation payment is based on the lesser of the following amounts—
 - (i) the real value of a payment or an amount of natural gas given by the ML (coal) holder to the PL holder to meet the ML (coal) holder's compensation liability for lost production;
 - (ii) the real value of coal seam gas subsequently recovered by the PL holder as mentioned in section 172(1)(b) of the Act;
- (b) the amount of the reconciliation payment must exclude the PL holder's avoided costs.

Part 5 Dispute resolution

53 Prescribed arbitration institutes—Act, s 176

For section 176 of the Act, definition *prescribed arbitration institute*, the following entities for nominating arbitrators are prescribed—

- (a) the Queensland Law Society ABN 33 423 389 441;
- (b) the Resolution Institute ABN 69 008 651 232.

54 Matters arbitrator must consider in deciding award—Act, 178

For section 178(4) of the Act, an arbitrator must consider the following matters in deciding an award—

- (a) any evidence supplied to the arbitrator;
- (b) for making a decision under section 181(1) of the Act about the liability of the parties to pay the costs of the arbitration—
 - (i) whether a party has made a frivolous or vexatious claim in the arbitration; and

- (ii) whether a party has complied with an order or direction of the arbitrator; and
- (iii) whether a party has participated in the arbitration in good faith; and
- (iv) the amount of any fees incurred because of the appointment of experts under section 179 of the Act.

55 Experts appointed by arbitrator—Act, s 179

For section 179(3) of the Act, definition *qualified person*, the experience or qualifications a person must have to be appointed by an arbitrator to report to the arbitrator on specific issues are—

- (a) qualifications, competencies and experience relevant to the specific issues; and
- (b) demonstrated knowledge of particular fields of knowledge relevant to the specific issues.

Examples of particular fields of knowledge—

- coal processing
- coal seam gas operations
- financial models
- geology
- infrastructure costs
- ventilation engineering
- coal mining safety and health
- petroleum and gas safety and health

[s 56]

Chapter 5 Applications and other documents

56 Requirements for amending application—Act, s 191

For section 191(b) of the Act, the requirement for amending an application or a document accompanying the application is that the applicant must notify the deciding authority for the application of each of the following—

- (a) the application or document proposed to be amended;
- (b) the resource authority to which the application or document proposed to be amended relates;
- (c) the proposed amendment;
- (d) the reason for the amendment.

57 Requirements for withdrawing application—Act, s 192

For section 192(2) of the Act, a written notice withdrawing an application must be lodged in the same way the application must be lodged under section 196(2) of the Act.

58 Prescribed minimum period for complying with directions about applications—Act, s 193

For section 193(3)(b) of the Act, the minimum period for a stated period within which a deciding authority may direct an applicant to do all or any of the things mentioned in section 193(1) of the Act is the period of 20 business days starting on the day the direction is given.

59 Prescribed place of lodging documents—Act, s 196

For section 196(2)(a) of the Act, the place at which a document must be lodged is—

- (a) if the document is an approved form and provides for the document to be lodged at a stated place—the stated place; or
- (b) otherwise—the office of the department notified on the department’s website.

60 Prescribed way of lodging documents—Act, s 196

- (1) For section 196(2)(b) of the Act, the way in which a document must be lodged is—
 - (a) if the chief executive gives the entity lodging the document a written notice that provides for the document to be lodged in a stated way—in the stated way; or
 - (b) otherwise—
 - (i) by electronically lodging the document using the online system on the department’s website; or
 - (ii) by delivering the document personally; or
 - (iii) by sending the document by post.
- (2) A document that is electronically lodged after 4.30pm on a business day and before 8.30am on the next business day (the *later day*) is taken to have been lodged at 8.30am on the later day.

Chapter 6 Miscellaneous

61 Fees

The fees payable under the Act are stated in schedule 2.

[s 62]

62 Surat Basin Transitional Area—Act, s 242

For section 242(2) of the Act, definition *Surat Basin Transitional Area*, the area prescribed is the area described by the following coordinates—

Latitude	Longitude
-27.998425	151.301083
-25.831766	151.301083
-25.831770	148.834443
-26.331769	148.834446
-26.331768	149.167773
-26.498434	149.167776
-26.498433	149.251108
-26.665099	149.251111
-26.665099	149.667771
-26.748432	149.667772
-26.748431	150.167765
-27.998425	150.167765
-27.998425	151.301083

Chapter 7 Amendments of other regulations

Part 1 Amendments relating to mining safety

Division 1 Amendment of Coal Mining Safety and Health Regulation 2001

63 Regulation amended

This division amends the *Coal Mining Safety and Health Regulation 2001*.

64 Amendment of s 12A (Application of div 4)

Section 12A—

insert—

(2) In this section—

mining lease means a mining lease granted before the commencement.

65 Amendment of s 12B (Plan to manage overlapping or adjacent leases)

Section 12B(3)—

omit.

66 Insertion of new ch 2, pt 2, div 5

Chapter 2, part 2—

insert—

[s 66]

Division 5 Safety provisions relating to overlapping resource authorities

12BA Definitions for division

In this division—

authorised activities operating plant see section 64D of the Act.

overlapping area see—

- (a) the Common Provisions Act, section 104; or
- (b) the *Mineral Resources Regulation 2013*, section 23(1)(a).

12BB Additional information required for joint interaction management plan—co-ordination of obligations

- (1) This section applies for—
 - (a) section 64F(1)(i) of the Act; and
 - (b) the *Mineral Resources Regulation 2013*, section 26(1)(h).
- (2) The joint interaction management plan must also describe the way in which the site senior executive of the coal mine and the operator of each operating plant in the overlapping area intend to communicate about, and co-ordinate, each of the following obligations applying for the coal mine and the operating plant—
 - (a) emergency obligations;
 - (b) incident response obligations;
 - (c) induction training obligations;
 - (d) information exchange obligations;

(e) vehicle safety obligations.

(3) In this section—

emergency obligations means—

- (a) for the coal mine—obligations under chapter 2, part 5; and
- (b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Act 2004*, sections 675(1)(l) and 693(d) and (e).

incident response obligations means—

- (a) for the coal mine—obligations under part 11 of the Act; and
- (b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Act 2004*, sections 705D, 706 and 707.

induction training obligations means—

- (a) for the coal mine—obligations under sections 82(2)(a) and 83; and
- (b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Act 2004*, section 693(a).

information exchange obligations means—

- (a) for the coal mine—obligations under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 154; and
- (b) for the operating plant—obligations under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 154 or the *Petroleum and Gas (Production and Safety) Regulation 2004*, section 72C.

vehicle safety obligations means—

[s 66]

- (a) for the coal mine—obligations under sections 66, 74, 76, 128 and 135; and
- (b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Regulation 2004*, section 72D.

12BC Requirements for boreholes

- (1) This section applies if an overlapping area is subject to both of the following—
 - (a) an authority to prospect, whether granted before or after the commencement, or a petroleum lease granted after the commencement;
 - (b) a mining lease granted, or an application for a mining lease made, after the commencement.
- (2) If the mining lease is for an underground coal mine—
 - (a) the additional safety requirements mentioned in sections 12BD and 12BE apply to a borehole in the overlapping area drilled for the mining lease (coal) after the commencement; and
 - (b) the standard safety requirements for the borehole do not apply to the borehole to the extent the additional safety requirements are inconsistent with the standard safety requirements.
- (3) If the mining lease is for a surface mine—
 - (a) the additional safety requirements mentioned in section 12BD applies to a borehole in the overlapping area drilled for the mining lease (coal) after the commencement; and

-
- (b) the standard safety requirements for the borehole do not apply to the borehole to the extent the additional safety requirements are inconsistent with the standard safety requirements.
- (4) Despite subsections (2) and (3), the resource authority holders for the overlapping area may agree on an alternative safety requirement for the borehole.
- (5) If the resource authority holders for the overlapping area do agree under subsection (4) on an alternative safety requirement for a borehole—
- (a) the standard safety requirements for the borehole do not apply to the borehole to the extent the alternative safety requirement is inconsistent with the standard safety requirements; and
- (b) the alternative safety requirements for the borehole must be included in the joint interaction management plan for the overlapping area.

Note—

See section 64E(1)(c) of the Act for the requirement to comply with the joint interaction management plan.

- (6) In this section—
- additional safety requirements***, for a borehole, means requirements applying to the borehole under section 12BD or 12BE .
- alternative safety requirement***, for a borehole, means a method or procedure that—
- (a) does not comply with the additional safety requirements for the borehole; and
- (b) achieves a level of risk that is equal to or less than the level of risk that would be

[s 66]

achieved by complying with the additional safety requirements.

standard safety requirements, for a borehole, means the requirements applying to the borehole under section 100.

12BD Additional safety requirement—requirement to remove particular equipment from boreholes

- (1) The site senior executive of the coal mine must—
 - (a) use the site senior executive’s best endeavours to ensure all prescribed equipment that is in a borehole drilled for the mining lease (coal) is removed before the borehole is plugged and abandoned; and
 - (b) ensure the following is available for use at all times when drilling operations in a borehole drilled for the mining lease (coal) are carried out—
 - (i) adequate equipment for preventing or mitigating the loss of prescribed equipment in the borehole;
 - (ii) adequate equipment for seeking to recover prescribed equipment lost in the borehole.
- (2) If prescribed equipment is lost in a borehole drilled for the mining lease (coal), the site senior executive of the coal mine must—
 - (a) within 24 hours after the equipment is lost—notify each operator of an authorised activities operating plant in the overlapping area; and
 - (b) within 3 days after the equipment is lost—consult with the chief inspector about

the period in which efforts to recover the lost equipment should be made; and

- (c) abandon efforts to recover the lost equipment only if the chief inspector agrees to the abandonment.

- (3) In this section—

prescribed equipment means—

- (a) metal equipment, other than casing; and
- (b) any other equipment or material that may create a hazard to coal mining operations.

12BE Additional safety requirement—requirement to fill boreholes

- (1) This section prescribes safety requirements for plugging and abandoning a borehole drilled for the mining lease (coal) in an overlapping area.
- (2) The site senior executive of the coal mine must ensure that, as part of the plugging and abandoning of the borehole—
 - (a) the borehole is filled with cement from the bottom of the borehole to the surface of the borehole, unless each operator of an authorised activities operating plant in the overlapping area otherwise agrees; and
 - (b) packers and fluids are not left in the borehole.
- (3) This section applies in addition to the requirements under section 100.

67 Amendment of s 100AA (Chief inspector may give exemption from s 100)

- (1) Section 100AA, heading, ‘s 100’—
omit, insert—

[s 68]

particular requirements

(2) Section 100AA, from ‘a requirement under section 100’—

omit, insert—

(a) a requirement under section 100 in relation to—

(i) a stated borehole, or boreholes drilled or proposed to be drilled, at a coal mine; or

(ii) a stated coal seam; or

(b) a requirement under section 12BD ; or

(c) a requirement under section 12BE .

68 Amendment of s 100AB (Site senior executive may apply for exemption from s 100)

(1) Section 100AB, heading, ‘s 100’—

omit, insert—

particular requirement

(2) Section 100AB, ‘requirement under section 100’—

omit, insert—

requirement mentioned in section 100AA

69 Amendment of s 100AC (Chief inspector to decide application for exemption from s 100)

(1) Section 100AC, heading, ‘s 100’—

omit, insert—

particular requirement

(2) Section 100AC(1), ‘requirement under section 100’—

omit, insert—

requirement mentioned in section 100AA

70 Insertion of new ch 7

After chapter 6—

insert—

**Chapter 7 Transitional
provision for Mineral
and Energy
Resources
(Common
Provisions)
Regulation 2016**

**374 Application of joint interaction management
plan provisions**

- (1) The joint interaction management plan provisions do not apply in relation to the following for a period of 6 months starting on the commencement—
 - (a) a coal mining lease mentioned in the *Mineral Resources Regulation 2013*, section 23(1);
 - (b) coal mining operations carried out in an overlapping area the subject of an exploration permit (coal) within the meaning of the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 103, if an activity under an authority to prospect (csg) or petroleum lease (csg) within the meaning of the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 103 is also carried out in the overlapping area;
 - (c) coal mining operations carried out in an overlapping area the subject of a mineral

[s 71]

development licence (coal), within the meaning of the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 103 if an activity for an authority to prospect (csg) or petroleum lease (csg) within the meaning of the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 103 is also carried out in the overlapping area.

(2) In this section—

joint interaction management plan provisions
means section 12BB .

71 Amendment of sch 1A (Potential hazard guide—coal seam gas or petroleum)

Schedule 1A, after entry for unsealed holes—

insert—

pressurisation of coal exploration safety hazard to personnel holes

72 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

authorised activities operating plant, for chapter 2, part 2, division 5—see section 12BA .

overlapping area, for chapter 2, part 2, division 5—see section 12BA .

Division 2 **Amendment of Petroleum and Gas
(Production and Safety) Regulation
2004**

73 **Regulation amended**

This division amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

74 **Insertion of new ch 3, pt 2, div 2A**

Chapter 3, part 2—

insert—

Division 2A **Safety provisions relating
to overlapping coal and
petroleum resource
authorities**

72A Definition for division

In this division—

overlapping area see section 705(a) of the Act.

**72B Additional information required for joint
interaction management plan—co-ordination
of obligations**

- (1) For section 705C(1)(i) of the Act, the joint interaction management plan must also describe the way in which the site senior executive of the coal mine and the operator of each operating plant in the overlapping area intend to communicate about, and co-ordinate, each of the following obligations applying for the coal mine and the operating plant—

- (a) emergency obligations;

[s 74]

- (b) incident response obligations;
 - (c) induction training obligations;
 - (d) information exchange obligations;
 - (e) vehicle safety obligations.
- (2) In this section—

emergency obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Regulation 2001*, chapter 2, part 5; and
- (b) for the operating plant—obligations under sections 675(1)(l) and 693(d) and (e) of the Act.

incident response obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Act 1999*, part 11; and
- (b) for the operating plant—obligations under sections 705D, 706 and 707 of the Act.

induction training obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Regulation 2001*, sections 82(2)(a) and 83; and
- (b) for the operating plant—obligations under section 693(a) of the Act.

information exchange obligations means—

- (a) for the coal mine—obligations under the Mineral and Energy Resources (Common Provisions) Act 2014, section 154; and
- (b) for the operating plant—obligations under the Mineral and Energy Resources (Common Provisions) Act 2014, section 154 or an obligation under section 72C.

vehicle safety obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Regulation 2001*, sections 66, 74, 76, 128 and 135; and
- (b) for the operating plant—obligations under section 72D.

72C Requirements for providing information about hydraulic fracturing

- (1) This section applies to an operator of an authorised activities operating plant in an overlapping area if underground coal mining operations are carried out, or are to be carried out, in the overlapping area.
- (2) The operator must provide a copy of each of the following to the site senior executive of the coal mine in the overlapping area—
 - (a) a notice lodged under section 30A, 35 or 35A;
 - (b) a report lodged under section 46A.
- (3) The operator must provide a copy of the notice or report as soon as practicable after the notice or report is lodged.

72D Requirements for vehicle safety

- (1) This section applies if coal mining operations take place in the overlapping area.
- (2) The operator of the operating plant and the site senior executive must—
 - (a) ensure a risk assessment is carried out to provide for the safe movement of vehicles in the overlapping area; and

[s 74]

- (b) agree on the vehicle safety requirements that will apply in the overlapping area.
- (3) In complying with subsection (2), the operator of the operating plant and the site senior executive must consider whether the vehicle safety requirements should include a requirement that the operator of the operating plant comply with 1 or more vehicle safety provisions.
- (4) The vehicle safety requirements agreed under subsection (2)(b) must be included in the joint interaction management plan for the overlapping area.
- (5) In this section—
vehicle safety provision means the *Coal Mining Safety and Health Regulation 2001*, sections 66, 74, 76, 128 or 135.

72E Requirements for wells, bores and voids

- (1) This section applies if an overlapping area is subject to both of the following—
 - (a) an authority to prospect, whether granted before or after the commencement, or a petroleum lease, granted after the commencement;
 - (b) a mining lease granted, or an application for a mining lease made, after the commencement.
- (2) If the mining lease is for an underground coal mine—
 - (a) the additional safety requirements as mentioned in section 72F, 72G or 72H apply to a well, bore or void drilled in the overlapping area after the commencement; and

- (b) the standard safety requirements for the well, bore or void do not apply to the well, bore or void to the extent the additional safety requirements are inconsistent with the standard safety requirements.
- (3) If the mining lease is for a surface coal mine—
 - (a) the additional safety requirements as mentioned in section 72G apply to a well, bore or void drilled in the overlapping area after the commencement; and
 - (b) the standard safety requirements for the well, bore or void do not apply to the well, bore or void to the extent the additional safety requirements are inconsistent with the standard safety requirements.
- (4) Despite subsections (2) and (3), the resource authority holders for the overlapping area may agree on an alternative safety requirement for the well, bore or void.
- (5) If the resource authority holders for the overlapping area do agree under subsection (4) on an alternative safety requirement for a well, bore or void—
 - (a) the standard safety requirements for the well, bore or void does not apply to the well, bore or void to the extent the alternative safety requirement is inconsistent with the standard safety requirement; and
 - (b) the alternative safety requirement for the well, bore or void must be included in the joint interaction management plan for the overlapping area.

Note—

See section 705B(1)(c) of the Act for the requirement to comply with the joint interaction management plan.

- (6) In this section—

[s 74]

additional safety requirements, for a well, bore or void, means the requirements applying to the well, bore or void under section 72F, 72G or 72H.

alternative safety requirement, for a well, bore or void, means a method or procedure that—

- (a) does not comply with the additional safety requirements for the well or bore; and
- (b) achieves a level of risk that is equal to or less than the level of risk that would be achieved by complying with the additional safety requirements.

standard safety requirements, for a well, bore or void, means the requirements applying to the well, bore or void under section 68, 69 or 70.

72F Additional safety requirement—casing for wells and bores

- (1) The operator of an operating plant that is drilling a well or bore in an overlapping area must ensure an approved casing is used for drilling or completing the well or bore.
- (2) If steel casing is used for drilling or completing the well or bore, the operator of the operating plant must ensure—
 - (a) the spacing and layout of the steel casing is agreed to by the resource authority holders for the overlapping area; and
 - (b) the steel casing is removed when the well or bore is abandoned unless the site senior executive otherwise agrees.
- (3) The resource authority holders must ensure an agreement under subsection (2) is included in the joint development plan, or the joint interaction management plan, for the overlapping area.
- (4) In this section—

approved casing means a type of casing agreed to by the resource authority holders for the overlapping area.

72G Additional safety requirement—requirement to remove particular equipment from wells and bores

- (1) The operator of an operating plant in an overlapping area must—
 - (a) use the operator’s best endeavours to ensure all prescribed equipment that is in, or immediately adjacent to, a coal seam in a prescribed well or bore at the plant is removed before the well or bore is plugged and abandoned; and
 - (b) ensure the following is available for use at all times when drilling operations in a prescribed well or bore at the plant are carried out—
 - (i) adequate equipment for preventing or mitigating the loss of prescribed equipment in the well or bore;
 - (ii) adequate equipment for seeking to recover prescribed equipment lost in the well or bore.
- (2) If prescribed equipment is lost in a prescribed well or bore at an operating plant in an overlapping area, the operator of the plant must—
 - (a) within 24 hours after the equipment is lost—notify the site senior executive for the coal mine in the overlapping area; and
 - (b) within 3 days after the equipment is lost—consult with the chief inspector about the period in which efforts to recover the lost equipment should be made; and

[s 75]

- (c) abandon efforts to recover the lost equipment only if the chief inspector agrees to the abandonment.
- (3) In this section—
 - prescribed equipment* means—
 - (a) metal equipment, other than casing; and
 - (b) any other equipment or material that may create a hazard to coal mining operations.

72H Additional safety requirement—requirement to fill wells, bores and voids

- (1) This section prescribes safety requirements for plugging and abandoning a well, bore or void at an operating plant in an overlapping area.
- (2) The operator must ensure that, as part of the plugging and abandoning of the well, bore or void—
 - (a) the well, bore or void is filled with cement from the bottom of the well, bore or void to the surface of the well, bore or void, unless the site senior executive otherwise agrees; and
 - (b) packers and fluids are not left in the well, bore or void.
- (3) This section applies in addition to the standard abandonment requirements for the well, bore or void.

75 Amendment of s 74 (Definitions for pt 4)

Section 74, definition *relevant requirement*—

insert—

- (g) additional safety requirements, for a well, bore or void, means the requirements

applying to the well, bore or void under section 72F, 72G or 72H.

76 Insertion of new ch 7, pt 13

Chapter 7—

insert—

**Part 13 Transitional provision
for Mineral and Energy
Resources (Common
Provisions) Regulation
2016**

**182 Application of joint interaction management
plan provisions**

- (1) The pre-amended regulation continues to apply in relation to the following for a period of 6 months after the commencement as if the joint interaction management plan provisions had not commenced—
 - (a) an operating plant, or the area of a petroleum tenure in which an operating plant is situated, mentioned in the pre-amended Act, section 386(1)(a);
 - (b) an operating plant, the area of a coal or oil shale mining lease (the *lease area*) in which an operating plant is situated, or an area adjacent to the lease area, mentioned in the pre-amended Act, section 705(a);
 - (c) an activity under an authority to prospect (csg) carried out in an overlapping area the subject of an authority to prospect (csg) within the meaning of the Common Provisions Act, section 103 if coal mining operations under an exploration permit

[s 77]

(coal), mineral development licence (coal) or mining lease (coal) within the meaning of the Common Provisions Act, section 103 are also carried out in the overlapping area.

(2) In this section—

joint interaction management plan provisions means sections 72B, 72C and 72D.

pre-amended Act means the Act as in force immediately before the commencement of the *Water Reform and Other Legislation Amendment Act 2014*.

pre-amended regulation means this regulation as in force immediately before the commencement.

77 Amendment of sch 12 (Dictionary)

Schedule 12—

insert—

overlapping area, for chapter 3, part 2, division 2A—see section 72A.

Part 2 Amendments relating to mining royalties

78 Regulation amended

This part amends the *Mineral Resources Regulation 2013*.

79 Amendment of s 32 (Definitions for ch 3)

Section 32—

insert—

relevant entity, for a holder for a mineral, means—

-
- (a) for a holder that is a corporation—
 - (i) an associated entity of the corporation within the meaning of the Corporations Act, section 50AAA; or
 - (ii) a related entity of the corporation within the meaning of the Corporations Act, section 9, definition *related entity*; or
 - (iii) a related party of the corporation within the meaning of the Corporations Act, section 228; or
 - (b) for a holder who is an individual—a related person of the individual within the meaning of the *Duties Act 2001*, section 61, other than section 61(1)(d).

80 Replacement of s 49 (Exemption for coal seam gas)

Section 49—

omit, insert—

49 Exemption for coal seam gas

- (1) No royalty is payable for—
 - (a) coal seam gas that is—
 - (i) flared or vented; or
 - (ii) mined under a mineral hydrocarbon mining lease, to the extent the coal seam gas is used for mining the coal that produced the gas; or
 - (iii) mined under a mining lease under which underground mining of coal first started before 31 December 2004, to the extent the coal seam gas is used for mining under the lease; or

[s 81]

- (b) incidental coal seam gas that is mined under a mining lease, to the extent the incidental coal seam gas is—
 - (i) used for mining coal under the mining lease; or
 - (ii) if the mining lease is part of a mining operation—used for mining coal under any mining authority that is part of the mining operation on the day the incidental coal seam gas is used for mining the coal.
- (2) In this section—
- mineral hydrocarbon mining lease*** see section 739 of the Act.
- used***, for mining, means used by the holder of the lease or mining authority for—
- (a) power generation for equipment used for the mining; or
 - (b) heating used for the mining.

Example of incidental coal seam gas used for mining—

incidental coal seam gas stored or transported by the holder of the lease or mining authority to allow it to be used by the holder of the lease or mining authority for a purpose mentioned in paragraph (a) or (b)

81 Amendment of s 56 (Definitions for pt 5)

Section 56, definition *relevant entity*—
omit.

82 Amendment of sch 6 (Dictionary)

Schedule 6, definition *relevant entity*, ‘part 5, see section 56’—
omit, insert—

see section 32

Part 3 Miscellaneous amendments

Division 1 Amendment of Geothermal Energy Regulation 2012

83 Regulation amended

This division amends the *Geothermal Energy Regulation 2012*.

84 Amendment of sch 4 (Fees)

- (1) Schedule 4, items 6 to 11—
omit.
- (2) Schedule 4, item 12—
renumber as item 6.

85 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

identifying name—

- (a) for a geothermal well, means the unique identifying name and number for the well recorded in the register; or
- (b) for a geophysical survey or scientific or technical survey, means the unique identifying name or number for the survey recorded in the register.

[s 86]

Division 2 Amendment of Greenhouse Gas Storage Regulation 2010

86 Regulation amended

This division amends the *Greenhouse Gas Storage Regulation 2010*.

87 Amendment of sch 3 (Fees)

Schedule 3, part 2, items 2 to 7—
omit.

88 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definition *standard departmental public tenure enquiry report*—

omit.

(2) Schedule 4—

insert—

identifying name—

- (a) for a GHG well, means the unique identifying name and number for the well recorded in the register; or
- (b) for a seismic survey or scientific or technical survey, means the unique identifying name or number for the survey recorded in the register.

Division 3 Amendment of Mineral Resources Regulation 2013

89 Regulation amended

This division amends the *Mineral Resources Regulation 2013*.

90 Amendment of s 6 (Amendment of application after survey of contiguous land)

(1) Section 6(2)—

omit, insert—

(2) The applicant may amend the application in the following ways so that the land to which the application relates is still contiguous to the affected land—

- (a) amend the description of the land stated in the application;
- (b) ensure the application defines the boundary of the area of the mining claim.

Note—

For defining the boundary of a proposed mining tenement, see section 386R of the Act.

(2) Section 6(3), ‘the amendment and adjustment’—

omit, insert—

an amendment of the application

91 Amendment of s 14 (Expenditure statement for annual report)

Section 14(4)(d)(ii)—

omit, insert—

- (ii) owners or occupiers of private or public land under the Common Provisions Act, section 81;

[s 92]

92 Amendment of s 19 (Amendment of application after survey of contiguous land)

(1) Section 19(2)—

omit, insert—

(2) The applicant may amend the application in the following ways so that the land to which the application relates is still contiguous to the affected land—

- (a) amend the description of the land stated in the application;
- (b) ensure the application defines the boundary of the area of the mining lease.

Note—

For defining the boundary of a proposed mining tenement, see section 386R of the Act.

(2) Section 19(3), ‘the amendment and adjustment’—

omit, insert—

an amendment of the application

93 Omission of ch 4, pt 3 (Requirements for mortgagees exercising power of sale)

Chapter 4, part 3—

omit.

94 Replacement of s 96 (Small scale mining code—Act, s 391C)

Section 96—

omit, insert—

96 Small scale mining code—Act, 391C

- (1) For section 391C(1) of the Act, the small scale mining code consists of parts 2, 3 and 4 of the document called ‘Small Scale Mining Code’

published by the department.

- (2) The chief executive must—
 - (a) keep a copy of the code and a record of each part of the code including, for example, the dates when each part was published or superseded; and
 - (b) ensure an up-to-date copy of the code and the record are available to be read free of charge on the department's website.

95 Amendment of sch 5 (Fees)

- (1) Schedule 5, part 2, items 6 to 10—
omit.
- (2) Schedule 5, part 3, items 3 to 7—
omit.
- (3) Schedule 5, part 4, items 6 to 10—
omit.
- (4) Schedule 5, part 5, item 2, '(Act, s 245(1)(o)(v))'—
omit, insert—
(Act, s 245(1)(p)(iii))
- (5) Schedule 5, part 5, items 10, 12, 14, 15 and 16—
omit.
- (6) Schedule 5, part 5, item 11, '(Act, s 318AAV(2)(c)(ii))'—
omit, insert—
(Act, s 318AAR(2)(c)(ii))
- (7) Schedule 5, part 5, item 13, '(Act, s 318AAW(2)(c)(iv))'—
omit, insert—
(Act, s 318AAS(2)(c))
- (8) Schedule 5, part 8—

[s 96]

omit.

- (9) Schedule 5, part 9—
renumber as part 8.

96 Amendment of sch 6 (Dictionary)

Schedule 6, definition *standard departmental public tenure enquiry report*—

omit.

Division 4 Amendment of Petroleum Regulation 2004

97 Regulation amended

This division amends the *Petroleum Regulation 2004*.

98 Amendment of s 30 (Production testing report)

- (1) Section 30(3)—

insert—

- (j) if petroleum has been produced as a result of the testing—
 - (i) details of how the petroleum has been used; and
 - (ii) the volume, or estimate of the volume, of the petroleum that has been used other than by flaring or venting.

- (2) Section 30(4), definition *relevant testing period*—

omit, insert—

end date, for production testing for a well, means—

-
- (a) if the well intersects a natural underground reservoir containing coal seam gas, shale gas, tight gas or basin-centred gas and the testing relates to petroleum produced from the reservoir—the day that is 13 months after the testing first starts; or
 - (b) otherwise—the day that is 6 months after the testing first starts.

relevant testing period means—

- (a) the period starting on the day production testing for the well first starts and ending on the earlier of—
 - (i) the end date; or
 - (ii) the day the testing ends; or
- (b) if the production testing is carried out after the end date with the Minister’s approval—the period starting on the day after the end date and ending on the day the testing ends.

99 Amendment of sch 2 (Fees)

Schedule 2, part 3, items 2 to 7—

omit.

100 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *standard departmental public tenure enquiry report*—

omit.

- (2) Schedule 4, definition *identifying name*, paragraph (b), after ‘identifying name’—

insert—

and number

[s 101]

(3) Schedule 4, definition *identifying name*—

insert—

- (c) for a seismic survey or scientific or technical survey, means the unique identifying name or number for the survey recorded in the register.

Division 5 Amendment of Petroleum and Gas (Production and Safety) Regulation 2004

101 Regulation amended

This division amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

102 Amendment of s 4 (Where documents mentioned in this regulation can be inspected)

Section 4(1), ‘department’s office at 61 Mary Street, Brisbane’—

omit, insert—

office of the department notified on the department’s website

103 Omission of ch 1, pt 2A (Land access code)

Chapter 1, part 2A—

omit.

104 Insertion of new ch 2, pt 1, div 1, subdiv 2A

Chapter 2, part 1, division 1, after subdivision 2—

insert—

Subdivision 2A Testing

14A Notice of ATP production testing—Act, s 71A

For section 71A(2)(a) of the Act, the notice to be given to the chief executive by the authority to prospect holder within 20 business days after the start of ATP production testing must include the following information—

- (a) the identifying number of the authority to prospect;
- (b) the day the testing started;
- (c) the identifying name of the petroleum well for which the testing is being carried out;
- (d) for each natural underground reservoir from which the testing is being carried out—
 - (i) an identification of the reservoir including, for example, a description of the geological features of the reservoir; and
 - (ii) the type of reservoir; and
 - (iii) the depth in metres of the top and bottom of the reservoir;
- (e) details of any stimulation to be carried out during the testing;

Note—

See sections 35 and 35A for notice requirements relating to hydraulic fracturing activities

- (f) details of the use, or intended use, of petroleum in a gaseous state produced during the testing.

Examples of use, or intended use, of the petroleum—

for an authorised activity for the petroleum tenure, flaring, venting, processing

14B Notice of ATP storage testing—Act, s 71B(2)(a)

For section 71B(2)(a) of the Act, the notice to be given to the chief executive by the authority to prospect holder within 20 business days after the start of ATP storage testing must include the following information—

- (a) the identifying number of the authority to prospect;
- (b) the day the testing started;
- (c) the identifying name of the petroleum well for which the testing is being carried out;
- (d) for each natural underground reservoir from which the testing is being carried out—
 - (i) an identification of the reservoir including, for example, a description of the geological features of the reservoir; and
 - (ii) the type of reservoir; and
 - (iii) the depth in metres of the top and bottom of the reservoir;
- (e) details of substances to be used to carry out the testing.

14C Notice of stopping of testing—Act, s 71C

For section 71C of the Act, the notice to be given to the chief executive by the authority to prospect holder within 20 business days after the holder stops carrying out ATP production testing or ATP storage testing must include the following information—

- (a) the identifying number of the authority to prospect;
- (b) the identifying name of the petroleum well for which the testing was carried out;

- (c) the day the testing stopped;
- (d) the day the testing started;
- (e) the reason the testing stopped.

14D Notice of PL production testing—Act, s 150A(2)(a)

For section 150A(2)(a) of the Act, the notice to be given to the chief executive by the PL holder within 20 business days after the start of PL production testing must include the following information—

- (a) the identifying number of the PL;
- (b) the day the testing started;
- (c) the identifying name of the petroleum well for which the testing is being carried out;
- (d) for each natural underground reservoir from which the testing is being carried out—
 - (i) an identification of the reservoir including, for example a description of the geological features of the reservoir; and
 - (ii) the type of reservoir; and
 - (iii) the depth in metres of the top and bottom of the reservoir;
- (e) details of any stimulation to be carried out during the testing;

Note—

See sections 35 and 35A for notice requirements relating to hydraulic fracturing activities

- (f) details of the use, or intended use, of petroleum in a gaseous state produced during the testing.

[s 104]

Examples of use, or intended use, of the petroleum—
for an authorised activity for the petroleum tenure,
flaring, venting, processing

14E Notice of PL storage testing—Act, s 150C(2)(a)

For section 150C(2)(a) of the Act, the notice to be given to the chief executive by the PL holder within 20 business days after the start of PL storage testing must include the following information—

- (a) the identifying number of the PL;
- (b) the day the testing started;
- (c) the identifying name of the petroleum well for which the testing is being carried out;
- (d) for each natural underground reservoir from which the testing is being carried out—
 - (i) an identification of the reservoir including, for example, a description of the geological features of the reservoir; and
 - (ii) the type of reservoir; and
 - (iii) the depth in metres of the top and bottom of the reservoir;
- (e) details of substances to be used to carry out the testing.

14F Notice of stopping of testing—Act, s 150E

For section 150E of the Act, the notice to be given to the chief executive by the PL holder within 20 business days after the holder stops carrying out PL production testing or PL storage testing must include the following information—

- (a) the identifying number of the PL;

- (b) the identifying name of the petroleum well for which the testing was carried out;
- (c) the day the testing stopped;
- (d) the day the testing started;
- (e) the reason the testing stopped.

105 Amendment of s 45 (Production testing report)

- (1) Section 45(1), note—

omit.

- (2) Section 45(3)—

insert—

- (j) if petroleum in a gaseous state was produced during the testing—
 - (i) details of the use, or intended use, of the petroleum; and

Examples of use, or intended use, of the petroleum—

for an authorised activity for the petroleum tenure, flaring, venting, processing

- (ii) the volume, or estimate of the volume, of the petroleum used, or intended to be used, other than by flaring or venting.

- (3) Section 45(4), definition *relevant testing period*—

omit, insert—

end date, for production testing for a well, means—

- (a) if the well intersects a natural underground reservoir containing coal seam gas, shale gas, tight gas or basin-centred gas and the testing relates to petroleum produced from the reservoir—the day that is 13 months after the testing first starts; or

[s 106]

- (b) otherwise—the day that is 6 months after the testing first starts.

relevant testing period means—

- (a) the period starting on the day production testing for the petroleum well first starts and ending on the earlier of—
- (i) the end date; or
 - (ii) the day the testing ends; or
- (b) if the production testing is carried out after the end date with the Minister's approval—the period starting on the day after the end date and ending on the day the testing ends.

106 Omission of sch 1A (Mandatory conditions for resource authorities)

Schedule 1A—

omit.

107 Amendment of sch 9 (Fees)

- (1) Schedule 9, part 5, items 2 to 7—

omit.

- (2) Schedule 9, part 5, item 8—

renumber as item 2.

108 Amendment of sch 12 (Dictionary)

- (1) Schedule 12, definitions *other underground water* and *standard departmental public tenure enquiry report*—

omit.

- (2) Schedule 12, definition *identifying name*, paragraph (b), after 'identifying name'—

insert—

and number

(3) Schedule 12, definition *identifying name—*

insert—

(c) for a seismic survey or scientific or technical survey, means the unique identifying name or number for the survey recorded in the register.

Part 4 **Minor and consequential amendments**

109 **Regulations amended**

Schedule 4 amends the regulations it mentions.

Schedule 1 Mandatory conditions relating to land access

section 16

Part 1 Preliminary

1 What this schedule is about

This schedule provides for mandatory conditions concerning the conduct of authorised activities on private land for each of the following resource authorities—

- (a) an exploration permit or mineral development licence under the Mineral Resources Act;
- (b) a resource authority under the P&G Act;
- (c) a resource authority under the 1923 Act, other than a water monitoring authority;
- (d) a resource authority under the Geothermal Act;
- (e) a resource authority under the Greenhouse Gas Act.

2 Giving notice

A relevant person who is required to notify a landholder under this schedule must give the notice—

- (a) orally in person; or
- (b) if oral notice is impractical—by written notice.

Example of it being impractical to give oral notice—

The landholder has migrated to a place outside Queensland.

3 Definitions

In this schedule—

holder means a person who, under a Resource Act, holds a resource authority.

landholder means an owner or occupier of private land in the area of, or access land for, a resource authority.

relevant person means—

- (a) the holder of a resource authority; or
- (b) a person acting for a holder under a resource authority.

Part 2 **Mandatory conditions**

4 Induction training

- (1) A holder must ensure each person acting for the holder, under the holder's resource authority, receives information and training specific to the obligations of the holder and the person under each of the following for authorised activities that will be carried out by the person on a landholder's land—
 - (a) the Resource Acts;
 - (b) the land access code;
 - (c) an agreement between the holder and the landholder.
- (2) A holder must give each person mentioned in subsection (1) a document to show the person has received the appropriate information and training.
- (3) A holder must, if asked by the landholder, give the landholder a copy of the document.

5 Access points, roads and tracks

- (1) A relevant person must, if practicable, use an existing access point, road or track to enter a landholder's land.
- (2) If it is not practicable to comply with subsection (1), any new access point, road or track, made by the relevant person, must be located at a place and in a way that minimises the impact of

the access point, road or track on the landholder's business or land use activities.

- (3) A relevant person must, for the period the access point, road or track is used by the person, ensure the access point, road or track is kept in good repair.
- (4) For subsection (3), the relevant person must have regard to the condition of the access point, road or track when the person started using them.
- (5) A relevant person must operate vehicles on a landholder's land at speeds that—
 - (a) are appropriate for the landholder's land; and
 - (b) minimise noise, dust and disturbance to the land.
- (6) A relevant person may operate a vehicle in wet conditions on a landholder's land only in a way that minimises damage to access points, roads and tracks on the land.
- (7) If a relevant person has caused damage to an access point, road or track on a landholder's land, the relevant person must, as soon as practicable—
 - (a) notify the landholder of the damage; and
 - (b) repair the damage.

6 Livestock and property

- (1) A relevant person must use a landholder's land in a way that minimises disturbance to people, livestock and property.
- (2) If, in carrying out authorised activities, a relevant person becomes aware of any potential adverse impact, caused by the activities, on a landholder's livestock or property, the relevant person must immediately notify the landholder of the potential impact.
- (3) If a relevant person injures or kills a landholder's livestock, the relevant person must immediately notify the landholder of the injury or death of the livestock.
- (4) If a relevant person damages a landholder's property, the relevant person must—

- (a) immediately notify the landholder of the damage; and
- (b) repair the damage as soon as practicable.

7 Obligations to prevent spread of declared pests

- (1) A relevant person must take all reasonable steps to ensure that, in carrying out authorised activities, the person does not spread the reproductive material of a declared pest.
- (2) A relevant person must take all reasonable steps to ensure that, in entering or leaving land in the area of a resource authority, the person does not spread the reproductive material of a declared pest.
- (3) Subsections (1) and (2) do not apply to the release of a declared pest authorised under the *Biosecurity Act 2014*.
- (4) A holder must ensure each person acting for the holder under a Resource Act washes down vehicles and machinery before entering a landholder's land in the area of the resource authority, if the risk of spreading a declared pest is likely to be reduced by the washing down.
- (5) The holder must keep a record (the *wash-down record*) of all wash-downs under subsection (4) carried out during the period in which the holder is allowed access to the landholder's land.
- (6) If asked by the landholder, the holder must give a copy of the wash-down record to the landholder.
- (7) In this section—

declared pest means a plant or animal, other than a native species of plant or animal, that is—

- (a) invasive biosecurity matter under the *Biosecurity Act 2014*; or

Notes—

- 1 See the *Biosecurity Act 2014*, schedule 1, part 3 or 4 or schedule 2, part 2.
- 2 See also the notes to the *Biosecurity Act 2014*, schedules 1 and 2.

- (b) controlled biosecurity matter or regulated biosecurity matter under the *Biosecurity Act 2014*.

reproductive material, of an animal or plant, means any part of the animal or plant that is capable of asexual or sexual reproduction.

Examples of reproductive material of an animal—

semen, egg, or part of an egg

Examples of reproductive material of a plant—

- 1 seed or part of a seed
- 2 bulb, rhizome, stolon, tuber or part of a bulb, rhizome, stolon or tuber
- 3 stem or leaf cutting

wash down, a vehicle or machinery, means remove reproductive material from the vehicle or machinery using an appropriate cleaning process.

8 Camps

- (1) If a holder intends to set up a camp on a landholder's land, the holder and the landholder must, before the camp is set up, agree on the location and a plan for managing the camp.
- (2) However, if the holder and landholder cannot agree on a location and plan for managing the camp, the holder must ensure the location of the camp is in a place that will minimise any impact on the landholder's business or land use activities.

9 Items brought onto land

- (1) A relevant person carrying out authorised activities must collect rubbish or waste produced in carrying out the authorised activities and deposit the rubbish or waste in a suitable local waste facility.
- (2) A relevant person must not bring firearms, domestic animals or alcohol onto a landholder's land without the landholder's consent.
- (3) In this section—

local waste facility means a waste facility owned, operated or otherwise controlled by a local government.

10 Gates, grids and fences

- (1) A relevant person must, after using a gate on a landholder's land, return the gate to its original position unless advised otherwise by the landholder.
- (2) If a relevant person damages a grid on a landholder's land, the person must—
 - (a) immediately notify the landholder of the damage; and
 - (b) replace or repair the grid as soon as practicable.
- (3) A relevant person must—
 - (a) obtain the landholder's consent before erecting a gate on the landholder's land; and
 - (b) ensure any gate erected by the person is stock-proof.
- (4) A relevant person must not cut a fence on a landholder's land without the landholder's consent.
- (5) If the landholder allows a fence to be cut by a relevant person to carry out an authorised activity, the person must, immediately after carrying out the activity—
 - (a) repair the fence; or
 - (b) erect a stock-proof gate, as required by the landholder, where the fence was cut.

Schedule 2 Fees

section 61

	\$
1 Lodging a caveat over a resource authority (Act, s 25(1)(c))—	124.90
2 Registration of an associated agreement (Act, s 33(3))—	46.65
3 Application for registration of a prescribed dealing other than an assessable transfer (Act, s 19(3))—	
(a) if the dealing is a change to the resource authority holder's name	46.65
(b) if the dealing is a dealing mentioned in section 4(1)(b), (c), (d) or (f)—	
(i) for a mining claim under the Mineral Resources Act	46.65
(ii) otherwise	124.90
4 Application for an indicative approval of a proposed prescribed dealing that is an assessable transfer (Act, s 23(3))—	
(a) for a resource authority, or a share in a resource authority, under the Mineral Resources Act—	
(i) for a mining claim	46.65
(ii) for an exploration permit—	
(A) for coal	350.40
(B) for a mineral other than coal and only if the permit is for not more than 4 sub-blocks in restricted areas 256 to 265	87.65
(C) otherwise	262.90

	\$
(iii) for a mineral development licence	699.00
(iv) for a mining lease—	
(A) for coal	1227.00
(B) for corundum, gemstones and other precious stones	214.00
(C) for eluvial, colluvial and alluvial gold and eluvial, colluvial and alluvial tin	214.00
(D) for any other mineral	428.00
(b) for a resource authority, or a share in a resource authority, under the P&G Act—	
(i) for an authority to prospect	699.00
(ii) for a petroleum lease, pipeline licence or petroleum facility licence	1227.00
(iii) otherwise	525.00
(c) for a resource authority, or a share in a resource authority, under the 1923 Act—	
(i) for an authority to prospect	699.00
(ii) for a lease	1227.00
(iii) for a water monitoring authority	525.00
(d) for a resource authority, or a share in a resource authority, under the Geothermal Act	353.10
(e) for a resource authority, or a share in a resource authority, under the Greenhouse Gas Act	375.30
5 Application for registration of a prescribed dealing that is an assessable transfer (Act, s 19(3))—	
(a) for a resource authority, or a share in a resource authority, under the Mineral Resources Act—	
(i) for a mining claim	46.65

Schedule 2

	\$
(ii) for an exploration permit if the Minister has given an indicative approval of the transfer	166.20
(iii) for an exploration permit if the Minister has not given an indicative approval of the transfer—	
(A) for coal	516.60
(B) for a mineral other than coal and only if the permit is for not more than 4 sub-blocks in restricted areas 256 to 265	253.85
(C) otherwise	429.10
(iv) for a mineral development licence if the Minister has given an indicative approval of the transfer	166.20
(v) for a mineral development licence if the Minister has not given an indicative approval of the transfer	865.20
(vi) for a mining lease if the Minister has given an indicative approval of the transfer	166.20
(vii) for a mining lease if the Minister has not given an indicative approval of the transfer—	
(A) for coal	1393.20
(B) for corundum, gemstones and other precious stones	380.20
(C) for eluvial, colluvial and alluvial gold and eluvial, colluvial and alluvial tin	380.20
(D) for any other mineral	594.20
(b) for a resource authority, or a share in a resource authority, under the P&G Act—	
(i) if the Minister has given an indicative approval of the transfer	166.20
(ii) otherwise—	

	\$
(A) for an authority to prospect	865.20
(B) for a petroleum lease, pipeline licence or petroleum facility licence	1393.20
(C) for any other resource authority under the P&G Act	691.20
(c) for a resource authority, or a share in a resource authority, under the 1923 Act—	
(i) if the Minister has given an indicative approval of the transfer	166.20
(ii) otherwise—	
(A) for an authority to prospect	865.20
(B) for a lease	1393.20
(C) for a water monitoring authority	691.20
(d) for a resource authority, or a share in a resource authority, under the Geothermal Act—	
(i) if the Minister has given an indicative approval of the transfer	166.20
(ii) otherwise	519.30
(e) for a resource authority, or a share in a resource authority, under the Greenhouse Gas Act—	
(i) if the Minister has given an indicative approval of the transfer	166.20
(ii) otherwise	541.50
6 Fee to search and take extracts from, or obtain a copy of all or part of a notice, document or information in, the register (Act, s 198(1)(b) and (c))—	
(a) relating to a resource authority under the Mineral Resources Act—	

Schedule 2

	\$
(i) for a standard departmental public tenure enquiry report	48.70
(ii) otherwise	48.70
(b) relating to a resource authority under the P&G Act, 1923 Act or Greenhouse Gas Act—	
(i) for a standard departmental public tenure enquiry report	48.70
(ii) otherwise	122.10
(c) relating to a resource authority under the Geothermal Act—	
(i) for a standard departmental public tenure enquiry report	11.40
(ii) otherwise	26.25

Schedule 3 Dictionary

section 3

assessable transfer means a transfer of a resource authority or a share in a resource authority other than a non-assessable transfer.

exploration resource authority means—

- (a) an exploration permit or mineral development licence under the Mineral Resources Act; or
- (b) an authority to prospect under the P&G Act; or
- (c) an authority to prospect under the 1923 Act; or
- (d) a geothermal exploration permit under the Geothermal Act; or
- (e) a GHG exploration permit under the Greenhouse Gas Act.

holder, for schedule 1, see schedule 1, section 3.

landholder, for schedule 1, see schedule 1, section 3.

lease means—

- (a) a mining lease under the Mineral Resources Act; or
- (b) a petroleum lease under the P&G Act; or
- (c) a lease under the 1923 Act; or
- (d) a geothermal production lease under the Geothermal Act; or
- (e) a GHG lease under the Greenhouse Gas Act.

non-assessable transfer means each of the following transfers of a resource authority or a share in a resource authority—

- (a) a transfer of a resource authority or of a share in a resource authority if—

Schedule 3

- (i) the transferee is an entity having the same Australian Company Number as the entity comprising all or part of the transferor; or
- (ii) part of 1 holder's share in the resource authority will be transferred to another holder of the resource authority;
- (b) a transmission by death of a resource authority or of a share in a resource authority;
- (c) a transfer of a resource authority or a share in a resource authority by operation of law.

production-related resource authority means—

- (a) a resource authority under the P&G Act, other than an authority to prospect; or
- (b) a lease or a water monitoring authority under the 1923 Act; or
- (c) a geothermal production lease under the Geothermal Act; or
- (d) a GHG injection and storage lease, or a GHG injection and storage data acquisition authority, under the Greenhouse Gas Act.

relevant person, for schedule 1, see schedule 1, section 3.

standard departmental public tenure enquiry report, for schedule 2, means an extract from the register of particular information about a resource authority including, for example, details of the resource authority holder and a description of the area of the resource authority.

Schedule 4 Minor and consequential amendments

section 109

Geothermal Energy Regulation 2012

1 Section 8(3)—

omit, insert—

- (3) The proposed identifying name for the geothermal well must not be the same, or substantially the same, as an identifying name for another well recorded in the register.

2 Section 10(2)(a), ‘or code’—

omit.

3 Section 10(4)—

omit, insert—

- (4) The proposed identifying name for the survey must not be the same, or substantially the same, as an identifying name for another survey recorded in the register.

4 Section 81—

omit.

5 Schedule 3—

omit.

Greenhouse Gas Storage Regulation 2010

1 Section 11(3)—

omit, insert—

- (3) The proposed identifying name must not be the same, or substantially the same, as an identifying name for another well recorded in the register.

2 Section 13(2)(a), ‘or code’—

omit.

3 Section 13(4)—

omit, insert—

- (4) The proposed identifying name for the survey must not be the same, or substantially the same, as an identifying name for another survey recorded in the register.

4 Section 34—

omit.

5 Schedule 2—

omit.

Mineral Resources Regulation 2013

1 Section 23(1)(b), from ‘mining’—

omit, insert—

the safety of persons or plant in an overlapping

area.

2 Chapter 4, part 2—

omit.

3 Schedule 6, definition *mining tenement*—

omit.

Petroleum and Gas (Production and Safety) Regulation 2004

1 Sections 12, definition *hazard information*, paragraphs (a) and (c), 38(2)(f)(vii) and (4)(e), 46A(3)(m), 62, 65(1)(a) and (b), 67(2), 70(1)(b)(i) and (3) and 79(4)(a)(i), ‘efficient’—

omit, insert—

optimal

2 Section 15, ‘175AA(c)’—

omit, insert—

175AA(b)

3 Section 31(3)—

omit, insert—

- (3) A proposed identifying name of a petroleum well stated in the notice must not be the same, or substantially the same, as an identifying name for another well recorded in the register.

4 Section 33(2)(a), 'or code'—

omit.

5 Section 33(4)—

omit, insert—

- (4) The identifying name for the survey stated in the notice must not be the same, or substantially the same, as an identifying name for another survey recorded in the register.

6 Sections 54D(3), 59, 59A(2), 59B, 59C(1), 59D(1), 65, 86, 88E(1), 113A, 135(2)(g), 139A(1)(g)(iii), schedule 2 and schedule 9, part 8, 'safety management plan'—

omit, insert—

safety management system

7 Section 67(2), note, 'sections 388 and 675'—

omit, insert—

sections 675 and 705C

8 Chapter 5, part 1, division 4, heading, 'Generic SMP'—

omit, insert—

Generic SMS

9 Section 88D, 'plan'—

omit, insert—

system

10 Section 88D(2)(b) and (5), definition *open for inspection*, 'open'—

omit, insert—

available

- 11 Section 88G, heading, ‘generic SMP’—**
omit, insert—
generic SMS
- 12 Section 88G, ‘Safety management plan’—**
omit, insert—
Safety management system
- 13 Section 91(1)(b), ‘generic SMP’—**
omit, insert—
generic SMS
- 14 Section 105I(1)(b), ‘generic SMP’—**
omit, insert—
generic SMS
- 15 Chapter 2, part 3, division 1, heading and section 113A, heading, ‘safety management plans’—**
omit, insert—
safety management systems
- 16 Section 154—**
omit.
- 17 Schedule 2, ‘principal hazard management plan’—**
omit, insert—
joint interaction management plan

- 18** **Schedule 9, part 1, section 4, ‘Act, s 82(1)(i)(i)’—**
 omit, insert—
 Act, s 82(1)(h)(i)
- 19** **Schedule 9, part 1, section 11, ‘Act, s 162(1)(g)(i)’—**
 omit, insert—
 Act, s 162(1)(f)(i)
- 20** **Schedule 9, part 4, section 5, ‘Act, s 445(f)’—**
 omit, insert—
 Act, s 445(e)
- 21** **Schedule 11—**
 omit.
- 22** **Schedule 12, definitions *GHG project* and *lower flammable limit alarm level*, ‘safety management plan’—**
 omit, insert—
 safety management system
- 23** **Schedule 12, definition *identifying name*, paragraph (b), ‘petroleum register’—**
 omit, insert—
 register

Petroleum Regulation 2004

- 1 **Sections 5, definition *hazard information*, paragraphs (a) and (c), 23(2)(f)(vii) and (4)(e), and 30A(3)(m), 'efficient'—**
omit, insert—
optimal
- 2 **Section 16(3)—**
omit, insert—
 - (3) A proposed identifying name for a well stated in the notice must not be the same, or substantially the same, as an identifying name for another well recorded in the register.
- 3 **Section 18(2)(a), 'or code'—**
omit.
- 4 **Section 18(4)—**
omit, insert—
 - (4) The identifying name for the survey stated in the notice must not be the same, or substantially the same, as an identifying name recorded in the register for another survey.
- 5 **Section 43—**
omit.
- 6 **Schedule 3—**
omit.

7 **Schedule 4, definition *identifying name*, paragraph (b),
'petroleum register'—**

omit, insert—

register

ENDNOTES

- 1 Made by the Governor in Council on 22 September 2016.
- 2 Notified on the Queensland legislation website on 23 September 2016.
- 3 The administering agency is the Department of Natural Resources and Mines.

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