



Mineral and Energy Resources and Other Legislation Amendment Bill 2024

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A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by proclamation— 7
8

(a) part 3; 9

(b) parts 5 to 12; 10

(c) part 14; 11

(d) schedule 1, part 2. 12

Part 2 Amendment of Electricity Act 1994 13
14

Clause 3 Act amended 15

This part amends the *Electricity Act 1994*. 16

Clause 4 Amendment of s 116 (Authority to acquire land) 17

(1) Section 116, ‘acquire’— 18

omit, insert— 19

take 20

(2) Section 116(4), ‘The *Acquisition of Land Act 1967* applies’— 21

omit, insert—

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

(3) Section 116—

insert—

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

(4) Section 116—

insert—

(5A) An authorised electricity entity acting under an
authority given, or taken to be given, under
subsection (1) may take land under the authority
even if another entity may derive a benefit from
any action taken on the land after it is taken.

(5) Section 116(6), ‘acquisition’—

omit, insert—

taking

(6) Section 116—

insert—

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

Clause 5 **Insertion of new ch 14, pt 20**

Chapter 14—

insert—

[s 5]

Part 20	Validation provision for Mineral and Energy Resources and Other Legislation Amendment Act 2024	1
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362	Validation of acquisitions of land	6
(1)	This section applies if—	7
(a)	before the commencement, land was taken by an authorised electricity entity under former section 116; and	8 9 10
(b)	the taking of land would have been valid and lawful if it had been made after the commencement of new section 116.	11 12 13
(2)	The taking of land by the authorised electricity entity is taken to be, and always to have been, valid and lawful.	14 15 16
(3)	Also, anything done or purportedly done as a result of, or in reliance on, the taking of the land is taken to be, and always to have been, as valid and lawful as it would have been if, at the time it was done, new section 116 had been in force.	17 18 19 20 21
(4)	To remove any doubt, it is declared that subsection (2) applies even if another entity has derived a benefit from any action taken on the land after it was taken.	22 23 24 25
(5)	In this section—	26
	<i>former section 116</i> means section 116 as in force before the commencement.	27 28
	<i>new section 116</i> means section 116 as in force on the commencement.	29 30

Part 3	Amendment of Fossicking Act 1994	1 2
Clause 6	Act amended	3
	This part amends the <i>Fossicking Act 1994</i> .	4
Clause 7	Amendment of s 3 (Definitions)	5
	(1) Section 3—	6
	<i>insert—</i>	7
	<i>licensee—</i>	8
	(a) means the holder of a licence; and	9
	(b) for part 3, division 2—see section 24.	10
	(2) Section 3, definition <i>protected area</i> , paragraph (b), ‘an area of regional interest’—	11 12
	<i>omit, insert—</i>	13
	a strategic environmental area	14
Clause 8	Replacement of s 24 (Meaning of <i>licensee</i> in division)	15
	Section 24—	16
	<i>omit, insert—</i>	17
	24 Meaning of <i>licensee</i>	18
	In this division, <i>licensee</i> includes—	19
	(a) a member of a club that holds a licence; and	20
	(b) a member of a commercial tour group if the commercial tour operator for the commercial tour holds a licence; and	21 22 23
	(c) a member of an educational organisation that holds a licence; and	24 25

[s 9]

	(d) a member of a licensee’s family, other than a licensee mentioned in any of paragraphs (a) to (c).	1 2 3
Clause 9	Amendment of s 25 (Licence needed to fossick)	4
	Section 25(1)—	5
	<i>omit, insert—</i>	6
	(1) A person must not fossick for fossicking materials unless the person is a licensee.	7 8
	Maximum penalty—50 penalty units.	9
Clause 10	Amendment of s 27 (Licensee must get permission to fossick on occupied land etc.)	10 11
	(1) Section 27, heading—	12
	<i>omit, insert—</i>	13
	27 Permission required to fossick on particular land	14 15
	(2) Section 27(1)—	16
	<i>insert—</i>	17
	(ba) on land the subject of an application for a mining lease under the <i>Mineral Resources Act 1989</i> without the applicant’s written permission; or	18 19 20 21
	(3) Section 27(1)(ba) to (d)—	22
	<i>renumber</i> as section 27(1)(c) to (e).	23
	(4) Section 27(3)—	24
	<i>omit, insert—</i>	25
	(3) A person who has given permission for a licensee to fossick on land as mentioned in subsection (1) may, by written notice given to the holder of the licence, withdraw the permission.	26 27 28 29

-
- (3A) However, the person must give a licensee on the
land reasonable written notice of the withdrawal. 1
2
- (5) Section 27(5), ‘Subsection (4)’— 3
omit, insert— 4
Subsection (5) 5
- (6) Section 27(5), ‘the permitter’— 6
omit, insert— 7
a person 8
- (7) Section 27(6)— 9
insert— 10
native title holder means a native title holder 11
under the *Native Title Act 1993* (Cwlth). 12
- (8) Section 27(3A) to (6)— 13
renumber as section 27(4) to (7). 14

Part 4 **Amendment of Gasfields** 15 **Commission Act 2013** 16

- Clause 11** **Act amended** 17
This part amends the *Gasfields Commission Act 2013*. 18
Note— 19
See also the amendments in schedule 1, part 1. 20
- Clause 12** **Amendment of long title** 21
Long title, ‘the Gasfields Commission’— 22
omit, insert— 23
Coexistence Queensland 24

[s 13]

Clause 13	Amendment of s 1 (Short title)	1
	Section 1, ‘ <i>Gasfields Commission Act 2013</i> ’—	2
	<i>omit, insert—</i>	3
	<i>Coexistence Queensland Act 2013</i>	4
Clause 14	Amendment of s 3 (Purpose)	5
	(1) Section 3, ‘the Gasfields Commission’—	6
	<i>omit, insert—</i>	7
	Coexistence Queensland	8
	(2) Section 3, from ‘and the’—	9
	<i>omit, insert—</i>	10
	, the resources industry and the renewable energy industry.	11 12
Clause 15	Amendment of s 6 (Establishment of commission)	13
	(1) Section 6, heading, ‘commission’—	14
	<i>omit, insert—</i>	15
	Coexistence Queensland	16
	(2) Section 6, ‘The Gasfields Commission’—	17
	<i>omit, insert—</i>	18
	Coexistence Queensland	19
Clause 16	Replacement of s 7 (Commission’s functions)	20
	Section 7—	21
	<i>omit, insert—</i>	22
	7 Coexistence Queensland’s functions	23
	(1) Coexistence Queensland has the following functions—	24 25

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- (a) facilitating better relationships between landholders, regional communities, the resources industry and the renewable energy industry; 1
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- (b) providing a central point of contact for enquiries about matters affecting the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry; 5
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- (c) in response to requests for advice from the chief executive under the *Regional Planning Interests Act 2014* about assessment applications under that Act, advising that chief executive about the ability of landholders, regional communities and the resources industry to coexist within the area the subject of the application; 10
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- (d) providing advice to the Minister, other Ministers, government entities or other stakeholders about matters relating to the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry, including— 18
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- (i) emerging issues about those matters; 25
and 26
- (ii) leading practice about those matters; 27
- (e) partnering with appropriate entities to deliver educational resources and other information about health and wellbeing matters relating to the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry; 28
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- (f) facilitating appropriate entities to undertake community engagement and participation in community initiatives about assessing health 35
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37

[s 17]

	and wellbeing concerns relating to activities carried out in the resources industry or the renewable energy industry;	1 2 3
	(g) publishing educational resources and other information about the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry;	4 5 6 7 8
	(h) any other function given to Coexistence Queensland under this Act or another Act;	9 10
	(i) partnering with appropriate entities for the purpose of conducting research related to a function mentioned in any of paragraphs (a) to (h).	11 12 13 14
	(2) In this section—	15
	<i>appropriate entities</i> includes, for example—	16
	(a) a government department, or agency, of Queensland or elsewhere; and	17 18
	(b) an entity that is performing or has performed an independent academic or scientific study.	19 20 21
Clause 17	Replacement of s 9 (Membership of commission)	22
	Section 9—	23
	<i>omit, insert—</i>	24
	9 Membership of Coexistence Queensland	25
	Coexistence Queensland consists of—	26
	(a) a full-time or part-time member, who is the chairperson; and	27 28
	(b) up to 6 part-time members.	29

Clause 18	Amendment of s 9A (Appointment as a commissioner)	1
(1)	Section 9A, heading and subsection (1), ‘commissioner’—	2
	<i>omit, insert—</i>	3
	member	4
(2)	Section 9A(2), ‘to the commission’—	5
	<i>omit, insert—</i>	6
	to Coexistence Queensland	7
(3)	Section 9A(2)(b)—	8
	<i>omit, insert—</i>	9
	(b) Coexistence Queensland will include—	10
	(i) a member who has knowledge of, or	11
	experience with, the interests of	12
	landholders; and	13
	(ii) a member who has knowledge of, or	14
	experience with, the interests of	15
	communities in which the resources	16
	industry or the renewable energy	17
	industry operates; and	18
	(iii) a member who has knowledge of, or	19
	experience with, the resources	20
	industry; and	21
	(iv) a member who has knowledge of, or	22
	experience with, the renewable energy	23
	industry; and	24
	(c) the members reflect the diversity of the	25
	Queensland community involved in matters	26
	relating to the sustainable coexistence of	27
	landholders, regional communities, the	28
	resources industry and the renewable energy	29
	industry.	30
(4)	Section 9A(3)—	31
	<i>omit, insert—</i>	32

[s 19]

	(3) The performance of Coexistence Queensland's function mentioned in section 7(1)(c) is not invalid for the purposes of the <i>Regional Planning Interests Act 2014</i> only because of a defect or irregularity in the appointment of a member or because Coexistence Queensland was not properly constituted.	1 2 3 4 5 6 7
Clause 19	Replacement of s 10 (Eligibility for appointment as a commissioner)	8 9
	Section 10—	10
	<i>omit, insert—</i>	11
	10 Eligibility for appointment as a member	12
	A person is eligible for appointment as a member if the person has qualifications or experience in any of the following—	13 14 15
	(a) the resources industry;	16
	(b) the renewable energy industry;	17
	(c) a branch of science relating to activities carried out as part of the resources industry or the renewable energy industry, or the impact of those activities on the environment;	18 19 20 21 22
	(d) legal practice relevant to activities carried out as part of the resources industry or the renewable energy industry;	23 24 25
	(e) negotiations between landholders and the resources industry or the renewable energy industry;	26 27 28
	(f) land management;	29
	(g) land valuation;	30
	(h) community development;	31
	(i) the financial and business sector.	32

Clause 20	Amendment of s 20 (Commission board meetings)	1
	(1) Section 20, heading, ‘Commission board’—	2
	<i>omit, insert—</i>	3
	Coexistence Queensland	4
	(2) Section 20, ‘commissioners (a <i>commission board meeting</i>)’—	5
	<i>omit, insert—</i>	6
	members (a <i>Coexistence Queensland meeting</i>)	7
		8
Clause 21	Amendment of s 23 (Power to require particular information from government entities)	9
	(1) Section 23(1)(a), ‘onshore gas industry’—	10
	<i>omit, insert—</i>	11
	resources industry or the renewable energy industry	12
		13
		14
	(2) Section 23(1)(b), ‘the commission’—	15
	<i>omit, insert—</i>	16
	Coexistence Queensland	17
	(3) Section 23(3)(c), ‘commissioner’—	18
	<i>omit, insert—</i>	19
	chairperson	20
		20
Clause 22	Omission of s 25 (Compulsory consultation)	21
	Section 25—	22
	<i>omit.</i>	23

[s 23]

Clause 23	Amendment of pt 3, div 2, hdg (Powers relating to landholders, onshore gas operators and other entities)	1 2
	Part 3, division 2, heading, ‘landholders, onshore gas operators and other’—	3 4
	<i>omit, insert—</i>	5
	prescribed	6
Clause 24	Amendment of s 26 (Power to require particular information from prescribed entities)	7 8
	(1) Section 26(1)(a), from ‘the commission’ to ‘the commission’s’—	9 10
	<i>omit, insert—</i>	11
	Coexistence Queensland reasonably requires for the effective and efficient carrying out of Coexistence Queensland’s	12 13 14
	(2) Section 26(3)(c), ‘commissioner’—	15
	<i>omit, insert—</i>	16
	chairperson	17
	(3) Section 26—	18
	<i>insert—</i>	19
	(5) In this section—	20
	prescribed entity means—	21
	(a) a landholder; or	22
	(b) a resource authority holder; or	23
	(c) a renewable energy entity; or	24
	(d) a company engaged under a written agreement to carry out an activity, on behalf of a resource authority holder or a renewable energy entity, that is part of the resources industry or the renewable energy industry.	25 26 27 28 29
	renewable energy entity means an entity that	30

	carries out an activity that is part of the renewable energy industry.	1 2
	<i>resource authority holder</i> means the holder of a resource authority.	3 4
Clause 25	Replacement of s 29 (Gasfields community leaders council)	5 6
	Section 29—	7
	<i>omit, insert—</i>	8
	29 Community leaders council	9
	(1) Coexistence Queensland must establish a committee, and may establish more than 1 committee, (each a <i>community leaders council</i>) for the purpose of assisting Coexistence Queensland to identify issues affecting the coexistence of landholders, regional communities, the resources industry and the renewable energy industry.	10 11 12 13 14 15 16 17
	(2) A community leaders council is to consist of the chief executive officer and other individuals Coexistence Queensland is satisfied represent local governments, regional communities, the resources industry and the renewable energy industry.	18 19 20 21 22 23
	(3) The chief executive officer is to preside at meetings of a community leaders council.	24 25
Clause 26	Omission of s 40 (Summary offences)	26
	Section 40—	27
	<i>omit.</i>	28

[s 27]

Clause 27	Amendment of pt 7, hdg (Transitional provisions for Gasfields Commission and Other Legislation Amendment Act 2017)	1 2 3	
	Part 7, heading, ‘for Gasfields Commission and Other Legislation Amendment Act 2017’—	4 5	
	<i>omit.</i>	6	
Clause 28	Insertion of new pt 7, div 1, hdg	7	
	Before section 47—	8	
	<i>insert—</i>	9	
	Division 1	Transitional provisions for Gasfields Commission and Other Legislation Amendment Act 2017	10 11 12 13
Clause 29	Amendment of s 47 (Definitions for part)	14	
	(1) Section 47, heading, ‘part’—	15	
	<i>omit, insert—</i>	16	
	division	17	
	(2) Section 47, before definition <i>amending Act</i> —	18	
	<i>insert—</i>	19	
	In this division—	20	
Clause 30	Insertion of new pt 7, div 2	21	
	Part 7—	22	
	<i>insert—</i>	23	
	Division 2	Transitional provisions for Mineral and Energy Resources and Other	24 25 26

Legislation Amendment	1
Act 2024	2
51 Change in name of Coexistence Queensland	3
(1) To remove any doubt, it is declared that the amendment of section 6 by the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2024</i> has effect only to change the name of the entity that is Coexistence Queensland, and does not establish a new entity.	4 5 6 7 8 9
(2) A reference in an instrument to the Gasfields Commission may, if the context permits, be taken to be a reference to Coexistence Queensland.	10 11 12
52 Continuation of particular former functions for 1-year period	13 14
(1) This section applies if Coexistence Queensland has started, but not finished, carrying out a former function before the commencement.	15 16 17
(2) Coexistence Queensland may continue to carry out the former function as if the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2024</i> had not been enacted.	18 19 20 21
(3) However, Coexistence Queensland must finish carrying out the former function within 1 year after the commencement.	22 23 24
(4) In this section— <i>former function</i> means a function under section 7(1)(b), (e) or (f) or 25 as in force immediately before the commencement.	25 26 27 28
53 Continuation of commissioners as members	29
(1) A person who was a commissioner immediately	30

[s 30]

before the commencement continues as a member	1
until the person's appointment as a member ends	2
under this Act.	3
(2) A reference in an instrument to a commissioner	4
may, if the context permits, be taken to be a	5
reference to a member.	6
54 Minister may remove existing members	7
(1) The Minister may, within 1 year after the	8
commencement, remove an existing member	9
from office as a member by notice given to the	10
member.	11
(2) In deciding whether to remove an existing	12
member from office, the Minister must have	13
regard to the matters mentioned in section 9A(2).	14
(3) If the Minister decides to remove an existing	15
member from office by notice given under	16
subsection (1), the removal takes effect on the day	17
stated in the notice, which must not be earlier than	18
the day the notice is given to the member.	19
(4) No compensation is payable to a person who is	20
removed from office under this section.	21
(5) To remove any doubt, it is declared that	22
subsection (4) does not limit or otherwise affect a	23
person's right to a benefit or an entitlement that	24
has accrued before the person is removed from	25
office under this section.	26
(6) In this section—	27
<i>existing member</i> means a person who continues	28
as a member under section 53.	29
55 Continuation of gasfields community leaders	30
council as community leaders council	31
The gasfields community leaders council in	32

	existence immediately before the commencement	1
	continues as a community leaders council under	2
	section 29.	3
Clause 31	Amendment of sch 1 (Dictionary)	4
(1)	Schedule 1, definitions <i>commission</i> , <i>commission board meeting</i> , <i>commissioner</i> , <i>onshore gas industry</i> , <i>onshore gas operator</i> , <i>petroleum</i> , <i>prescribed entity</i> and <i>resources industry</i> —	5
	<i>omit.</i>	6
(2)	Schedule 1—	7
	<i>insert</i> —	8
	<i>Coexistence Queensland</i> means Coexistence Queensland established under section 6.	9
	<i>Coexistence Queensland meeting</i> see section 20.	10
	<i>member</i> means a person appointed as a member of Coexistence Queensland under section 9A.	11
	<i>renewable energy industry</i> means the industry involved in the carrying out in Queensland of the following activities—	12
	(a) generating electricity from a renewable energy source;	13
	(b) transmitting or supplying electricity generated from a renewable energy source;	14
	(c) storing energy generated from a renewable energy source.	15
	<i>renewable energy source</i> means a source of renewable energy other than a source prescribed by regulation.	16
	<i>Examples of sources of renewable energy</i> —	17
	solar, wind, biomass, geothermal, hydropower	18
	<i>resource authority</i> see the <i>Mineral and Energy</i>	19

[s 32]

	<i>Resources (Common Provisions) Act 2014,</i>	1
	section 10.	2
	<i>resources industry</i> means the industry involved	3
	in the carrying out in Queensland of an activity for	4
	which a resource authority is required to lawfully	5
	carry out.	6
Part 5	Amendment of Geothermal	7
	Energy Act 2010	8
Clause 32	Act amended	9
	This part amends the <i>Geothermal Energy Act 2010</i> .	10
	<i>Note—</i>	11
	See also the amendments in schedule 1, part 2.	12
Clause 33	Amendment of s 192 (Power to require information or reports about authorised activities to be kept or given)	13
	(1) Section 192(2)—	14
	<i>insert—</i>	15
	(c) other information or a report prescribed by	16
	regulation.	17
	(2) Section 192(3), ‘by the chief executive’—	18
	<i>omit.</i>	19
		20
Clause 34	Replacement of s 196 (Public release of required information)	21
	Section 196—	22
	<i>omit, insert—</i>	23
	196 Public release of required information	24
	(1) The mere fact of the existence of a geothermal	25
	tenure is taken to be an authorisation from the	26
		27

-
- holder of the tenure to the chief executive to do 1
the following in relation to required information 2
for the tenure— 3
- (a) to publish, in the way prescribed by 4
regulation, the information for public use; 5
 - (b) to make the information available to a 6
person on payment of the fee prescribed by 7
regulation. 8
- (2) Subsections (3) to (6) apply if a confidentiality 9
period is prescribed by regulation for the required 10
information. 11
- (3) Subsection (1) does not apply in relation to the 12
required information until the confidentiality 13
period ends. 14
- (4) Subsection (5) applies if— 15
- (a) the required information is about an 16
authorised activity carried out only in an 17
area that stops being in the area of the 18
geothermal tenure; and 19
 - (b) immediately before the area stops being in 20
the area of the geothermal tenure, the 21
confidentiality period has not ended. 22
- (5) The confidentiality period ends when the area 23
stops being in the area of the geothermal tenure. 24
- Example—* 25
- The required information is a well completion report 26
about a geothermal well drilled on particular land in the 27
area of a geothermal permit. The land is relinquished 28
under the relinquishment condition for the permit. A 29
confidentiality period for the required information ends 30
when the land is relinquished. 31
- (6) However, subsection (5) does not apply if— 32
- (a) the geothermal tenure is a geothermal 33
permit; and 34

[s 35]

- (b) after the commencement of this subsection, 1
the area stops being in the geothermal 2
permit's area under section 189(1) or (2). 3
- (7) An authorisation under subsection (1) is not 4
affected by the ending of the geothermal tenure. 5

Part 6 **Amendment of Greenhouse** 6 **Gas Storage Act 2009** 7

- Clause 35** **Act amended** 8
- This part amends the *Greenhouse Gas Storage Act 2009*. 9
- Note—* 10
- See also the amendments in schedule 1, part 2. 11

- Clause 36** **Amendment of s 257 (Power to require information or** 12
reports about authorised activities to be kept or given) 13
- (1) Section 257(2)— 14
- insert—* 15
- (c) other information or a report prescribed by 16
regulation. 17
- (2) Section 257(3), 'notice by the chief executive'— 18
- omit, insert—* 19
- requirement 20

- Clause 37** **Replacement of s 261 (Public release of required** 21
information) 22
- Section 261— 23
- omit, insert—* 24
- 261 Public release of required information** 25
- (1) The mere fact of the existence of a GHG authority 26

-
- is taken to be an authorisation from the holder of
the authority to the chief executive to do the
following in relation to required information for
the authority—
- (a) to publish, in the way prescribed by
regulation, the information for public use;
- (b) to make the information available to a
person on payment of the fee prescribed by
regulation.
- (2) Subsections (3) to (6) apply if a confidentiality
period is prescribed by regulation for the required
information.
- (3) Subsection (1) does not apply in relation to the
required information until the confidentiality
period ends.
- (4) Subsection (5) applies if—
- (a) the required information is about an
authorised activity carried out only in an
area that stops being in the area of the GHG
authority; and
- (b) immediately before the area stops being in
the area of the GHG authority, the
confidentiality period has not ended.
- (5) The confidentiality period ends when the area
stops being in the area of the GHG authority.
- Example—*
- The required information is a well completion report
about a well drilled on particular land in the area of a
GHG permit. The land has been relinquished under the
relinquishment condition for the permit. A
confidentiality period for the required information ends
when the land is relinquished.
- (6) However, subsection (5) does not apply if—
- (a) the GHG authority is a GHG permit; and
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[s 38]

	(b) after the commencement of this subsection, the area stops being in the permit's area under section 48(1) or (2).	1 2 3
	(7) An authorisation under subsection (1) is not affected by the ending of the GHG authority.	4 5
Part 7	Amendment of Land Access Ombudsman Act 2017	6 7
Clause 38	Act amended	8
	This part amends the <i>Land Access Ombudsman Act 2017</i> .	9
Clause 39	Amendment of long title	10
	Long title, from 'disputes'—	11
	<i>omit, insert—</i>	12
	land access disputes, and to conduct ADRs for ADR election notice disputes	13 14
Clause 40	Amendment of s 3 (Purpose of Act)	15
	Section 3, from 'a way'—	16
	<i>omit, insert—</i>	17
	the land access ombudsman to—	18
	(a) investigate, and facilitate the timely resolution of, land access disputes; and	19 20
	(b) conduct ADRs for ADR election notice disputes.	21 22
Clause 41	Amendment of s 4 (How purpose is achieved)	23
	Section 4(c), from 'to'—	24
	<i>omit, insert—</i>	25

	to—	1
	(i) investigate, and facilitate the timely resolution of, land access disputes; and	2 3
	(ii) conduct ADRs for ADR election notice disputes.	4 5
Clause 42	Amendment of s 7 (What is a <i>land access dispute</i>)	6
	Section 7—	7
	<i>insert—</i>	8
	(c) a dispute about an alleged breach of an access agreement between—	9 10
	(i) the resource authority holder and the owner or occupier of land who entered into the agreement; or	11 12 13
	(ii) the successors and assigns of a party to the agreement mentioned in subparagraph (i) that are bound by the agreement under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 79; or	14 15 16 17 18 19
	(d) a dispute about an alleged breach of a subsidence management plan or a subsidence compensation agreement between—	20 21 22 23
	(i) the resource authority holder and the owner or occupier of land who entered into the plan or agreement; or	24 25 26
	(ii) the successors and assigns of a party to the plan or agreement mentioned in subparagraph (i) that are bound by the plan or agreement under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 184JC.	27 28 29 30 31 32

[s 43]

Clause 43	Amendment of s 16 (Functions)	1
(1)	Section 16—	2
	<i>insert—</i>	3
	(aa) to conduct ADRs for ADR election notice disputes;	4
		5
(2)	Section 16(c), after ‘disputes’—	6
	<i>insert—</i>	7
	and ADR election notice disputes	8
(3)	Section 16(d), ‘(c)’—	9
	<i>omit, insert—</i>	10
	(d)	11
(4)	Section 16(aa) to (e)—	12
	<i>renumber</i> as section 16(b) to (f).	13
Clause 44	Amendment of s 18 (What land access ombudsman can not deal with)	14
		15
(1)	Section 18(1)(a)—	16
	<i>omit, insert—</i>	17
	(a) an agreement or plan mentioned in section 7 not yet entered into;	18
		19
(2)	Section 18(1)—	20
	<i>insert—</i>	21
	(ba) a subsidence management plan or a subsidence compensation agreement while subject to a minimum negotiation period under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 184HI or 184II;	22
		23
		24
		25
		26
		27
(3)	Section 18(1)(ba) to (g)—	28
	<i>renumber</i> as section 18(1)(c) to (h).	29

	(4) Section 18(3), ‘subsection (1)(g)’—	1
	<i>omit, insert</i> —	2
	subsection (1)(h)	3
Clause 45	Amendment of s 20 (Land access ombudsman not subject to direction)	4
	Section 20(b), from ‘to’—	5
	<i>omit, insert</i> —	6
	to—	7
	(i) investigations of land access dispute referrals; or	8
	(ii) the conduct of an ADR; or	9
		10
		11
Clause 46	Insertion of new pt 2, div 2, sdiv 1, hdg	12
	Before section 23—	13
	<i>insert</i> —	14
	Subdivision 1 Establishment	15
Clause 47	Replacement of s 25 (Finances of office)	16
	Section 25—	17
	<i>omit, insert</i> —	18
	25 Application of other Acts	19
	The office is—	20
	(a) a statutory body for the <i>Financial Accountability Act 2009</i> ; and	21
	(b) a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	22
		23
		24

[s 48]

	<i>Note—</i>	1
	The <i>Statutory Bodies Financial Arrangements Act 1982</i> ,	2
	part 2B sets out the way that Act affects the office’s	3
	powers.	4
Clause 48	Insertion of new pt 2, div 2, sdiv 2 and sdiv 3, hdg	5
	After section 25—	6
	<i>insert—</i>	7
	Subdivision 2 Financial matters	8
	25A Annual budgets	9
	(1) The land access ombudsman must, before each 31	10
	March, prepare, in consultation with the advisory	11
	council, a budget of estimated costs of the office	12
	for the next financial year, having regard to	13
	expected cost recovery fees for the year.	14
	(2) The Minister must approve, or refuse to approve,	15
	a budget by each 30 April.	16
	(3) However, a failure by the Minister to act under	17
	subsection (2) does not prevent the Minister	18
	approving, or refusing to approve, a budget at a	19
	later time.	20
	(4) A budget has no effect until it has been approved	21
	by the Minister on the recommendation of the	22
	advisory council and the land access ombudsman.	23
	(5) During a financial year the land access	24
	ombudsman may prepare amendments to the	25
	office’s budget for that year.	26
	(6) An amendment of a budget has no effect until it	27
	has been approved by the Minister on the	28
	recommendation of the advisory council and the	29
	land access ombudsman.	30
	(7) If the advisory council and the land access	31
	ombudsman differ about what should be	32

-
- recommended to the Minister for an approval 1
under this section, the Minister may still give the 2
approval. 3
- (8) The land access ombudsman may authorise 4
spending by the office during a financial year only 5
under the budget for that year, unless the Minister 6
otherwise approves. 7
- (9) This section does not require the land access 8
ombudsman to give the Minister any details that 9
would, if given, prejudice a current investigation. 10

25B Budget guidelines 11

- (1) The land access ombudsman must, in consultation 12
with the advisory council, prepare budget 13
guidelines, including guidelines for the working 14
out, structure and adjustment of cost recovery 15
fees. 16
- (2) The budget guidelines must provide for the cost 17
recovery fees for the holders of prescribed 18
resource authorities under division 3 to be 19
adjusted at least twice a year having regard to the 20
holders' forecasted costs and relevant 21
performance costs. 22
- (3) In this section— 23
- forecasted costs* has the same meaning as in 24
section 31G. 25
- relevant performance costs* has the same 26
meaning as in section 31G. 27

Subdivision 3 Officers and employees 28

- Clause 49** **Amendment of s 30 (Officers not subject to outside 29
direction)** 30
- (1) Section 30(a), after 'Act'— 31

[s 50]

insert— 1

, or an ADR under part 3A, 2

(2) Section 30(b), after ‘investigations’— 3

insert— 4

or an ADR under part 3A 5

Clause 50 Insertion of new pt 2, div 3 and new pt 2A 6

After section 31— 7

insert— 8

Division 3 Funding for performance 9

of functions 10

Subdivision 1 Preliminary 11

31A Definition for division 12

In this division— 13

prescribed resource authority means a resource 14

authority prescribed by regulation for this 15

division. 16

Subdivision 2 Industry levy 17

31B Annual levy for performance of functions 18

(1) The performance of the functions of the office are 19

to be funded by an annual levy payable by each 20

holder of a prescribed resource authority. 21

(2) The levy must be worked out in the way 22

prescribed by regulation. 23

(3) The way the levy is worked out must be 24

transparent and likely to be readily understood by holders of prescribed resource authorities. 1
2

- (4) The levy must be— 3
- (a) based on the amount needed to recover the estimated costs to the office of performing its functions in a financial year; and 4
5
6
 - (b) apportioned, where practicable, between the holders of prescribed resource authorities or classes of holders of prescribed resource authorities according to the cost to the office of performing functions specific to the holders or class of holders. 7
8
9
10
11
12
- (5) The office must give a notice about the levy, and any changes to the levy, to each holder of a prescribed resource authority. 13
14
15

31C Recovery of levy 16

- (1) The levy worked out under section 31B must be paid by each holder of a prescribed resource authority in the amount, at the time and in the way prescribed by regulation. 17
18
19
20
- (2) If the holder of a prescribed resource authority does not pay the levy as required under the regulation, the State may recover from the holder the amount of the levy as a debt. 21
22
23
24

Subdivision 3 Cost recovery fees 25

31D Cost recovery fee 26

- (1) Generally, performance of the functions of the land access ombudsman under parts 3 and 3A is funded by a fee (the *cost recovery fee*) imposed on each holder of a prescribed resource authority. 27
28
29
30
- (2) The cost recovery fee must be paid to the land 31

[s 50]

access ombudsman office. 1

31E Amount of cost recovery fee 2

The cost recovery fee for the holder of a 3
prescribed resource authority is the amount 4
worked out under section 31G. 5

31F When cost recovery fee is payable 6

- (1) The land access ombudsman must at least 14 7
days, but no more than 1 month, before the end of 8
each quarter— 9
- (a) work out, under section 31G, the cost 10
recovery fee for the next quarter payable by 11
each holder of a prescribed resource 12
authority; and 13
- (b) give the holder of the prescribed resource 14
authority an invoice for the fee. 15
- (2) If an entity becomes the holder of a prescribed 16
resource authority during a quarter, the land 17
access ombudsman must— 18
- (a) work out, under section 31G, the cost 19
recovery fee payable by the holder for the 20
part of the quarter starting from when the 21
entity became a holder (the *part quarter*); 22
and 23
- (b) give the holder an invoice for the amount of 24
the fee for the part quarter. 25
- (3) For applying section 31G for the part quarter, a 26
reference in section 31G to the assessed quarter is 27
taken to include a reference to the part quarter. 28
- (4) The cost recovery fee stated in an invoice under 29
subsection (1) or (2) is payable 14 days after the 30
holder of the prescribed resource authority 31
receives the invoice. 32

31G Working out cost recovery fee generally

- 1
- (1) This section provides for the working out of the 2
cost recovery fee for a holder of a prescribed 3
resource authority for a quarter (the *assessed* 4
quarter). 5
- (2) The land access ombudsman must prepare a 6
forecast of the costs (*forecasted costs*) that the 7
ombudsman reasonably considers will be the 8
holder's likely relevant performance costs for the 9
assessed quarter. 10
- (3) In making the forecast for the assessed quarter, 11
the land access ombudsman may, but is not 12
required to, have regard to the holder's relevant 13
performance costs for the previous quarter or 14
likely relevant performance costs for the current 15
quarter. 16
- (4) The amount of the holder's cost recovery fee for 17
the assessed quarter is the amount of the 18
forecasted costs for the quarter, subject to any 19
adjustment required under the budget guidelines 20
prepared under section 25B. 21
- (5) The holder is not entitled to, or to be credited for, 22
interest on any amount credited to the holder 23
because of an adjustment mentioned in subsection 24
(4). 25
- (6) In this section— 26
- current quarter* means the quarter in which the 27
forecast for the assessed quarter is made. 28
- previous quarter* means the quarter ending 29
immediately before the current quarter, whether 30
or not the holder was a holder for all of that 31
quarter. 32
- relevant performance costs*, for the holder of a 33
prescribed resource authority, means the costs 34
incurred by the land access ombudsman, as 35
worked out under the budget guidelines prepared 36

[s 50]

under section 25B, to perform the ombudsman’s 1
functions in relation to referrals under part 3, or 2
applications under part 3A, relating to the holder. 3

Subdivision 4 Supplementary fees 4

31H Supplementary fees 5

- (1) Subsection (2) applies if, at any time, the land 6
access ombudsman informs the Minister that, 7
because of any of the following, receipts under 8
subdivisions 2 and 3 are not, or may not be, 9
enough to fund all of the ombudsman’s 10
functions— 11
 - (a) unforeseen expenditure; 12
 - (b) a revised budget. 13
- (2) The Minister may recommend to the Governor in 14
Council the making of a regulation to impose a 15
supplementary fee on all holders of prescribed 16
resource authorities, or a stated class of holders of 17
prescribed resource authorities, of an amount that 18
will allow all of the ombudsman’s functions to be 19
funded. 20
- (3) Subsection (4) applies if, at any time, the land 21
access ombudsman informs the Minister that 22
because of a particular matter concerning an 23
individual holder of a prescribed resource 24
authority, receipts under subdivisions 2 and 3 are 25
not, or may not be, enough to fund all of the 26
ombudsman’s functions. 27
- (4) The Minister may recommend to the Governor in 28
Council the making of a regulation to impose a 29
supplementary fee on the individual holder of the 30
prescribed resource authority of an amount that 31
the land access ombudsman considers will allow 32
all of the ombudsman’s functions to be funded. 33

-
- (5) A supplementary fee must be paid at the time and 1
in the way provided for under a regulation. 2

Part 2A Advisory Council 3

31I Establishment 4

An advisory council is established. 5

31J Functions 6

The advisory council's functions are to— 7

- (a) monitor the land access ombudsman's 8
independence; and 9
- (b) advise the land access ombudsman on the 10
following— 11
- (i) policy and procedural issues relating to 12
this Act; 13
- (ii) the operation of this Act for— 14
- (A) holders of resource authorities; 15
and 16
- (B) owners or occupiers of private 17
land; 18
- (iii) the preparation of annual budgets 19
under section 25A and budget 20
guidelines under section 25B; 21
- (iv) the development of procedural 22
guidelines under section 65; and 23
- (c) advise the Minister on the funding of the 24
land access ombudsman's functions; and 25
- (d) as soon as practicable after the end of each 26
financial year, prepare and provide the 27
Minister with advice about— 28

[s 50]

- (i) matters arising in relation to the land access ombudsman's independence during the financial year; and 1
2
3
- (ii) matters arising in relation to a matter mentioned in paragraph (b) during the financial year. 4
5
6

31K Members 7

- (1) The advisory council consists of a chairperson and at least 6 other members appointed by the Minister. 8
9
10
- (2) The chairperson must— 11
 - (a) have expertise in the provision of legal and alternative dispute resolution services in the resources or agricultural sector; and 12
13
14
 - (b) be independent of the interests of— 15
 - (i) holders of resource authorities; and 16
 - (ii) owners or occupiers of private land. 17
- (3) The other members must consist of— 18
 - (a) members who represent the interests of the resources sector; and 19
20
 - (b) members who represent the interests of agricultural and other landholder groups. 21
22
- (4) The other members must be appointed on the chairperson's recommendation. 23
24

31L Term 25

- (1) Each member of the advisory council holds office for the term stated in the member's instrument of appointment. 26
27
28
- (2) The stated term must not be more than 5 years. 29
- (3) The member may be reappointed. 30

	31M Remuneration and conditions	1
	(1) Each member of the advisory council is to be paid the remuneration, if any, and other allowances, if any, decided by the Minister.	2 3 4
	(2) Each member holds office on the terms and conditions, not provided for by this Act, that are decided by the Minister.	5 6 7
Clause 51	Amendment of s 34 (Protection from liability for referring land access dispute)	8 9
	Section 34(1)(b), from ‘conduct’ to ‘make good agreement’—	10
	<i>omit, insert—</i>	11
	agreement or plan	12
Clause 52	Amendment of s 36 (Acceptance or refusal of referral)	13
	Section 36(3)(a) and (b)—	14
	<i>omit, insert—</i>	15
	(a) the dispute resolution process, if any, in the agreement or plan the subject of the land access dispute referral; or	16 17 18
	(b) a process for alternative dispute resolution under another Act.	19 20
Clause 53	Amendment of s 45 (Power to enter dispute land)	21
	(1) Section 45(1), ‘a conduct and compensation agreement’—	22
	<i>omit, insert—</i>	23
	an agreement or plan	24
	(2) Section 45(1), ‘subject of the agreement’—	25
	<i>omit, insert—</i>	26
	subject of the agreement or plan	27

[s 54]

Clause 54	Insertion of new pt 3A	1
	After part 3—	2
	<i>insert—</i>	3
	Part 3A	4
	ADR for ADR election notice disputes	5
	50A Definitions for part	6
	In this part—	7
	<i>ADR</i> see section 50B.	8
	<i>initiating party</i> see section 50C(1).	9
	<i>other party</i> see section 50C(1).	10
	50B Purpose of part	11
	The purpose of this part is to enable a party who has a right to require or request another party to participate in a non-binding alternative dispute resolution process (an <i>ADR</i>), under particular provisions of the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , the <i>Mineral Resources Act 1989</i> and the <i>Water Act 2000</i> , to apply to the land access ombudsman to conduct the ADR.	12 13 14 15 16 17 18 19 20
	50C When party may apply to land access ombudsman to conduct ADR	21 22
	(1) This section applies if a party (the <i>initiating party</i>) has a right to give an ADR election notice to another party (the <i>other party</i>) under—	23 24 25
	(a) any of the following provisions of the <i>Mineral and Energy Resources (Common Provisions) Act 2014—</i>	26 27 28
	(i) section 51A(2);	29

-
- (ii) section 88(2); 1
 - (iii) section 92A(2); 2
 - (iv) section 184HJ(2); 3
 - (v) section 184HL(2); 4
 - (vi) section 184IJ(2); 5
 - (vii) section 184IN(2); or 6
 - (b) either of the following provisions of the 7
Mineral Resources Act 1989— 8
 - (i) section 85AA(2); 9
 - (ii) section 283C(2); or 10
 - (c) the *Water Act 2000*, section 426(2)(b). 11
 - (2) The initiating party may, in the ADR election 12
notice, state the land access ombudsman as the 13
ADR facilitator proposed to conduct the ADR. 14
 - (3) If the other party accepts the land access 15
ombudsman as the ADR facilitator, the initiating 16
party may apply to the land access ombudsman to 17
conduct the ADR. 18
 - (4) This section applies despite any agreement to the 19
contrary. 20

50D Requirements for making application 21

- (1) The application must be in the approved form. 22
- (2) The approved form must provide for the name and 23
contact details of each of the following to be 24
provided— 25
 - (a) the initiating party; 26
 - (b) the other party. 27

50E Deciding application 28

The land access ombudsman must decide to 29

[s 55]

	conduct or refuse to conduct the ADR within 10 business days after the application is made.	1 2
	50F Steps after, and taking effect of, decision	3
	(1) If the land access ombudsman decides to conduct the ADR—	4 5
	(a) the land access ombudsman must give notice of the decision to—	6 7
	(i) the initiating party; and	8
	(ii) the other party; and	9
	(b) the land access ombudsman is taken to be appointed as the ADR facilitator, under the Act mentioned in section 50C(1) under which the ADR election notice was given, on the day on which the notice mentioned in paragraph (a) is given; and	10 11 12 13 14 15
	(c) the land access ombudsman must conduct the ADR under the Act mentioned in section 50C(1) under which the ADR election notice was given.	16 17 18 19
	(2) If the land access ombudsman decides not to conduct the ADR, the land access ombudsman must give the initiating party and the other party notice of the decision.	20 21 22 23
Clause 55	Replacement of s 52 (Evidentiary provision)	24
	Section 52—	25
	<i>omit, insert—</i>	26
	52 Evidentiary provision	27
	(1) A notice given by the land access ombudsman under section 51 for a land access dispute referral about an agreement or a plan is admissible in a proceeding about the agreement or plan before the	28 29 30 31

	Land Court under—	1
	(a) any of the following provisions of the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> —	2 3 4
	(i) section 53A;	5
	(ii) section 99A;	6
	(ii) section 184HP;	7
	(iii) section 184IT; or	8
	(b) the <i>Water Act 2000</i> , section 434.	9
	(2) A notice given by the land access ombudsman under section 51 for a land access dispute referral about an agreement or a plan is admissible in an arbitration about the agreement or plan as evidence of the matters in the notice.	10 11 12 13 14
Clause 56	Amendment of s 53 (Recommendation about Resource Act offence or resource authority breach)	15 16
	(1) Section 53(1)—	17
	<i>omit, insert</i> —	18
	(1) This section applies if—	19
	(a) the land access ombudsman has accepted—	20
	(i) a land access dispute referral; or	21
	(ii) an application to conduct an ADR; and	22
	(b) the ombudsman reasonably suspects a party to the land access dispute or the ADR who holds a resource authority—	23 24 25
	(i) has committed, is committing, or is likely to commit, an offence against a Resource Act (the <i>possible offence</i>); or	26 27 28
	(ii) has breached, is breaching, or is likely to breach, a condition of a resource	29 30

[s 57]

	authority that relates to land access (the <i>possible authority breach</i>).	1 2
(2)	Section 53(2), ‘chief executive (natural resources and mines)’ <i>omit, insert—</i>	3 4
	relevant chief executive	5
(3)	Section 53— <i>insert—</i>	6 7
	(7) In this section— <i>relevant chief executive</i> means—	8 9
	(a) if the possible offence or possible authority breach is against a Resource Act mentioned in schedule 1, definition <i>Resource Act</i> , paragraph (a)—the chief executive of the department in which the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> is administered; or	10 11 12 13 14 15 16
	(b) if the possible offence or possible authority breach is against a Resource Act mentioned in schedule 1, definition <i>Resource Act</i> , paragraph (b) or (c)—the chief executive of the department in which the <i>Coal Mining Safety and Health Act 1999</i> is administered.	17 18 19 20 21 22
Clause 57	Amendment of s 54 (Recommendation about offence against Water Act 2000)	23 24
	Section 54(1)— <i>omit, insert—</i>	25 26
	(1) This section applies if—	27
	(a) the land access ombudsman has accepted—	28
	(i) a land access dispute referral; or	29
	(ii) an application to conduct an ADR; and	30

	(b) the ombudsman reasonably suspects a party to the land access dispute or the ADR who holds a resource authority has committed, is committing, or is likely to commit, an offence against the <i>Water Act 2000</i> , chapter 3 (the <i>possible offence</i>).	1 2 3 4 5 6
Clause 58	Amendment of s 55 (Recommendation about offence against Environmental Protection Act 1994)	7 8
	Section 55(1)—	9
	<i>omit, insert—</i>	10
	(1) This section applies if—	11
	(a) the land access ombudsman has accepted—	12
	(i) a land access dispute referral; or	13
	(ii) an application to conduct an ADR; and	14
	(b) the ombudsman reasonably suspects a party to the land access dispute or the ADR who holds a resource authority has committed, is committing, or is likely to commit, an offence against the <i>Environmental Protection Act 1994</i> (the <i>possible offence</i>).	15 16 17 18 19 20
Clause 59	Amendment of s 56 (Advice about systemic issues)	21
	Section 56(1), after ‘referrals’—	22
	<i>insert—</i>	23
	or 1 or more ADRs conducted by the land access ombudsman	24 25
Clause 60	Replacement of s 58 (Protection from liability for giving agreement to land access ombudsman)	26 27
	Section 58—	28
	<i>omit, insert—</i>	29

[s 61]

58 Protection from liability for giving agreement or plan to land access ombudsman	1 2
(1) This section applies if—	3
(a) a party to a relevant agreement or plan gives a copy of the agreement or plan, or part of the agreement or plan, to the land access ombudsman—	4 5 6 7
(i) because of a requirement under section 42; or	8 9
(ii) under part 3A; or	10
(iii) on the party’s own initiative; and	11
(b) the agreement contains a condition prohibiting the disclosure of all or any part of the agreement or plan.	12 13 14
(2) The party does not incur any civil liability for breach of the condition by giving the agreement or plan, or part of the agreement or plan, to the land access ombudsman.	15 16 17 18
(3) In this subsection—	19
<i>relevant agreement or plan</i> means—	20
(a) an agreement or plan to which a land access dispute relates; or	21 22
(b) an agreement or plan to which an ADR election notice mentioned in section 50C relates.	23 24 25

Clause 61 Amendment of s 59 (Confidentiality requests)	26
Section 59(1), from ‘conduct’ to ‘make good agreement’—	27
<i>omit, insert—</i>	28
relevant agreement or plan mentioned in section 58	29 30

Clause 62	Amendment of s 63 (Annual report)	1
(1)	Section 63(2)(a)—	2
	<i>insert—</i>	3
	(iia) applications for an ADR made;	4
	(iib) applications for an ADR that the land access ombudsman has accepted;	5 6
	(iic) applications for an ADR that the land access ombudsman has refused;	7 8
(2)	Section 63(2)(a)(iia) to (v)—	9
	<i>renumber</i> as section 63(2)(a)(iv) to (viii).	10
(3)	Section 63(3), after ‘dispute’—	11
	<i>insert—</i>	12
	or an ADR	13
Clause 63	Amendment of s 65 (Procedural guidelines)	14
(1)	Section 65(1)—	15
	<i>omit, insert—</i>	16
	(1) The land access ombudsman may make procedural guidelines about practices and procedures for any of the following—	17 18 19
	(a) land access dispute referrals;	20
	(b) investigations under this Act;	21
	(c) the conduct of ADRs.	22
(2)	Section 65(3)—	23
	<i>omit, insert—</i>	24
	(3) A procedural guideline—	25
	(a) must not be inconsistent with—	26
	(i) this Act; or	27

[s 64]

	(ii) to the extent the guideline relates to a land access dispute—a provision of an Act mentioned in section 7 relating to the land access dispute; or	1 2 3 4
	(iii) to the extent the guideline relates to an ADR—a provision of an Act mentioned in section 50C(1) relating to the ADR; and	5 6 7 8
	(b) must be consistent with best practice industry standards.	9 10
Clause 64	Amendment of pt 7, hdg (Transitional provision)	11
	Part 7, heading, ‘provision’—	12
	<i>omit, insert—</i>	13
	provisions	14
Clause 65	Insertion of new pt 7, div 1, hdg	15
	Before section 67—	16
	<i>insert—</i>	17
	Division 1	Transitional provision for
		Act No. 34 of 2017
		18 19
Clause 66	Insertion of new pt 7, div 2	20
	After section 67—	21
	<i>insert—</i>	22
	Division 2	Transitional provisions for
		Mineral and Energy
		Resources and Other
		Legislation Amendment
		Act 2024
		23 24 25 26 27

68	Definition for division	1
	In this division—	2
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	3 4
69	Land access dispute referral relating to matters arising before commencement	5 6
	A land access dispute mentioned in new section 7(c) or (d) may be the subject of a land access dispute referral—	7 8 9
	(a) whether the agreement or plan the subject of the dispute was entered into before or after the commencement; and	10 11 12
	(b) whether the land access dispute arose before or after the commencement.	13 14
70	Protection from liability for referring land access dispute	15 16
	New section 34 applies in relation to the referral to the land access ombudsman of a land access dispute mentioned in new section 7(c) or (d)—	17 18 19
	(a) whether the agreement or plan the subject of the dispute was entered into before or after the commencement; and	20 21 22
	(b) whether the land access dispute arose before or after the commencement.	23 24
71	Power to enter dispute land	25
	New section 45 applies in relation to a land access dispute referral mentioned in new section 7(c) or (d)—	26 27 28

[s 67]

	(a) whether the agreement or plan the subject of the dispute was entered into before or after the commencement; and	1 2 3
	(b) whether the land access dispute arose before or after the commencement.	4 5
72	ADR for ADR election notice disputes relating to matters arising before commencement	6 7
	New part 3A applies in relation to an ADR election notice given after the commencement—	8 9
	(a) whether the agreement or plan in relation to which the ADR election notice was given was entered into before or after the commencement; and	10 11 12 13
	(b) whether the ADR election notice dispute in relation to which the ADR election notice was given arose before or after the commencement.	14 15 16 17
73	Protection from liability for giving agreement or plan to land access ombudsman	18 19
	New section 58 applies in relation to a relevant agreement or plan given to the land access ombudsman after the commencement whether the agreement or plan was entered into before or after the commencement.	20 21 22 23 24
Clause 67	Amendment of sch 1 (Dictionary)	25
	(1) Schedule 1, definition <i>Resource Act</i> — <i>omit.</i>	26 27
	(2) Schedule 1— <i>insert—</i>	28 29
	<i>access agreement</i> see the <i>Mineral and Energy</i>	30

<i>Resources (Common Provisions) Act 2014</i> , section 47(2).	1 2
ADR see section 50B.	3
ADR election notice dispute means a dispute in relation to which an ADR election notice mentioned in section 50C is given.	4 5 6
advisory council means the advisory council established under section 31I.	7 8
cost recovery fee see section 31D(1).	9
initiating party , for part 3A, see section 50C(1).	10
other party , for part 3A, see section 50C(1).	11
prescribed resource authority , for part 2, division 3, see section 31A.	12 13
Resource Act means—	14
(a) a Resource Act under the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 9; and	15 16 17
(b) the <i>Coal Mining Safety and Health Act 1999</i> ; and	18 19
(c) the <i>Mining and Quarrying Safety and Health Act 1999</i> .	20 21
subsidence compensation agreement see the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 184IB.	22 23 24
subsidence management plan see the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , section 184HB.	25 26 27

[s 68]

Part 8	Amendment of Mineral and Energy Resources (Common Provisions) Act 2014	1
		2
		3
Clause 68	Act amended	4
	This part amends the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> .	5
		6
	<i>Note—</i>	7
	See also the amendments in schedule 1, part 2.	8
Clause 69	Amendment of long title	9
	(1) Long title, ‘and to manage’—	10
	<i>omit, insert—</i>	11
	, to manage	12
	(2) Long title, after ‘gas’—	13
	<i>insert—</i>	14
	and to manage the impacts of CSG-induced subsidence	15
		16
Clause 70	Amendment of s 3 (Main purposes)	17
	(1) Section 3—	18
	<i>insert—</i>	19
	(ca) to manage the impacts of CSG-induced subsidence; and	20
		21
	(2) Section 3(ca) to (e)—	22
	<i>renumber</i> as section 3(d) to (f).	23
Clause 71	Amendment of s 4 (How main purposes are achieved)	24
	(1) Section 4(1)(c), ‘new’—	25

omit. 1

(2) Section 4(1)— 2

insert— 3

(ca) the framework for managing the impacts of
CSG-induced subsidence; 4
5

(3) Section 4(1)(ca) to (f)— 6

renumber as section 4(1)(d) to (g). 7

Clause 72 Amendment of s 15B (What is a *preliminary activity*) 8

Section 15B(2)— 9

omit, insert— 10

(2) Subsection (3) applies to an authorised activity for
a resource authority other than an activity that is
aerial surveying carried out at 1,000ft or more
above land. 11
12
13
14

(3) Despite subsection (1), the activity is not a
preliminary activity for the resource authority if
the activity— 15
16
17

(a) is carried out on land that— 18

(i) is less than 100ha; and 19

(ii) is being used for intensive farming or
broadacre agriculture; or 20
21

Examples for subparagraph (ii)— 22

- land used for dryland or irrigated
cropping, plantation forestry or
horticulture 23
24
25

- land used for a dairy, cattle or sheep
feedlot, a piggery or a poultry farm 26
27

(b) affects the lawful carrying out of an organic
or bio-organic farming system. 28
29

[s 73]

Clause 73	Replacement of ch 2, pt 2 (Caveats)	1
	Chapter 2, part 2—	2
	<i>omit, insert—</i>	3
	Part 2	
	Caveats	4
	24 Application of part	5
	This part applies in relation to—	6
	(a) a resource authority; or	7
	(b) an application for a mining lease under the Mineral Resources Act.	8 9
	25 Lodging of caveat	10
	(1) A person claiming an interest in the resource authority or the application for a mining lease may lodge a caveat over the authority or application if the caveat—	11 12 13 14
	(a) complies with the prescribed requirements for the caveat; and	15 16
	(b) is not a prohibited caveat; and	17
	(c) is accompanied by the fee prescribed by regulation.	18 19
	(2) On receipt of the caveat, the chief executive must—	20 21
	(a) record the existence of the caveat in the register; and	22 23
	(b) notify the following persons of the receipt of the caveat—	24 25
	(i) each holder of the resource authority or applicant for the application;	26 27

-
- (ii) each person who has a registered interest in the resource authority or application; 1
2
3
- (iii) any caveator for a prior caveat over the resource authority or application if the prior caveat is in effect. 4
5
6
- (3) The caveat has no effect if the caveat— 7
- (a) does not comply with the prescribed requirements for the caveat; or 8
9
- (b) is a prohibited caveat. 10
- (4) In this section— 11
- prohibited caveat* means a caveat of a type prescribed by regulation to be a prohibited caveat. 12
13
- registered interest*, in the resource authority or the application for a mining lease, means an interest in the authority or application recorded in the register. 14
15
16
17
- 26 Effect of lodging caveat** 18
- (1) This section applies if a caveat is lodged over the resource authority or the application for a mining lease under this part. 19
20
21
- (2) From the date and time of lodgement of the caveat until the caveat lapses or is withdrawn or removed, the caveat prevents the following— 22
23
24
- (a) the registration of a dealing in relation to the resource authority; 25
26
- (b) the registration under the Mineral Resources Act of a transfer of the application or a transfer of an interest in the application. 27
28
29
- (3) However— 30

[s 73]

- (a) the lodgement of the caveat does not prevent the registration of an instrument of a type prescribed by regulation; and 1
2
3
- (b) if the caveat is lodged over only a share in the resource authority, the lodgement of the caveat does not prevent the registration of a dealing in relation to other shares in the resource authority. 4
5
6
7
8
- (4) The caveat does not create an interest in the resource authority or the application. 9
10
- (5) For this section, the date and time of lodgement of the caveat is the date and time endorsed by the chief executive on the caveat as the caveat's date and time of lodgement. 11
12
13
14

27 Lapsing of caveat 15

- (1) A caveat lodged under this part lapses— 16
 - (a) for a caveat for which there is consent—at the end of the term stated in the caveat; or 17
18
 - (b) for a caveat for which there is no consent— 19
 - (i) if an order of the Land Court is in effect in relation to the caveat—when the order stops having effect; or 20
21
22
 - (ii) otherwise—on the day that is 3 months after the date of lodgement of the caveat or on an earlier day stated in the caveat. 23
24
25
26
- (2) If there is consent to the caveat and the caveat does not state the term of the caveat, the caveat continues in effect until it is withdrawn or removed. 27
28
29
30
- (3) For this section— 31
 - (a) there is consent to a caveat over the resource authority only if each holder of the authority 32
33

consented to the lodgement of the caveat	1
and the consent was lodged with the caveat;	2
and	3
(b) there is consent to a caveat over the	4
application for a mining lease only if each	5
applicant consented to the lodgement of the	6
caveat and the consent was lodged with the	7
caveat; and	8
(c) the date of lodgement of a caveat is the date	9
endorsed by the chief executive on the	10
caveat as the caveat's date of lodgement.	11
28 Withdrawal or removal of caveat	12
(1) The caveator for a caveat lodged under this part	13
may withdraw the caveat by written notice given	14
to the chief executive.	15
(2) Either of the following persons may apply to the	16
Land Court for an order that a caveat lodged under	17
this part be removed—	18
(a) a person who has a present or prospective	19
right or interest in the resource authority, or	20
the application for a mining lease, over	21
which the caveat is lodged;	22
(b) a person whose present or prospective right	23
to deal with the resource authority, or the	24
application for a mining lease, over which	25
the caveat is lodged is affected by the	26
caveat.	27
(3) The Land Court may make the order—	28
(a) whether or not the caveator has been served	29
with the application for the order; and	30
(b) on the terms the Land Court considers	31
appropriate.	32

[s 74]

29	Recording of lapsing, withdrawal or removal of caveat	1 2
	As soon as practicable after a caveat lodged under this part lapses, is withdrawn or is ordered to be removed, the chief executive must record the lapse, withdrawal or removal in the register.	3 4 5 6
30	Further caveat not available to same person	7
(1)	This section applies if a caveat is lodged over an interest in the resource authority or the application for a mining lease under this part (the <i>original caveat</i>).	8 9 10 11
(2)	A further caveat with the same caveator can not be lodged over the resource authority or the application on the same, or substantially the same, grounds as those stated in the original caveat unless—	12 13 14 15 16
(a)	each holder of the authority, or each applicant for the application, has consented to the lodgement of the further caveat and the consent is lodged with the further caveat; or	17 18 19 20 21
(b)	a court of competent jurisdiction has given leave to lodge the further caveat.	22 23
31	Compensation for lodging caveat without reasonable cause	24 25
	The caveator for a caveat lodged under this part without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.	26 27 28 29

Clause 74	Amendment of s 38 (Application of division)	30
	Section 38—	31

insert—

- (d) undertaking a subsidence activity as provided under division 4A.

		1
	(d) undertaking a subsidence activity as provided under division 4A.	2 3
Clause 75	Amendment of s 40 (Exemptions from obligations)	4
	(1) Section 40—	5
	<i>insert—</i>	6
	(2A) Further, an obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 does not apply if the entry is for the purpose of carrying out an authorised activity for the resource authority that is aerial surveying carried out at 1,000ft or more above land.	7 8 9 10 11 12 13
	(2) Section 40(2A) and (3)—	14
	<i>renumber</i> as section 40(3) and (4).	15
Clause 76	Amendment of s 48 (Owner or occupier must not unreasonably refuse to make access agreement)	16 17
	Section 48, note—	18
	<i>omit.</i>	19
Clause 77	Insertion of new ch 3, pt 2, div 4, sdiv 2A	20
	Chapter 3, part 2, division 4—	21
	<i>insert—</i>	22
	Subdivision 2A ADR	23
	51A Party may seek ADR	24
	(1) This section applies if a dispute arises between a resource authority holder and an owner or occupier of land (the <i>parties</i>) about—	25 26 27

[s 78]

	(a) deciding a matter mentioned in section 49(1)(a), (b) or (c); or	1 2
	(b) whether an access agreement between the parties should be varied because of a material change in circumstances.	3 4 5
	(2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.	6 7 8 9
	(3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.	10 11 12
	(4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.	13 14 15 16
	(5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR.	17 18 19 20 21 22
	(6) Chapter 7A, part 1, division 2 applies to the ADR.	23
Clause 78	Insertion of new s 53A and ch 3, pt 2, div 4A	24
	After section 53—	25
	<i>insert—</i>	26
	53A Power of Land Court to decide alleged breach of access agreement	27 28
	(1) If a party to an access agreement believes the other party has breached the agreement, the party may apply to the Land Court for an order about the alleged breach.	29 30 31 32
	(2) An application may be made during the term, or	33

after the end, of the agreement.	1
(3) The Land Court may make any order it considers appropriate on an application under this section.	2 3
(4) In this section—	4
<i>party</i> , to an access agreement, means—	5
(a) the following persons who entered into the agreement—	6 7
(i) the resource authority holder;	8
(ii) the owner or occupier of private land; or	9 10
(b) the successors and assigns of a party mentioned in paragraph (a) that are bound by the agreement under section 79.	11 12 13
Division 4A	
Entry to private land	14
outside authorised area to	15
undertake subsidence	16
activity	17
53B Application of division	18
This division applies if a relevant holder for a subsidence management area is required to do any of the following (each a <i>subsidence activity</i>) in relation to private land outside the authorised area for the holder’s resource authority—	19 20 21 22 23
(a) undertake land monitoring under chapter 5A, part 4, division 1;	24 25
(b) undertake baseline data collection under chapter 5A, part 4, division 2;	26 27
(c) undertake a farm field assessment under chapter 5A, part 4, division 3;	28 29

[s 78]

- (d) take a subsidence management measure 1
under a subsidence management plan under 2
chapter 5A, part 5, division 1; 3
- (e) take stated reasonable steps under a 4
direction given under section 184KL(1)(b), 5
184KM(2) or (3) or 184KN. 6

53C Definitions for division 7

- In this division— 8
- relevant holder*, for a subsidence management 9
area, see section 184AB. 10
- subsidence activity* see section 53B. 11
- subsidence management area* see section 12
184AB. 13

53D Chief executive may authorise entry to private 14 land 15

- (1) The chief executive may authorise the relevant 16
holder to enter the private land to undertake the 17
subsidence activity. 18
- (2) The authorisation must— 19
 - (a) be in writing; and 20
 - (b) state the private land to which the 21
authorisation relates; and 22
 - (c) state the period of the authorisation. 23
- (3) The authorisation authorises the relevant holder 24
to— 25
 - (a) enter the private land to carry out the 26
subsidence activity; and 27
 - (b) enter other private land adjacent to the land 28
that is reasonably necessary to cross in order 29
to access the land; and 30

(c) undertake the subsidence activity on the land.	1 2
(4) This section does not authorise the relevant holder to enter a structure used for residential or agricultural purposes without the consent of the occupier of the structure.	3 4 5 6
<i>Examples of structures used for agricultural purposes—</i> a silo, a shed for agricultural machinery	7 8
53E Requirement on relevant holder who enters private land	9 10
If the relevant holder enters private land under this division, the holder—	11 12
(a) must not cause, or contribute to, unnecessary damage to any structure or works on the land; and	13 14 15
(b) must take all reasonable steps to ensure the holder causes as little inconvenience, and does as little other damage, as is practicable in the circumstances.	16 17 18 19
53F Compensation for damage	20
The relevant holder is liable to compensate the owner or occupier of the private land for any cost, damage or loss the owner or occupier incurs that is caused by the holder undertaking a subsidence activity on the land.	21 22 23 24 25
Clause 79 Amendment of s 54 (Report to owners and occupiers)	26
(1) Section 54(1)—	27
<i>insert—</i>	28
(c) private land has been entered to undertake a subsidence activity as provided under division 4A.	29 30 31

[s 80]

- (2) Section 54— 1
insert— 2
(4) This section does not apply if the entry to the land 3
is for the purpose of carrying out an authorised 4
activity for the resource authority that is aerial 5
surveying carried out at 1,000ft or more above 6
land. 7

Clause 80 Amendment of s 88 (Party may seek ADR) 8

- (1) Section 88, heading, ‘seek’— 9
omit, insert— 10
require 11
(2) Section 88(2), from ‘a notice’ to ‘(an **ADR**)’— 12
omit, insert— 13
an ADR election notice requiring the other party 14
to participate in ADR 15
(3) Section 88(3) and (4)— 16
omit, insert— 17
(3) For subsection (2), the dispute is resolved by the 18
parties entering into a conduct and compensation 19
agreement. 20
(4) Section 88(6), ‘subsection (5)’— 21
omit, insert— 22
subsection (4) 23
(5) Section 88(7), ‘subsection (6)’— 24
omit, insert— 25
subsection (5) 26
(6) Section 88(8)— 27
omit, insert— 28
(8) Chapter 7A, part 1, division 2 applies to the ADR. 29

-
- (7) Section 88(5) to (8)— 1
renumber as section 88(4) to (7). 2

- Clause 81 Omission of ss 89 and 90** 3
Sections 89 and 90— 4
omit. 5

- Clause 82 Amendment of s 91A (Party may request arbitration)** 6
- (1) Section 91A(1)(a), after ‘notice’— 7
insert— 8
under section 84 9
- (2) Section 91A(1)(b), from ‘notice’ to ‘section 89(2) or (4)’— 10
omit, insert— 11
notice under section 88 to another party seeking to 12
negotiate the resolution of a dispute and at the end 13
of the ADR period for the ADR 14
- (3) Section 91A(2), ‘a notice (an *arbitration election notice*)’— 15
omit, insert— 16
an arbitration election notice 17
- (4) Section 91A(3)— 18
omit. 19
- (5) Section 91A— 20
insert— 21
(4A) If a party given an arbitration election notice does 22
not accept the request for arbitration within 15 23
business days after the notice is given, the party is 24
taken to refuse the request. 25
- (6) Section 91A(5), ‘subsection (4)’— 26
omit, insert— 27

[s 83]

	subsection (3)	1
(7)	Section 91A(5), ‘under subsection (3)(b)’— <i>omit, insert—</i>	2 3
	in the arbitration election notice	4
(8)	Section 91A— <i>insert—</i>	5 6
	(8) Chapter 7A, part 2, division 2 applies to the arbitration.	7 8
(9)	Section 91A(4) and (4A)— <i>renumber</i> as section 91A(3) and (4).	9 10
Clause 83	Omission of ss 91B–91E	11
	Sections 91B to 91E— <i>omit.</i>	12 13
Clause 84	Insertion of new ch 3, pt 7, div 2, sdiv 5	14
	Chapter 3, part 7, division 2— <i>insert—</i>	15 16
	Subdivision 5 ADR about particular costs and material changes in circumstances	17 18 19
	92A Party may seek ADR	20
(1)	This section applies if a dispute arises between a resource authority holder and an eligible claimant (the <i>parties</i>) about—	21 22 23
(a)	the payment of negotiation and preparation costs under section 91; or	24 25
(b)	whether the compensation liability or future compensation liability of the resource	26 27

	authority holder to the eligible claimant,	1
	agreed to under a conduct and compensation	2
	agreement or decided by the Land Court,	3
	has been affected by a material change in	4
	circumstances since the agreement or	5
	decision.	6
(2)	Either party may give an ADR election notice to	7
	the other party asking the other party to	8
	participate in ADR to seek to negotiate a	9
	resolution of the dispute.	10
(3)	A party given an ADR election notice must,	11
	within 10 business days after the notice is given,	12
	accept or refuse the request for ADR.	13
(4)	If a party given an ADR election notice does not	14
	accept the request for ADR within 10 business	15
	days after the notice is given, the party is taken to	16
	refuse the request.	17
(5)	If the request for ADR is accepted under	18
	subsection (3), the parties may, within 10 business	19
	days after the acceptance, jointly appoint the	20
	ADR facilitator proposed in the ADR election	21
	notice, or another ADR facilitator, to conduct the	22
	ADR.	23
(6)	Chapter 7A, part 1, division 2 applies to the ADR.	24
Clause 85	Amendment of s 96 (Party may apply to Land Court)	25
(1)	Section 96(1)(a), after ‘notice’—	26
	<i>insert—</i>	27
	under section 88	28
(2)	Section 96(1)(b) and (c)—	29
	<i>omit, insert—</i>	30
	(b) at the end of the ADR period for the ADR,	31
	the parties have not entered into a conduct	32
	and compensation agreement; and	33

[s 86]

	(c) the dispute is not the subject of arbitration under chapter 7A, part 2, division 2.	1 2
Clause 86	Amendment of s 96B (Negotiation and preparation costs)	3
	(1) Section 96B(3), ‘an agronomist’—	4
	<i>omit, insert—</i>	5
	a relevant specialist	6
	(2) Section 96B(3), ‘the agronomist’—	7
	<i>omit, insert—</i>	8
	the relevant specialist	9
Clause 87	Insertion of new ch 5A	10
	After chapter 5—	11
	<i>insert—</i>	12
	Chapter 5A CSG-induced subsidence management	13 14 15
	Part 1 Preliminary	16
	184AA Purpose of chapter	17
	(1) The purpose of this chapter is to provide a framework for managing the impacts of CSG-induced subsidence that includes—	18 19 20
	(a) the declaration of a part of Queensland that is or may be impacted by CSG-induced subsidence to be a subsidence management area; and	21 22 23 24

-
- (b) providing for the identification, assessment, monitoring and management of the impacts of CSG-induced subsidence in the subsidence management area by—
 - (i) providing for the preparation and approval of a subsidence impact report for the area; and
 - (ii) requiring particular relevant holders for the area to undertake particular activities or take particular action; and
 - (iii) giving the Minister, the chief executive and the office functions and powers related to the identification, assessment, monitoring and management of the impacts of CSG-induced subsidence in the area.

Note—

Under the *Water Act 2000*, section 456(2), the office's functions include functions given to the office under that Act or another Act.

- (2) Also, this chapter provides for the payment of compensation by particular relevant holders for a subsidence management area for particular cost, damage or loss arising from the impacts of CSG-induced subsidence.

184AB Definitions for chapter

In this chapter—

agricultural land means private land used for agricultural purposes.

authority to prospect (csg) means an authority to prospect granted under the P&G Act if an application for a petroleum lease (csg) over all or part of the area of the authority has been made.

[s 87]

baseline data collection , for agricultural land, see section 184EB.	1 2
category A land means agricultural land in a subsidence management area that is categorised in the subsidence impact report for the area as category A land.	3 4 5 6
<i>Note—</i>	7
See section 184CD in relation to the categorisation of agricultural land in a subsidence management area.	8 9
category B land means agricultural land in a subsidence management area that is categorised in the subsidence impact report for the area as category B land.	10 11 12 13
<i>Note—</i>	14
See section 184CD in relation to the categorisation of agricultural land in a subsidence management area.	15 16
category C land means agricultural land in a subsidence management area that is categorised in the subsidence impact report for the area as category C land.	17 18 19 20
<i>Note—</i>	21
See section 184CD in relation to the categorisation of agricultural land in a subsidence management area.	22 23
CSG-induced subsidence means ground motion resulting from the production of coal seam gas under a petroleum resource authority (csg).	24 25 26
due day , for a relevant holder for a subsidence management area to comply with a requirement under this chapter, means the day or days for complying with the requirement stated in—	27 28 29 30
(a) if the requirement applies to the holder because the holder is identified in a subsidence impact report for the area as a responsible holder—the report; or	31 32 33 34

-
- (b) if the requirement applies to the holder because the holder is given a subsidence management direction—the direction.
- farm field assessment***, of agricultural land, see section 184FB.
- farm field auditor*** means a person approved by the chief executive as a farm field auditor under section 184FH(1).
- ground motion*** means a change in the elevation of land at the surface, regardless of the reason for the change.
- holder***—
- (a) of an authority to prospect (csg), means the person who has applied for a petroleum lease (csg) over all or part of the area of the authority; and
- (b) of a petroleum lease (csg), means the person who is the holder of the lease under the P&G Act.
- land monitoring***, of agricultural land, see section 184DB.
- office*** means the Office of Groundwater Impact Assessment established under the *Water Act 2000*, section 455.
- petroleum lease (csg)*** means a petroleum lease granted under the P&G Act if coal seam gas is produced, or proposed to be produced, under the lease.
- petroleum resource authority (csg)*** means—
- (a) an authority to prospect (csg); or
- (b) a petroleum lease (csg).
- properly made submission***, about a proposed subsidence impact report prepared by the office, means a submission about the report that—

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- (a) is in writing and signed by each entity that made the submission; and 1
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- (b) is received by the office on or before the last day for the making of the submission; and 3
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- (c) states the name and address of each entity that made the submission; and 5
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- (d) states the grounds of the submission and the facts and circumstances relied on in support of the grounds. 7
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- Queensland government website*** means an official Queensland government website with a URL that includes 'qld.gov.au', other than the website of a local government. 10
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- relevant holder***, for a subsidence management area, means the holder of a petroleum resource authority (csg) whose authorised area is within, or partly within, the subsidence management area. 14
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- subsidence compensation agreement***, for agricultural land, see section 184IB. 18
19
- subsidence impact report*** means a subsidence impact report that is in effect under part 3. 20
21
- subsidence management area*** means a part of Queensland declared under section 184BA(1) as amended, from time to time, under section 184BA(2). 22
23
24
25
- subsidence management direction*** means a direction given under section 184KB(1). 26
27
- subsidence management measure***, for agricultural land, see section 184HB(1)(b). 28
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- subsidence management plan***, for agricultural land, see section 184HB. 30
31
- subsidence opt-out agreement***, for agricultural land, see section 184HD(2). 32
33
- technical reference group*** see section 184CG(1). 34

undertake, a farm field assessment of agricultural land, for a relevant holder for a subsidence management area, means—

- (a) undertake a farm field assessment of the agricultural land; or
- (b) if the relevant holder is not appropriately qualified to undertake a farm field assessment of the agricultural land—ensure a farm field assessment of the agricultural land is undertaken by an appropriately qualified person.

184AC References in chapter to petroleum resource authorities (csg) and holders of authorities if authority to prospect (csg) ends

- (1) This section applies if an authority to prospect (csg) ends.
- (2) Subsection (3) applies if, under the P&G Act, chapter 2, part 2, division 2, the holder of the authority to prospect (csg) becomes the holder of a petroleum lease (csg).
- (3) A reference in this chapter—
 - (a) to the petroleum lease (csg) includes a reference to the authority to prospect (csg); and
 - (b) to the holder of the petroleum lease (csg) includes a reference to the holder of the authority to prospect (csg).
- (4) If subsection (3) does not apply to an authority to prospect (csg), a reference in this chapter to the holder of the authority is a reference to the holder of the authority immediately before the authority ended.

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Part 2	Subsidence	1
	management area	2
184BA Declaration of area		3
(1)	The Minister may, by gazette notice, declare a part of Queensland to be a subsidence management area.	4 5 6
(2)	Also, the Minister may, by gazette notice, amend a subsidence management area by—	7 8
(a)	declaring a part of Queensland to be a part of the area; or	9 10
(b)	declaring a part of Queensland to no longer be a part of the area.	11 12
(3)	The Minister may declare a part of Queensland under subsection (1) or (2)(a) only if the Minister is satisfied the part of Queensland is or may be impacted by CSG-induced subsidence.	13 14 15 16
(4)	The Minister must, within 20 business days after a gazette notice is published under subsection (1) or (2)—	17 18 19
(a)	give notice of the declaration to—	20
(i)	the office; and	21
(ii)	each relevant holder for the subsidence management area; and	22 23
(iii)	for a declaration under subsection (2)(b)—each holder of a petroleum resource authority (csg) whose authorised area is no longer within, or partly within, the subsidence management area; and	24 25 26 27 28 29
(b)	publish a map on a Queensland government website showing the subsidence management area.	30 31 32

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- (5) A failure to comply with subsection (4) does not
invalidate or otherwise affect the declaration
under subsection (1) or (2).

**184BB Information or advice by office before
declaration of area**

- (1) This section applies in relation to a part of
Queensland that is not a subsidence management
area or a part of a subsidence management area.
- (2) The chief executive may ask the office for, and
the office may give to the chief executive,
information or advice about whether the part of
Queensland should be declared to be a subsidence
management area or a part of a subsidence
management area.
- (3) Subsection (4) applies if—
- (a) the office advises the chief executive that the
part of Queensland should be declared to be
a subsidence management area or a part of a
subsidence management area; and
- (b) a holder of a petroleum resource authority
(csg) would be a relevant holder for a
subsidence management area if the part of
Queensland were declared.
- (4) The office may give the chief executive
information or advice about whether the chief
executive should, as a priority after the
declaration, give the holder a subsidence
management direction to undertake baseline data
collection for, or a farm field assessment of,
agricultural land in the subsidence management
area.

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184BC Information or advice by office if no subsidence impact report	1 2
(1) This section applies if—	3
(a) a part of Queensland has been declared to be—	4 5
(i) a subsidence management area under section 184BA(1); or	6 7
(ii) a part of a subsidence management area under section 184BA(2)(a); and	8 9
(b) there is no subsidence impact report for the subsidence management area or, if paragraph (a)(ii) applies, the subsidence impact report for the subsidence management area has not been amended to apply to the part of Queensland declared to be a part of the area.	10 11 12 13 14 15 16
(2) The chief executive may ask the office for, and the office may give to the chief executive, information or advice about whether the chief executive should, as a priority, give a particular relevant holder for the subsidence management area a subsidence management direction to undertake baseline data collection for, or a farm field assessment of, agricultural land in the area.	17 18 19 20 21 22 23 24
184BD Restriction on advice by office before declaration of area or if no subsidence impact report	25 26 27
For sections 184BB(4) and 184BC(2), the office must not advise the chief executive—	28 29
(a) that a holder of a petroleum resource authority (csg) should be given a subsidence management direction to undertake baseline data collection for agricultural land unless the office considers the land—	30 31 32 33 34

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- (i) has had impacts from CSG-induced subsidence; or
 - (ii) will be at high or moderate risk of impacts from CSG-induced subsidence within 5 years from the giving of the advice; or
 - (b) that a holder of a petroleum resource authority (csg) should be given a subsidence management direction to undertake a farm field assessment of agricultural land unless the office considers the land—
 - (i) has had impacts from CSG-induced subsidence; or
 - (ii) will be at high risk of impacts from CSG-induced subsidence within 5 years from the giving of the advice.

184BE Effect of part of Queensland no longer being part of subsidence management area

- (1) This section applies if a part of Queensland has been declared to no longer be a part of a subsidence management area under section 184BA(2)(b).
- (2) The declaration does not affect the operation of this chapter, or anything done or suffered under this chapter, before the declaration.
- (3) Subsection (4) applies if—
 - (a) before the declaration, a person was required to do something under this chapter; and
 - (b) after the declaration, the person is no longer required to do the thing under this chapter.
- (4) The requirement to do the thing stops applying to the person when the declaration is made.

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Part 3	Subsidence impact report	1 2
Division 1	Preparation of subsidence impact report	3 4
184CA Office to give proposed report to chief executive		5 6
(1)	The office must give the chief executive a proposed subsidence impact report for a subsidence management area that—	7 8 9
(a)	is prepared in accordance with this division; and	10 11
(b)	is accompanied by—	12
(i)	a copy of all properly made submissions given to the office in preparing the proposed report; and	13 14 15
(ii)	a submissions summary under section 184CF; and	16 17
(iii)	the outcome of peer reviews by the technical reference group that show the scientific methods used in preparing the proposed report are fit for purpose.	18 19 20 21
(2)	The first proposed subsidence impact report for a subsidence management area must be given under subsection (1) on or before—	22 23 24
(a)	the following day—	25
(i)	if the chief executive gives the office a notice under section 184CB—the day stated in the notice;	26 27 28

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- (ii) otherwise—the day that is 18 months after the day the area was declared under section 184BA(1); or
- (b) if the chief executive agrees to a later day for the area—the later day.
- (3) A subsequent proposed subsidence impact report for a subsidence management area must be given under subsection (1) on or before—
- (a) the following day—
- (i) if the chief executive gives the office a notice under section 184CB—the day stated in the notice;
- (ii) otherwise—the third anniversary of the day the chief executive approved the most recent subsidence impact report for the area; or
- (b) if the chief executive agrees to a later day for the area that is no later than the fifth anniversary of the day the chief executive approved the most recent subsidence impact report for the area—the later day.

184CB Earlier day for giving proposed report

- (1) This section applies if the chief executive considers that a proposed subsidence impact report needs to be given earlier than the day that would otherwise apply under section 184CA(2)(a)(ii) or (3)(a)(ii).
- (2) The chief executive may, by notice given to the office, require the office to give the proposed subsidence impact report on or before the day stated in the notice that allows the office a reasonable period to prepare the proposed report.

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184CC Alignment of report with underground water impact report under Water Act 2000	1
	2
(1) This section applies if a subsidence management area is within or partly within a cumulative management area under the <i>Water Act 2000</i> , chapter 3.	3 4 5 6
(2) In deciding whether to give a notice under section 184CB or agree to a later day for giving a proposed subsidence impact report for the subsidence management area, the chief executive must have regard to the day an underground water impact report for the cumulative management area must be given under the <i>Water Act 2000</i> , section 370.	7 8 9 10 11 12 13 14
184CD Content of report	15
(1) A subsidence impact report for a subsidence management area must—	16 17
(a) assess, as provided under schedule 1A, part 3, the cumulative existing and predicted impacts of CSG-induced subsidence on land in the area or the use of the land; and	18 19 20 21
(b) categorise agricultural land in the area, as provided under schedule 1A, part 4, as 1 of the following categories—	22 23 24
(i) category A land, which is agricultural land that has had impacts from CSG-induced subsidence or is at high risk of impacts from CSG-induced subsidence within 5 years from the categorisation;	25 26 27 28 29 30
(ii) category B land, which is agricultural land that is at moderate risk of impacts from CSG-induced subsidence within 5 years from the categorisation;	31 32 33 34

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- (iii) category C land, which is agricultural land that is at low or no risk of impacts from CSG-induced subsidence within 5 years from the categorisation; and
- (c) establish a strategy, as provided under schedule 1A, part 5, for managing the existing and predicted impacts of CSG-induced subsidence on land in the area or the use of the land.
- (2) A subsidence impact report for a subsidence management area must include each document mentioned in schedule 1A, part 2 that complies with the requirements for the document stated in the schedule.
- (3) Also, a subsequent subsidence impact report for a subsidence management area must include a description of—
- (a) the material changes in the subsequent report since the most recent subsidence impact report for the area; and
- (b) the reasons for the changes.
- 184CE Consultation requirement**
- (1) Before giving the chief executive a proposed subsidence impact report under this division, the office must consult on the proposed report as required under this section.
- (2) The office must—
- (a) publish a notice about the proposed subsidence impact report for a subsidence management area in the way required by the chief executive; and
- (b) give a copy of the notice to each relevant holder for the subsidence management area.

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- (3) The notice must state each of the following— 1
- (a) a description of the subsidence management 2
area to which the proposed subsidence 3
impact report relates; 4
 - (b) that copies of the proposed report may be 5
obtained from the office; 6
 - (c) how the copies may be obtained; 7
 - (d) that submissions on the proposed report may 8
be given to the office; 9
 - (e) the requirements for a submission to be a 10
properly made submission about the 11
proposed report; 12
 - (f) that the office must give the chief executive 13
a copy of all properly made submissions 14
about the proposed report; 15
 - (g) the day that is at least 20 business days after 16
the notice is published by which the 17
submissions may be made; 18
 - (h) how the submissions may be made. 19
- (4) The office must— 20
- (a) publish the proposed subsidence impact 21
report on a Queensland government website; 22
and 23
 - (b) give a copy of the proposed report to each 24
person who requests a copy. 25

184CF Submissions summary 26

- (1) The office must, before giving the chief executive 27
a proposed subsidence impact report under this 28
division— 29
- (a) consider each properly made submission 30
about the proposed report; and 31

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- (b) prepare a summary of the submissions (a *submissions summary*). 1
2
- (2) The submissions summary must summarise— 3
- (a) the properly made submissions about the 4
proposed subsidence impact report; and 5
- (b) how the office addressed the submissions; 6
and 7
- (c) any changes the office has made to the 8
proposed report because of the submissions. 9
- 184CG Peer review by technical reference group** 10
- (1) The manager of the office must establish a 11
technical reference group (the *technical* 12
reference group). 13
- (2) The functions of the technical reference group are 14
to undertake peer reviews of the office’s scientific 15
methods used in preparing a proposed subsidence 16
impact report. 17
- (3) The manager may decide the following for the 18
technical reference group— 19
- (a) the group’s membership; 20
- (b) the group’s terms of reference; 21
- (c) other matters about the functioning of the 22
group. 23
- (4) However, before deciding the technical reference 24
group’s membership or terms of reference, the 25
manager must obtain the approval of the chief 26
executive of the department in which the *Water* 27
Act 2000, chapter 3A is administered. 28
- (5) Also, in deciding the technical reference group’s 29
membership, the manager must have regard to— 30

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(a)	any conflicts of interest or potential conflicts of interest of the group's potential members; and	1 2 3
(b)	the relevant technical expertise of the group's potential members, including expertise in the field of geoscientific modelling and other related sciences.	4 5 6 7
(6)	The manager must publish the following information on a Queensland government website—	8 9 10
(a)	the technical expertise of the technical reference group;	11 12
(b)	the terms of reference for the group.	13
Division 2	Approval of subsidence impact report by chief executive	14 15 16
184CH	Modifying proposed report before approval	17
(1)	This section applies if—	18
(a)	the office gives the chief executive a proposed subsidence impact report for a subsidence management area under this division; and	19 20 21 22
(b)	the chief executive considers—	23
(i)	the content of the proposed report does not comply with section 184CD; or	24 25
(ii)	the office has not adequately addressed—	26 27
(A)	the properly made submissions about the proposed report; or	28 29

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- (B) the outcome of peer reviews by the technical reference group; or
- (iii) the proposed report is otherwise inadequate in a material particular.
- Example for subparagraph (iii)—*
- The proposed subsidence impact report does not identify a relevant holder for the subsidence management area as the responsible holder for agricultural land in relation to a matter and, in the circumstances, it is appropriate for a relevant holder to be identified as the responsible holder for the land in relation to the matter.
- (2) The chief executive may, within 30 business days after receiving the proposed subsidence impact report, give the office a notice stating—
- (a) why the chief executive considers the proposed report should be modified; and
- (b) how the proposed report must be modified; and
- (c) that the office must either—
- (i) modify the proposed report in the way stated in the notice and give the amended proposed report to the chief executive within a stated reasonable period; or
- (ii) make a submission within a stated reasonable period, which must be at least 30 business days after the notice is given, about why the proposed report should not be modified.
- (3) If the office makes a submission within the stated period and, after considering the submission, the chief executive still considers the proposed subsidence impact report should be modified, the chief executive may give the office a notice

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| stating— | 1 |
| (a) how the proposed report must be modified; | 2 |
| and | 3 |
| (b) a reasonable period within which the | 4 |
| modified proposed report must be given to | 5 |
| the chief executive. | 6 |
| (4) If the office is given a notice under subsection (2) | 7 |
| or (3), the office must comply with the notice. | 8 |
| (5) The chief executive may give the office more than | 9 |
| 1 notice under this section. | 10 |

184CI Decision on proposed report 11

- | | |
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| (1) If the office gives the chief executive a proposed | 12 |
| subsidence impact report for a subsidence | 13 |
| management area under this division, the chief | 14 |
| executive must decide to approve the report | 15 |
| within 30 business days after— | 16 |
| (a) receiving the proposed report; or | 17 |
| (b) if the chief executive gives the office a | 18 |
| notice about modifying the proposed report | 19 |
| under section 184CH(2)—the proposed | 20 |
| report is finalised under that section, | 21 |
| whether or not the proposed report is | 22 |
| modified. | 23 |
| (2) The chief executive must, within 10 business days | 24 |
| after approving the proposed subsidence impact | 25 |
| report, give notice of the decision to— | 26 |
| (a) the office; and | 27 |
| (b) each relevant holder for the subsidence | 28 |
| management area. | 29 |
| (3) The notice must state the day the approved report | 30 |
| takes effect. | 31 |
| (4) The day stated in the notice for subsection (3) | 32 |
| must not— | 33 |

-
- (a) be earlier than the day the notice is given; or 1
 - (b) later than 30 business days after the notice is 2
given. 3
 - (5) A subsidence impact report takes effect on the day 4
stated in the notice. 5

**184CJ Publishing approval and making approved 6
report available 7**

- (1) If the chief executive gives the office a notice 8
approving a subsidence impact report for a 9
subsidence management area, the chief executive 10
must, within 10 business days after giving the 11
notice of the approval— 12
 - (a) publish a notice about the approval that 13
complies with subsection (2)— 14
 - (i) on a Queensland government website; 15
and 16
 - (ii) any other way the chief executive 17
considers appropriate; and 18
 - (b) publish the approved subsidence impact 19
report on a Queensland government 20
website. 21
- (2) The notice must state— 22
 - (a) that copies of the approved subsidence 23
impact report may be obtained from the 24
chief executive; and 25
 - (b) how the copies may be obtained. 26
- (3) The chief executive must give a copy of the 27
approved subsidence impact report to any person 28
who requests a copy. 29

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184CK Effect of subsidence impact report taking effect	1 2
(1) On the day a subsidence impact report (the <i>new report</i>) for a subsidence management area takes effect, any existing subsidence impact report (the <i>former report</i>) for the area ceases to have effect.	3 4 5 6
(2) However, if the new report ceases to have effect under section 184CQ(2) or (3), the former report continues to have effect.	7 8 9
(3) Subsection (1) does not prevent proceedings being started or continued for an offence against this chapter arising from a matter stated in a subsidence impact report that has ceased to have effect under subsection (1), if the offence happened when the report was in effect.	10 11 12 13 14 15
Division 3 Amending subsidence impact report	16 17
184CL Minor or agreed amendments	18
(1) The chief executive may give the office a notice directing the office to amend a subsidence impact report for a subsidence management area if—	19 20 21
(a) the amendment is only to—	22
(i) correct a minor error; or	23
(ii) update the details of a relevant holder for the area; or	24 25
(iii) make another change that is not a change of substance; or	26 27
(b) the office and any relevant holder for the area affected by the amendment agree to the amendment.	28 29 30
(2) If the chief executive gives the office a notice	31

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- under subsection (1), the office must— 1
- (a) amend the subsidence impact report in the 2
way directed by the chief executive; and 3
- (b) give notice of the amendment to the chief 4
executive. 5
- (3) The chief executive must give notice of the 6
amendment to each relevant holder, and each 7
owner and occupier of agricultural land, affected 8
by the amendment. 9
- (4) An amendment takes effect on the day the office 10
makes the amendment. 11

184CM Other amendments 12

- (1) This section applies if the chief executive 13
considers that an amendment, other than an 14
amendment to which section 184CL applies, 15
should be made of a subsidence impact report for 16
a subsidence management area. 17
- (2) The chief executive may give the office a notice 18
stating— 19
- (a) why the chief executive considers the 20
subsidence impact report should be 21
amended; and 22
- (b) how the report should be amended; and 23
- (c) that the office must either— 24
- (i) propose an amendment of the report 25
and give the proposed amendment to 26
the chief executive for approval within 27
a stated reasonable period; or 28
- (ii) make a submission within a stated 29
reasonable period, which must be at 30
least 30 business days after the notice 31
is given, about why the report should 32
not be amended. 33

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- (3) If the office makes a submission within the stated period and, after considering the submission, the chief executive still considers the subsidence impact report should be amended, the chief executive may give the office a notice stating—
- (a) how the report should be amended; and
 - (b) that the office must propose an amendment of the report and give the proposed amendment to the chief executive for approval within a stated reasonable period.
- (4) If the office is given a notice under subsection (2) or (3), the office must comply with the notice.
- (5) Sections 184CE, 184CF, 184CH and 184CI apply in relation to the proposed amendment as if a reference in those sections to a proposed subsidence impact report were a reference to the proposed amendment.

184CN Form of amendment

- An amendment of a subsidence impact report may be in the form of—
- (a) a subsidence impact report with the amendment incorporated in the report; or
 - (b) a separate document stating the amendment of the subsidence impact report.

184CO Publishing notice of amendment and making amended report available

- (1) This section applies if—
- (a) the office amends a subsidence impact report for a subsidence management area under section 184CL; or
 - (b) the chief executive approves the amendment of a subsidence impact report for a

subsidence management area under section 184CM.	1 2
(2) The chief executive must, within 10 business days after the office makes the amendment mentioned in subsection (1)(a) or the chief executive approves the amendment mentioned in subsection (1)(b)—	3 4 5 6 7
(a) publish a notice about the amendment that complies with subsection (3)—	8 9
(i) on a Queensland government website; and	10 11
(ii) any other way the chief executive considers appropriate; and	12 13
(b) publish the amended subsidence impact report or the amendment on a Queensland government website.	14 15 16
(3) The notice must state—	17
(a) that copies of the amended subsidence impact report or the amendment may be obtained from the chief executive; and	18 19 20
(b) how the copies may be obtained.	21
(4) The chief executive must give a copy of the amended subsidence impact report or the amendment to any person who requests a copy.	22 23 24
184CP Effect of amendment taking effect	25
(1) On the day an amendment of a subsidence impact report for a subsidence management area takes effect—	26 27 28
(a) the existing subsidence impact report (the <i>former report</i>) for the area ceases to have effect; and	29 30 31

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- (b) the subsidence impact report for the area, as amended, (the *new report*) starts to have effect. 1
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3
- (2) However, if the new report ceases to have effect under section 184CQ(2) or (3), the former report continues to have effect. 4
5
6
- (3) Subsection (1)(a) does not prevent proceedings being started or continued for an offence against this chapter arising from a matter stated in a subsidence impact report that has ceased to have effect under subsection (1)(a), if the offence happened when the report was in effect. 7
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Division 4 Tabling requirement 13

184CQ Tabling requirement 14

- (1) A subsidence impact report document must be tabled in the Legislative Assembly within 14 sitting days after the chief executive approves the document. 15
16
17
18
- (2) If a subsidence impact report document is not tabled under subsection (1), the document ceases to have effect. 19
20
21
- (3) The *Statutory Instruments Act 1992*, sections 50 and 51 apply to a subsidence impact report document as if the document were subordinate legislation. 22
23
24
25
- (4) In this section— 26
subsidence impact report document means— 27
 - (a) a subsidence impact report; or 28
 - (b) an amendment of a subsidence impact report, other than an amendment under section 184CL. 29
30
31

Part 4	Identification, assessment and monitoring of impacts of CSG-induced subsidence	1 2 3 4 5
Division 1	Land monitoring	6
184DA Application of division		7
	This division applies in relation to a relevant holder for a subsidence management area if the holder is—	8 9 10
	(a) identified in a subsidence impact report for the area as a responsible holder for undertaking land monitoring of agricultural land in the area; or	11 12 13 14
	(b) given a subsidence management direction directing the holder to undertake land monitoring of agricultural land in the area.	15 16 17
	<i>Note—</i>	18
	Generally speaking—	19
	(a) a subsidence impact report identifies responsible holders for undertaking land monitoring of agricultural land that is category A land, category B land or category C land (see schedule 1A, section 10); and	20 21 22 23 24
	(b) a subsidence management direction may require land monitoring to be undertaken of agricultural land (see section 184KB).	25 26 27
184DB What is <i>land monitoring</i> of agricultural land		28
	<i>Land monitoring</i> , of agricultural land, is the ongoing monitoring of the land to obtain information about changes in relation to the land,	29 30 31

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including any changes to the drainage, slope or 1
form of the land that may have happened because 2
of ground motion or CSG-induced subsidence. 3

**184DC Relevant holder to undertake land 4
monitoring 5**

The relevant holder must undertake land 6
monitoring of the agricultural land on or before 7
each due day, unless the holder has a reasonable 8
excuse. 9

Maximum penalty—1,665 penalty units. 10

184DD Method of undertaking land monitoring 11

The relevant holder must ensure the land 12
monitoring of the agricultural land is undertaken 13
in a way that complies with— 14

(a) the prescribed requirements for undertaking 15
the land monitoring; or 16

(b) if there are no prescribed requirements for 17
undertaking the land monitoring—best 18
practice industry standards for carrying out 19
work similar in nature to undertaking land 20
monitoring of agricultural land. 21

Maximum penalty—300 penalty units. 22

Note— 23

See division 4 in relation to the making of guidelines 24
about how any prescribed requirements may be 25
complied with and the use of the guidelines in a 26
proceeding for an offence against this section. 27

**184DE Giving information from land monitoring to 28
office 29**

The relevant holder must, on or before each due 30
day, give the office— 31

-
- (a) a copy of the information obtained by the land monitoring of the agricultural land; and
 - (b) notice in the approved form of the information.
- Maximum penalty—500 penalty units.

184DF Giving information from land monitoring to owners and occupiers of agricultural land

- (1) This section applies if—
 - (a) the relevant holder has undertaken the land monitoring of the agricultural land; and
 - (b) an owner or occupier of the land asks the holder in writing for a copy of the information obtained by the land monitoring.
- (2) The relevant holder must, on or before the relevant day, give the owner or occupier—
 - (a) a copy of the information obtained by the land monitoring; and
 - (b) a document about the information in a form that is reasonably likely to be understood by the owner or occupier.

Maximum penalty—100 penalty units.
- (3) In this section—

relevant day means 10 business days after—

 - (a) if the relevant holder receives the written request before the due day for section 184DE—the due day; or
 - (b) if the relevant holder receives the written request on or after the due day for section 184DE—receiving the written request.

[s 87]

184DG Relevant holder to give notice and information about error or change in circumstances	1 2 3
(1) This section applies if the relevant holder becomes aware—	4 5
(a) there is an error in a material particular in information about the agricultural land given to the office under section 184DE; or	6 7 8
(b) there has been a significant change in circumstances since the information was given to the office.	9 10 11
(2) The relevant holder must, within 30 business days after becoming aware of the error or change in circumstances, give the office—	12 13 14
(a) a notice stating a brief description of the error or change in circumstances; and	15 16
(b) a copy of any information in the holder's possession or control the office may use to correct the error or address the change in circumstances.	17 18 19 20
Maximum penalty—300 penalty units.	21

Division 2 Baseline data collection 22

184EA Application of division 23

This division applies in relation to a relevant holder for a subsidence management area if the holder is—

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- (a) identified in a subsidence impact report for the area as a responsible holder for undertaking baseline data collection for agricultural land in the area; or
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-
- (b) given a subsidence management direction directing the holder to undertake baseline data collection for agricultural land in the area. 1
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- Note—* 5
- Generally speaking— 6
- (a) a subsidence impact report identifies responsible holders for undertaking baseline data collection for agricultural land that is category A land or category B land (see schedule 1A, section 11); and 7
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- (b) a subsidence management direction may require baseline data collection to be undertaken for agricultural land (see section 184KB). 11
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184EB What is *baseline data collection* for agricultural land 14
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Baseline data collection, for agricultural land, is the collection of data at a point in time to obtain information about the land before CSG-induced subsidence happened on the land, including the drainage, slope, form and use of the land. 16
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184EC Relevant holder to undertake baseline data collection 21
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The relevant holder must undertake baseline data collection for the agricultural land on or before the due day, unless the holder has a reasonable excuse. 23
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Maximum penalty—1,665 penalty units. 27

184ED Method of undertaking baseline data collection 28
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The relevant holder must ensure the baseline data collection for the agricultural land is undertaken in a way that complies with— 30
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[s 87]

(a) the prescribed requirements for undertaking the baseline data collection; or	1 2
(b) if there are no prescribed requirements for undertaking the baseline data collection—best practice industry standards for carrying out work similar in nature to undertaking baseline data collection for agricultural land.	3 4 5 6 7 8
Maximum penalty—300 penalty units.	9
<i>Note—</i>	10
See division 4 in relation to the making of guidelines about how any prescribed requirements may be complied with and the use of the guidelines in a proceeding for an offence against this section.	11 12 13 14
184EE Giving baseline data to office	15
The relevant holder must, on or before the due day, give the office—	16 17
(a) a copy of the data collected by the baseline data collection for the agricultural land; and	18 19
(b) notice in the approved form of the data.	20
Maximum penalty—500 penalty units.	21
184EF Giving baseline data to owners and occupiers of agricultural land	22 23
The relevant holder must, on or before the due day, give each owner and occupier of the agricultural land—	24 25 26
(a) a copy of the data collected by the baseline data collection for the land; and	27 28
(b) a document about the data in a form that is reasonably likely to be understood by the owner or occupier.	29 30 31
Maximum penalty—500 penalty units.	32

184EG Relevant holder to give notice and information about error or change in circumstances	1 2 3
(1) This section applies if the relevant holder becomes aware—	4 5
(a) there is an error in a material particular in data about the agricultural land given to the office under section 184EE; or	6 7 8
(b) there has been a significant change in circumstances since the data was given to the office.	9 10 11
(2) The relevant holder must, within 30 business days after becoming aware of the error or change in circumstances, give the office—	12 13 14
(a) a notice stating a brief description of the error or change in circumstances; and	15 16
(b) a copy of any information in the holder's possession or control the office may use to correct the error or address the change in circumstances.	17 18 19 20
Maximum penalty—300 penalty units.	21
184EH Relevant holder to seek particular information	22 23
For the purpose of undertaking baseline data collection for the agricultural land under this division, the relevant holder must use all reasonable endeavours to obtain, from the owner or occupier of the land—	24 25 26 27 28
(a) information about what the land is being used for, including farming practices or infrastructure on the land; and	29 30 31
(b) any other information the holder reasonably requires to undertake baseline data collection for the land.	32 33 34

[s 87]

Note— 1
See the P&G Act, chapter 10, part 2, division 4 in 2
relation to noncompliance action that may be taken if a 3
holder of a petroleum resource authority (csg) fails to 4
comply with this Act. 5

Division 3 Farm field assessments 6

184FA Application of division 7

This division applies in relation to a relevant 8
holder for a subsidence management area if the 9
holder is— 10

- (a) identified in a subsidence impact report for 11
the area as a responsible holder for 12
undertaking a farm field assessment of 13
agricultural land in the area; or 14
- (b) given a subsidence management direction 15
directing the holder to undertake a farm field 16
assessment of agricultural land in the area. 17

Note— 18

Generally speaking— 19

- (a) a subsidence impact report identifies responsible 20
holders for undertaking farm field assessments of 21
agricultural land that is category A land (see 22
schedule 1A, section 12); and 23
- (b) a subsidence management direction may require a 24
farm field assessment to be undertaken of 25
agricultural land (see section 184KB). 26

184FB What is a *farm field assessment* of 27 agricultural land 28

- (1) A *farm field assessment*, of agricultural land, is 29
an assessment of the land undertaken by a 30
relevant holder for a subsidence management area 31
that assesses— 32

-
- (a) the CSG-induced subsidence that has happened or is predicted to happen on the land; and
- (b) the susceptibility of uses of, or farming practices on, the land to changes because of the CSG-induced subsidence; and
- (c) the impacts or predicted impacts of the CSG-induced subsidence or predicted CSG-induced subsidence on the ability to undertake, or the productivity of, agricultural activities on the land.
- (2) If an impact or predicted impact mentioned in subsection (1)(c) is assessed to be more than minor, the farm field assessment of the agricultural land must state that the relevant holder is required to enter into a subsidence management plan with each owner and occupier of the land.
- 184FC Restriction on starting to produce coal seam gas using particular petroleum wells**
- (1) This section applies if—
- (a) a petroleum well of the relevant holder is within or partly within, or under or partly under, the agricultural land; and
- (b) when the holder is identified in the subsidence impact report or given a subsidence management direction as mentioned in section 184FA, the holder has not started to produce coal seam gas using the petroleum well.
- (2) The relevant holder must not start to produce coal seam gas using the petroleum well until any of the following happens—

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- (a) a farm field assessment of the agricultural land is undertaken under this division and the assessment does not state that the holder is required to enter into a subsidence management plan with each owner and occupier of the land; 1
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 - (b) a farm field assessment of the agricultural land undertaken under this division states that the holder is required to enter into a subsidence management plan with each owner and occupier of the land and for each owner and occupier, the holder has either— 7
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 - (i) entered into a subsidence management plan or subsidence opt-out agreement for the land with the owner or occupier; or 13
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 - (ii) applied to the Land Court under section 184HM to decide a dispute with the owner or occupier about a subsidence management measure for the land; 17
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 - (c) the holder and each owner and occupier of the agricultural land agree in writing that the holder may start to produce coal seam gas using the petroleum well. 21
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- Maximum penalty—1,665 penalty units. 25
- (3) To remove any doubt, it is declared that an agreement under subsection (2)(c) between the relevant holder and each owner and occupier of the agricultural land does not affect the requirement for the holder to undertake a farm field assessment of the land under this division. 26
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 - (4) This section does not apply to a relevant holder for a subsidence management area if— 32
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 - (a) this division applies to the holder because the holder is given a subsidence management direction to undertake a farm 34
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field assessment of agricultural land in the area; and	1 2
(b) the subsidence management direction is given after the first subsidence impact report for the area is approved.	3 4 5
(5) In this section—	6
<i>petroleum well</i> see the P&G Act, schedule 2.	7
184FD Relevant holder to undertake farm field assessment and commission audit	8 9
(1) The relevant holder must undertake a farm field assessment of the land on or before the due day, unless the holder has a reasonable excuse.	10 11 12
Maximum penalty—1,665 penalty units.	13
(2) The relevant holder must commission an audit of the farm field assessment of the agricultural land by a farm field auditor who is independent from the holder and each owner and occupier of the land on or before the due day, unless the holder has a reasonable excuse.	14 15 16 17 18 19
Maximum penalty—1,665 penalty units.	20
(3) Subsection (2) does not apply if the relevant holder and each owner and occupier of the agricultural land agree in writing that an audit of the farm field assessment of the land is not required.	21 22 23 24 25
184FE Method of undertaking farm field assessment	26 27
The relevant holder must ensure the farm field assessment of the agricultural land is undertaken in a way that complies with—	28 29 30
(a) the prescribed requirements for undertaking the farm field assessment; or	31 32

[s 87]

- (b) if there are no prescribed requirements for undertaking the farm field assessment—best practice industry standards for carrying out work similar in nature to undertaking a farm field assessment of agricultural land. 1
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- Maximum penalty—300 penalty units. 6
- Note—* 7
- See division 4 in relation to the making of guidelines about how any prescribed requirements may be complied with and the use of the guidelines in a proceeding for an offence against this section. 8
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184FF Notice of outcome of farm field assessment 12

- (1) The relevant holder must, on or before the due day, give the office and each owner and occupier of the agricultural land— 13
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- (a) notice in the approved form of the outcome of the farm field assessment of the land; and 16
17
- (b) a written statement of reasons about the assessment of the extent of impacts or predicted impacts mentioned in section 184FB(1)(c); and 18
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21
- (c) each document that must accompany the notice under subsection (2) or (3). 22
23
- Maximum penalty—500 penalty units. 24
- (2) If the farm field assessment of the agricultural land states that the relevant holder is required to enter into a subsidence management plan with each owner and occupier of the land, the notice under subsection (1) given to an owner or occupier of the land must be accompanied by a copy of a proposed draft of the subsidence management plan with the owner or occupier. 25
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- (3) If the relevant holder commissioned an audit of the farm field assessment of the agricultural land, 33
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- the notice under subsection (1) must be accompanied by—
- (a) an audit report for the farm field assessment; and
 - (b) a declaration for the audit report stating the holder—
 - (i) has given all relevant information to the farm field auditor; and
 - (ii) has not knowingly given false or misleading information to the farm field auditor.
- (4) The declaration mentioned in subsection (3)(b) must be made—
- (a) if the relevant holder is an individual—by the holder; or
 - (b) if the relevant holder is a corporation—by an executive officer of the corporation.
- (5) In this section—
- audit report***, for a farm field assessment, means a report by a farm field auditor that—
- (a) is in the approved form; and
 - (b) includes the auditor’s opinion about whether the relevant holder has complied with section 184FE in undertaking the farm field assessment; and
 - (c) complies with the prescribed requirements for the report.

184FG Relevant holder to correct error or address change in circumstances

- (1) This section applies if the relevant holder becomes aware—

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- (a) there is an error in a material particular in a farm field assessment of the agricultural land for which the holder has given notice of the outcome to the office; or
- (b) there has been a significant change in circumstances since the holder gave notice of the outcome of a farm field assessment of the agricultural land to the office.
- Examples of significant changes in circumstances—*
- a planned change to the authorised activities to be carried out for a petroleum resource authority (csg) that could be expected to change the extent of the impacts of CSG-induced subsidence on the agricultural land
 - a planned change to the agricultural activities on the agricultural land, including the location and timing of the activities
 - a planned change to the irrigation infrastructure or drainage flow paths on the agricultural land
- (2) The relevant holder must, within 30 business days after becoming aware of the error or change in circumstances—
- (a) take reasonable steps to correct the error or address the change in circumstances; or
- (b) if there are no reasonable steps that can be taken to correct the error or address the change in circumstances—
- (i) undertake a farm field assessment of the agricultural land in a way that complies with section 184FE; and
 - (ii) commission an audit of the farm field assessment by a farm field auditor; and
 - (iii) comply with section 184FF(1) as if the farm field assessment undertaken under

subparagraph (i) were undertaken 1
under section 184FD(1). 2

Maximum penalty—500 penalty units. 3

- (3) Subsection (2)(b)(ii) does not apply if the relevant 4
holder and each owner and occupier of the land 5
agree in writing that an audit of the farm field 6
assessment of the agricultural land is not required. 7

184FH Approval of farm field auditors 8

- (1) The chief executive may approve a person as a 9
farm field auditor if the chief executive is satisfied 10
the person— 11
- (a) is appropriately qualified to carry out an 12
audit of a farm field assessment of 13
agricultural land; and 14
- (b) meets the prescribed requirements for being 15
a farm field auditor. 16
- (2) The chief executive must publish a list of farm 17
field auditors on a Queensland government 18
website. 19

184FI Relevant holder to seek information 20

For the purpose of undertaking a farm field 21
assessment of the agricultural land under this 22
division, the relevant holder must use all 23
reasonable endeavours to obtain, from the owner 24
or occupier of the land— 25

- (a) information about what the land is being 26
used for, including farming practices or 27
infrastructure on the land; and 28
- (b) any other information the holder reasonably 29
requires to undertake the farm field 30
assessment. 31

[s 87]

<i>Note—</i>	1
See the P&G Act, chapter 10, part 2, division 4 in relation to noncompliance action that may be taken if a holder of a petroleum resource authority (csg) fails to comply with this Act.	2 3 4 5

Division 4	Guidelines about prescribed requirements	6 7
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184GA Chief executive may make guidelines	8
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|---|----------------------|
| (1) The chief executive may make guidelines about how any prescribed requirements for the following activities may be complied with— | 9
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| (a) land monitoring of agricultural land; | 12 |
| (b) baseline data collection for agricultural land; | 13
14 |
| (c) a farm field assessment of agricultural land. | 15 |
| (2) The chief executive must publish the guidelines, and any document applied, adopted or incorporated by the guidelines, on a Queensland government website. | 16
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184GB Use of guidelines in proceedings	20
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|---|----------------------------|
| (1) This section applies in relation to a proceeding for an offence against section 184DD, 184ED or 184FE. | 21
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| (2) A guideline about how the prescribed requirements mentioned in the section may be complied with is admissible as evidence of whether the prescribed requirements have been complied with. | 24
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| (3) The court may have regard to the guideline in deciding whether the prescribed requirements have been complied with. | 29
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- (4) Subsections (2) and (3) do not prevent a relevant holder for a subsidence management area from introducing evidence of compliance with the prescribed requirements in a way that is different from the guideline but otherwise satisfies the prescribed requirements.

Part 5 **Management of, and compensation for, impacts of CSG-induced subsidence**

Division 1 **Subsidence management plan**

Subdivision 1 **Preliminary**

184HA Application of division

This division applies in relation to a relevant holder for a subsidence management area if—

- (a) the holder undertook a farm field assessment of agricultural land in the area; and
- (b) the farm field assessment states that the holder is required to enter into a subsidence management plan with each owner and occupier of the land.

Note—

A farm field assessment of agricultural land must state that the relevant holder is required to enter into a subsidence management plan with each owner and occupier of the land if an impact or

[s 87]

predicted impact mentioned in section	1
184FB(1)(c) is assessed to be more than minor.	2
184HB What is a <i>subsidence management plan</i> for agricultural land	3 4
(1) A <i>subsidence management plan</i> for agricultural land is a plan that—	5 6
(a) is agreed between the following parties—	7
(i) the relevant holder;	8
(ii) an owner or occupier of the land; and	9
(b) contains measures (each a <i>subsidence management measure</i>) for the land to address how and when the holder will manage the impacts of CSG-induced subsidence on the land.	10 11 12 13 14
(2) However, a subsidence management plan can not be inconsistent with this Act, the P&G Act or a condition of the relevant holder’s petroleum resource authority (csg), and is unenforceable to the extent of the inconsistency.	15 16 17 18 19
(3) A subsidence management plan may be incorporated into a conduct and compensation agreement.	20 21 22
(4) A subsidence management plan is invalid if it does not comply with the prescribed requirements for the plan.	23 24 25
(5) In this section—	26
<i>impact</i> , of CSG-induced subsidence on agricultural land, means an impact or predicted impact of CSG-induced subsidence or predicted CSG-induced subsidence on the ability to undertake, or the productivity of, agricultural activities on the land.	27 28 29 30 31 32

<i>Example of an impact or predicted impact—</i>	1
the effect of drainage issues on agricultural activities on	2
the agricultural land	3
<i>manage</i> includes prevent, mitigate or remediate.	4

Subdivision 2 Requirements for relevant holder

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184HC Relevant holder to enter into subsidence management plan

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- (1) The relevant holder must take reasonable steps to enter into a subsidence management plan with each owner and occupier of the agricultural land as provided under this division.
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Maximum penalty—1,665 penalty units. 13
- (2) However, subsection (1) does not apply to the relevant holder in relation to an owner or occupier of the agricultural land if the owner or occupier has elected to opt out from entering into the subsidence management plan under section 184HD. 14
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184HD Owner or occupier’s right to elect to opt out

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- (1) An owner or occupier of the agricultural land may elect to opt out of entering into a subsidence management plan with the relevant holder. 21
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- (2) The election to opt out is a *subsidence opt-out agreement* and is invalid if it does not comply with the prescribed requirements for the agreement. 24
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- (3) Despite any term of the subsidence opt-out agreement, either party to the agreement may, by giving written notice to the other party to the agreement, unilaterally terminate the agreement 28
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[s 87]

- within 10 business days of a signed copy of the agreement being given to the owner or occupier of the agricultural land. 1
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- (4) A subsidence opt-out agreement for the agricultural land ends— 4
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- (a) according to its terms; or 6
- (b) if the relevant holder’s petroleum resource authority (csg) ends; or 7
8
- (c) if it is terminated by a party under subsection (3); or 9
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- (d) if the parties enter into— 11
- (i) a subsidence management plan for the land; or 12
13
- (ii) another subsidence opt-out agreement for the land. 14
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- (5) If the parties enter into a subsidence opt-out agreement, the relevant holder must, within 20 business days after the agreement is entered into, give the chief executive and the office a notice stating the following information— 16
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- (a) that there is a subsidence opt-out agreement between the holder and each other party to the agreement; 21
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23
- (b) the agricultural land the subject of the subsidence opt-out agreement. 24
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- Maximum penalty for subsection (5)—500 penalty units. 26
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184HE Giving notice of subsidence management plan to chief executive and office 28
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- (1) This section applies if a subsidence management plan for the agricultural land— 30
31
- (a) is agreed to; or 32

-
- (b) is decided by the Land Court. 1
- (2) The relevant holder must, on or before the 2
relevant day, give the chief executive and the 3
office a notice stating the following 4
information— 5
- (a) that there is a subsidence management plan 6
between the holder and each other party to 7
the plan; 8
- (b) the agricultural land the subject of the 9
subsidence management plan. 10
- Maximum penalty—500 penalty units. 11
- (3) In this section— 12
- relevant day* means— 13
- (a) if subsection (1)(a) applies— 14
- (i) the day that is 20 business days after 15
the subsidence management plan is 16
agreed to; or 17
- (ii) if the minimum negotiation period for 18
the subsidence management plan has 19
not ended by the day mentioned in 20
subparagraph (i)—the day that is 10 21
business days after the minimum 22
negotiation period ends; or 23
- (b) if subsection (1)(b) applies—the day that is 24
20 business days after the Land Court’s 25
decision is given to the relevant holder. 26

Subdivision 3 Conferences with an 27 authorised officer 28

184HF Party may request conference 29

- (1) This section applies if a dispute arises about a 30
subsidence management measure for the 31

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agricultural land or whether a measure should be 1
a subsidence management measure for the land. 2

(2) Either the relevant holder or the owner or 3
occupier of the agricultural land (each a *party*) 4
may give a notice (a *conference election notice*) 5
to the other party requesting the other party to 6
participate in a conference conducted by an 7
authorised officer to seek to negotiate a resolution 8
of the dispute. 9

(3) The conference election notice must state— 10

(a) details of the matters the subject of the 11
dispute; and 12

(b) any other information prescribed by 13
regulation. 14

(4) However, a conference election notice may not be 15
given under subsection (1) if an ADR election 16
notice has already been given about the matters 17
the subject of the dispute. 18

184HG Conduct of conference 19

(1) This section applies if a conference election 20
notice is given under section 184HF. 21

(2) The conference must be conducted under the 22
prescribed requirements. 23

(3) The authorised officer conducting the conference 24
must take all reasonable steps to hold the 25
conference within 20 business days after the 26
conference election notice is given (the *usual* 27
period). 28

(4) A party may, within the usual period, ask the other 29
party for a longer period because of stated 30
reasonable or unforeseen circumstances. 31

(5) If the parties agree to a longer period, and the 32
authorised officer consents to the longer period, 33

-
- the longer period applies instead of the usual 1
period. 2
- (6) If a party gives the other party an ADR election 3
notice about any or all of the matters mentioned in 4
section 184HF(3)(a), the conference ends. 5
- (7) Nothing said by a person at the conference is 6
admissible in evidence in a proceeding without 7
the person's consent. 8

Subdivision 4 Negotiation and ADR 9

184HH Negotiations 10

- (1) The relevant holder and the owner or occupier of 11
the agricultural land (the *parties*) must use all 12
reasonable endeavours to negotiate a subsidence 13
management plan. 14
- (2) The period of the negotiations— 15
- (a) must be at least for 3 months (the *minimum* 16
negotiation period) from the day the 17
relevant holder gave the owner or occupier 18
notice in the approved form of the outcome 19
of the farm field assessment under section 20
184FF; and 21
- (b) may continue for a longer period agreed to 22
by the parties. 23
- (3) If the parties agree to a longer period, the agreed 24
longer period is the minimum negotiation period. 25
- (4) The negotiations under this subdivision end if the 26
parties enter into a subsidence opt-out agreement. 27

184HI Cooling-off during minimum negotiation 28 period 29

- (1) This section applies if the parties enter into a 30

[s 87]

subsidence management plan during the 1
minimum negotiation period. 2

(2) Either party may, within the minimum 3
negotiation period, terminate the subsidence 4
management plan by giving notice to the other 5
party. 6

(3) On the giving of a notice under subsection (2), the 7
terminated subsidence management plan is taken 8
never to have had any effect. 9

**184HJ ADR required if no subsidence management 10
plan 11**

(1) This section applies if, at the end of the minimum 12
negotiation period, the parties have not entered 13
into a subsidence management plan because of a 14
dispute about a subsidence management measure 15
or whether a measure should be a subsidence 16
management measure. 17

(2) The relevant holder must, within 20 business days 18
after the end of the minimum negotiation period, 19
give an ADR election notice to the other party 20
requiring the other party to participate in ADR to 21
seek to negotiate a resolution of the dispute. 22

(3) Subsection (2) does not apply to the relevant 23
holder if the other party gives the holder, within 24
20 business days after the end of the minimum 25
negotiation period, an ADR election notice 26
requiring the holder to participate in ADR to seek 27
to negotiate a resolution of the dispute. 28

(4) For subsections (2) and (3), the dispute is resolved 29
by the parties entering into a subsidence 30
management plan. 31

(5) A party given an ADR election notice must, 32
within 10 business days after the notice is given, 33
accept or refuse the type of ADR, and the ADR 34
facilitator, proposed in the notice. 35

(6)	If the party given an ADR election notice does not accept, under subsection (5), the type of ADR or ADR facilitator proposed in the notice, the party giving the notice may make another proposal, or obtain a decision from the Land Court or a prescribed ADR institute, about the matter not accepted.	1 2 3 4 5 6 7
(7)	If a party obtains a decision under subsection (6) from the Land Court or a prescribed ADR institute, the party must give the other party notice of the decision.	8 9 10 11
(8)	Chapter 7A, part 1, division 2 applies to the ADR.	12
184HK Recovery of negotiation and preparation costs		13 14
(1)	This section applies if an owner or occupier of agricultural land necessarily and reasonably incurs negotiation and preparation costs in entering or seeking to enter into a subsidence management plan with the relevant holder.	15 16 17 18 19
(2)	The relevant holder is liable to pay to the owner or occupier the negotiation and preparation costs necessarily and reasonably incurred.	20 21 22
Subdivision 5 ADR about particular costs and material changes in circumstances		23 24 25
184HL Party may seek ADR		26
(1)	This section applies if a dispute arises between the relevant holder and an owner or occupier of agricultural land (the <i>parties</i>) about—	27 28 29
(a)	the payment of negotiation and preparation costs under section 184HK; or	30 31

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- (b) whether a subsidence management measure in a subsidence management plan for the land has been affected by a material change in circumstances. 1
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- (2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute. 5
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- (3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR. 9
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- (4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request. 12
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- (5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR. 16
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- (6) Chapter 7A, part 1, division 2 applies to the ADR. 22

Subdivision 6 Land Court jurisdiction 23

184HM Application to Land Court if ADR period ends without subsidence management plan 24 25

- (1) This section applies if— 26
 - (a) a party has given an ADR election notice under section 184HJ to another party seeking to negotiate the resolution of a dispute; and 27
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- (b) at the end of the ADR period for the ADR, the parties have not entered into a subsidence management plan. 1
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3
- (2) The ADR facilitator must give the parties a notice (an *end of ADR notice*) stating that— 4
5
- (a) the ADR period for the ADR has ended; and 6
- (b) the relevant holder must apply to the Land Court to decide the dispute within 20 business days after receiving the end of ADR notice. 7
8
9
10
- (3) The relevant holder must, within 20 business days after receiving the end of ADR notice— 11
12
- (a) apply to the Land Court to decide the dispute; and 13
14
- (b) give the chief executive a notice stating the following information— 15
16
- (i) that the holder has applied to the Land Court to decide the dispute; 17
18
- (ii) the agricultural land the subject of the dispute; 19
20
- (iii) the names of the other parties to the dispute. 21
22
- (4) The Land Court decides the dispute by declaring a subsidence management plan for the parties that provides for the subsidence management measures decided by the Land Court. 23
24
25
26
- 184HN Negotiation and preparation costs** 27
- (1) A party may apply to the Land Court for— 28
- (a) a declaration that all or part of stated costs are payable under section 184HK; or 29
30
- (b) if the party is an owner or occupier of agricultural land—an order requiring the 31
32

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payment of negotiation and preparation costs under section 184HK.	1 2
(2) The Land Court may, in a proceeding mentioned in subsection (1) or a proceeding brought under section 184HM, make a declaration about, or an order for the payment of, negotiation and preparation costs under section 184HK.	3 4 5 6 7
(3) However, if the costs are the costs of a relevant specialist, the Land Court can not make a declaration or order in relation to the costs unless the relevant specialist is appropriately qualified to perform the function for which the costs are incurred.	8 9 10 11 12 13
184HO Orders Land Court may make	14
(1) The Land Court may make any order it considers appropriate to enable or enforce its decision on an application under this subdivision.	15 16 17
(2) Without limiting subsection (1), the Land Court may order—	18 19
(a) non-monetary compensation as well as monetary compensation; or	20 21
(b) that a party not engage in particular conduct; or	22 23
(c) that the parties engage in further ADR.	24
(3) In considering whether to make an order under subsection (2)(c), the Land Court may have regard to the behaviour of the parties in the process leading to the application.	25 26 27 28
184HP Jurisdiction to decide alleged breach of subsidence management plan	29 30
(1) Subsection (2) applies if a party to a subsidence management plan believes the other party has	31 32

-
- breached a condition of the plan. 1
- (2) The party may apply to the Land Court for an order about the alleged breach. 2
3
- (3) An application may be made during the term, or after the end, of the subsidence management plan. 4
5
- (4) The Land Court may make any order it considers appropriate on an application under this section. 6
7
- (5) In this section— 8
- party**, to a subsidence management plan, means— 9
- (a) the following persons who entered into the plan— 10
11
- (i) the relevant holder; 12
- (ii) the owner or occupier of agricultural land; or 13
14
- (b) the successors and assigns of a party mentioned in paragraph (a) that are bound by the plan under division 3. 15
16
17
- subsidence management plan** means a 18
subsidence management plan for which the 19
minimum negotiation period has ended. 20
- 184HQ Review of subsidence management measure by Land Court** 21
22
- (1) This section applies if— 23
- (a) a relevant holder for a subsidence management area and an owner or occupier of agricultural land in the area are parties to a subsidence management plan; and 24
25
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27
- (b) there has been a material change in circumstances (the **change**) affecting a subsidence management measure (the **original subsidence management measure**) in the subsidence management plan. 28
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|-----|--|----------------------------|
| (2) | The relevant holder or the owner or occupier of the agricultural land may apply to the Land Court for a review of the original subsidence management measure. | 1
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3
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| (3) | In carrying out the review, the Land Court may review the original subsidence management measure only to the extent it is affected by the change. | 5
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8 |
| (4) | If the Land Court considers the original subsidence management measure is not affected by the change, it must not carry out or continue with the review. | 9
10
11
12 |
| (5) | The Land Court may, after carrying out the review, decide to confirm the original subsidence management measure or amend it in a way the Court considers appropriate. | 13
14
15
16 |
| (6) | In making the decision, the Land Court must have regard to— | 17
18 |
| | (a) all criteria prescribed by regulation applying for the decision; and | 19
20 |
| | (b) whether the applicant has attempted to negotiate the matter the subject of the dispute; and | 21
22
23 |
| | (c) any other matter the Court considers relevant to making the decision. | 24
25 |
| (7) | If the decision is to amend the original subsidence management measure, the original subsidence management measure as amended under the decision is, for this Act, taken to be the original subsidence management measure. | 26
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29
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Division 2	Subsidence compensation agreement	31 32
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Subdivision 1 Preliminary	1
184IA Definitions for division	2
In this division—	3
<i>compensation liability</i> see section 184IC(3).	4
<i>subsidence claimant</i> see section 184IC(1).	5
184IB What is a <i>subsidence compensation agreement</i> for agricultural land	6 7
(1) A <i>subsidence compensation agreement</i> for agricultural land is an agreement—	8 9
(a) entered into by the following parties—	10
(i) a relevant holder for a subsidence management area;	11 12
(ii) a subsidence claimant for the land; and	13
(b) that is about the relevant holder’s compensation liability to the subsidence claimant.	14 15 16
(2) However, a subsidence compensation agreement can not be inconsistent with this Act, the P&G Act or a condition of the relevant holder’s petroleum resource authority (csg), and is unenforceable to the extent of the inconsistency.	17 18 19 20 21
(3) A subsidence compensation agreement may be incorporated into a conduct and compensation agreement.	22 23 24
(4) A subsidence compensation agreement is invalid if it does not comply with the prescribed requirements for the agreement.	25 26 27
Subdivision 2 Liability and information requirement	28 29

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1841C General liability to compensate	1
(1) A relevant holder for a subsidence management area is liable to compensate an owner or occupier of agricultural land in the area (each a <i>subsidence claimant</i>) for each compensatable effect suffered by the subsidence claimant because of the holder.	2 3 4 5 6
(2) However, a subsidence claimant is not entitled to be compensated by the relevant holder under this division for any cost, damage or loss for which the subsidence claimant has been, or is entitled to be, compensated under chapter 3, part 7.	7 8 9 10 11
(3) A relevant holder's liability to compensate a subsidence claimant under this section is the holder's <i>compensation liability</i> to the subsidence claimant.	12 13 14 15
(4) In this section— <i>compensatable effect</i> , suffered by a subsidence claimant because of a relevant holder means—	16 17 18
(a) any cost, damage or loss incurred by the claimant because of—	19 20
(i) the impacts or predicted impacts of CSG-induced subsidence happening because of the holder; or	21 22 23
<i>Example of an impact or predicted impact—</i>	24
the effect of drainage issues on agricultural activities on the agricultural land owned or occupied by the claimant	25 26 27
(ii) the holder entering the private land owned or occupied by the claimant to undertake a subsidence activity as provided under chapter 3, part 2, division 4A; and	28 29 30 31 32
(b) consequential loss incurred by the claimant arising out of cost, damage or loss mentioned in paragraph (a).	33 34 35

184ID Giving notice of subsidence compensation agreement to chief executive	1
	2
(1) This section applies if—	3
(a) a subsidence compensation agreement is agreed to; or	4
	5
(b) the compensation liability of a relevant holder for a subsidence management area is decided by an arbitrator or the Land Court.	6
	7
	8
(2) The relevant holder must, on or before the relevant day, give the chief executive a notice stating the following information—	9
	10
	11
(a) that the holder—	12
(i) has agreed to a subsidence compensation agreement; or	13
	14
(ii) has been given a decision by an arbitrator or the Land Court about the holder’s compensation liability;	15
	16
	17
(b) the agricultural land the subject of the subsidence compensation agreement or the arbitrator’s or the Land Court’s decision;	18
	19
	20
(c) the names of the other parties to the subsidence compensation agreement or the dispute the subject of the arbitrator’s or the Land Court’s decision.	21
	22
	23
	24
Maximum penalty—500 penalty units.	25
(3) In this section—	26
<i>relevant day</i> means—	27
(a) if subsection (1)(a) applies—	28
(i) the day that is 20 business days after the subsidence compensation agreement is agreed to; or	29
	30
	31
(ii) if the minimum negotiation period for the subsidence compensation	32
	33

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- agreement has not ended by the day 1
mentioned in subparagraph (i)—the 2
day that is 10 business days after the 3
minimum negotiation period ends; or 4
- (b) if subsection (1)(b) applies—the day that is 5
20 business days after the arbitrator’s or the 6
Land Court’s decision is given to the 7
relevant holder. 8

Subdivision 3 Conferences with an 9 authorised officer 10

184IE Party may request conference 11

- (1) This section applies if a dispute arises about the 12
compensation liability of a relevant holder for a 13
subsidence management area to a subsidence 14
claimant. 15
- (2) Either the relevant holder or the subsidence 16
claimant (each a *party*) may give a notice (a 17
conference election notice) to the other party 18
requesting the other party to participate in a 19
conference conducted by an authorised officer to 20
seek to negotiate a resolution of the dispute. 21
- (3) The conference election notice must state— 22
- (a) details of the matters the subject of the 23
dispute; and 24
- (b) any other information prescribed by 25
regulation. 26
- (4) However, a conference election notice may not be 27
given under subsection (1) if an ADR election 28
notice or arbitration election notice has already 29
been given about the matters the subject of the 30
dispute. 31

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- 184IF Conduct of conference** 1
- (1) This section applies if a conference election notice is given under section 184IE. 2
3
 - (2) The conference must be conducted under the prescribed requirements. 4
5
 - (3) The authorised officer conducting the conference must take all reasonable steps to hold the conference within 20 business days after the conference election notice is given (the *usual period*). 6
7
8
9
10
 - (4) A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances. 11
12
13
 - (5) If the parties agree to a longer period, and the authorised officer consents to the longer period, the longer period applies instead of the usual period. 14
15
16
17
 - (6) If a party gives the other party an ADR election notice, or an arbitration election notice, about any or all of the matters mentioned in section 184IE(3)(a), the conference ends. 18
19
20
21
 - (7) Nothing said by a person at the conference is admissible in evidence in a proceeding without the person's consent. 22
23
24

Subdivision 4 Negotiation and ADR 25

184IG Giving negotiation notice for subsidence compensation agreement 26
27

- (1) If a relevant holder for a subsidence management area has a compensation liability to a subsidence claimant, the holder or the claimant (each a *party*) may give the other party a notice (the *negotiation notice*) that the party wishes to negotiate a 28
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subsidence compensation agreement with the 1
other party. 2

- (2) The negotiation notice is invalid if it does not 3
comply with the prescribed requirements for the 4
notice. 5

184IH Negotiations 6

- (1) On the giving of the negotiation notice, the parties 7
must use all reasonable endeavours to negotiate a 8
subsidence compensation agreement. 9
- (2) The period of the negotiations— 10
- (a) must be at least for 3 months (the *minimum* 11
negotiation period); and 12
- (b) may continue for a longer period agreed to 13
by the parties. 14
- (3) If the parties agree to a longer period, the agreed 15
longer period is the minimum negotiation period. 16

**184II Cooling-off during minimum negotiation 17
period** 18

- (1) This section applies if the parties enter into a 19
subsidence compensation agreement during the 20
minimum negotiation period. 21
- (2) Either party may, within the minimum 22
negotiation period, terminate the subsidence 23
compensation agreement by giving notice to the 24
other party. 25
- (3) On the giving of a notice under subsection (2), the 26
terminated subsidence compensation agreement 27
is taken never to have had any effect. 28

184IJ Party may require ADR 29

- (1) This section applies if, at the end of the minimum 30

-
- negotiation period, the parties have not entered
into a subsidence compensation agreement
because of a dispute about the compensation
liability of the relevant holder to the subsidence
claimant.
- (2) Either party may give an ADR election notice to
the other party requiring the other party to
participate in ADR to seek to negotiate a
resolution of the dispute.
- (3) For subsection (2), the dispute is resolved by the
parties entering into a subsidence compensation
agreement.
- (4) A party given an ADR election notice must,
within 10 business days after the notice is given,
accept or refuse the type of ADR, and the ADR
facilitator, proposed in the notice.
- (5) If the party given an ADR election notice does not
accept, under subsection (4), the type of ADR or
ADR facilitator proposed in the notice, the party
giving the notice may make another proposal, or
obtain a decision from the Land Court or a
prescribed ADR institute, about the matter not
accepted.
- (6) If a party obtains a decision under subsection (5)
from the Land Court or a prescribed ADR
institute, the party must give the other party notice
of the decision.
- (7) Chapter 7A, part 1, division 2 applies to the ADR.

**184IK Recovery of negotiation and preparation
costs**

- (1) This section applies if a subsidence claimant
necessarily and reasonably incurs negotiation and
preparation costs in entering or seeking to enter
into a subsidence compensation agreement with a
relevant holder for a subsidence management

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area. 1

- (2) The relevant holder is liable to pay to the 2
subsidence claimant the negotiation and 3
preparation costs necessarily and reasonably 4
incurred. 5

Subdivision 5 Arbitration 6

184IL Party may request arbitration 7

- (1) This section applies if— 8
- (a) a party has given a negotiation notice under 9
section 184IG to another party seeking to 10
negotiate the resolution of a dispute and at 11
the end of the minimum negotiation period, 12
the parties have not negotiated a subsidence 13
compensation agreement; or 14
- (b) a party has given an ADR election notice 15
under section 184IJ to another party seeking 16
to negotiate the resolution of a dispute and 17
at the end of the ADR period for the ADR, 18
the parties have not entered into a 19
subsidence compensation agreement. 20
- (2) Either party may give an arbitration election 21
notice to the other party requesting the other party 22
to participate in an arbitration to decide the 23
dispute. 24
- (3) A party given an arbitration election notice must, 25
within 15 business days after the notice is given, 26
accept or refuse the request for arbitration. 27
- (4) If a party given an arbitration election notice does 28
not accept the request for arbitration within 15 29
business days after the notice is given, the party is 30
taken to refuse the request. 31
- (5) If the request for arbitration is accepted under 32

subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the arbitrator proposed in the arbitration election notice, or another arbitrator, to conduct the arbitration.

(6) If the parties do not, under subsection (5), jointly appoint an arbitrator, the party giving the arbitration election notice must require a prescribed arbitration institute to appoint an arbitrator, who is independent of both parties, to conduct the arbitration.

(7) A prescribed arbitration institute does not incur any civil monetary liability for an act or omission in the performance, or purported performance, of a function under subsection (6) unless the act or omission is done or made in bad faith or through negligence.

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

184IM Effect of arbitrator’s decision

(1) The arbitrator’s decision is final.

(2) The parties may not apply for review of, or appeal against, the decision.

(3) The arbitrator’s decision does not limit or otherwise affect a power of the Supreme Court to decide a decision of the arbitrator is affected by jurisdictional error.

(4) The arbitrator’s decision has the same effect as if the parties had entered into a binding and enforceable agreement to the same effect as the decision.

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Subdivision 6 ADR about particular costs and material changes in circumstances 1
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3

184IN Party may seek ADR 4

- (1) This section applies if a dispute arises between a relevant holder for a subsidence management area and a subsidence claimant (the *parties*) about— 5
6
7
- (a) the payment of negotiation and preparation costs under section 184IK; or 8
9
- (b) whether the compensation liability of the holder to the claimant, agreed to under a subsidence compensation agreement or decided by an arbitrator or the Land Court, has been affected by a material change in circumstances since the agreement or decision. 10
11
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13
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15
16
- (2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute. 17
18
19
20
- (3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR. 21
22
23
- (4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request. 24
25
26
27
- (5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR. 28
29
30
31
32
33
- (6) Chapter 7A, part 1, division 2 applies to the ADR. 34

Subdivision 7 Land Court jurisdiction 1

184IO Party may apply to Land Court 2

- (1) This section applies if— 3
- (a) a party has given an ADR election notice 4
under section 184IJ to another party seeking 5
to negotiate the resolution of a dispute; and 6
 - (b) at the end of the ADR period for the ADR, 7
the parties have not entered into a 8
subsidence compensation agreement; and 9
 - (c) the dispute is not the subject of arbitration 10
under chapter 7A, part 2, division 2. 11
- (2) Either party may apply to the Land Court to 12
decide the dispute. 13
- (3) However, the Land Court may decide the 14
compensation liability only to the extent it is not 15
subject to a subsidence compensation agreement 16
between the parties. 17

184IP Negotiation and preparation costs 18

- (1) A party may apply to the Land Court for— 19
- (a) a declaration that all or part of stated costs 20
are payable under section 184IK; or 21
 - (b) if the party is a subsidence claimant—an 22
order requiring the payment of negotiation 23
and preparation costs under section 184IK. 24
- (2) The Land Court may, in a proceeding mentioned 25
in subsection (1) or a proceeding brought under 26
section 184IO, make a declaration about, or an 27
order for the payment of, negotiation and 28
preparation costs under section 184IK. 29
- (3) However, if the costs are the costs of a relevant 30
specialist, the Land Court can not make a 31

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declaration or order in relation to the costs unless 1
the relevant specialist is appropriately qualified to 2
perform the function for which the costs are 3
incurred. 4

184IQ Orders Land Court may make 5

- (1) The Land Court may make any order it considers 6
appropriate to enable or enforce its decision on an 7
application under this subdivision. 8
- (2) Without limiting subsection (1), the Land Court 9
may order— 10
 - (a) non-monetary compensation as well as 11
monetary compensation; or 12
 - (b) that a party not engage in particular conduct; 13
or 14
 - (c) that the parties engage in further ADR. 15
- (3) In considering whether to make an order under 16
subsection (2)(c), the Land Court may have 17
regard to the behaviour of the parties in the 18
process leading to the application. 19

**184IR Additional jurisdiction for compensation and 20
related matters** 21

- (1) This section applies to a relevant holder for a 22
subsidence management area and a subsidence 23
claimant (the *parties*) if there is a subsidence 24
compensation agreement between the parties. 25
- (2) The Land Court may do all or any of the 26
following— 27
 - (a) assess all or part of the relevant holder's 28
compensation liability to the subsidence 29
claimant; 30
 - (b) decide a matter related to the compensation 31
liability; 32

-
- (c) make any order it considers necessary or 1
desirable for a matter mentioned in 2
paragraph (a) or (b). 3

184IS Jurisdiction to impose or vary conditions 4

- (1) In deciding a matter mentioned in section 5
184IR(2), the Land Court may— 6
- (a) impose any condition it considers 7
appropriate for the exercise of the parties’ 8
rights; or 9
- (b) vary any existing condition under an 10
agreement between the parties. 11
- (2) The variation may be made on any ground the 12
Land Court considers appropriate. 13
- (3) The imposed or varied condition is taken to be a 14
condition of the agreement between the parties. 15
- (4) In this section— 16
- agreement* means a subsidence compensation 17
agreement. 18
- condition* means a condition of or for a 19
subsidence compensation agreement. 20

**184IT Jurisdiction to decide alleged breach of 21
subsidence compensation agreement** 22

- (1) Subsection (2) applies if a party to a subsidence 23
compensation agreement believes the other party 24
has breached a condition of the agreement. 25
- (2) The party may apply to the Land Court for an 26
order about the alleged breach. 27
- (3) An application may be made during the term, or 28
after the end, of the subsidence compensation 29
agreement. 30
- (4) The Land Court may make any order it considers 31

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appropriate on an application under this section. 1

(5) In this section— 2

party, to a subsidence compensation agreement, 3
means— 4

(a) the following persons who entered into the 5
agreement— 6

(i) the relevant holder; 7

(ii) the subsidence claimant; or 8

(b) the successors and assigns of a party 9
mentioned in paragraph (a) that are bound 10
by the agreement under division 3. 11

subsidence compensation agreement means a 12
subsidence compensation agreement for which 13
the minimum negotiation period has ended. 14

184IU Review of compensation by Land Court 15

(1) This section applies if— 16

(a) the compensation liability of a relevant 17
holder for a subsidence management area to 18
a subsidence claimant has been agreed to 19
under a subsidence compensation agreement 20
or decided by an arbitrator or the Land 21
Court (the *original compensation*); and 22

(b) there has been a material change in 23
circumstances (the *change*) since the 24
agreement or decision. 25

(2) The relevant holder or the subsidence claimant 26
may apply to the Land Court for a review of the 27
original compensation. 28

(3) In carrying out the review, the Land Court may 29
review the original compensation only to the 30
extent it is affected by the change. 31

(4) If the Land Court considers the original 32

compensation is not affected by the change, it must not carry out or continue with the review. 1
2

(5) The Land Court may, after carrying out the review, decide to confirm the original compensation or amend it in a way the Court considers appropriate. 3
4
5
6

(6) In making the decision, the Land Court must have regard to— 7
8

(a) all criteria prescribed by regulation applying for the compensation; and 9
10

(b) whether the applicant has attempted to negotiate the compensation liability; and 11
12

(c) any other matter the Court considers relevant to making the decision. 13
14

(7) If the decision is to amend the original compensation, the original compensation as amended under the decision is, for this Act, taken to be the original compensation. 15
16
17
18

Division 3 Enduring effect of instruments and decisions 19 20

184JA Definition for division 21

In this division— 22

subsidence instrument means— 23

(a) a subsidence compensation agreement; or 24

(b) a subsidence management plan; or 25

(c) a subsidence opt-out agreement. 26

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184JB Subsidence instruments to be recorded on titles	1 2
(1) A relevant holder for a subsidence management area who is a party to a subsidence instrument must, within 28 days after entering into the instrument, give the registrar notice of the instrument in the appropriate form.	3 4 5 6 7
(2) If given a notice under subsection (1), the registrar must record in the relevant register the existence of the subsidence instrument.	8 9 10
(3) Subsection (4) applies if—	11
(a) the subsidence instrument ends; or	12
(b) the land the subject of the subsidence instrument is subdivided, in whole or part, and the instrument does not apply to land within a new lot that is created as a result of the subdivision.	13 14 15 16 17
(4) The relevant holder who is a party to the subsidence instrument must give the registrar notice of the matter in the appropriate form within 28 days after—	18 19 20 21
(a) if subsection (3)(a) applies—the instrument ends; or	22 23
(b) if subsection (3)(b) applies—the day the holder becomes aware the land has been subdivided.	24 25 26
(5) If the registrar is given a notice under subsection (4) in relation to a subsidence instrument that has ended, the registrar must, if satisfied the instrument has ended or is no longer relevant for the land, remove the particulars of the instrument from the relevant register.	27 28 29 30 31 32
(6) If the registrar is given a notice under subsection (4) in relation to the subdivision of land, the registrar must, if satisfied the subsidence	33 34 35

-
- instrument is not relevant for a new lot created by
the subdivision, remove the particulars of the
instrument from the relevant register to the extent
it relates to the new lot.
- (7) The registrar must also remove the particulars of
the subsidence instrument from the relevant
register if—
- (a) requested to do so, in the appropriate form,
by a party to the instrument; and
- (b) the registrar is satisfied the instrument has
ended or is no longer relevant for the land.
- (8) A relevant holder for a subsidence management
area complying with subsection (1) or (4) is liable
for the costs of recording the subsidence
instrument in, or removing the instrument from,
the relevant register.
- (9) A notice given under this section is invalid if it
does not comply with the prescribed requirements
for the notice.
- (10) A requirement of a relevant holder for a
subsidence management area under subsection
(1) or (4) is a condition of the holder’s petroleum
resource authority (csg).
- (11) In this section—
- appropriate form***—
- (a) if the subsidence instrument relates to land
to which the *Land Title Act 1994*
applies—see schedule 2 of that Act; or
- (b) if the subsidence instrument relates to land
to which the *Land Act 1994* applies—see
schedule 6 of that Act.
- party***, to a subsidence instrument, includes the
successors and assigns of the party that are bound
by the instrument under this division.

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registrar means the registrar of titles under the
Land Title Act 1994. 1
2

relevant register means— 3

(a) for freehold land—the freehold land
register; or 4
5

(b) for any other land—the registry under the
Land Act 1994, section 275. 6
7

**184JC Subsidence instrument binding on
successors and assigns** 8
9

A subsidence instrument binds the parties to the
instrument, and each of their successors and
assigns. 10
11
12

**184JD Land Court decision binding on successors
and assigns** 13
14

(1) This section applies to a decision of the Land
Court under division 1, subdivision 6 or division
2, subdivision 7. 15
16
17

(2) The decision binds the parties in the proceeding
that led to the decision, and each of their
successors and assigns. 18
19
20

**184JE Arbitrator’s decision binding on successors
and assigns** 21
22

(1) This section applies to a decision of an arbitrator
under division 2, subdivision 5. 23
24

(2) The decision binds the parties to the arbitration
that led to the decision, and each of their
successors and assigns. 25
26
27

Part 6	Directions about identifying, assessing, monitoring or managing impacts of CSG-induced subsidence	1 2 3 4 5 6
Division 1	Subsidence management directions	7 8
Subdivision 1	Power to give subsidence management directions	9 10
184KA Application of subdivision		11
(1)	This subdivision applies in relation to a relevant holder for a subsidence management area if—	12 13
(a)	the chief executive believes—	14
(i)	agricultural land in the area is impacted, or is likely in the future to be impacted, by CSG-induced subsidence; and	15 16 17 18
(ii)	a subsidence activity should be undertaken in relation to the agricultural land; and	19 20 21
(b)	either—	22
(i)	the office has advised the chief executive under section 184BB(4) or 184BC(2) that the holder should be given a subsidence management direction to undertake the subsidence activity in relation to the agricultural land; or	23 24 25 26 27 28 29

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- (ii) even though there is a subsidence impact report for the area, no relevant holder for the area is identified in the report as a responsible holder for undertaking the subsidence activity in relation to the agricultural land. 1
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- (2) This subdivision also applies in relation to a relevant holder for a subsidence management area if— 7
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 - (a) the holder undertook a subsidence activity in relation to agricultural land in the area; and 10
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 - (b) after the subsidence activity was undertaken— 13
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 - (i) the prescribed requirements or best practice industry standards for undertaking the activity are changed; 15
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 - (ii) the holder gives the office a notice under section 184DG or 184EG about an error or change in circumstances in relation to the activity; and 19
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 - (c) the chief executive considers the holder should undertake the subsidence activity again, having regard to the matter mentioned in paragraph (b). 23
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- (3) In this section— 27
 - subsidence activity*, in relation to agricultural land, means— 28
29
 - (a) land monitoring of the land; or 30
 - (b) baseline data collection for the land; or 31
 - (c) a farm field assessment of the land. 32

184KB Subsidence management direction

- 1
- (1) The chief executive may, by notice, direct the relevant holder to undertake on or before a stated day or stated days—
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- 3
- 4
- (a) if section 184KA(1) applies—the subsidence activity mentioned in that subsection; or
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- 6
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- (b) if section 184KA(2) applies—the subsidence activity mentioned in that subsection.
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- (2) If section 184DE, 184EE, 184EF or 184FF applies in relation to undertaking the subsidence activity, the direction must also state the day or days on or before which the relevant holder must comply with the section.
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- (3) Before the chief executive gives the relevant holder the direction, the chief executive must—
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- (a) give the holder a stated reasonable period of at least 20 business days to make submissions about the proposed direction; and
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- 21
- (b) have regard to—
- 22
- (i) any submissions made by the holder; and
- 23
- 24
- (ii) the farming practices on the agricultural land; and
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- 26
- (iii) the location and area of a place at which the holder is producing, or proposes to produce, coal seam gas under a petroleum resource authority (csg).
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- (4) The chief executive must give the relevant holder an information notice about the chief executive's decision to give the direction.
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Subdivision 2 Application for direction about farm field assessment	1 2 3
184KC Definitions for subdivision	4
In this subdivision—	5
<i>affected person</i> , for a farm field assessment direction for agricultural land, means—	6 7
(a) an owner or occupier of the land; and	8
(b) the relevant holder to whom the farm field assessment direction is given or could be given if the chief executive decides to give the direction.	9 10 11 12
<i>farm field assessment direction</i> , for agricultural land, means a subsidence management direction directing a relevant holder for a subsidence management area to undertake a farm field assessment of the land.	13 14 15 16 17
184KD Application for farm field assessment direction	18 19
(1) An owner or occupier of agricultural land in a subsidence management area may apply to the chief executive for a farm field assessment direction for the land if—	20 21 22 23
(a) there is a subsidence impact report for the area; and	24 25
(b) the report does not describe the land as land for which a farm field assessment must be undertaken; and	26 27 28
(c) the owner or occupier reasonably believes the land is impacted, or is likely in the future to be impacted, by CSG-induced subsidence; and	29 30 31 32

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- (d) the owner or occupier’s belief is based on evidence that was not available to the chief executive when the report was approved. 1
2
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- (2) An application for a farm field assessment direction for agricultural land must— 4
5
- (a) be in writing; and 6
- (b) include a copy of any evidence in the applicant’s possession or control to support the application. 7
8
9
- 184KE Notifying other affected persons of application** 10
11
- (1) The chief executive must, within 10 business days after receiving an application for a farm field assessment direction for agricultural land, give a notice about the application to each affected person other than the applicant. 12
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- (2) The notice must— 17
- (a) state the name of the applicant; and 18
- (b) describe the agricultural land to which the application relates; and 19
20
- (c) include a brief description of the applicant’s belief that the land is impacted, or is likely in the future to be impacted, by CSG-induced subsidence. 21
22
23
24
- 184KF Requiring information from affected persons and office** 25
26
- (1) If the chief executive receives an application for a farm field assessment direction for agricultural land, the chief executive may give an affected person or the office a notice asking the affected person or the office to give information the chief executive requires to make a decision on the 27
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application. 1

(2) The notice must state a period of at least 20 2
business days within which the information must 3
be given. 4

(3) If the affected person or the office does not 5
comply with the notice, the chief executive may 6
make a decision on the application without the 7
information. 8

184KG Decision on application 9

(1) Within 20 business days after the last day by 10
which information must be given under section 11
184KF, the chief executive must— 12

(a) consider the application and the information 13
given under section 184KF; and 14

(b) decide whether to give the farm field 15
assessment direction applied for. 16

(2) If the chief executive decides to give the farm 17
field assessment direction, the chief executive 18
must give— 19

(a) the farm field assessment direction to the 20
relevant holder; and 21

Note— 22

Under section 184KB(4), the chief executive must 23
give the relevant holder an information notice 24
about the chief executive's decision to give the 25
farm field assessment direction. 26

(b) notice of the decision to each other affected 27
person and the office. 28

(3) If the chief executive decides not to give the farm 29
field assessment direction, the chief executive 30
must give each affected person an information 31
notice for the decision. 32

Division 2	Critical consequences	1
184KH Definitions for division		2
In this division—		3
<i>affected person</i> , for a critical consequence decision for agricultural land, means—		4
(a) an owner or occupier of the land; and		5
(b) the relevant holder in relation to whom the critical consequence decision is or is to be made.		6
<i>critical consequence</i> , for agricultural land, means any of the following resulting from CSG-induced subsidence that is so unreasonable or intolerable that it affects the viability of the farming practices or business activities undertaken on the land—		7
(a) damage to the land that has caused, or is likely to cause, changes to the intensive use of the land for agricultural purposes;		8
(b) an impact on—		9
(i) the farming practices or business activities undertaken on the land; or		10
(ii) the infrastructure on the land that is essential to support the farming practices or business activities;		11
(c) other economic loss.		12
<i>critical consequence action plan</i> see section 184KL(1)(c).		13
<i>critical consequence decision</i> , for agricultural land, means a decision under section 184KL about the land.		14
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184KI Application for critical consequence decision	1 2
(1) An owner or occupier of agricultural land in a subsidence management area may apply to the Minister for a critical consequence decision for the land if—	3 4 5 6
(a) the owner or occupier is a party to a subsidence management plan with a relevant holder for the area; and	7 8 9
(b) the owner or occupier reasonably believes—	10
(i) a subsidence management measure contained in the subsidence management plan has failed or is ineffective; and	11 12 13 14
(ii) there has been, or is likely to be, a critical consequence for the land.	15 16
(2) Also, an owner or occupier of agricultural land in a subsidence management area may apply to the Minister for a critical consequence decision for the land if—	17 18 19 20
(a) the owner or occupier is a party to a subsidence opt-out agreement with a relevant holder for the area; and	21 22 23
(b) the owner or occupier reasonably believes—	24
(i) there has been a material change in circumstances since the relevant holder undertook a farm field assessment of the land; and	25 26 27 28
(ii) there has been, or is likely to be, a critical consequence for the land.	29 30
(3) An application for a critical consequence decision for agricultural land must—	31 32
(a) be in writing; and	33

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- (b) include a copy of any of the following in the applicant's possession or control—
 - (i) evidence to support the application;
 - (ii) the notice of the outcome of the farm field assessment of the land;
 - (iii) for an applicant who is a party to a subsidence management plan for the land—the subsidence management plan; and
 - (c) comply with the prescribed requirements for the application.

184KJ Notifying other affected persons of application

- (1) The Minister must, within 10 business days after receiving an application for a critical consequence decision for agricultural land, give a notice about the application to an affected person other than the applicant.
- (2) The notice must—
 - (a) state the name of the applicant; and
 - (b) describe the agricultural land to which the application relates; and
 - (c) include a brief description of—
 - (i) the critical consequence for the land the applicant believes there has been or is likely to be; and
 - (ii) for an application for which the applicant is a party to a subsidence management plan for the land—the subsidence management measure contained in the plan the applicant believes has failed or is ineffective; and

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- (iii) for an application for which the applicant is a party to a subsidence opt-out agreement for the land—the material change in circumstances the applicant believes there has been since the relevant holder undertook a farm field assessment of the land.

184KK Requiring information from affected persons and other entities

- (1) If the Minister receives an application for a critical consequence decision for agricultural land, the Minister may give a relevant entity a notice asking the relevant entity to give information the Minister requires to make the critical consequence decision.
- (2) The notice must state a period of at least 20 business days within which the information must be given.
- (3) If the relevant entity does not comply with the notice, the Minister may make the critical consequence decision without the information.
- (4) In this section—
government entity see the *Public Sector Act 2022*, section 276.
relevant entity, in relation to an application for a critical consequence decision for agricultural land, means—
- (a) an affected person; or
- (b) the office; or
- (c) a government entity that may have information relevant to the application; or
- (d) another entity prescribed by regulation.

184KL Critical consequence decision

- | | |
|---|----|
| | 1 |
| (1) The Minister must, within 20 business days after | 2 |
| the last day by which information must be given | 3 |
| under section 184KK— | 4 |
| (a) decide that a critical consequence for the | 5 |
| agricultural land has not happened and is not | 6 |
| likely to happen; or | 7 |
| (b) decide that a critical consequence for the | 8 |
| agricultural land has happened and, if the | 9 |
| Minister considers it appropriate, direct the | 10 |
| relevant holder to take stated reasonable | 11 |
| steps, for or within a stated reasonable | 12 |
| period, to prevent the critical consequence | 13 |
| from continuing or becoming worse, | 14 |
| including, for example— | 15 |
| (i) stopping production of coal seam gas at | 16 |
| a stated location for a stated reasonable | 17 |
| period; or | 18 |
| (ii) plugging or relocating a petroleum well | 19 |
| within a stated reasonable period; or | 20 |
| (c) decide that a critical consequence for the | 21 |
| agricultural land is likely to happen and | 22 |
| direct the relevant holder to give the | 23 |
| Minister a plan (a <i>critical consequence</i> | 24 |
| <i>action plan</i>), on or before the day that is at | 25 |
| least 30 business days after the direction is | 26 |
| given, stating— | 27 |
| (i) the steps the holder will take to prevent | 28 |
| the critical consequence from | 29 |
| happening; and | 30 |
| (ii) the timeframes for taking the steps | 31 |
| mentioned in subparagraph (i). | 32 |
| (2) In making the decision on the application, the | 33 |
| Minister must consider— | 34 |
| (a) the application; and | 35 |

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- (b) information given under section 184KK; 1
and 2
- (c) any other matter prescribed by regulation. 3
- (3) The Minister must give each affected person an 4
information notice for the decision. 5
- (4) If the decision includes a direction under 6
subsection (1)(b), the information notice must 7
state that it is an offence for the relevant holder 8
not to comply with the direction unless the holder 9
has a reasonable excuse. 10
- Note—* 11
 - If the relevant holder does not comply with a direction 12
under subsection (1)(c), the Minister may give the 13
holder a direction under section 184KM(3). 14

**184KM Further direction if critical consequence is 15
likely to happen 16**

- (1) This section applies if the Minister gives the 17
relevant holder a direction under section 18
184KL(1)(c). 19
- (2) If the relevant holder gives the Minister a critical 20
consequence action plan in the period required 21
under the direction, the Minister may, by notice, 22
direct the holder to do 1 or more of the 23
following— 24
 - (a) comply with the critical consequence action 25
plan; 26
 - (b) make stated amendments to the critical 27
consequence action plan and comply with 28
the amended plan; 29
 - (c) take stated reasonable steps, for or within a 30
stated reasonable period, to prevent the 31
critical consequence from happening, 32
including, for example— 33

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- (i) stopping production of coal seam gas at a stated location for a stated reasonable period; or
 - (ii) plugging or relocating a petroleum well within a stated reasonable period.
 - (3) If the relevant holder does not give the Minister a critical consequence action plan in the period required under the direction, the Minister may, by notice, direct the holder to take stated reasonable steps, for or within a stated reasonable period, to prevent the critical consequence from happening, including, for example—
 - (a) stopping production of coal seam gas at a stated location for a stated reasonable period; or
 - (b) plugging or relocating a petroleum well within a stated reasonable period.
 - (4) The Minister must give each affected person an information notice for the decision to give the direction.
 - (5) The information notice must state that it is an offence for the relevant holder not to comply with the direction unless the holder has a reasonable excuse.

184KN Direction if critical consequence happens after critical consequence decision

- (1) This section applies if, after making a critical consequence decision for agricultural land in a subsidence management area, the Minister forms the belief that a critical consequence for the land has happened.
- (2) The Minister may, by notice, direct the relevant holder to take stated reasonable steps, for or within a stated reasonable period, to prevent the

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critical consequence from continuing or becoming worse, including, for example—	1 2
(a) stopping production of coal seam gas at a stated location for a stated reasonable period; or	3 4 5
(b) plugging or relocating a petroleum well within a stated reasonable period.	6 7
(3) The Minister must give each affected person an information notice for the decision to give the direction.	8 9 10
(4) The information notice must state that it is an offence for the relevant holder not to comply with the direction unless the holder has a reasonable excuse.	11 12 13 14
184KO Offence to fail to comply with direction	15
A relevant holder for a subsidence management area given a direction under section 184KL(1)(b), 184KM(2) or (3) or 184KN must comply with the direction unless the holder has a reasonable excuse.	16 17 18 19 20
Maximum penalty—4,500 penalty units.	21
184KP Chief executive may take action and recover costs	22 23
(1) This section applies if a relevant holder for a subsidence management area fails to comply with a direction under section 184KL(1)(b), 184KM(2) or (3) or 184KN.	24 25 26 27
(2) The chief executive may take the action that the relevant holder failed to take to comply with the direction.	28 29 30
(3) If the chief executive takes the action, the chief executive may give the relevant holder a notice (a	31 32

-
- cost recovery notice*) requiring the holder to pay the stated costs and expenses reasonably incurred by the chief executive in taking the action. 1
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- (4) However, subsection (3) does not apply if the chief executive is satisfied the relevant holder had a reasonable excuse for not complying with the direction. 4
5
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- (5) The cost recovery notice must state the following— 8
9
- (a) the name of the relevant holder; 10
- (b) the agricultural land to which the action related; 11
12
- (c) a description of the action taken; 13
- (d) a description of, and the amount of, the costs and expenses incurred; 14
15
- (e) that if the relevant holder does not pay the amount to the chief executive within 30 business days after the day the notice is given, the chief executive may recover the amount and any interest payable on the amount from the holder as a debt; 16
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21
- (f) the contact details of the chief executive. 22
- (6) If the relevant holder does not pay the amount stated in the cost recovery notice to the chief executive within 30 business days after the day the notice is given, the chief executive may recover the amount, and any interest payable on the amount, from the holder as a debt. 23
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- (7) A debt due under subsection (6) bears interest at the rate prescribed by regulation. 29
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Part 7 **Miscellaneous** 31

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Division 1	Office may give information or advice or obtain information	1 2 3
184LA Giving information or advice to entities		4
(1)	The office may provide information or advice about matters related to CSG-induced subsidence to the chief executive.	5 6 7
(2)	Also, the office may, on request, provide information or advice about matters related to CSG-induced subsidence to the following entities—	8 9 10 11
(a)	the chief executive;	12
(b)	the chief executive of another department;	13
(c)	Coexistence Queensland;	14
(d)	the land access ombudsman in relation to a land access dispute referral under the <i>Land Access Ombudsman Act 2017</i> for a dispute under this chapter;	15 16 17 18
(e)	the Land Court in relation to an application under part 5, division 1, subdivision 6 or part 5, division 2, subdivision 7.	19 20 21
184LB Surveys to collect information		22
(1)	This section applies if the office requires information about land in a subsidence management area—	23 24 25
(a)	to prepare a proposed subsidence impact report, or a proposed amendment of a subsidence impact report, for the area; or	26 27 28
(b)	to provide advice or information to the chief executive.	29 30

(2)	The office may undertake surveys of the land to collect the information about the land.	1 2
	<i>Examples of surveys of land—</i>	3
	lidar, InSAR	4
	184LC Obtaining information from relevant holders	5
(1)	The manager of the office may give a relevant holder for a subsidence management area a notice requesting the following information about the holder’s petroleum resource authority (csg)—	6 7 8 9
(a)	information the manager requires for performing the office’s functions under part 3;	10 11 12
(b)	other information the manager requires to monitor CSG-induced subsidence generally.	13 14
(2)	The notice must state how, and a reasonable period of at least 20 business days by which, the information must be given.	15 16 17
(3)	The relevant holder must comply with the notice, unless the holder has a reasonable excuse. Maximum penalty—500 penalty units.	18 19 20
(4)	If the relevant holder is an individual, it is a reasonable excuse not to comply with the notice if complying with the notice might tend to incriminate the holder.	21 22 23 24
Division 2	Database of information about CSG-induced subsidence	25 26 27
	184LD Office to keep and maintain database	28
(1)	The office must keep and maintain a database of	29

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information relevant to identifying, assessing, 1
monitoring and managing the impacts of 2
CSG-induced subsidence, including information 3
obtained by the office under this chapter. 4

- (2) The database may be kept in the way the manager 5
of the office considers appropriate, including, for 6
example, in an electronic form. 7

184LE Public access to database 8

- (1) The office may make information in the database 9
available to the public. 10
- (2) However, the publicly available part of the 11
database must not include information the office 12
reasonably believes is commercially sensitive. 13
- (3) A person may— 14
- (a) free of charge, inspect the details contained 15
in the publicly available part of the database 16
at the office’s head office during normal 17
business hours; and 18
- (b) on payment of the fee prescribed by 19
regulation, obtain a copy of the details from 20
the office. 21

184LF Chief executive’s access to information 22

The office must make any information in the 23
database, including information the office 24
reasonably believes is commercially sensitive, 25
available to the chief executive if the information 26
may be relevant to the administration of this 27
chapter. 28

Division 3 Annual subsidence trends 29
report 30

184LG Office to give annual subsidence trends report	1 2
(1) The office must give the chief executive an annual subsidence trends report for a subsidence management area—	3 4 5
(a) that complies with section 184LH; and	6
(b) on or before each day required under subsection (2).	7 8
(2) An annual subsidence trends report for a subsidence management area must be given—	9 10
(a) within 12 months after the most recent relevant report for the area was approved or given; or	11 12 13
(b) if the chief executive agrees to a later day for giving the annual subsidence trends report—on or before the later day.	14 15 16
(3) In preparing an annual subsidence trends report, the office must comply with the prescribed requirements for the report.	17 18 19
(4) The office must publish each annual subsidence trends report for a subsidence management area on a Queensland government website.	20 21 22
(5) In this section—	23
<i>relevant report</i> , for a subsidence management area, means a subsidence impact report approved for the area or an annual subsidence trends report given for the area.	24 25 26 27
184LH Content of annual subsidence trends report	28
(1) An annual subsidence trends report for a subsidence management area must include each of the following things—	29 30 31
(a) a description of any change in circumstances since the most recent	32 33

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- subsidence impact report for the area that materially affects or could materially affect— 1
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3
- (i) the assessment of the risk of impacts of CSG-induced subsidence on agricultural land in the area in the most recent report; or 4
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- (ii) the categorisation included in the most recent report of agricultural land in the area as category A land, category B land or category C land; or 8
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11
- (iii) information or predictions about the CSG-induced subsidence on land included in the most recent report; 12
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14
- Example—* 15
- changes related to the frequency, location or extent of the CSG-induced subsidence 16
17
- (b) a description of any data or information about the area that has become available since the most recent report; 18
19
20
- (c) a description of any changes since the most recent report for the area to the existing and proposed production of coal seam gas under a petroleum resource authority (csg) in the area; 21
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- (d) an update about emerging trends related to the CSG-induced subsidence on land in the area, having regard to data or information obtained under the subsidence impact management strategy included in the most recent report. 26
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- (2) An annual subsidence trends report for a subsidence management area may include the following things— 32
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- (a) a recommendation that the chief executive agree to a later day on or before which the 35
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- office must give the chief executive the next 1
subsidence impact report under section 2
184CA(3); 3
- (b) proposed updates to the subsidence impact 4
report for the area. 5

Division 4 Confidentiality 6

184LI Public service employee must maintain 7 confidentiality 8

- (1) This section applies to a person who— 9
- (a) is, or has been, a public service employee 10
performing functions under or relating to the 11
administration of this chapter; and 12
- (b) in that capacity, has acquired or has access 13
to confidential information. 14
- (2) The person must not disclose the information to 15
anyone else, or use the information, other than 16
under this section. 17
- Maximum penalty—100 penalty units. 18
- (3) The person may disclose or use the information— 19
- (a) to the extent the disclosure or use is— 20
- (i) necessary to perform the public service 21
employee’s functions under or relating 22
to this chapter; or 23
- (ii) otherwise required or permitted under 24
this chapter or another law; or 25
- (b) with the consent of the person to whom the 26
information relates; or 27
- (c) in compliance with a lawful process 28
requiring production of documents to, or 29
giving evidence before, a court or tribunal. 30

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- (4) In this section— 1
confidential information means information, 2
other than information that is publicly available— 3
(a) about a person’s personal affairs or 4
reputation; or 5
(b) that would be likely to damage the 6
commercial activities of a person to whom 7
the information relates. 8
disclose includes give access to. 9
information includes a document. 10

**184LJ Relevant holder must maintain 11
confidentiality 12**

- (1) This section applies if an owner or occupier of 13
agricultural land in a subsidence management 14
area gives a relevant holder for the area 15
information under this chapter. 16
(2) The relevant holder must not disclose the 17
information to another person unless— 18
(a) the information is publicly available; or 19
(b) the disclosure is— 20
(i) to a person (a *secondary recipient*) 21
whom the holder has authorised to 22
carry out authorised activities for the 23
holder’s petroleum resource authority 24
(csg); or 25
(ii) made with the owner or occupier’s 26
consent; or 27
(iii) permitted or required under this 28
chapter or another law. 29
(3) Subject to subsection (2), the relevant holder must 30
not use the information for a purpose other than 31
for which it is given. 32

(4)	If the relevant holder does not comply with subsection (2) or (3), the holder is liable to pay the owner or occupier—	1 2 3
(a)	compensation for any loss the owner or occupier incurs because of the failure to comply with the subsection; and	4 5 6
(b)	the amount of any commercial gain the holder makes because of the failure to comply with the subsection.	7 8 9
(5)	A secondary recipient must not use the information for a purpose other than for which it is given.	10 11 12
(6)	If a secondary recipient does not comply with subsection (5), the secondary recipient is liable to pay the owner or occupier—	13 14 15
(a)	compensation for any loss the owner or occupier incurs because of the failure to comply with the subsection; and	16 17 18
(b)	the amount of any commercial gain the recipient makes because of the failure to comply with the subsection.	19 20 21
Clause 88	Insertion of new ch 7A	22
	After chapter 7—	23
	<i>insert—</i>	24
	Chapter 7A Dispute resolution	25
	Part 1 ADR	26
	Division 1 ADR election notice	27

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196I Contents of ADR election notice	1
An ADR election notice for ADR for the resolution of a dispute must state—	2 3
(a) details of the matters the subject of the dispute; and	4 5
(b) the type of ADR proposed; and	6
(c) the name of an ADR facilitator, who is independent of both parties to the dispute, proposed to conduct the ADR; and	7 8 9
<i>Note—</i>	10
See the <i>Land Access Ombudsman Act 2017</i> , part 3A for the ability to propose the land access ombudsman as the ADR facilitator.	11 12 13
(d) who is liable for the costs of the ADR facilitator; and	14 15
(e) any other information prescribed by regulation.	16 17
Division 2 Provisions about ADR	18
196J Application of division	19
This division applies in relation to ADR for the resolution of a dispute between parties mentioned in any of the following provisions that is conducted in response to an ADR election notice for the ADR—	20 21 22 23 24
(a) section 51A(1);	25
(b) section 88(1);	26
(c) section 92A(1);	27
(d) section 184HJ(1);	28
(e) section 184HL(1);	29
(f) section 184IJ(1);	30

(g) section 184IN(1). 1

196K Conduct of ADR 2

- (1) The parties must use all reasonable endeavours to negotiate a resolution of the dispute within 30 business days after the ADR facilitator is appointed (the *usual period*). 3
4
5
6
- (2) A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances. 7
8
9
- (3) If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the longer period applies instead of the usual period. 10
11
12
- (4) The following person is liable for the costs of the ADR facilitator— 13
14
 - (a) for a dispute mentioned in section 196J(a), (b) or (c)—the party who is the resource authority holder; or 15
16
17
 - (b) for a dispute mentioned in section 196J(d), (e), (f) or (g)—the party who is the relevant holder. 18
19
20

196L Non-attendance at ADR 21

- (1) This section applies if— 22
 - (a) a party (the *non-attending party*) does not attend the ADR; and 23
24
 - (b) another party (the *attending party*) attends the ADR. 25
26
- (2) The non-attending party is liable to pay the attending party's reasonable costs of attending. 27
28
- (3) The attending party may apply to the Land Court for an order requiring the payment of the costs. 29
30
- (4) The Land Court may order the payment of the 31

[s 88]

costs only if the Court is satisfied the
non-attending party did not have a reasonable
excuse for not attending.

196M Protection, immunity and confidentiality

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

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

Note—

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

Part 2 Arbitration

Division 1 Arbitration election notice

196N Contents of arbitration election notice

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

- (a) details of the matters the subject of the
dispute; and
- (b) the name of an arbitrator, who is
independent of both parties to the dispute,
proposed to conduct the arbitration; and
- (c) that, if the request for arbitration is
accepted, an application to the Land Court

for a decision about the dispute can not be made; and	1 2
(d) that the costs of the arbitration are payable by the parties as mentioned in section 196R; and	3 4 5
(e) any other information prescribed by regulation.	6 7
Division 2 Provisions about arbitration	8 9
196O Application of division	10
This division applies in relation to an arbitration of a dispute between parties mentioned in either of the following provisions that is conducted in response to an arbitration election notice for the arbitration—	11 12 13 14 15
(a) section 91A(2);	16
(b) section 184IL(2).	17
196P Arbitrator’s functions	18
(1) The arbitrator has authority to decide the dispute by the issuance of an award.	19 20
(2) However, the arbitrator may decide a matter the subject of the dispute only to the extent it is not subject to a relevant instrument for the dispute between the parties.	21 22 23 24
(3) The award must be made within 6 months after the appointment of the arbitrator.	25 26
(4) In this section—	27
<i>relevant instrument</i> —	28

[s 89]

- (a) for a dispute mentioned in section 91A(2)—a conduct and compensation agreement; or
- (b) for a dispute mentioned in section 184IL(2)—a subsidence compensation agreement.

196Q Application of Commercial Arbitration Act 2013

The *Commercial Arbitration Act 2013* applies to the arbitration to the extent it is not inconsistent with this division.

196R Costs of arbitration

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

Clause 89 Insertion of new ss 204A and 204B

After section 204—

insert—

204A Alternative calculation of rent for resource authorities	1 2
(1) A regulation may provide for the Minister to apply an alternative way of calculating the rent payable for a resource authority, so that a lesser amount of rent is payable, in the circumstances prescribed by regulation.	3 4 5 6 7
(2) Subsection (3) applies if, under a regulation made under subsection (1)—	8 9
(a) the Minister applies an alternative way of calculating the rent payable for a resource authority for a particular period; and	10 11 12
(b) the calculated amount is less than the amount of rent that would otherwise be payable for the period under the relevant Resource Act for the authority or a condition of the authority.	13 14 15 16 17
(3) Despite the relevant Resource Act for the resource authority or a condition of the authority, the rental payable for the authority for the period is the lesser amount.	18 19 20 21
204B Deferral of payment of rent for resource authorities	22 23
(1) A regulation may provide for an arrangement for deferring the payment of rent payable for a resource authority because of hardship, including providing for when the arrangement ends.	24 25 26 27
(2) Subsection (3) applies if—	28
(a) the holder of a relevant authority is required, under a relevant Resource Act for the authority or a condition of the authority, to pay the rent payable for the authority—	29 30 31 32
(i) within a particular period; or	33
(ii) on, before or by a particular day; and	34

[s 90]

	(b) under an arrangement mentioned in subsection (1), the payment of the rent is deferred to a later day.	1 2 3
	(3) The requirement is taken to require the holder to pay the rent on or before the later day.	4 5
Clause 90	Insertion of new sch 1A	6
	After schedule 1—	7
	<i>insert—</i>	8
	Schedule 1A Content of subsidence impact report	9 10
	section 184CD	11
	Part 1 Preliminary	12
	1 Interpretation	13
	Words defined in chapter 5A and used in this schedule have the same meanings as they have under chapter 5A.	14 15 16
	2 Definition for schedule	17
	In this schedule—	18
	<i>transport infrastructure</i> see the <i>Transport Infrastructure Act 1994</i> , schedule 6.	19 20
	Part 2 Documents to be included in subsidence impact report	21 22 23

3	Documents to be included in subsidence impact report	1 2
(1)	A subsidence impact report for a subsidence management area must include—	3 4
(a)	a cumulative subsidence assessment for the area; and	5 6
(b)	a regional risk assessment for the area; and	7
(c)	a subsidence impact management strategy for the area.	8 9
(2)	Each document mentioned in subsection (1) must be prepared in accordance with—	10 11
(a)	the provisions of this schedule relevant to the document; and	12 13
(b)	the prescribed requirements for the document.	14 15

Part 3	Cumulative subsidence assessment	16 17
---------------	---	----------

4	Purpose of cumulative subsidence assessment	18 19
	The purpose of a cumulative subsidence assessment for a subsidence management area is to assess cumulative existing and predicted impacts of CSG-induced subsidence on land in the area or the use of the land.	20 21 22 23 24

5	Requirements for cumulative subsidence assessment	25 26
	A cumulative subsidence assessment for a subsidence management area must include each of the following—	27 28 29

[s 90]

- | | | |
|-----|---|----------------------------|
| (a) | a description of the existing and proposed production of coal seam gas under a petroleum resource authority (csg) in the area; | 1
2
3
4 |
| (b) | an assessment of the background trends in ground motion on land in the area; | 5
6 |
| (c) | an assessment of the existing drainage and slope of land in the area; | 7
8 |
| (d) | a description of the types of land use activities on land in the area; | 9
10 |
| (e) | an assessment of the impacts of CSG-induced subsidence on watercourses, natural vegetation or transport infrastructure on land in the area; | 11
12
13
14 |
| (f) | an assessment of the cumulative existing and predicted impacts of CSG-induced subsidence on land in the area; | 15
16
17 |
| (g) | an assessment of the potential cumulative impacts of CSG-induced subsidence on the use of land in the area at a regional scale; | 18
19
20 |
| (h) | a description of— | 21 |
| | (i) the methods and techniques used to determine the matters mentioned in paragraphs (a) to (g); and | 22
23
24 |
| | (ii) the parameters against which changes to the form of land in the area are to be measured; | 25
26
27 |
| (i) | a description of— | 28 |
| | (i) any changes that have happened to any matter mentioned in paragraphs (a) to (g) since the most recent cumulative subsidence assessment for the area (if any); and | 29
30
31
32
33 |
| | (ii) the reasons for the changes. | 34 |

Part 4	Regional risk assessment	1
		2
6	Purpose of regional risk assessment	3
	The purpose of a regional risk assessment for a subsidence management area is to—	4
		5
	(a) assess the risk of impacts of CSG-induced subsidence on agricultural land in the area; and	6
		7
		8
	(b) categorise the agricultural land as category A land, category B land or category C land, based on the outcome of the assessment mentioned in paragraph (a).	9
		10
		11
		12
7	Matters to be considered in assessing risk of impacts of CSG-induced subsidence on agricultural land	13
		14
		15
	In assessing the risk of impacts of CSG-induced subsidence on agricultural land in a subsidence management area, the following matters must be considered for the land—	16
		17
		18
		19
	(a) the inherent slope of the land;	20
	(b) the soil characteristics of the land;	21
	(c) the current and intended use of the land;	22
	(d) the current and intended farming practices on the land;	23
		24
	(e) the susceptibility of uses of, or farming practices on, the land to changes in the slope of the land;	25
		26
		27
	(f) the assessment of the cumulative existing and predicted impacts of CSG-induced subsidence mentioned in section 5(f).	28
		29
		30

[s 90]

8	Requirements for regional risk assessment	1
	A regional risk assessment for a subsidence management area must include—	2 3
	(a) a categorisation of agricultural land in the area as category A land, category B land or category C land; and	4 5 6
	(b) a description of the methods used to categorise the agricultural land as category A land, category B land or category C land; and	7 8 9 10
	(c) a map showing the categorisation of the agricultural land.	11 12
Part 5	Subsidence impact management strategy	13 14
9	Purpose of subsidence impact management strategy	15 16
	The purpose of a subsidence impact management strategy for a subsidence management area is to state plans and strategies for managing existing and predicted impacts of CSG-induced subsidence on land in the area or the use of the land.	17 18 19 20 21 22
10	Plan for land monitoring of category A land, category B land or category C land	23 24
	(1) A subsidence impact management strategy for a subsidence management area must include a plan for monitoring category A land, category B land or category C land in the area for impacts of CSG-induced subsidence on the land.	25 26 27 28 29
	(2) The plan must include—	30

-
- | | | |
|-----------|--|-----------------------------|
| (a) | a description of— | 1 |
| (i) | the category A land, category B land or category C land for which land monitoring must be undertaken; and | 2
3
4 |
| (ii) | the relevant holders for the subsidence management area who are responsible holders for undertaking the land monitoring of the category A land, category B land or category C land; and | 5
6
7
8
9
10 |
| (b) | the rationale for the plan; and | 11 |
| (c) | the timetable for implementing the plan, including the day or days on or before which a responsible holder must do a thing required under chapter 5A, part 4, division 1 in relation to the plan. | 12
13
14
15
16 |
| 11 | Plan for baseline data collection for category A land or category B land | 17
18 |
| (1) | A subsidence impact management strategy for a subsidence management area must include a plan for collecting data for assessing baseline conditions for category A land or category B land in the subsidence management area. | 19
20
21
22
23 |
| (2) | The plan must include— | 24 |
| (a) | a description of— | 25 |
| (i) | the category A land or category B land for which baseline data collection must be undertaken; and | 26
27
28 |
| (ii) | the relevant holders for the subsidence management area who are responsible holders for undertaking the baseline data collection for the category A land or category B land; and | 29
30
31
32
33 |
| (b) | the rationale for the plan; and | 34 |

[s 90]

(c)	the timetable for implementing the plan, including the day or days on or before which a responsible holder must do a thing required under chapter 5A, part 4, division 2 in relation to the plan.	1 2 3 4 5
12	Plan for farm field assessments of category A land	6 7
(1)	A subsidence impact management strategy for a subsidence management area must include a plan for relevant holders for the subsidence management area to undertake farm field assessments of category A land.	8 9 10 11 12
(2)	The plan must include—	13
(a)	a description of—	14
(i)	the category A land for which farm field assessments must be undertaken; and	15 16 17
(ii)	the relevant holders who are responsible holders for undertaking the farm field assessments of the category A land; and	18 19 20 21
(b)	the rationale for the plan; and	22
(c)	the timetable for implementing the plan, including the day or days on or before which a responsible holder must do a thing required under chapter 5A, part 4, division 3 in relation to the plan.	23 24 25 26 27
13	Other requirements for subsidence impact management strategy	28 29
	A subsidence impact management strategy for a subsidence management area must include—	30 31

-
- (a) a plan for a further detailed assessment of the impacts of CSG-induced subsidence on watercourses, natural vegetation or transport infrastructure on land in the area; and
 - (b) if there is a previous subsidence impact management strategy for the area—an assessment of the effectiveness of any previous subsidence impact management strategy.

Part 6 Identifying responsible holders

14 Identifying responsible holders

- (1) This section applies in relation to identifying the relevant holders for a subsidence management area who are responsible holders for undertaking land monitoring, baseline data collection or farm field assessments in relation to agricultural land in the area.
- (2) In deciding the relevant holders for the subsidence management area who should be identified as the responsible holders, the following matters may be considered—
 - (a) the location and area of places at which the relevant holders are producing, or propose to produce, coal seam gas under a petroleum resource authority (csg);
 - (b) submissions made by the relevant holders or owners or occupiers of land under sections 184CE and 184CF about the proposed subsidence impact report for the area.
- (3) For information purposes only, the subsidence impact report may include a map showing the agricultural land for which relevant holders for

[s 91]

	the subsidence management area are responsible	1
	holders for undertaking land monitoring, baseline	2
	data collection or farm field assessments.	3
Clause 91	Amendment of sch 2 (Dictionary)	4
(1)	Schedule 2, definitions <i>ADR</i> , <i>ADR election notice</i> , <i>affected resource authority</i> , <i>arbitration election notice</i> , <i>authority to prospect (csg)</i> , <i>coal seam gas</i> , <i>conference election notice</i> , <i>holder</i> , <i>minimum negotiation period</i> , <i>negotiation notice</i> and <i>petroleum lease (csg)</i> —	5 6 7 8 9
	<i>omit.</i>	10
(2)	Schedule 2—	11
	<i>insert</i> —	12
	<i>ADR</i> means a non-binding alternative dispute resolution process, including, for example, a case appraisal, conciliation, mediation or negotiation.	13 14 15
	<i>ADR election notice</i> means a notice complying with section 196I.	16 17
	<i>ADR period</i> , for ADR, means the period applying under section 196K(1) or (3) in relation to the ADR.	18 19 20
	<i>affected person</i> —	21
	(a) for a farm field assessment direction for agricultural land, for chapter 5A, part 6, division 1, subdivision 2, see section 184KC; or	22 23 24 25
	(b) for a critical consequence decision for agricultural land, for chapter 5A, part 6, division 2, see section 184KH.	26 27 28
	<i>agricultural land</i> see section 184AB.	29
	<i>arbitration election notice</i> means a notice complying with section 196N.	30 31
	<i>authority to prospect (csg)</i> —	32

(a) for chapter 4, see section 103; or	1
(b) for chapter 5A, see section 184AB.	2
<i>baseline data collection</i> , for agricultural land, for chapter 5A, see section 184EB.	3 4
<i>category A land</i> , for chapter 5A, see section 184AB.	5 6
<i>category B land</i> , for chapter 5A, see section 184AB.	7 8
<i>category C land</i> , for chapter 5A, see section 184AB.	9 10
<i>coal seam gas</i> means a substance (in any state) occurring naturally in association with coal, or with strata associated with coal mining, if the substance is petroleum under the P&G Act.	11 12 13 14
<i>critical consequence</i> , for agricultural land, for chapter 5A, part 6, division 2, see section 184KH.	15 16
<i>critical consequence action plan</i> , for chapter 5A, part 6, division 2, see section 184KL(1)(c).	17 18
<i>critical consequence decision</i> , for agricultural land, for chapter 5A, part 6, division 2, see section 184KH.	19 20 21
<i>CSG-induced subsidence</i> see section 184AB.	22
<i>due day</i> , for a relevant holder for a subsidence management area to comply with a requirement under chapter 5A, for chapter 5A, see section 184AB.	23 24 25 26
<i>farm field assessment</i> , of agricultural land, for chapter 5A, see section 184FB.	27 28
<i>farm field assessment direction</i> , for agricultural land, for chapter 5A, part 6, division 1, subdivision 2, see section 184KC.	29 30 31
<i>farm field auditor</i> , for chapter 5A, see section 184AB.	32 33

[s 91]

ground motion , for chapter 5A, see section 184AB.	1 2
holder —	3
(a) for chapter 4, see section 103; or	4
(b) of an authority to prospect (csg) or a petroleum lease (csg), for chapter 5A, see section 184AB.	5 6 7
land monitoring , of agricultural land, for chapter 5A, see section 184DB.	8 9
minimum negotiation period —	10
(a) for chapter 3, part 7, see section 85(2)(a) and (3); or	11 12
(b) for chapter 5A, part 5, division 1, see section 184HH(2)(a) and (3); or	13 14
(c) for chapter 5A, part 5, division 2, see section 184IH(2)(a) and (3).	15 16
negotiation notice —	17
(a) for chapter 3, part 7, division 2, see section 84(1); or	18 19
(b) for chapter 5A, part 5, division 2, see section 184IG(1).	20 21
office , for chapter 5A, see section 184AB.	22
petroleum lease (csg) —	23
(a) for chapter 4, see section 103; or	24
(b) for chapter 5A, see section 184AB.	25
petroleum resource authority (csg) , for chapter 5A, see section 184AB.	26 27
properly made submission , about a proposed subsidence impact report prepared by the office, for chapter 5A, see section 184AB.	28 29 30
Queensland government website , for chapter 5A,	31

see section 184AB.	1
<i>relevant holder</i> , for a subsidence management area, for chapter 3, part 2, division 4A and chapter 5A, see section 184AB.	2 3 4
<i>relevant specialist</i> —	5
(a) in relation to a conduct and compensation agreement—means an agronomist; or	6 7
(b) in relation to a subsidence management plan or subsidence compensation agreement—means a person who is a type of specialist prescribed by regulation.	8 9 10 11
<i>subsidence activity</i> , for chapter 3, part 2, division 4A, see section 53B.	12 13
<i>subsidence claimant</i> , for chapter 5A, part 5, division 2, see section 184IC(1).	14 15
<i>subsidence compensation agreement</i> , for agricultural land, for chapter 5A, see section 184IB.	16 17 18
<i>subsidence impact report</i> , for chapter 5A, see section 184AB.	19 20
<i>subsidence instrument</i> , for chapter 5A, part 5, division 3, see section 184JA.	21 22
<i>subsidence management area</i> , for chapter 3, part 2, division 4A and chapter 5A, see section 184AB.	23 24 25
<i>subsidence management direction</i> , for chapter 5A, see section 184AB.	26 27
<i>subsidence management measure</i> , for agricultural land, for chapter 5A, see section 184HB(1)(b).	28 29 30
<i>subsidence management plan</i> , for agricultural land, for chapter 5A, see section 184HB.	31 32
<i>subsidence opt-out agreement</i> , for agricultural	33

[s 91]

land, for chapter 5A, see section 184HD(2).	1
<i>technical reference group</i> , for chapter 5A, see section 184CG(1).	2 3
<i>transport infrastructure</i> , for schedule 1A, see schedule 1A, section 2.	4 5
<i>undertake</i> , a farm field assessment of agricultural land, for a relevant holder for a subsidence management area, for chapter 5A, see section 184AB.	6 7 8 9
(3) Schedule 2, definition <i>ADR facilitator</i> , ‘an’— <i>omit</i> .	10 11
(4) Schedule 2, definition <i>compensation liability</i> — <i>insert</i> —	12 13
(c) for chapter 5A, part 5, division 2, see section 184IC(3).	14 15
(5) Schedule 2, definition <i>negotiation and preparation costs</i> , paragraph (a)(iv), ‘an agronomist’— <i>omit, insert</i> —	16 17 18
a relevant specialist	19
(6) Schedule 2, definition <i>negotiation and preparation costs</i> , paragraph (a)— <i>insert</i> —	20 21 22
(v) other costs prescribed by regulation; and	23
(7) Schedule 2, definition <i>negotiation and preparation costs</i> , paragraph (b), ‘section 88(6)’— <i>omit, insert</i> —	24 25 26
section 88(5), 184HJ(6) or 184IJ(5)	27
(8) Schedule 2, definition <i>prescribed ADR institute</i> , ‘conduct an’— <i>omit, insert</i> —	28 29 30
conduct	31

Part 9	Amendment of Mineral and	1
	Energy Resources (Financial	2
	Provisioning) Act 2018	3

Clause 92	Act amended	4
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This part amends the *Mineral and Energy Resources (Financial Provisioning) Act 2018*. 5
6

Note— 7

See also the amendments in schedule 1, part 2. 8

Clause 93	Amendment of s 11 (What is the <i>fund threshold</i>)	9
------------------	--	---

(1) Section 11(1)— 10

omit, insert— 11

(1) The *fund threshold* applying to an authority is— 12

(a) the amount prescribed for the authority by 13
regulation for this paragraph; or 14

(b) if no amount is prescribed under paragraph 15
(a) for the authority—the amount under 16
subsection (2) for the authority. 17

(1A) The amount for subsection (1)(b) is— 18

(a) if the holder of the authority has a 19
prescribed rating—\$600m; or 20

(b) if the scheme manager considers the 21
financial soundness of a parent corporation 22
of the holder when making an allocation 23
decision for the authority and the parent 24
corporation has a prescribed 25
rating—\$600m; or 26

(c) for an authority for which there is more than 27
1 holder— 28

(i) if the scheme manager considers the 29
financial soundness of any or all of the 30

[s 93]

- holders of the authority when making 1
an allocation decision for the authority 2
and at least 1 of the holders considered 3
has a prescribed rating—\$600m; or 4
- (ii) if the scheme manager considers the 5
financial soundness of a parent 6
corporation of any or all of the holders 7
of the authority when making an 8
allocation decision for the authority 9
and at least 1 of the parent corporations 10
considered has a prescribed 11
rating—\$600m; or 12
- (d) in any other case—\$450m. 13
- (2) Section 11(2)(b)— 14
omit, insert— 15
- (b) the number of holders of authorities affected 16
by the amount; and 17
- (ba) the effect of the matters mentioned in 18
paragraphs (a) and (b) on the financial 19
viability of the scheme fund; and 20
- (3) Section 11(2)(c), after ‘threshold’— 21
insert— 22
applying to all or some of the authorities 23
- (4) Section 11(2)(ba) and (c)— 24
renumber as section 11(2)(c) and (d). 25
- (5) Section 11— 26
insert— 27
- (3) In this section— 28
prescribed rating, in relation to the holder of an 29
authority, means a credit rating prescribed by 30
regulation. 31
- (6) Section 11(1A) to (3)— 32

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

1

Clause 94 Amendment of s 26 (Application of subdivision)

2

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

3

insert—

4

, of more than \$100,000,

5

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

6

omit, insert—

7

\$10m

8

(3) Section 26(2)—

9

omit, insert—

10

(2) Also, this subdivision applies if—

11

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

12

13

14

15

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

16

17

18

19

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

20

21

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

22

23

24

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

25

26

27

28

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

29

30

31

[s 95]

	\$100,000 but less than the prescribed ERC amount.	1 2
	(4) However, subsection (1) does not apply in relation to the first decision for which the estimated rehabilitation cost is equal to or more than the prescribed ERC amount if—	3 4 5 6
	(a) before the decision is made, the scheme manager had given the holder an election notice for the authority; and	7 8 9
	(b) immediately before the decision is made, the election notice is in effect.	10 11
	(5) Also, subsection (2) does not apply in relation to the first decision for which the estimated rehabilitation cost is equal to or more than \$100,000 but less than the prescribed ERC amount if, immediately before the decision is made, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.	12 13 14 15 16 17 18 19
	(6) A reference in subsections (3), (4) and (5) to a decision of the administering authority includes a decision made before the commencement.	20 21 22
Clause 95	Amendment of s 27 (Scheme manager must make initial risk category allocation)	23 24
	(1) Section 27(1)— <i>insert—</i>	25 26
	(ca) moderate-high;	27
	(2) Section 27(1)(ca) and (d)— <i>renumber</i> as section 27(1)(d) and (e).	28 29
Clause 96	Insertion of new s 27A	30
	After section 27—	31

insert—

27A Scheme manager must decide annual review allocation day

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

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

- (1) Section 28, heading, after ‘category allocation’—
- insert—*
- and indicative review day**
- (2) Section 28(1), after ‘initial risk category allocation’—
- insert—*
- and the annual review allocation day
- (3) Section 28(1)—
- insert—*
- (ca) the annual review allocation day the scheme manager intends to decide for the authority (the *indicative review day*); and

[s 98]

- (4) Section 28(1)(e)(i), ‘or (d)’— 1
omit, insert— 2
 , (d) or (e) 3
- (5) Section 28(1)(ca) to (e)— 4
renumber as section 28(1)(d) to (f). 5
- (6) Section 28(2), ‘subsection (1)(e)’— 6
omit, insert— 7
 subsection (1)(f) 8

Clause 98 **Amendment of s 29 (When indicative risk category allocation becomes the initial risk category allocation)** 9 10

- (1) Section 29, heading— 11
omit, insert— 12
- 29** **When indicative risk category allocation and indicative review day become the initial risk category allocation and annual review allocation day** 13 14 15 16
- (2) Section 29(a), after ‘section 28’— 17
insert— 18
 in relation to the indicative risk category 19
 allocation 20
- (3) Section 29— 21
insert— 22
- (2) Also, the scheme manager must decide the annual 23
 review allocation day for the authority as being 24
 the day stated under section 28(1)(d) in the notice 25
 of indicative decision if the holder— 26
- (a) does not make submissions under section 28 27
 in relation to the indicative review day; or 28

	(b) gives the scheme manager a notice under section 28 that the holder accepts the indicative review day.	1 2 3
Clause 99	Amendment of s 30 (Period for making initial risk category allocation)	4 5
	(1) Section 30, heading, from ‘making’—	6
	<i>omit, insert—</i>	7
	deciding initial risk category allocation and annual review allocation day	8 9
	(2) Section 30, after ‘decide the initial risk category allocation’—	10
	<i>insert—</i>	11
	and the annual review allocation day	12
	(3) Section 30(a), after ‘allocation’—	13
	<i>insert—</i>	14
	and the indicative review day	15
	(4) Section 30(d), ‘make the decision’—	16
	<i>omit, insert—</i>	17
	decide the initial risk category allocation	18
Clause 100	Amendment of s 31 (Notice of initial risk category allocation)	19 20
	(1) Section 31, heading, after ‘allocation’—	21
	<i>insert—</i>	22
	and annual review allocation day	23
	(2) Section 31, ‘deciding the initial risk category allocation’—	24
	<i>omit, insert—</i>	25
	deciding both the initial risk category allocation and the annual review allocation day	26 27
	(3) Section 31—	28

[s 101]

- insert—* 1
- (ca) the annual review allocation day; and 2
- (cb) when the annual review allocation day takes 3
effect; and 4
- (4) Section 31(ca) to (e)— 5
renumber as section 31(d) to (g). 6
- (5) Section 31— 7
insert— 8
- (2) The annual review allocation day takes effect on 9
the day stated in the notice. 10

- Clause 101 Amendment of pt 3, div 1, sdiv 2, hdg (Changed holder review allocation)** 11
12
- Part 3, division 1, subdivision 2, heading, ‘review’— 13
omit. 14

- Clause 102 Amendment of s 32 (Scheme manager may review risk category allocation if changed holder)** 15
16
- (1) Section 32, heading, ‘may review’— 17
omit, insert— 18
- decision on** 19
- (2) Section 32— 20
insert— 21
- (1A) Also, this section applies if— 22
- (a) the estimated rehabilitation cost for an 23
authority is equal to or more than \$100,000 24
but less than the prescribed ERC amount; 25
and 26
- (b) a changed holder event happens in relation 27
to the authority; and 28

-
- (c) the scheme manager gives the changed holder an election notice for the authority. 1
2
- (3) Section 32(2), ‘The’— 3
omit, insert— 4
If the authority is allocated to a risk category, the 5
- (4) Section 32— 6
insert— 7
(2A) If the authority is not allocated to a risk category, 8
the scheme manager must— 9
(a) decide to allocate the authority to a risk 10
category (the ***changed holder initial*** 11
allocation); and 12
(b) decide the annual review allocation day for 13
the authority. 14
- (5) Section 32(3), ‘review’— 15
omit. 16
- (6) Section 32(4), ‘subsection (3)(a)(i)’— 17
omit, insert— 18
subsection (5)(a)(i) 19
- (7) Section 32— 20
insert— 21
(7) In deciding the annual review allocation day, the 22
scheme manager— 23
(a) must consider— 24
(i) the effect the day will have on the 25
operation of the scheme; and 26
(ii) any administrative efficiencies the day 27
may achieve for the changed holder of 28
the authority; and 29
(iii) submissions made under section 34; 30
and 31

[s 103]

	(b) may consider any other matter the scheme manager considers relevant.	1 2
(8)	Section 32(1A) to (7)— <i>renumber</i> as section 32(2) to (9).	3 4
Clause 103	Amendment of s 33 (Application to scheme manager if proposed changed holder)	5 6
(1)	Section 33— <i>insert</i> —	7 8
	(1A) Also, this section applies if—	9
	(a) the estimated rehabilitation cost for an authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and	10 11 12 13
	(b) a changed holder event is proposed in relation to the authority; and	14 15
	(c) had the proposed changed holder event happened, division 1A would apply in relation to the changed holder.	16 17 18
(2)	Section 33(2) and (3), ‘review’— <i>omit</i> .	19 20
(3)	Section 33(2)(a) to (c)— <i>omit, insert</i> —	21 22
	(a) the proposed changed holder event had happened; and	23 24
	(b) for an authority to which subsection (2) applies—the scheme manager had given the changed holder an election notice for the authority.	25 26 27 28
(4)	Section 33(1A) to (3)— <i>renumber</i> as section 33(2) to (4).	29 30

Clause 104	Amendment of s 34 (Scheme manager must notify interested entity of indicative changed holder review allocation)	1
		2
		3
(1)	Section 34, heading, ‘review’— <i>omit.</i>	4
		5
(2)	Section 34(1), ‘review’— <i>omit.</i>	6
		7
(3)	Section 34(1)— <i>insert—</i>	8
		9
	(ba) if the authority is not allocated to a risk category—the annual review allocation day the scheme manager intends to decide for the authority (the <i>indicative review day</i>); and	10
		11
		12
		13
		14
(4)	Section 34(1)(c), ‘section 32(6)’— <i>omit, insert—</i>	15
		16
	section 32(8)	17
(5)	Section 34(1)(c), ‘section 32(6)(c)’— <i>omit, insert—</i>	18
		19
	section 32(8)(c)	20
(6)	Section 34(1)(e), ‘or (d)’— <i>omit, insert—</i>	21
		22
	, (d) or (e)	23
(7)	Section 34(1)(ba) to (e)— <i>renumber</i> as section 34(1)(c) to (f).	24
		25
(8)	Section 34(2), ‘subsection (1)(e)’— <i>omit, insert—</i>	26
		27
	subsection (1)(f)	28
(9)	Section 34(3), definition <i>interested entity</i> , paragraph (b), ‘review’—	29
		30

[s 105]

omit.

1

Clause 105	Amendment of s 35 (When indicative changed holder allocation becomes the changed holder review allocation)	2 3 4
(1)	Section 35, heading—	5
	<i>omit, insert—</i>	6
	35 When indicative changed holder allocation and indicative review day become the changed holder allocation and annual review allocation day	7 8 9 10
(2)	Section 35(a), after ‘section 34’—	11
	<i>insert—</i>	12
	in relation to the indicative changed holder allocation	13 14
(3)	Section 35—	15
	<i>insert—</i>	16
	(2) If the authority is not allocated to a risk category, the scheme manager must decide the annual review allocation day for the authority as being the day stated under section 34(1)(c) in the notice of indicative decision if the interested entity—	17 18 19 20 21
	(a) does not make submissions under section 34 in relation to the indicative review day; or	22 23
	(b) gives the scheme manager a notice under section 34 that the interested entity accepts the indicative review day.	24 25 26
Clause 106	Amendment of s 36 (Notice of changed holder review allocation)	27 28
(1)	Section 36, ‘review allocation’—	29
	<i>omit, insert—</i>	30

allocation	1
(2) Section 36(a), from ‘(the’ to ‘authority)’—	2
<i>omit.</i>	3
(3) Section 36—	4
<i>insert—</i>	5
(ba) if the scheme manager decides the annual review allocation day for the authority under section 32(4)(b)—	6 7 8
(i) the annual review allocation day; and	9
(ii) when the annual review allocation day takes effect; and	10 11
(4) Section 36(c), ‘section 32(6)’—	12
<i>omit, insert—</i>	13
section 32(8)	14
(5) Section 36(c), ‘section 32(6)(c)’—	15
<i>omit, insert—</i>	16
section 32(8)(c)	17
(6) Section 36(f), ‘review decision’—	18
<i>omit, insert—</i>	19
allocation	20
(7) Section 36(ba) to (f)—	21
<i>renumber</i> as section 36(c) to (g).	22
(8) Section 36—	23
<i>insert—</i>	24
(2) The annual review allocation day takes effect on the day stated in the notice.	25 26

[s 107]

Clause 107	Amendment of s 37 (When changed holder review decision takes effect)	1 2
(1)	Section 37, ‘review decision’— <i>omit, insert</i> — allocation	3 4 5
(2)	Section 37(1)(c), ‘section 36’— <i>omit, insert</i> — section 36(1)	6 7 8
(3)	Section 37(2)— <i>omit, insert</i> — (2) However— (a) subsection (1)(d) applies only if— (i) the application for approval of the prescribed dealing is made within the prescribed period after the notice under section 36(1) is given to the interested entity; and (ii) for an authority to which section 33(2) applied—the scheme manager gives the changed holder an election notice for the authority; and (b) subsection (1)(e) applies only if— (i) notice of the notifiable dealing is given within the prescribed period after the notice under section 36(1) is given to the interested entity; and (ii) for an authority to which section 33(2) applied—the scheme manager gives the changed holder an election notice for the authority; and (c) subsection (1)(f) applies only if—	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

	(i) the proposed changed holder event happens within the prescribed period after the notice under section 36(1) is given to the interested entity; and	1 2 3 4
	(ii) for an authority to which section 33(2) applied—the scheme manager gives the changed holder an election notice for the authority.	5 6 7 8
Clause 108	Amendment of s 38 (Annual review of risk category allocation)	9 10
	(1) Section 38—	11
	<i>insert—</i>	12
	(1A) Also, this section applies if—	13
	(a) an authority is allocated to a risk category; and	14 15
	(b) the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than the prescribed ERC amount; and	16 17 18 19
	(c) the scheme manager has given the holder an election notice for the authority; and	20 21
	(d) the election notice is in effect.	22
	(2) Section 38(2), ‘each anniversary day’—	23
	<i>omit, insert—</i>	24
	the annual review allocation day	25
	(3) Section 38—	26
	<i>insert—</i>	27
	(2A) However, subsection (3) does not apply to an annual review allocation day that is within 9 months after—	28 29 30
	(a) the initial allocation day for the authority; or	31

[s 109]

- (b) the day a changed holder allocation takes effect for the authority; or 1
2
- (c) the day a change to the annual review allocation day takes effect. 3
4
- (4) Section 38(4), ‘subsection (3)(a)(i)’— 5
omit, insert— 6
subsection (5)(a)(i) 7
- (5) Section 38(7)— 8
omit. 9
- (6) Section 38(1A) to (6)— 10
renumber as section 38(2) to (8). 11

Clause 109 Insertion of new pt 3, div 1, sdiv 3A 12
Part 3, division 1— 13
insert— 14

Subdivision 3A Changing annual review allocation day 15
16

41A Application to scheme manager to change annual review allocation day 17
18

- (1) The holder of an authority may apply to the scheme manager to change the annual review allocation day for the authority to another day (the *proposed day*). 19
20
21
22
- (2) The application must state— 23
(a) the proposed day; and 24
(b) the reasons for the proposed change. 25
- (3) In deciding the application, the scheme manager— 26
27
(a) must consider— 28

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

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

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

[s 109]

- manager's own initiative, to change the annual
review allocation day for an authority to another
day (the *new day*). 1
2
3
- (2) The scheme manager must, before deciding to 4
change the annual review allocation day to the 5
new day, give the holder of the authority a notice 6
(a *notice of indicative decision*) stating— 7
- (a) the new day; and 8
- (b) the reasons for the proposed change; and 9
- (c) that the holder may, within 20 business days 10
after the notice of indicative decision is 11
given— 12
- (i) make submissions to the scheme 13
manager about a matter mentioned in 14
paragraph (a) or (b); or 15
- (ii) give the scheme manager notice that 16
the holder accepts the new day as the 17
annual review allocation day for the 18
authority. 19
- (3) The scheme manager may extend the period 20
mentioned in subsection (2)(c) by notice given to 21
the holder. 22
- (4) In deciding whether to change the annual review 23
allocation day to the new day, the scheme 24
manager— 25
- (a) must consider— 26
- (i) the effect the new day will have on the 27
operation of the scheme; and 28
- (ii) any administrative efficiencies the new 29
day may achieve for the holder; and 30
- (b) may consider any other matter the scheme 31
manager considers relevant. 32
- (5) After considering any submissions made under 33
subsection (2), the scheme manager must 34

-
- | | |
|--|----------------------------|
| decide— | 1 |
| (a) to change the annual review allocation day to the new day; or | 2
3 |
| (b) to change the annual review allocation day to another day agreed between the scheme manager and the holder; or | 4
5
6 |
| (c) not to change the annual review allocation day. | 7
8 |
| (6) The scheme manager must make the decision— | 9 |
| (a) if the holder gives the scheme manager a notice under subsection (2) that the holder accepts the new day—within 5 business days after the scheme manager receives the notice; or | 10
11
12
13
14 |
| (b) if the holder does not make submissions under subsection (2)—within 5 business days after the period in which the holder was permitted to make submissions ends; or | 15
16
17
18 |
| (c) if the holder makes submissions under subsection (2)—within 20 business days after the scheme manager receives the submissions. | 19
20
21
22 |
| (7) As soon as practicable after making the decision, the scheme manager must give the holder notice of the decision. | 23
24
25 |
| (8) If the scheme manager decides to change the annual review allocation day, the notice under subsection (7) must state— | 26
27
28 |
| (a) the annual review allocation day for the authority; and | 29
30 |
| (b) when the change to the annual review allocation day takes effect. | 31
32 |

[s 110]

41C When change to annual review allocation day takes effect 1
2

A change to the annual review allocation day for 3
an authority takes effect on the day stated in the 4
notice given under section 41A(6) or 41B(7) for 5
the authority. 6

41D Change to annual review allocation day in relation to changed holder event 7
8

- (1) This section applies if— 9
- (a) a changed holder event happens or is 10
proposed in relation to an authority; and 11
 - (b) the scheme manager is reviewing or 12
deciding, under section 32, the risk category 13
allocation to which the authority is 14
allocated. 15
- (2) Sections 41A and 41B apply in relation to the 16
changed holder as if a reference in the sections to 17
the holder of an authority were a reference to the 18
changed holder for the authority. 19
- (3) However, a change to the annual review 20
allocation day must not take effect before the 21
changed holder allocation takes effect under 22
section 37. 23

Clause 110 Amendment of s 42 (Holder must give scheme manager notice if changed holder) 24
25

Section 42(1), from ‘If an’ to ‘risk category’— 26

omit, insert— 27

If the estimated rehabilitation cost for an authority 28
is equal to or more than \$100,000 29

Clause 111	Insertion of new pt 3, div 1A	1
	Part 3—	2
	<i>insert—</i>	3
	Division 1A Election for risk category allocation	4
		5
	45A Definitions for division	6
	In this division—	7
	<i>applicable holder</i> , of an authority, means—	8
	(a) if section 45B(1) or (2) applies in relation to the authority—the holder of the authority; or	9
		10
	(b) if section 45B(3) applies in relation to the authority—the changed holder of the authority.	11
		12
		13
	<i>election period</i> , in relation to an authority, means the period—	14
		15
	(a) starting on the day the applicable holder is given a notice under section 45C in relation to the authority; and	16
		17
		18
	(b) ending on the earlier of the following—	19
	(i) 20 business days after the applicable holder is given the notice under section 45C;	20
		21
		22
	(ii) if the applicable holder gives a notice under section 45D(2) in relation to the authority—the day the notice is given.	23
		24
		25
	45B Application of division	26
	(1) This division applies if—	27
	(a) the administering authority decides, under the <i>Environmental Protection Act 1994</i> ,	28
		29

[s 111]

- | | |
|--|----|
| section 300, the estimated rehabilitation cost | 1 |
| for an authority; and | 2 |
| (b) the estimated rehabilitation cost decided by | 3 |
| the administering authority is equal to or | 4 |
| more than \$100,000 but less than the | 5 |
| prescribed ERC amount; and | 6 |
| (c) the decision is the first decision in relation | 7 |
| to the authority for which the estimated | 8 |
| rehabilitation cost is equal to or more than | 9 |
| \$100,000 but less than the prescribed ERC | 10 |
| amount; and | 11 |
| (d) immediately before the decision is made, | 12 |
| the authority is not subject to risk category | 13 |
| allocation under division 1; and | 14 |
| (e) the holder of the authority is also the holder | 15 |
| of an authority— | 16 |
| (i) for which the estimated rehabilitation | 17 |
| cost is equal to or more than \$100,000; | 18 |
| and | 19 |
| (ii) that is allocated to a risk category other | 20 |
| than high. | 21 |
| (2) Also, this division applies if— | 22 |
| (a) the administering authority decides, under | 23 |
| the <i>Environmental Protection Act 1994</i> , | 24 |
| section 300, the estimated rehabilitation cost | 25 |
| for an authority; and | 26 |
| (b) the estimated rehabilitation cost decided by | 27 |
| the administering authority is equal to or | 28 |
| more than \$100,000 but less than the | 29 |
| prescribed ERC amount; and | 30 |
| (c) immediately before the decision is made— | 31 |
| (i) the estimated rehabilitation cost for the | 32 |
| authority is equal to or more than the | 33 |
| prescribed ERC amount; and | 34 |

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

45C Scheme manager must give notice about election

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

[s 111]

- (2) The scheme manager must give the applicable holder the notice—
- (a) if section 45B(1) or (2) applies in relation to the authority—within 10 business days after the scheme manager receives notice of the administering authority’s decision in relation to the authority under the *Environmental Protection Act 1994*, section 301; or
 - (b) if section 45B(3) applies in relation to the authority—within 10 business days after the scheme manager receives a notice under section 42 in relation to the changed holder event.
- 45D Applicable holder may elect for authority to be subject to risk category allocation**
- (1) The applicable holder may elect for the authority to be subject to risk category allocation under division 1 by giving the scheme manager notice of the election within the election period.
 - (2) If the applicable holder decides not to make the election, the applicable holder may give the scheme manager notice of the applicable holder’s decision within the election period.
- 45E Scheme manager to give election notice**
- If the applicable holder gives the scheme manager a notice under section 45D(1) within the election period, the scheme manager must give the applicable holder a notice (an *election notice*) stating—
- (a) the day the notice is given; and
 - (b) the authority to which the notice relates; and

-
- (c) that the authority is subject to risk category allocation under division 1. 1
2

45F Period of election notice 3

- (1) An election notice for the authority has effect from the day the election notice is given to the applicable holder. 4
5
6
- (2) An election notice for the authority stops having effect if— 7
8
- (a) the estimated rehabilitation cost for the authority is— 9
10
- (i) less than \$100,000; or 11
- (ii) equal to or more than the prescribed ERC amount; or 12
13
- (b) the scheme manager makes an allocation decision for the authority that allocates the authority to a risk category of high; or 14
15
16
- (c) the authority is surrendered under the *Environmental Protection Act 1994*, chapter 5; or 17
18
19
- (d) for an applicable holder mentioned in section 45A, definition *applicable holder*, paragraph (a)—a changed holder event happens that has the effect of another holder of the authority being liable to pay a contribution, or give a surety, under this part; or 20
21
22
23
24
25
26
- (e) for an applicable holder mentioned in section 45A, definition *applicable holder*, paragraph (b) if a changed holder event of a type mentioned in section 31A(1)(a) happened—the prescribed dealing is not approved under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 19 by the Minister. 27
28
29
30
31
32
33
34

[s 112]

Clause 112	Amendment of s 46 (Application of subdivision)	1
(1)	Section 46(a)(i) and (b)(ii)—	2
	<i>insert—</i>	3
	(D) moderate-high;	4
(2)	Section 46(b)(ii), from ‘the scheme’ to ‘allocates’—	5
	<i>omit, insert—</i>	6
	the previous annual review decision for the	7
	authority, made within 21 months before the	8
	decision mentioned in subparagraph (i), allocated	9
(3)	Section 46(b)—	10
	<i>insert—</i>	11
	(iv) the scheme manager is satisfied when the	12
	scheme manager makes the annual review	13
	decision mentioned in subparagraph (i) that	14
	the scheme manager is unlikely to be asked	15
	under section 64 to make a payment from	16
	the scheme fund in relation to the authority.	17
Clause 113	Amendment of s 47 (Holder must pay contribution to scheme fund)	18
(1)	Section 47(1)(b), ‘review decision’—	20
	<i>omit, insert—</i>	21
	allocation	22
(2)	Section 47(2), formula—	23
	<i>omit, insert—</i>	24
	$C = \frac{A \times B}{365} \times D$	25
(3)	Section 47(2), definition A, from ‘that is’—	26
	<i>omit, insert—</i>	27

	that is the current review day.	1
(4)	Section 47(2)—	2
	<i>insert—</i>	3
	D is the number of days between the current review day and—	4
	(a) for an initial allocation decision—the annual review allocation day occurring more than 9 months after the current review day; or	6
	(b) for a changed holder allocation—	9
	(i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or	10
	(ii) otherwise—the annual review allocation day occurring more than 9 months after the current review day; or	16
	(c) for an annual review decision—	19
	(i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or	20
	(ii) otherwise—the next annual review allocation day occurring more than 9 months after the current review day.	26
Clause 114	Amendment of s 48 (Rate of contribution if holder not able to give surety)	29
	Section 48, ‘moderate’—	30
	<i>omit, insert—</i>	31
		32

[s 115]

	moderate-high	1
Clause 115	Amendment of s 49 (Holder must pay contribution and give surety if estimated rehabilitation cost more than fund threshold)	2
		3
		4
(1)	Section 49(1), (2), definition <i>A</i> and (3), after ‘threshold’—	5
	<i>insert</i> —	6
	applying to the authority	7
(2)	Section 49(2), formula—	8
	<i>omit, insert</i> —	9
		10
	$C = \frac{A \times B}{365} \times D$	
(3)	Section 49(2)—	11
	<i>insert</i> —	12
	<i>D</i> is the number of days between the current	13
	review day and—	14
(a)	for an initial allocation decision—the annual	15
	review allocation day occurring more than 9	16
	months after the current review day; or	17
(b)	for a changed holder allocation—	18
(i)	if a change to the annual review	19
	allocation day takes effect on the	20
	current review day—the changed	21
	annual review allocation day occurring	22
	more than 9 months after the current	23
	review day; or	24
(ii)	otherwise—the annual review	25
	allocation day occurring more than 9	26
	months after the current review day; or	27
(c)	for an annual review decision—	28

	(i) if a change to the annual review allocation day takes effect on the current review day—the changed annual review allocation day occurring more than 9 months after the current review day; or	1 2 3 4 5 6
	(ii) otherwise—the next annual review allocation day occurring more than 9 months after the current review day.	7 8 9
Clause 116	Amendment of s 50 (Refund of contribution to previous holder)	10 11
(1)	Section 50, heading, after ‘holder’— <i>insert—</i>	12 13
	if changed holder allocation takes effect	14
(2)	Section 50(1)(b), from ‘12 months’ to ‘review decision’— <i>omit, insert—</i>	15 16
	period for which the contribution is paid, the scheme manager makes a changed holder allocation	17 18 19
(3)	Section 50(2), from ‘pro rata’— <i>omit, insert—</i>	20 21
	proportion of the amount of the contribution the previous holder paid that is equal to the number of days between—	22 23 24
	(a) the day the changed holder allocation takes effect; and	25 26
	(b) the end of the period for which the previous holder paid the contribution.	27 28
(4)	Section 50(3)— <i>omit.</i>	29 30

[s 117]

Clause 117	Insertion of new s 50A	1
	After section 50—	2
	<i>insert—</i>	3
	50A Refund of contribution to previous holder if election notice not given to changed holder	4
	(1) This section applies if—	6
	(a) a holder of an authority (a <i>previous holder</i>) pays a contribution; and	7
	(b) during the period for which the contribution is paid, a changed holder event happens that has the effect of another holder of the authority (the <i>changed holder</i>) being liable to give a surety under this part; and	9
	(c) the changed holder is liable to give the surety because the scheme manager did not give the changed holder an election notice for the authority.	10
	(2) The scheme manager must, within 30 business days after the changed holder gives the surety under this part, refund to the previous holder the proportion of the amount of the contribution the previous holder paid that is equal to the number of days between—	11
	(a) the day the changed holder’s liability takes effect under subdivision 2; and	12
	(b) the end of the period for which the previous holder paid the contribution.	13
Clause 118	Amendment of s 53 (Application of subdivision)	14
	(1) Section 53(b)(i) and (c)(i), ‘or moderate’—	15
	<i>omit, insert—</i>	16
	, moderate or moderate-high	17
	(2) Section 53(d)—	18

-
- omit, insert—* 1
- (d) all of the following apply— 2
- (i) a changed holder event of a type 3
mentioned in section 31A(1)(a) 4
happens in relation to an authority for 5
which the estimated rehabilitation cost 6
is equal to or more than \$100,000 but 7
less than the prescribed ERC amount; 8
- (ii) the prescribed dealing is approved 9
under the *Mineral and Energy* 10
Resources (Common Provisions) Act 11
2014, section 19 by the Minister; 12
- (iii) if division 1A applies in relation to the 13
changed holder for the changed holder 14
event—the election period has ended 15
and the scheme manager has not given 16
the changed holder an election notice 17
for the authority; or 18
- (da) both of the following apply— 19
- (i) a changed holder event of a type 20
mentioned in section 31A(1)(b), (c) or 21
(d) happens in relation to an authority 22
for which the estimated rehabilitation 23
cost is equal to or more than \$100,000 24
but less than the prescribed ERC 25
amount; 26
- (ii) if division 1A applies in relation to the 27
changed holder for the changed holder 28
event—the election period has ended 29
and the scheme manager has not given 30
the changed holder an election notice 31
for the authority; or 32
- (db) all of the following apply— 33
- (i) the administering authority decides, 34
under the *Environmental Protection* 35

[s 118]

- Act 1994*, section 300, the estimated rehabilitation cost for an authority; 1
2
- (ii) the estimated rehabilitation cost 3
decided by the administering authority 4
is equal to or more than \$100,000 but 5
less than the prescribed ERC amount; 6
- (iii) if division 1A applies in relation to the 7
holder for the administering authority's 8
decision—the election period has 9
ended; 10
- (iv) an election notice is not in effect for the 11
authority; or 12
- (dc) both of the following apply— 13
- (i) a changed holder event happens in 14
relation to an authority for which the 15
estimated rehabilitation cost is less 16
than \$100,000; 17
- (ii) if the changed holder event is of a type 18
mentioned in section 31A(1)(a)—the 19
prescribed dealing is approved under 20
the *Mineral and Energy Resources* 21
(Common Provisions) Act 2014, 22
section 19 by the Minister; or 23
- (dd) both of the following apply— 24
- (i) the administering authority decides, 25
under the *Environmental Protection* 26
Act 1994, section 300, the estimated 27
rehabilitation cost for an authority; 28
- (ii) the estimated rehabilitation cost 29
decided by the administering authority 30
is less than \$100,000; or 31
- (3) Section 53(da) to (e)— 32
renumber as section 53(e) to (i). 33

Clause 119	Amendment of s 54 (Scheme manager’s decision about financial viability of scheme fund)	1
	Section 54(2), after ‘fund threshold’—	2
	<i>insert</i> —	3
	applying to the authority	4
Clause 120	Amendment of s 55 (Holder must give surety)	5
(1)	Section 55(2)(a)(ii), ‘review decision’—	6
	<i>omit, insert</i> —	7
	allocation	8
(2)	Section 55(2)(c), after ‘section 53(d)’—	9
	<i>insert</i> —	10
	, (e), (f), (g) or (h)	11
(3)	Section 55(2)(d), ‘section 53(e)’—	12
	<i>omit, insert</i> —	13
	section 53(i)	14
(4)	Section 55(3) and (4)—	15
	<i>omit.</i>	16
(5)	Section 55(5)—	17
	<i>renumber</i> as section 55(3).	18
Clause 121	Insertion of new s 55A	19
	After section 55—	20
	<i>insert</i> —	21
	55A When surety must be given	22
(1)	This section states when the holder of the authority must give the surety.	23
(2)	For an authority mentioned in section 53(a) or (b), the surety must be given within 30 business days	24
		25
		26
		27

[s 121]

after—	1
(a) for an initial allocation decision—the initial allocation day for the authority; or	2 3
(b) for a changed holder allocation—the day the decision takes effect under section 37; or	4 5
(c) for an annual review decision—the annual review day for the authority.	6 7
(3) For an authority mentioned in section 53(c), the surety must be given within 30 business days after the day the scheme manager decides the holder must give a surety, rather than pay a contribution, to preserve the financial viability of the scheme fund.	8 9 10 11 12 13
(4) For an authority mentioned in section 53(d), the surety must be given within 30 business days after the later of the following—	14 15 16
(a) if division 1A applies in relation to the changed holder for the changed holder event—the day the election period ends;	17 18 19
(b) the day the prescribed dealing is approved.	20
(5) For an authority mentioned in section 53(e), the surety must be given within 30 business days after—	21 22 23
(a) if division 1A applies in relation to the changed holder for the changed holder event—the day the election period ends; or	24 25 26
(b) otherwise—the day the changed holder event happens.	27 28
(6) For an authority mentioned in section 53(f), if division 1A applies in relation to the holder for the administering authority’s decision, the surety must be given within 30 business days after—	29 30 31 32
(a) if the period for which a contribution to the scheme fund has been paid for the authority	33 34

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

[s 122]

(11) The scheme manager may extend a period 1
mentioned in any of subsections (2) to (9) if the 2
scheme manager is satisfied it is not reasonably 3
practicable for the holder to obtain the surety 4
within the period. 5

**Clause 122 Amendment of s 57 (When holder must give increased 6
surety) 7**

- (1) Section 57(1)(b)— 8
omit, insert— 9
- (b) before the next allocation decision is made 10
for the authority— 11
- (i) the estimated rehabilitation cost for the 12
authority increases; or 13
- (ii) for an authority mentioned in section 14
53(b)—the fund threshold applying to 15
the authority decreases. 16
- (2) Section 57(2)(b)— 17
omit, insert— 18
- (b) for an authority mentioned in section 19
53(b)— 20
- (i) if subsection (1)(b)(i) applies—that 21
equals the amount of the increased 22
estimated rehabilitation cost for the 23
authority less both the fund threshold 24
applying to the authority and the 25
amount of the surety for the authority 26
already given; or 27
- (ii) if subsection (1)(b)(ii) applies—that 28
equals the amount of the estimated 29
rehabilitation cost for the authority less 30
both the amount of the decreased fund 31
threshold applying to the authority and 32

	the amount of the surety for the	1
	authority already given.	2
Clause 123	Amendment of s 64 (Requesting entity may ask for payment from scheme fund)	3
		4
(1)	Section 64(3)—	5
	<i>omit, insert—</i>	6
(3)	Before making a request for payment of the costs and expenses mentioned in section 63(b) relating to mining activities carried out on a pre-commencement abandoned mine site, the requesting entity must consult with the advisory committee about the proposed request.	7
		8
		9
		10
		11
		12
(3A)	Before making a request for payment of the costs and expenses mentioned in section 63(c) relating to remediation activities carried out on a pre-commencement abandoned operating plant, the requesting entity must consult with the advisory committee about the proposed request.	13
		14
		15
		16
		17
		18
(2)	Section 64(4), ‘under’—	19
	<i>omit, insert—</i>	20
	for payment of the costs and expenses mentioned	21
	in	22
(3)	Section 64(5)—	23
	<i>insert—</i>	24
	<i>pre-commencement abandoned operating plant</i>	25
	means an abandoned operating plant in existence	26
	before 1 April 2019.	27
(4)	Section 64(3A) to (5)—	28
	<i>renumber</i> as section 64(4) to (6).	29

[s 124]

Clause 124	Amendment of s 73 (Investigation of actuarial sustainability of scheme)	1 2
	Section 73(3)(b)(i), after ‘threshold’—	3
	<i>insert—</i>	4
	applying to all or some of the authorities	5
Clause 125	Amendment of s 76F (Application for judicial review of particular decisions)	6 7
	(1) Section 76F(1)(b) and (2), definition <i>dissatisfied person</i> , paragraph (b), ‘review’—	8 9
	<i>omit.</i>	10
	(2) Section 76F(1)—	11
	<i>insert—</i>	12
	(d) a decision about the annual review allocation day for an authority under section 27A or 32(4)(b);	13 14 15
	(e) a decision to change the annual review allocation day for an authority under part 3, division 1, subdivision 3A.	16 17 18
	(3) Section 76F(2), definition <i>dissatisfied person</i> —	19
	<i>insert—</i>	20
	(d) for a decision about the annual review allocation day for an authority under section 27A—the holder of the authority; or	21 22 23
	(e) for a decision about the annual review allocation day under section 32(4)(b)—the interested entity for which the decision is made; or	24 25 26 27
	(f) for a decision to change the annual review allocation day for an authority under part 3, division 1, subdivision 3A—the holder of the authority or, if section 41D applies, the changed holder for the authority.	28 29 30 31 32

Clause 126	Insertion of new s 86A	1
	After section 86—	2
	<i>insert</i> —	3
	86A Combined notices	4
	If the scheme manager is required under this Act to give an entity notices under more than 1 provision in relation to an authority, the scheme manager may give the entity a combined notice for the provisions.	5 6 7 8 9
Clause 127	Insertion of new pt 7, div 1, hdg	10
	Part 7, before section 89—	11
	<i>insert</i> —	12
	Division 1	Transitional provisions for
		Act No. 30 of 2018
		13 14
Clause 128	Amendment of s 89 (Application of part)	15
	(1) Section 89, heading, ‘part’—	16
	<i>omit, insert</i> —	17
	division	18
	(2) Section 89(1), ‘This part’—	19
	<i>omit, insert</i> —	20
	This division	21
Clause 129	Insertion of new pt 7, div 2	22
	Part 7—	23
	<i>insert</i> —	24
	Division 2	Transitional provisions for
		Mineral and Energy
		25 26

[s 129]

Resources and Other Legislation Amendment Act 2024	1 2 3
Subdivision 1 Interpretation	4
93 Definitions for division	5
In this division—	6
<i>allocation process</i> , for an authority, means the process for making an initial allocation decision under former part 3, division 1, subdivision 1 for the authority.	7 8 9 10
<i>amendment Act</i> means the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2024</i> .	11 12 13
<i>annual review process</i> , for an authority, means the process for making an annual review decision under former part 3, division 1, subdivision 3 for the authority.	14 15 16 17
<i>changed holder review process</i> , for an authority in relation to which a changed holder event happens or is proposed, means the process for making a changed holder review allocation under former part 3, division 1, subdivision 2 in relation to the changed holder event, including because of an application made under former section 33.	18 19 20 21 22 23 24
<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	25 26 27
<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	28 29
<i>relevant anniversary day</i> , for an authority, means the anniversary day within the meaning of former	30 31

section 38(7) first occurring after the 1
commencement. 2

**Subdivision 2 Provisions relating to 3
authorities for which 4
estimated rehabilitation 5
cost is \$10m or more 6**

- 94 Allocation process not finished before the 7
commencement 8**
- (1) This section applies if— 9
- (a) before the commencement, the scheme 10
manager had started, but not finished, the 11
allocation process for an authority; and 12
- (b) on the commencement, the estimated 13
rehabilitation cost for the authority is equal 14
to or more than the prescribed ERC amount. 15
- (2) The allocation process for the authority continues 16
as if the amendment Act had not been enacted. 17
- (3) The scheme manager must— 18
- (a) decide the annual review allocation day for 19
the authority; and 20
- (b) give the holder notice of the decision before 21
or when the notice mentioned in former 22
section 31 is given to the holder. 23
- (4) The annual review allocation day takes effect on 24
the day the risk category allocation is decided for 25
the authority under the allocation process. 26
- (5) Despite subsection (2) and former section 31(d), a 27
notice given under former section 31 must state 28
the amount of the contribution to the scheme fund, 29
or surety, required under new part 3, division 2 in 30
relation to the authority, and when the amount 31

[s 129]

- must be paid or given under the new division. 1
- (6) The initial risk category allocation decided for the 2
authority under the allocation process is taken to 3
be an initial risk category allocation for the 4
authority under new section 27. 5
- (7) The day the risk category allocation is decided 6
under the allocation process is taken to be the 7
initial allocation day for the authority under new 8
section 31(1)(a). 9
- 95 Changed holder review process not finished 10
before the commencement 11**
- (1) This section applies if— 12
- (a) before the commencement, the scheme 13
manager had started, but not finished, the 14
changed holder review process for an 15
authority in relation to which a changed 16
holder event happened or is proposed; and 17
- (b) on the commencement, the estimated 18
rehabilitation cost for the authority is equal 19
to or more than the prescribed ERC amount. 20
- (2) The changed holder review process for the 21
authority continues as if the amendment Act had 22
not been enacted. 23
- (3) However, new section 41D applies in relation to 24
the authority for the changed holder event as if a 25
reference in the section to section 32 included a 26
reference to former section 32. 27
- (4) Despite subsection (2) and former section 36(d), a 28
notice given under former section 36 must state 29
the amount of the contribution to the scheme fund, 30
or surety, required under new part 3, division 2 in 31
relation to the authority, and when the amount 32
must be paid or given under the new division. 33
- (5) The changed holder review allocation decided for 34

the authority under the changed holder review process is taken to be a changed holder review allocation for the authority under new section 32.	1 2 3
(6) The changed holder review allocation takes effect under new section 37.	4 5
(7) For applying new section 37, a reference in the section to section 36(1) is taken to be a reference to former section 36.	6 7 8
96 Existing changed holder review allocation not in effect before the commencement	9 10
(1) This section applies if—	11
(a) before the commencement, the scheme manager had made a changed holder review allocation under former section 32 in relation to an authority; and	12 13 14 15
(b) immediately before the commencement, the changed holder review allocation had not taken effect under former section 37; and	16 17 18
(c) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than the prescribed ERC amount.	19 20 21
(2) The changed holder review allocation is taken to be a changed holder review allocation decided under new section 32.	22 23 24
(3) The changed holder review allocation takes effect under new section 37.	25 26
(4) For applying new section 37, a reference in the section to section 36(1) is taken to be a reference to former section 36.	27 28 29
97 Annual review process not finished before the commencement	30 31
(1) This section applies if—	32

[s 129]

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

reference in new sections 47 and 49 to the current 1
review day is taken to be a reference to the 2
relevant anniversary day for the authority. 3

**98 Annual review allocation day for particular 4
existing authorities 5**

- (1) This section applies in relation to an authority if— 6
- (a) immediately before the commencement— 7
- (i) the authority is allocated to a risk 8
category; and 9
- (ii) the annual review process for the 10
authority had not started; and 11
- (b) on the commencement, the estimated 12
rehabilitation cost for the authority is equal 13
to or more than the prescribed ERC amount. 14
- (2) The scheme manager must, within 30 business 15
days after the commencement— 16
- (a) decide the annual review allocation day for 17
the authority; and 18
- (b) give the holder notice of the decision. 19
- (3) The annual review allocation day takes effect on 20
the relevant anniversary day for the authority. 21
- (4) New part 3, division 1, subdivision 3 applies in 22
relation to the authority as if a reference in new 23
section 38(3) to the annual review allocation day 24
included a reference to the relevant anniversary 25
day for the authority. 26
- (5) New section 38(3) does not apply to an annual 27
review allocation day that is within 9 months after 28
the relevant anniversary day for the authority. 29
- (6) To the extent new part 3, division 2, subdivision 1 30
applies in relation to an annual review decision 31
made because of subsection (4), a reference in 32
new sections 47 and 49 to the current review day 33

[s 129]

is taken to be a reference to the relevant 1
anniversary day for the authority. 2

**Subdivision 3 Provisions relating to 3
authorities for which 4
estimated rehabilitation 5
cost is \$100,000 or more 6
but less than \$10m 7**

**99 Option to elect if allocation process not 8
finished before the commencement 9**

- (1) This section applies if— 10
- (a) before the commencement, the scheme 11
manager had started, but not finished, the 12
allocation process for an authority; and 13
 - (b) on the commencement, the estimated 14
rehabilitation cost for the authority is equal 15
to or more than \$100,000 but less than 16
\$10m. 17
- (2) On the commencement, the allocation process 18
stops. 19
- (3) The scheme manager must, within 10 business 20
days after the commencement, give the holder a 21
notice stating— 22
- (a) that the holder may elect for the authority to 23
be subject to risk category allocation under 24
part 3, division 1; and 25
 - (b) that the holder may make the election within 26
20 business days after the notice is given to 27
the holder. 28
- (4) The holder may elect for the authority to be 29
subject to risk category allocation under new part 30
3, division 1 by giving the scheme manager notice 31
of the election within the period mentioned in 32

-
- subsection (3)(b). 1
- (5) If the holder gives the scheme manager a notice 2
under subsection (4) within the period mentioned 3
in subsection (3)(b), the scheme manager must 4
give the holder a notice stating— 5
- (a) the day the notice is given; and 6
- (b) the authority to which the notice relates; and 7
- (c) that the authority is subject to risk category 8
allocation under part 3, division 1. 9
- (6) A notice given under subsection (5) is taken to be 10
an election notice for the authority under new part 11
3, division 1A. 12
- (7) If the scheme manager gives the holder a notice 13
under subsection (5)— 14
- (a) the balance of the allocation process restarts 15
as if the amendment Act had not been 16
enacted; and 17
- (b) the scheme manager must— 18
- (i) decide the annual review allocation day 19
for the authority; and 20
- (ii) give the holder notice of the decision 21
before or when the notice mentioned in 22
former section 31 is given to the holder. 23
- (8) The annual review allocation day takes effect on 24
the day the risk category allocation is decided for 25
the authority under the allocation process. 26
- (9) For restarting the allocation process under 27
subsection (7)(a), if a period mentioned in former 28
section 28 or 30 had started but not ended before 29
the commencement, the period is extended by the 30
period— 31
- (a) starting on the commencement; and 32

[s 129]

- (b) ending at the end of the period mentioned in subsection (3)(b). 1
2
- (10) Despite subsection (7)(a) and former section 31(d), a notice given under former section 31 must state the amount of the contribution to the scheme fund, or surety, required under new part 3, division 2 in relation to the authority, and when the amount must be paid or given under the new division. 3
4
5
6
7
8
9
- (11) The initial risk category allocation decided for the authority under the allocation process is taken to be an initial risk category allocation for the authority under new section 27. 10
11
12
13
- (12) The day the risk category allocation is decided for the authority under the allocation process is taken to be the initial allocation day for the authority under new section 31(1)(a). 14
15
16
17
- (13) If the holder does not give the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b)— 18
19
20
- (a) the allocation process ends; and 21
- (b) the scheme manager must give the holder a notice stating— 22
23
- (i) that the allocation process has ended; 24
and 25
- (ii) that part 3, division 2, subdivision 2 applies in relation to the authority; and 26
27
- (c) new part 3, division 2, subdivision 2 applies in relation to the authority as if— 28
29
- (i) the matters mentioned in new section 53(f) applied in relation to the authority; and 30
31
32
- (ii) new section 55A required the surety for the authority to be given within 30 33
34

business days after the period	1
mentioned in subsection (3)(b) ends.	2
100 Option to elect if changed holder review	3
process not finished before the	4
commencement	5
(1) This section applies if—	6
(a) before the commencement, the scheme	7
manager had started, but not finished, the	8
changed holder review process for an	9
authority in relation to which a changed	10
holder event happened or is proposed; and	11
(b) on the commencement, the estimated	12
rehabilitation cost for the authority is equal	13
to or more than \$100,000 but less than	14
\$10m.	15
(2) On the commencement, the changed holder	16
review process stops.	17
(3) The scheme manager must, within 10 business	18
days after the commencement, give the changed	19
holder a notice stating—	20
(a) that the changed holder may elect for the	21
authority to be subject to risk category	22
allocation under part 3, division 1; and	23
(b) that the changed holder may make the	24
election within 20 business days after the	25
notice is given to the changed holder.	26
(4) The changed holder may elect for the authority to	27
be subject to risk category allocation under new	28
part 3, division 1 by giving the scheme manager	29
notice of the election within the period mentioned	30
in subsection (3)(b).	31
(5) If the changed holder gives the scheme manager a	32
notice under subsection (4) within the period	33
mentioned in subsection (3)(b), the scheme	34

[s 129]

- | | |
|---|----|
| manager must give the changed holder a notice stating— | 1 |
| | 2 |
| (a) the day the notice is given; and | 3 |
| (b) the authority to which the notice relates; and | 4 |
| (c) that the authority is subject to risk category allocation under part 3, division 1. | 5 |
| | 6 |
| (6) A notice given under subsection (5) is taken to be an election notice for the authority under new part 3, division 1A. | 7 |
| | 8 |
| | 9 |
| (7) If the scheme manager gives the changed holder a notice under subsection (5)— | 10 |
| | 11 |
| (a) the balance of the changed holder review process restarts as if the amendment Act had not been enacted; and | 12 |
| | 13 |
| | 14 |
| (b) the scheme manager must— | 15 |
| (i) decide the annual review allocation day for the authority; and | 16 |
| | 17 |
| (ii) give the changed holder notice of the decision before or when the notice mentioned in former section 36 is given to the interested entity. | 18 |
| | 19 |
| | 20 |
| | 21 |
| (8) The annual review allocation day takes effect when the changed holder review allocation takes effect under subsection (12). | 22 |
| | 23 |
| | 24 |
| (9) For restarting the changed holder review process under subsection (7)(a), if a period mentioned in former section 34 had started but not ended before the commencement, the period is extended by the period— | 25 |
| | 26 |
| | 27 |
| | 28 |
| | 29 |
| (a) starting on the commencement; and | 30 |
| (b) ending at the end of the period mentioned in subsection (3)(b). | 31 |
| | 32 |
| (10) Despite subsection (7)(a) and former section | 33 |

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

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(i)	a reference in new section 53(d) and (e) to a changed holder event happening or a prescribed dealing being approved included a reference to the event happening or the prescribed dealing being approved before the commencement; and	1 2 3 4 5 6 7
(ii)	new section 55A required the surety for the authority to be given within 30 business days after the later of the following—	8 9 10 11
(A)	if the changed holder event is of a type mentioned in section 31A(1)(a)—when the prescribed dealing is approved;	12 13 14 15
(B)	the day the period mentioned in subsection (3)(b) ends.	16 17
101	Option to elect for particular authorities if changed holder review allocation not in effect before the commencement	18 19 20
(1)	This section applies if—	21
(a)	before the commencement, the scheme manager had made a changed holder review allocation under former section 32 in relation to an authority that allocated the authority to the risk category of very low, low or moderate; and	22 23 24 25 26 27
(b)	immediately before the commencement, the changed holder review allocation had not taken effect under former section 37; and	28 29 30
(c)	on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.	31 32 33 34
(2)	The scheme manager must, within 10 business	35

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

[s 129]

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

-
- (i) a reference in new section 53(d) and (e) to a changed holder event happening or a prescribed dealing being approved included a reference to the event happening or the prescribed dealing being approved before the commencement; and
- (ii) new section 55A required the surety for the authority to be given within 30 business days after the later of the following—
- (A) if the changed holder event is of a type mentioned in section 31A(1)(a)—when the prescribed dealing is approved;
- (B) the day the period mentioned in subsection (2)(b) ends.
- 102 Existing authorities with high risk category allocation if changed holder review allocation not in effect before the commencement**
- (1) This section applies if—
- (a) before the commencement, the scheme manager had made a changed holder review allocation under former section 32 in relation to an authority that allocated the authority to the risk category of high; and
- (b) immediately before the commencement, the changed holder review allocation had not taken effect under former section 37; and
- (c) on the commencement, the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m.
- (2) On the commencement—

[s 129]

- (a) the changed holder review allocation does not take effect; and 1
2
 - (b) the scheme manager must give the holder a notice stating that the changed holder review allocation does not take effect. 3
4
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 - (3) For an authority in relation to which the changed holder event has happened, new part 3, division 2, subdivision 2 applies in relation to the authority as if— 6
7
8
9
 - (a) a reference in new section 53(d) and (e) to a changed holder event happening or a prescribed dealing being approved included a reference to the event happening or the prescribed dealing being approved before the commencement; and 10
11
12
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15
 - (b) new section 55A required the surety for the authority to be given within 30 business days after the later of the following— 16
17
18
 - (i) if the changed holder event is of a type mentioned in former section 31A(1)(a)—when the prescribed dealing is approved; 19
20
21
22
 - (ii) the day the scheme manager gives the notice under subsection (2)(b). 23
24
- 103 Option to elect for particular authorities if annual review process not finished before the commencement** 25
26
27
- (1) This section applies if— 28
 - (a) before the commencement, the scheme manager had started, but not finished, the annual review process for an authority; and 29
30
31
 - (b) on the commencement— 32

-
- (i) the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m; and
- (ii) the authority is allocated to the risk category of very low, low or moderate.
- (2) On the commencement, the annual review process stops.
- (3) The scheme manager must, within 10 business days after the commencement, give the holder a notice stating—
- (a) that the holder may elect for the authority to be subject to risk category allocation under part 3, division 1; and
- (b) that the holder may make the election within 20 business days after the notice is given to the holder.
- (4) The holder may elect for the authority to be subject to risk category allocation under new part 3, division 1 by giving the scheme manager notice of the election within the period mentioned in subsection (3)(b).
- (5) If the holder gives the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b), the scheme manager must give the holder a notice stating—
- (a) the day the notice is given; and
- (b) the authority to which the notice relates; and
- (c) that the authority is subject to risk category allocation under part 3, division 1.
- (6) A notice given under subsection (5) is taken to be an election notice for the authority under new part 3, division 1A.
- (7) If the scheme manager gives the holder a notice under subsection (5)—
- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|

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

-
- annual review day for the authority under new section 41(a). 1
2
- (14) To the extent new part 3, division 2, subdivision 1 applies in relation to the annual review decision, a reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority. 3
4
5
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7
- (15) If the holder does not give the scheme manager a notice under subsection (4) within the period mentioned in subsection (3)(b)— 8
9
10
- (a) the review process ends; and 11
- (b) the scheme manager must give the holder a notice stating— 12
13
- (i) that the review process has ended; and 14
- (ii) that part 3, division 2, subdivision 2 applies in relation to the authority; and 15
16
- (c) new part 3, division 2, subdivision 2 applies in relation to the authority as if— 17
18
- (i) the matters mentioned in new section 53(f) applied in relation to the authority; and 19
20
21
- (ii) new section 55A required the surety for the authority to be given within 30 business days after the later of the following— 22
23
24
25
- (A) the relevant anniversary day; or 26
- (B) the day the period mentioned in subsection (3)(b) ends. 27
28
- 104 Existing authorities with high risk category allocation if annual review process not finished before the commencement** 29
30
31
- (1) This section applies if— 32

[s 129]

- | | | |
|------|--|----------------------------|
| (a) | before the commencement, the scheme manager had started, but not finished, the annual review process for an authority; and | 1
2
3 |
| (b) | on the commencement— | 4 |
| (i) | the estimated rehabilitation cost for the authority is equal to or more than \$100,000 but less than \$10m; and | 5
6
7 |
| (ii) | the authority is allocated to the risk category of high. | 8
9 |
| (2) | On the commencement— | 10 |
| (a) | the review process ends; and | 11 |
| (b) | the scheme manager must give the holder a notice stating that the review process has ended. | 12
13
14 |
| (3) | If, for the last annual review decision made in relation to the authority before the commencement, former section 46(b) applied, new part 3, division 2, subdivision 2 applies in relation to the authority as if— | 15
16
17
18
19 |
| (a) | the matters mentioned in new section 53(f) applied in relation to the authority; and | 20
21 |
| (b) | new section 55A required the surety for the authority to be given within 30 business days after the later of the following— | 22
23
24 |
| (i) | the relevant anniversary day for the authority; | 25
26 |
| (ii) | the day the scheme manager gives the notice under subsection (2)(b). | 27
28 |
| | 105 Option to elect before relevant anniversary day for particular existing authorities | 29
30 |
| (1) | This section applies if— | 31 |
| (a) | immediately before the commencement— | 32 |

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

[s 129]

- | | | |
|------|--|----------------------------------|
| (6) | If the scheme manager gives the holder a notice under subsection (4)— | 1
2 |
| (a) | new part 3, division 1, subdivision 3 applies in relation to the authority as if a reference in new section 38(3) to the annual review allocation day included a reference to the relevant anniversary day for the authority; and | 3
4
5
6
7
8 |
| (b) | the scheme manager must— | 9 |
| (i) | decide the annual review allocation day for the authority; and | 10
11 |
| (ii) | give the holder notice of the decision before or when the notice under new section 41 is given to the holder. | 12
13
14 |
| (7) | The annual review allocation day takes effect on the relevant anniversary day for the authority. | 15
16 |
| (8) | New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority. | 17
18
19 |
| (9) | To the extent new part 3, division 2, subdivision 1 applies in relation to an annual review decision made because of subsection (6), a reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority. | 20
21
22
23
24
25 |
| (10) | If the holder does not give the scheme manager a notice under subsection (3) within the period mentioned in subsection (2)(b)— | 26
27
28 |
| (a) | the scheme manager must give the holder a notice stating that part 3, division 2, subdivision 2 applies in relation to the authority; and | 29
30
31
32 |
| (b) | new part 3, division 2, subdivision 2 applies in relation to the authority as if— | 33
34 |

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

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

- (1) This section applies if—

[s 129]

- (a) section 105 stops applying in relation to an authority—
 - (i) under section 105(11)(c); or
 - (ii) because section 105, according to its terms, is spent; and
 - (b) under new part 3, division 1A, the scheme manager gives the changed holder an election notice for the authority.
- (2) For deciding the changed holder allocation in relation to the changed holder event, new part 3, division 1, subdivision 2 applies in relation to the authority as if the authority were not allocated to a risk category.
- 107 Particular existing authorities if s 105 stops applying because estimated rehabilitation cost equal to or more than prescribed ERC amount**
- (1) This section applies if section 105 stops applying in relation to an authority under section 105(12).
 - (2) New section 26(1) does not apply in relation to the administering authority’s decision of the estimated rehabilitation cost for the authority.
 - (3) New part 3, division 1, subdivision 3 applies in relation to the authority as if a reference in new section 38(3) to the annual review allocation day included a reference to the relevant anniversary day for the authority.
 - (4) The scheme manager must—
 - (a) decide the annual review allocation day for the authority; and
 - (b) give the holder notice of the decision before or when the notice under new section 41 is given to the holder.
 - (5) The annual review allocation day takes effect on

the relevant anniversary day for the authority.	1
(6) New section 38(3) does not apply to an annual review allocation day that is within 9 months after the relevant anniversary day for the authority.	2 3 4
(7) To the extent new part 3, division 2, subdivision 1 applies in relation to an annual review decision made because of subsection (3), a reference in new sections 47 and 49 to the current review day is taken to be a reference to the relevant anniversary day for the authority.	5 6 7 8 9 10
Subdivision 4 Transitional regulation	11
108 Transitional regulation-making power	12
(1) A regulation (a <i>transitional regulation</i>) may make provision about a matter for which—	13 14
(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act, as in force before its amendment by the amendment Act, to the operation of this Act, as in force after its amendment by the amendment Act; and	15 16 17 18 19 20 21
(b) this Act does not provide or sufficiently provide.	22 23
(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.	24 25 26
(3) A transitional regulation must declare it is a transitional regulation.	27 28
109 Expiry of subdivision and transitional regulation	29 30
This subdivision and any transitional regulation	31

[s 130]

	under section 108 expire on the day that is 2 years	1
	after the day this section commences.	2
Clause 130	Amendment of sch 1 (Dictionary)	3
(1)	Schedule 1, definition <i>changed holder review day</i> and	4
	<i>changed holder review decision</i> —	5
	<i>omit.</i>	6
(2)	Schedule 1—	7
	<i>insert</i> —	8
	<i>annual review allocation day</i> , for an authority,	9
	means—	10
(a)	the day, in each year, decided by the scheme	11
	manager before which the scheme manager	12
	will make an annual review allocation for	13
	the authority; or	14
(b)	if a change to the day mentioned in	15
	paragraph (a) takes effect under part 3,	16
	division 1, subdivision 3A—the day, in each	17
	year, as changed from time to time under	18
	that subdivision.	19
	<i>applicable holder</i> , for part 3, division 1A, see	20
	section 45A.	21
	<i>changed holder allocation</i> means a changed	22
	holder initial allocation or a changed holder	23
	review allocation.	24
	<i>changed holder initial allocation</i> see section	25
	32(4)(a).	26
	<i>current review day</i> , for an authority, means—	27
(a)	for an initial allocation decision—the initial	28
	allocation day for the authority; or	29
(b)	for a changed holder allocation—the day the	30
	decision takes effect under section 37; or	31

-
- (c) for an annual review decision—the annual review allocation day before which the annual review decision is made for the authority. 1
2
3
4
- election notice* see section 45E. 5
- election period*, in relation to an authority, see section 45A. 6
7
- indicative review day*— 8
- (a) for part 3, division 1, subdivision 1—see section 28(1)(d); or 9
10
- (b) for part 3, division 1, subdivision 2—see section 34(1)(c). 11
12
- (3) Schedule 1, definition *allocation decision*, paragraph (b), ‘review decision’— 13
14
- omit, insert*— 15
- allocation 16
- (4) Schedule 1, definition *annual review allocation*, ‘section 38(2)(b)’— 17
18
- omit, insert*— 19
- section 38(3)(b) 20
- (5) Schedule 1, definition *changed holder review allocation*, ‘section 32(2)(b)’— 21
22
- omit, insert*— 23
- section 32(3)(b) 24
- (6) Schedule 1, definition *initial allocation day*, ‘section 31(a)’— 25
- omit, insert*— 26
- section 31(1)(a) 27
- (7) Schedule 1, definition *notice of indicative decision*— 28
- insert*— 29
- (d) for part 3, division 1, subdivision 3A—see section 41B(2). 30
31

[s 131]

(8) Schedule 1, definition <i>relevant holder</i> , paragraph (b)—	1
<i>omit, insert</i> —	2
(b) a changed holder allocation—see section	3
32(8)(b); or	4
(9) Schedule 1, definition <i>relevant holder</i> , paragraph (c), ‘section	5
38(6)(c)’—	6
<i>omit, insert</i> —	7
section 38(8)(c)	8

Part 10 Amendment of Mineral Resources Act 1989

9
10

Clause 131 Act amended	11
This part amends the <i>Mineral Resources Act 1989</i> .	12
<i>Note</i> —	13
See also the amendments in schedule 1.	14

Clause 132 Amendment of s 85 (Compensation to be settled before grant or renewal of mining claim)	15
Section 85(4)—	16
<i>insert</i> —	17
<i>Note</i> —	18
The applicant and an interested party may also agree to	19
participate in ADR under sections 85AA to 85AD to	20
determine the amount of compensation for subsection	21
(1)(a).	22
	23

Clause 133 Insertion of new ss 85AA–85AD	24
After section 85—	25
<i>insert</i> —	26

85AA Party may seek ADR

- 1
- (1) This section applies if a dispute arises between the 2
applicant and an interested party under section 85 3
(the *parties*) about the determination of an amount 4
of compensation for section 85(1)(a). 5
- (2) Either party may give a notice (an *ADR election 6*
notice) to the other party asking the other party to 7
participate in ADR to seek to negotiate a 8
resolution of the dispute. 9
- (3) The ADR election notice must state— 10
- (a) details of the matters the subject of the 11
dispute; and 12
- (b) the type of ADR proposed; and 13
- (c) the name of an ADR facilitator, who is 14
independent of both parties, proposed to 15
conduct the ADR; and 16
- Note—* 17
- See the *Land Access Ombudsman Act 2017*, part 18
3A for the ability to propose the land access 19
ombudsman as the ADR facilitator. 20
- (d) that the applicant is liable for the costs of the 21
ADR facilitator; and 22
- (e) any other information prescribed by 23
regulation. 24
- (4) A party given an ADR election notice must, 25
within 10 business days after the notice is given, 26
accept or refuse the request for ADR. 27
- (5) If a party given an ADR election notice does not 28
accept the request for ADR within 10 business 29
days after the notice is given, the party is taken to 30
refuse the request. 31
- (6) If the request for ADR is accepted under 32
subsection (4), the parties may, within 10 business 33
days after the acceptance, jointly appoint the 34
ADR facilitator proposed in the ADR election 35

[s 133]

notice, or another ADR facilitator, to conduct the ADR. 1
2

85AB Conduct of ADR 3

- (1) This section applies if a request for ADR is accepted under section 85AA(4). 4
5
- (2) The parties must use all reasonable endeavours to negotiate a resolution of the dispute within 30 business days after the ADR facilitator is appointed (the *usual period*). 6
7
8
9
- (3) A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances. 10
11
12
- (4) If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the longer period applies instead of the usual period. 13
14
15
- (5) The applicant is liable for the costs of the ADR facilitator. 16
17

85AC Non-attendance at ADR 18

- (1) This section applies if— 19
 - (a) a party who accepts a request for ADR (the *non-attending party*) does not attend the ADR; and 20
21
22
 - (b) another party (the *attending party*) attends the ADR. 23
24
- (2) The non-attending party is liable to pay the attending party's reasonable costs of attending. 25
26
- (3) The attending party may apply to the Land Court for an order requiring the payment of the costs. 27
28
- (4) The Land Court may order the payment of the costs only if the Court is satisfied the non-attending party did not have a reasonable 29
30
31

excuse for not attending.	1
85AD Protection, immunity and confidentiality	2
The <i>Civil Proceedings Act 2011</i> , part 6, division 5	3
applies to ADR conducted by an ADR facilitator	4
under section 85AB as if—	5
(a) a reference to an ADR process included a	6
reference to the ADR; and	7
(b) a reference to an ADR convenor included a	8
reference to the ADR facilitator.	9
<i>Note—</i>	10
See the <i>Civil Proceedings Act 2011</i> , section 53, in	11
relation to the admissibility of evidence of anything	12
done or said, or an admission made, at ADR, without the	13
agreement of the parties.	14
Clause 134 Amendment of s 131 (Who may apply)	15
(1) Section 131(1)(b), ‘and less’—	16
<i>omit, insert—</i>	17
if less	18
(2) Section 131—	19
<i>insert—</i>	20
(2A) Also, an application can not be made for an	21
exploration permit for a relevant sub-block during	22
the period stated in a gazette notice published	23
under subsection (6) in relation to the sub-block.	24
(3) Section 131(3), ‘(the <i>relevant sub-block</i>)’—	25
<i>omit.</i>	26
(4) Section 131(3)(b), ‘relevant’—	27
<i>omit.</i>	28
(5) Section 131—	29

[s 135]

insert—

- | | |
|---|------------------|
| | 1 |
| (5) The Minister may publish a gazette notice stating that the making of an application for an exploration permit for a particular relevant sub-block is postponed for a stated period. | 2
3
4
5 |
| (6) However, the Minister may publish the gazette notice only if satisfied the postponement is in the best interests of the State. | 6
7
8 |
| (7) The stated period must not start before the day the gazette notice is published. | 9
10 |
| (8) In this section— | 11 |
| <i>relevant sub-block</i> means a sub-block that has been the subject of an exploration permit or an application for an exploration permit. | 12
13
14 |
| (6) Section 131(2A) to (8)— | 15 |
| <i>renumber</i> as section 131(3) to (9). | 16 |

Clause 135 Amendment of s 276 (General conditions of mining lease) 17

- | | |
|--|----------------------|
| (1) Section 276(1)— | 18 |
| <i>insert—</i> | 19 |
| (ea) a condition that the holder must keep the surface of the area of the mining lease tidy during the term of the lease, including, for example, ensuring that— | 20
21
22
23 |
| (i) rubbish and debris are removed from the surface and waste is properly stored; and | 24
25
26 |
| (ii) equipment is stored in an orderly way; and | 27
28 |
| (2) Section 276(1)(k)(i) and (ii), ‘as prescribed’— | 29 |
| <i>omit, insert—</i> | 30 |
| prescribed by regulation | 31 |

-
- (3) Section 276(1)(m)— 1
omit, insert— 2
(m) a condition prescribed by regulation; and 3
- (4) Section 276(1)(ea) to (n)— 4
renumber as section 276(1)(f) to (o). 5
- (5) Section 276(2), ‘and (h)’— 6
omit, insert— 7
and (i) 8
- (6) Section 276(5)— 9
omit, insert— 10
(5) A condition imposed on a mining lease under 11
subsection (1)(n) or (o), (3) or (4) does not apply 12
to the extent the condition is the same as, 13
substantially the same as or inconsistent with a 14
relevant environmental condition for the mining 15
lease. 16

- Clause 136 Amendment of s 281 (Determination of compensation by Land Court)** 17
18
Section 281(1)— 19
insert— 20
Note— 21
The persons who could be parties to the agreement may 22
also agree to participate in ADR under sections 283C to 23
283F to determine the amount of compensation. 24

- Clause 137 Amendment of s 283B (Review of compensation by Land Court)** 25
26
Section 283B(2)— 27
insert— 28

[s 138]

Note—

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

Clause 138 Insertion of new ss 283C–283F

After section 283B—

insert—

283C Party may seek ADR

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

Note—

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

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

283D Conduct of ADR

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

[s 138]

longer period applies instead of the usual period.	1
(5) The applicant or mining lease holder is liable for the costs of the ADR facilitator.	2 3
283E Non-attendance at ADR	4
(1) This section applies if—	5
(a) a party who accepts a request for ADR (the <i>non-attending party</i>) does not attend the ADR; and	6 7 8
(b) another party (the <i>attending party</i>) attends the ADR.	9 10
(2) The non-attending party is liable to pay the attending party's reasonable costs of attending.	11 12
(3) The attending party may apply to the Land Court for an order requiring the payment of the costs.	13 14
(4) The Land Court may order the payment of the costs only if the Court is satisfied the non-attending party did not have a reasonable excuse for not attending.	15 16 17 18
283F Protection, immunity and confidentiality	19
The <i>Civil Proceedings Act 2011</i> , part 6, division 5 applies to ADR conducted by an ADR facilitator under section 283D as if—	20 21 22
(a) a reference to an ADR process included a reference to the ADR; and	23 24
(b) a reference to an ADR convenor included a reference to the ADR facilitator.	25 26
<i>Note—</i>	27
See the <i>Civil Proceedings Act 2011</i> , section 53, in relation to the admissibility of evidence of anything done or said, or an admission made, at ADR, without the agreement of the parties.	28 29 30 31

Clause 139	Amendment of s 317C (What is a <i>prescribed mineral mining lease</i>)	1 2
(1)	Section 317C(1)(b)(i), after ‘for the project’— <i>insert</i> — other than an excluded year	3 4 5
(2)	Section 317C(1)(b)(ii), after ‘for the lease’— <i>insert</i> — other than an excluded year	6 7 8
(3)	Section 317C(3), note— <i>omit.</i>	9 10
(4)	Section 317C(5)— <i>omit, insert</i> —	11 12
(5)	In this section— <i>excluded year</i> , in relation to a mining lease for a prescribed mineral, means—	13 14 15
(a)	for a lease that is part of a mining project—	16
(i)	a project year for the project that began before the mineral was prescribed by regulation to be a prescribed mineral; or	17 18 19 20
(ii)	if the prescribed threshold for the mineral is decreased and, prior to the decrease taking effect, an amount of the mineral that equals or exceeds the former prescribed threshold had not been mined under the project in a project year for the lease—a project year for the project that began before the decrease took effect; or	21 22 23 24 25 26 27 28 29
(b)	otherwise—	30
(i)	a lease year for the lease that began before the mineral was prescribed by	31 32

[s 140]

	regulation to be a prescribed mineral;	1
	or	2
	(ii) if the prescribed threshold for the mineral is decreased and, prior to the decrease taking effect, an amount of the mineral that equals or exceeds the former prescribed threshold had not been mined under the lease in a lease year for the lease—a lease year for the lease that began before the decrease took effect.	3 4 5 6 7 8 9 10 11
	<i>threshold year</i> , in relation to a mining lease for a prescribed mineral, means—	12 13
	(a) if the lease is part of a mining project—the first project year, after any excluded years, in which a threshold amount of the prescribed mineral is mined under the mining project; or	14 15 16 17 18
	(b) otherwise—the first lease year, after any excluded years, in which a threshold amount of the prescribed mineral is mined under the lease.	19 20 21 22
Clause 140	Amendment of s 317D (What is a <i>new prescribed mineral mining lease</i>)	23 24
	(1) Section 317D(1)(b)(ii)—	25
	<i>insert—</i>	26
	<i>Note—</i>	27
	See also section 317H(2) for the holder’s right to lodge another proposed initial development plan for a new prescribed mineral mining lease if an earlier proposed plan is refused within 6 months after the time mentioned in paragraph (a).	28 29 30 31 32
	(2) Section 317D(2)—	33
	<i>omit.</i>	34

Clause 141	Insertion of new s 317DA	1
	After section 317D—	2
	<i>insert</i> —	3
	317DA What is the <i>lodgement period</i> for a new prescribed mineral mining lease	4
		5
	The <i>lodgement period</i> for a new prescribed mineral mining lease is the period of 6 months starting when the mining lease becomes a prescribed mineral mining lease under section 317C(2).	6
		7
		8
		9
		10
Clause 142	Replacement of s 317X (Changes to prescribed minerals or prescribed thresholds)	11
		12
	Section 317X—	13
	<i>omit, insert</i> —	14
	317X Effect if mineral stops being prescribed mineral or prescribed threshold increases	15
		16
	(1) A mining lease for a prescribed mineral stops being a prescribed mineral mining lease if the mineral stops being a prescribed mineral.	17
		18
		19
	(2) Also, a mining lease for a prescribed mineral stops being a prescribed mineral mining lease if—	20
		21
	(a) the prescribed threshold for the mineral increases; and	22
		23
	(b) for a mining lease that is part of a mining project—an amount of the mineral that equals or exceeds the increased prescribed threshold for the mineral has not been mined under the project in any project year for the project; and	24
		25
		26
		27
		28
		29
	(c) for a mining lease that is not part of a mining project—an amount of the mineral that equals or exceeds the increased prescribed threshold for the mineral has not	30
		31
		32
		33

[s 143]

	been mined under the lease in any lease year	1
	for the lease.	2
	(3) However, if the mining lease is for more than 1	3
	prescribed mineral, the mining lease stops being a	4
	prescribed mineral mining lease only if	5
	subsection (1) or (2) applies for each prescribed	6
	mineral.	7
Clause 143	Amendment of ch 7, hdg (Transfers affecting applications for mining leases)	8
	Chapter 7, heading, after ‘leases’—	9
	<i>insert—</i>	10
	and appeals relating to dealings	11
Clause 144	Amendment of ch 7, pt 1, hdg (Application transfers)	12
	Chapter 7, after part 1 heading—	13
	<i>insert—</i>	14
	<i>Note—</i>	15
	For the lodging and effect of caveats over an application	16
	for a mining lease or an interest in the application, see	17
	the Common Provisions Act, chapter 2, part 2.	18
Clause 145	Amendment of ch 7, pt 4, hdg (Appeals about transfers)	19
	Chapter 7, part 4, heading, ‘about transfers’—	20
	<i>omit, insert—</i>	21
	relating to transfers and other dealings	22
Clause 146	Replacement of s 382 (Public release of required information)	23
	Section 382—	24
	<i>omit, insert—</i>	25
		26
		27

382 Public release of required information

- 1
- (1) The holder of a mining tenement is taken to 2
authorise the chief executive to do the following 3
in relation to required information for the 4
tenement— 5
- (a) to publish, in the way prescribed by 6
regulation, the information for public use; 7
- (b) to make the information available to a 8
person on payment of the fee prescribed by 9
regulation. 10
- (2) Subsections (3) to (6) apply if a confidentiality 11
period is prescribed by regulation for the required 12
information. 13
- (3) Subsection (1) does not apply in relation to the 14
required information until the confidentiality 15
period ends. 16
- (4) Subsection (5) applies if— 17
- (a) the required information is about an 18
authorised activity carried out only in an 19
area that stops being in the area of the 20
mining tenement; and 21
- (b) immediately before the area stops being in 22
the area of the mining tenement, the 23
confidentiality period has not ended. 24
- (5) The confidentiality period ends when the area 25
stops being in the area of the mining tenement. 26
- Example—* 27
- The required information is a seismic survey carried out 28
on particular land in the area of an exploration permit. 29
The land has stopped being in the permit's area under 30
section 139. A confidentiality period for the required 31
information ends when the land stops being in the 32
permit's area. 33
- (6) However, subsection (5) does not apply if— 34

[s 147]

	(a) the mining tenement is an exploration permit and, after the commencement of this subsection, the area stops being in the permit's area under section 177; or	1 2 3 4
	(b) the mining tenement is a mineral development licence and, after the commencement of this subsection, the area stops being in the licence's area under section 226A.	5 6 7 8 9
	(7) An authorisation under subsection (1) is not affected by the ending of the mining tenement.	10 11
Clause 147	Insertion of new ch 15, pt 23	12
	Chapter 15—	13
	<i>insert—</i>	14
	Part 23	Transitional provision
		for Mineral and Energy
		Resources and Other
		Legislation
		Amendment Act 2024
		15 16 17 18 19
	901 Application of particular condition to mining leases	20 21
	Section 276(1)(f), as inserted by the <i>Mineral and Energy Resources and Other Legislation Amendment Act 2024</i> , applies in relation to a mining lease whether the lease was granted before or after the commencement.	22 23 24 25 26
Clause 148	Amendment of sch 2 (Dictionary)	27
	(1) Schedule 2, definitions <i>initial plan period</i> and <i>specified works—</i>	28 29

<i>omit.</i>	1
(2) Schedule 2—	2
<i>insert</i> —	3
ADR means a non-binding alternative dispute resolution process, including, for example, a case appraisal, conciliation, mediation or negotiation.	4
ADR facilitator means a person who facilitates ADR.	7
lodgement period , for a new prescribed mineral mining lease, see section 317DA.	9
(3) Schedule 2, definition <i>new prescribed mineral mining lease</i> , ‘section 317D(1)’—	11
<i>omit, insert</i> —	12
section 317D	13
	14

Part 11 **Amendment of Petroleum Act 1923**

15
16

Clause 149 Act amended	17
This part amends the <i>Petroleum Act 1923</i> .	18
<i>Note</i> —	19
See also the amendments in schedule 1, part 2.	20

Clause 150 Amendment of s 53B (Plan period)	21
Section 53B(2)—	22
<i>omit, insert</i> —	23
(2) The stated period must not be longer than—	24
(a) if the remaining term of the lease is less than 5 years from the day the current plan period	25
	26

[s 151]

	for the lease ends—the remaining term of the lease; or	1 2
	(b) if the remaining term of the lease is 5 years or more from the day the current plan period for the lease ends—5 years from the day the current plan period for the lease ends.	3 4 5 6
	(3) In this section—	7
	<i>current plan period</i> , for a lease, means the plan period for the current development plan for the lease.	8 9 10
Clause 151	Amendment of s 53C (Application of sdiv 2)	11
	(1) Section 53C, heading, ‘sdiv 2’—	12
	<i>omit, insert—</i>	13
	subdivision	14
	(2) Section 53C, ‘is lodged for approval’—	15
	<i>omit, insert—</i>	16
	for a lease is lodged for approval by the lessee	17
Clause 152	Insertion of new s 53CA	18
	After section 53C—	19
	<i>insert—</i>	20
	53CA Application of pt 9, div 1 to lodgement	21
	Part 9, division 1 applies in relation to the lodgement of the proposed later development plan—	22 23 24
	(a) as if the lodgement of the proposed plan were the making of an application under this Act by the lessee; and	25 26 27
	(b) as if a reference in section 120 to the requirements under this Act for making an	28 29

	application were a reference to the later	1
	development plan requirements; and	2
	(c) with any other necessary changes.	3
Clause 153	Amendment of s 53E (Deciding whether to approve proposed plan)	4
	Section 53E(3) and (4)—	5
	<i>omit.</i>	6
Clause 154	Replacement of s 76D (Public release of required information)	7
	Section 76D—	8
	<i>omit, insert—</i>	9
	76D Public release of required information	10
	(1) The mere fact of the existence of a 1923 Act	11
	petroleum tenure is taken to be an authorisation	12
	from the holder of the tenure to the chief	13
	executive to do the following in relation to	14
	required information for the tenure—	15
	(a) to publish, in the way prescribed by	16
	regulation, the information for public use,	17
	including, for example, to support	18
	petroleum exploration, production or	19
	development;	20
	(b) to make the information available to a	21
	person on payment of the fee prescribed by	22
	regulation.	23
	(2) Subsections (3) to (5) apply if a confidentiality	24
	period is prescribed by regulation for the required	25
	information.	26
	(3) Subsection (1) does not apply in relation to the	27
	required information until the confidentiality	28
	period ends.	29
		30
		31

[s 155]

	(4) Subsection (5) applies if—	1
	(a) the required information is about an authorised activity carried out only in an area that stops being in the area of the 1923 Act petroleum tenure; and	2 3 4 5
	(b) immediately before the area stops being in the area of the tenure, the confidentiality period has not ended.	6 7 8
	(5) The confidentiality period ends when the area stops being in the area of the 1923 Act petroleum tenure.	9 10 11
	(6) An authorisation under subsection (1) is not affected by the ending of the 1923 Act petroleum tenure.	12 13 14
Clause 155	Amendment of s 76G (Power to require information or reports about authorised activities to be kept or given)	15 16
	(1) Section 76G(1)(a), after ‘keep’—	17
	<i>insert—</i>	18
	in the stated way	19
	(2) Section 76G(2)—	20
	<i>insert—</i>	21
	(c) other information or a report prescribed by regulation.	22 23
	(3) Section 76G(3), ‘notice’—	24
	<i>omit, insert—</i>	25
	requirement	26
	(4) Section 76G(4), ‘prescribed under a’—	27
	<i>omit, insert—</i>	28
	prescribed by	29

Clause 156	Replacement of s 119 (Application of div 1)	1
	Section 119—	2
	<i>omit, insert—</i>	3
	119 Application of division	4
	This division applies in relation to an application under this Act.	5 6
	<i>Note—</i>	7
	See also section 53CA for the application of this division to the lodgement of a proposed later development plan for a lease.	8 9 10
Part 12	Amendment of Petroleum and Gas (Production and Safety) Act 2004	11 12 13
Clause 157	Act amended	14
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	15 16
	<i>Note—</i>	17
	See also the amendments in schedule 1.	18
Clause 158	Amendment of s 64A (What is the <i>relinquishment day</i>)	19
	Section 64A—	20
	<i>insert—</i>	21
	(2) This section does not apply in relation to an authority to prospect granted before 25 May 2020.	22 23
	<i>Note—</i>	24
	For an authority to prospect granted before 25 May 2020, see section 71AA.	25 26

[s 159]

Clause 159	Amendment of s 65 (Standard relinquishment condition)	1
	(1) Section 65(1)(a), ‘on or before’—	2
	<i>omit, insert—</i>	3
	by the end of	4
	(2) Section 65(1)(c), ‘the day on which’—	5
	<i>omit, insert—</i>	6
	on the day	7
	(3) Section 65(2), ‘on or before’—	8
	<i>omit, insert—</i>	9
	by the end of	10
Clause 160	Amendment of s 66 (Part usually required to be relinquished)	11
	(1) Section 66(3), ‘is the <i>usual relinquishment</i> ’—	12
	<i>omit, insert—</i>	13
	are the <i>usual relinquishment</i> for the authority to	14
	prospect	15
	(2) Section 66, after subsection (3)—	16
	<i>insert—</i>	17
	<i>Note—</i>	18
	For an authority to prospect granted before 25 May	19
	2020, see sections 71AA and 1004.	20
		21
Clause 161	Amendment of s 68 (Adjustments for sub-blocks that can not be counted)	22
	Section 68(1), after ‘usual relinquishment’—	23
	<i>insert—</i>	24
	for the authority	25
		26

Clause 162	Insertion of new s 71AA	1
	After section 71—	2
	<i>insert—</i>	3
	71AA Provision relating to authorities to prospect granted before 25 May 2020	4
		5
	(1) This section applies to an authority to prospect granted before 25 May 2020.	6
		7
	(2) Each of the following days is a <i>relinquishment day</i> for the authority if the day is at least 30 days after the day this section commences—	8
		9
	(a) a day stated in the authority to be a relinquishment day;	10
		11
	(b) if no relinquishment days are stated in the authority—each day during the term of the authority that is a 4-yearly interval after the day the authority took effect.	12
		13
		14
		15
		16
	(3) Subject to sections 66A, 68 and 69, the holder of the authority must relinquish, by the end of each relinquishment day for the authority, at least 8.33% of the original notional sub-blocks of the authority for each year since the authority took effect.	17
		18
		19
		20
		21
		22
	(4) The sub-blocks required to be relinquished under subsection (3) are the <i>usual relinquishment</i> for the authority.	23
		24
		25
	(5) This part, other than sections 64A and 66, applies in relation to the authority as if—	26
		27
	(a) a reference in section 62(4), 65(2), 66A(1)(b) or 68(1) to the relinquishment day for the authority were a reference to a relinquishment day for the authority; and	28
		29
		30
		31
	(b) a reference in section 65(1)(a) to the relinquishment day for the authority were a	32
		33

[s 163]

	reference to each relinquishment day for the authority; and	1 2
	(c) a reference in section 66A to section 66 or section 66(2) were a reference to subsection (3).	3 4 5
Clause 163	Amendment of s 143 (General requirements)	6
	Section 143(1)(a)—	7
	<i>omit, insert—</i>	8
	(a) comply with the initial development plan requirements other than section 139; and	9 10
Clause 164	Insertion of new s 143A	11
	After section 143—	12
	<i>insert—</i>	13
	143A Plan period	14
	(1) The proposed later development plan must state its period.	15 16
	(2) The stated period must not be longer than—	17
	(a) for a proposed later development plan that relates to an application under division 6 to renew the lease—	18 19 20
	(i) if the renewed term sought for the lease is less than 5 years—the renewed term; or	21 22 23
	(ii) if the renewed term sought for the lease is 5 years or more—5 years from the day the renewed term starts; or	24 25 26
	(b) otherwise—	27
	(i) if the remaining term of the lease is less than 5 years from the day the current	28 29

	plan period for the lease ends—the	1
	remaining term of the lease; or	2
	(ii) if the remaining term of the lease is 5	3
	years or more from the day the current	4
	plan period for the lease ends—5 years	5
	from the day the current plan period for	6
	the lease ends.	7
	(3) In this section—	8
	<i>current plan period</i> , for a petroleum lease, means	9
	the plan period for the current development plan	10
	for the lease.	11
Clause 165	Amendment of s 170B (Applying to amalgamate 1923 Act lease)	12
	(1) Section 170B(2)(a)—	13
	<i>omit, insert—</i>	14
	(a) for each individual lease—	15
	(i) the holder of the individual lease has	16
	applied under section 908 for a	17
	petroleum lease for all or part of the	18
	area of the lease (a <i>section 908</i>	19
	<i>application</i>); or	20
	(ii) the application for amalgamation is	21
	accompanied by a section 908	22
	application in relation to the individual	23
	lease; and	24
	(2) Section 170B(4) and (5), ‘the application under section	25
	908’—	26
	<i>omit, insert—</i>	27
	a section 908 application	28
		29
Clause 166	Amendment of s 170D (Deciding application)	30
	Section 170D(2)(b)—	31

[s 167]

insert—

- (iii) a relevant environmental authority for the amalgamated lease has been issued.

Clause 167 Amendment of s 170E (Provisions of amalgamated lease)

Section 170E(2)—

omit, insert—

- (2) If, before the amalgamated lease is granted, petroleum production under each of the individual leases has not started, any production commencement day stated in the amalgamated lease under section 123(3)(c) must not be later than the earliest production commencement day for the individual leases.
- (3) Subsections (4) and (5) apply if, before the amalgamated lease is granted, petroleum production under some, but not all, of the individual leases has started.
- (4) The amalgamated lease may, under section 123(3)(c), state a production commencement day for the petroleum production that has not yet started (the *uncommenced aspect*).
- (5) Section 154(1) and subdivision 3 apply in relation to the amalgamated lease as if—
- (a) a reference in the provisions to petroleum production under the lease were a reference to the uncommenced aspect; and
- (b) a reference in the provisions to a production commencement day for the lease were a reference to a production commencement day for the uncommenced aspect stated in the amalgamated lease under subsection (4).

Clause 168	Replacement of s 550 (Public release of required information)	1 2
	Section 550—	3
	<i>omit, insert—</i>	4
	550 Public release of required information	5
	(1) The mere fact of the existence of a petroleum tenure is taken to be an authorisation from the holder of the tenure to the chief executive to do the following in relation to required information for the tenure—	6 7 8 9 10
	(a) to publish, in the way prescribed by regulation, the information for public use, including, for example, to support petroleum exploration, production and development;	11 12 13 14 15
	(b) to make the information available to a person on payment of the fee prescribed by regulation.	16 17 18
	(2) Subsections (3) to (6) apply if a confidentiality period is prescribed by regulation for the required information.	19 20 21
	(3) Subsection (1) does not apply in relation to the required information until the confidentiality period ends.	22 23 24
	(4) Subsection (5) applies if—	25
	(a) the required information is about an authorised activity carried out only in an area that stops being in the area of the petroleum tenure; and	26 27 28 29
	(b) immediately before the area stops being in the area of the tenure, the confidentiality period has not ended.	30 31 32
	(5) The confidentiality period ends when the area stops being in the area of the petroleum tenure.	33 34

[s 169]

	<i>Example—</i>	1
	The required information is a well completion report	2
	about a well drilled on particular land in the area of an	3
	authority to prospect. The land is relinquished under the	4
	relinquishment condition for the authority. A	5
	confidentiality period for the required information ends	6
	when the land is relinquished.	7
	(6) However, subsection (5) does not apply if—	8
	(a) the petroleum tenure is an authority to	9
	prospect; and	10
	(b) after the commencement of this subsection,	11
	the area stops being in the authority’s area	12
	under section 101(1) or (2).	13
	(7) An authorisation under subsection (1) is not	14
	affected by the ending of the petroleum tenure.	15
Clause 169	Amendment of s 553 (Power to require information or	16
	reports about authorised activities to be kept or given)	17
	(1) Section 553(1)(a), after ‘keep’—	18
	<i>insert—</i>	19
	in the stated way	20
	(2) Section 553(1)(a), example, ‘ <i>prescribed</i> ’—	21
	<i>omit.</i>	22
	(3) Section 553(2)—	23
	<i>insert—</i>	24
	(c) other information or a report prescribed by	25
	regulation.	26
	(4) Section 553(3), ‘notice’—	27
	<i>omit, insert—</i>	28
	requirement	29
	(5) Section 553(4), ‘prescribed under a’—	30
	<i>omit, insert—</i>	31

	prescribed by	1	
Clause 170	Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)	2 3	
	Section 910(2)(c), after subparagraph (iv)—	4	
	<i>insert—</i>	5	
	<i>Note—</i>	6	
	See also section 1043 in relation to the plan period for a proposed later development plan for a replacement tenure.	7 8 9	
Clause 171	Insertion of new ch 15, pt 32	10	
	Chapter 15—	11	
	<i>insert—</i>	12	
	Part 32	Transitional provision for Mineral and Energy Resources and Other Legislation Amendment Act 2024	13 14 15 16 17
	1043 Plan period for proposed later development plans for replacement tenures	18 19	
	(1) This section applies to an application for a replacement tenure under section 908(2) (a <i>grant application</i>).	20 21 22	
	(2) Section 143A(2)(a) applies in relation to the grant application as if—	23 24	
	(a) a reference in the section to an application under chapter 2, part 2, division 6 to renew a petroleum lease were a reference to the grant application; and	25 26 27 28	

[s 172]

- (b) a reference in the section to the renewed term for a petroleum lease were a reference to the term of the replacement tenure. 1
2
3

Clause 172 Amendment of sch 1 (Reviews and appeals) 4

Schedule 1, table 3— 5

insert— 6

184KB(1) decision to give subsidence management Land Court direction

184KG(1)(b) decision not to give farm field assessment Land Court direction to relevant holder for subsidence management area

184KL decision on application for critical consequence decision about agricultural Land Court land

184KM(2) or (3) direction if critical consequence is likely to Land Court happen

184KN direction if critical consequence happens Land Court

Clause 173 Amendment of sch 2 (Dictionary) 7

(1) Schedule 2, definition *relinquishment day*, ‘section 64A’— 8
omit, insert— 9

sections 64A(1) and 71AA(2) 10

(2) Schedule 2, definition *usual relinquishment*, ‘section 66(3)’— 11
omit, insert— 12

sections 66(3) and 71AA(4) 13

Part 13	Amendment of Regional Planning Interests Act 2014	1 2
Clause 174	Act amended	3
	This part amends the <i>Regional Planning Interests Act 2014</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1, part 1.	6
Clause 175	Amendment of s 46 (Additional advice or comment about assessment application)	7 8
	Section 46(1), ‘must ask the Gasfields Commission’—	9
	<i>omit, insert—</i>	10
	may ask Coexistence Queensland	11
Clause 176	Insertion of new pt 10	12
	After section 108—	13
	<i>insert—</i>	14
	Part 10	Transitional provision 15
		for Mineral and Energy 16
		Resources and Other 17
		Legislation 18
		Amendment Act 2024 19
	109 Advice about existing assessment applications	20 21
	(1) This section applies if an assessment application has been made, but not decided, before the commencement.	22 23 24
	(2) Section 46(1) as in force before the commencement continues to apply in relation to	25 26

[s 177]

the assessment application as if the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* had not been enacted. 1
2
3

Clause 177 Amendment of sch 1 (Dictionary) 4

(1) Schedule 1, definition *Gasfields Commission*— 5
omit. 6

(2) Schedule 1— 7
insert— 8

Coexistence Queensland means Coexistence 9
Queensland under the *Coexistence Queensland Act 2013*. 10
11

Part 14 Amendment of Water Act 2000 12

Clause 178 Act amended 13

This part amends the *Water Act 2000*. 14

Clause 179 Amendment of s 425 (Application of div 4) 15

(1) Section 425, after paragraph (a)— 16
insert— 17

(aa) the parties can not agree on the amount of 18
the costs the resource tenure holder must 19
reimburse the bore owner under section 20
423(3)(a); or 21

(2) Section 425(aa) to (c)— 22
renumber as section 425(b) to (d). 23

Clause 180	Amendment of s 426 (Parties may seek conference or independent ADR)	1 2
	Section 426(5)(c)—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	See the <i>Land Access Ombudsman Act 2017</i> , part 3A for the ability to propose the land access ombudsman as the ADR facilitator.	6 7 8
Clause 181	Amendment of s 435 (Provisions for making decision)	9
	(1) Section 435(1), after paragraph (a)—	10
	<i>insert—</i>	11
	(aa) if the dispute is about the amount of the costs the resource tenure holder must reimburse the bore owner under section 423(3)(a)—to make a declaration about, or an order for the payment of, costs under that section; or	12 13 14 15 16 17
	(2) Section 435(1)(aa) to (c)—	18
	<i>renumber</i> as section 435(1)(b) to (d).	19
Clause 182	Amendment of s 479 (Annual levy for underground water management)	20 21
	(1) Section 479, heading, after ‘management’—	22
	<i>insert—</i>	23
	and CSG-induced subsidence management	24
	(2) Section 479(4)(a), from ‘of’—	25
	<i>omit, insert—</i>	26
	in a financial year for performing its functions under—	27 28
	(i) chapter 3; and	29

[s 183]

(ii) the *Mineral and Energy Resources
(Common Provisions) Act 2014*, chapter 5A;
and

1
2
3

Part 15 Other amendments

4

Clause 183 Legislation amended

5

Schedule 1 amends the legislation it mentions.

6

Schedule 1 Other amendments 1

section 183 2

Part 1 Amendments commencing on 3
assent 4
Gasfields Commission Act 2013 5
1 Amendment of various provisions 6

Each provision mentioned in column 1 is amended by 7
omitting the words in column 2 and inserting the words in 8
column 3— 9

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
part 2, heading	Gasfields Commission	Coexistence Queensland
part 2, division 1, heading	commission	Coexistence Queensland
section 8, heading	Commission's	Coexistence Queensland's
section 8(1) and (2)	The commission	Coexistence Queensland
section 8(1)	the commission's	its
section 8(2)	the commission	it
section 11(1) and (2)	commissioner	member
section 11(1)	commissioner's	member's

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 12(1) and (2)	commissioner	member
section 12(3)	commissioners	members
section 13	commissioner	member
section 14	commissioner	member
section 15	commissioner	member
section 16, heading	commissioner	chairperson or member
section 16(1) to (3) and (4), definition <i>eligible person</i>	commissioner	member
section 17	commissioner	member
part 2, division 3, heading	commissioners	members
section 18(1)	The commission	Coexistence Queensland
section 18(1) and (4)	commissioner's	member's
section 18(3)	commissioner	member
section 19, heading and subsections (1)(a) and (7), note	commission board	Coexistence Queensland
section 19	commissioner	member
section 19(1)(b)(i) and (ii)	the commission's	Coexistence Queensland's
section 19(2), (3) and (8), definition <i>close relative</i>	commissioner's	member's
section 19(2) and (3)	commissioners	members
section 19(6)	commission decision	decision by Coexistence Queensland

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
part 2, division 4, heading	Commission board	Coexistence Queensland
section 21	commission board	Coexistence Queensland
section 21(a) and (b)	the commission	Coexistence Queensland
section 22, heading and subsections (2) to (5)	commission board	Coexistence Queensland
section 22(1)	Commission board	Coexistence Queensland
section 22(3)	commissioner	member
section 22(3) and (4)	commissioners	members
section 22(5)	the commission	Coexistence Queensland
part 3, heading	the commission	Coexistence Queensland
section 24(1)(a)	the commission	Coexistence Queensland
section 24(2)	him or her	the chief executive
section 24(2)(b)	commissioner	chairperson
section 27(1)	The commission	Coexistence Queensland
section 27(1) and (2)	the commission	Coexistence Queensland
section 28	he or she	the chairperson
section 28	or commission	or Coexistence Queensland

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 28(a) and (b)	the commission	Coexistence Queensland
section 30(1) and (3)	The commission	Coexistence Queensland
section 30(4) and (7)	commissioner	member
section 30A	the commission	Coexistence Queensland
section 30A(1)(a)	commission board	Coexistence Queensland
section 31, heading	commission staff	staff of Coexistence Queensland
section 31(1)	The commission	Coexistence Queensland
section 32(1)	The commission	Coexistence Queensland
section 32(1), (2)(c) and (3)	the commission	Coexistence Queensland
section 32(2)(c)	the authority's	Coexistence Queensland's
section 33, heading	Commission	Coexistence Queensland
section 33	Commissioners	Members
section 33	the commission	Coexistence Queensland
section 34(1)(a) and (c), (5) and (8), definition <i>financial management policies</i> , including note	the commission	Coexistence Queensland

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 34(1)(b), (6)(a) and (b) and (7)	commissioners	members
section 34(1)(b)	the commission's	Coexistence Queensland's
section 35(1)	The commission	Coexistence Queensland
section 35(1) and (4)	the commission	Coexistence Queensland
section 35(2)	commissioners	members
section 36(1)	commissioner	member
section 36(2)	The commission	Coexistence Queensland
section 36(2) and (3)	the commission	Coexistence Queensland
section 39(1)(a)	commissioner	member
section 39(1)(a)	the commission	Coexistence Queensland
section 41(a) and (b)	commissioner	member
section 41(b)	the commission	Coexistence Queensland
section 42	commissioner	member
section 43(1)(b)	the commission	Coexistence Queensland
section 44(1)	commissioner	member
section 44(2)	the commissioner or	a member or the
section 45, heading	Commission	Coexistence Queensland

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 45(1)	The commission	Coexistence Queensland
section 45(2)	the commission's	Coexistence Queensland's

Mineral Resources Act 1989 1

1 Section 334ZZT(3), '(other than subdivision 3)'— 2
omit. 3

2 Section 397B(1)(a), 'parts are'— 4
omit, insert— 5
 chapter is 6

Petroleum and Gas (Production and Safety) Act 2004 7

1 Section 293(3), '(other than subdivision 3)'— 8
omit. 9

Public Sector Act 2022 10

1 Schedule 1, entry for Gasfields Commission— 11
omit. 12

2	Schedule 1—	1
	<i>insert—</i>	2
	Coexistence Queensland under the <i>Coexistence Queensland Act 2013</i>	chief executive officer under the <i>Coexistence Queensland Act 2013</i>
	Regional Planning Interests Act 2014	3
1	Sections 49(1)(e), 51(2)(c) and (4)(b) and 56(2)(c), ‘the Gasfields Commission’—	4 5
	<i>omit, insert—</i>	6
	Coexistence Queensland	7
Part 2	Amendments commencing by proclamation	8 9
	Geothermal Energy Act 2010	10
1	Section 195(b), ‘matters’—	11
	<i>omit, insert—</i>	12
	things	13

	Greenhouse Gas Storage Act 2009	1
1	Section 29, note 1, from ‘(Access’ to ‘activities)’— <i>omit.</i>	2 3
2	Section 109, note 1, from ‘(Access’ to ‘activities)’— <i>omit.</i>	4 5
3	Section 260(b), ‘matters’— <i>omit, insert—</i> things	6 7 8
	Mineral and Energy Resources (Common Provisions) Act 2014	9 10
1	Section 21(1)(a), ‘any’— <i>omit, insert—</i> either	11 12 13
2	Section 21(1)(a)(ii)— <i>omit.</i>	14 15
3	Section 21(1)(a)(iii), ‘section 53(e)’— <i>omit, insert—</i> section 53(i)	16 17 18
4	Section 21(1)(a)(iii)— <i>renumber as section 21(1)(a)(ii).</i>	19 20

5	Section 103, definition <i>coal seam gas</i>—	1
	<i>omit.</i>	2
6	Section 153(1)(b), after ‘period’—	3
	<i>insert—</i>	4
	under section 85	5
7	Section 202(2)(a)—	6
	<i>insert—</i>	7
	(iv) the degree of precision required for information contained in the material; and	8 9
	Mineral and Energy Resources (Financial Provisioning) Act 2018	10 11
1	Sections 39(1)(c) and 41(c), ‘section 38(6)’—	12
	<i>omit, insert—</i>	13
	section 38(8)	14
2	Sections 39(1)(c) and 41(c), ‘section 38(6)(c)’—	15
	<i>omit, insert—</i>	16
	section 38(8)(c)	17
3	Section 45, ‘review decision’—	18
	<i>omit, insert—</i>	19
	allocation	20

Schedule 1

4	Section 61(1)(a), after ‘section 53(d)’—	1
	<i>insert—</i>	2
	, (e), (f), (g) or (h)	3
5	Section 61(1)(b), ‘section 53(e)’—	4
	<i>omit, insert—</i>	5
	section 53(i)	6
6	Section 61(3)(a), ‘section 55(3)’—	7
	<i>omit, insert—</i>	8
	section 55A	9
	 Mineral Resources Act 1989	 10
1	Section 81(1)(m)(iii), ‘authority’—	11
	<i>omit, insert—</i>	12
	government	13
2	Section 137(2)(e), ‘subsection (4)’—	14
	<i>omit, insert—</i>	15
	the Common Provisions Act, section 196C	16
3	Sections 178A(b)(ii), 178B(b)(ii), 178C(b)(ii), 231AA(b)(ii), 231AB(b)(ii), 231AC(b)(ii) and 315(1)(b)(ii)—	17 18
	<i>omit, insert—</i>	19
	(ii) the format of the report;	20

	(iii) the information to be contained in the report and the degree of precision required for the information.	1 2 3
4	Section 315A(2)(b)(ii)— <i>omit, insert—</i>	4 5
	(ii) the format of the report;	6
	(ia) the information to be contained in the report and the degree of precision required for the information;	7 8 9
5	Section 315A(2)(b)(ia) and (iii)— <i>renumber</i> as section 315A(2)(b)(iii) and (iv).	10 11
6	Section 315B(2)(b)(ii)— <i>omit, insert—</i>	12 13
	(i) the format of the report;	14
	(iii) the information to be contained in the report and the degree of precision required for the information.	15 16 17
7	Section 317H(2), ‘initial plan period’— <i>omit, insert—</i>	18 19
	lodgement period	20
8	Section 317H(3), definition <i>relevant fee</i>, ‘the proposed initial development plan’— <i>omit, insert—</i>	21 22 23
	a proposed initial development plan for a new prescribed mineral mining lease	24 25

Schedule 1

9	Section 317H(3), definition <i>relevant fee</i>, paragraph (a), ‘initial plan period’—	1 2
	<i>omit, insert—</i>	3
	lodgement period for the lease	4
10	Section 317I(1)(a) and (b), ‘initial plan period’—	5
	<i>omit, insert—</i>	6
	lodgement period for the lease	7
11	Sections 317Z, 318BL, 318BM, 318BU, 318CG and 318ELBG, ‘section 276(1)(n)’—	8 9
	<i>omit, insert—</i>	10
	section 276(1)(o)	11
12	Section 383, heading, ‘Minister’—	12
	<i>omit, insert—</i>	13
	Chief executive	14
Petroleum Act 1923		15
1	Section 76C(b), ‘matters’—	16
	<i>omit, insert—</i>	17
	things	18

Petroleum and Gas (Production and Safety) Act 2004		1
1	Section 234(3A)(c)(iii), ‘section 276(1)(m) or 276(3)’—	2
	<i>omit, insert—</i>	3
	section 276(1)(n) or (3)	4
2	Section 236(1)(c)(ii) and note—	5
	<i>omit, insert—</i>	6
	(ii) if any relevant lease is a mining lease—the	7
	main purposes of the Common Provisions	8
	Act, chapter 4 and the objectives of the	9
	Mineral Resources Act.	10
3	Section 284, after ‘petroleum tenure’—	11
	<i>insert—</i>	12
	holder	13
4	Section 284, ‘under a’—	14
	<i>omit, insert—</i>	15
	by	16
5	Section 381(a), ‘this chapter’—	17
	<i>omit, insert—</i>	18
	the Common Provisions Act, chapter 4	19
6	Section 549(b), ‘matters’—	20
	<i>omit, insert—</i>	21
	things	22