

Greenhouse Gas Storage Amendment Bill 2025

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (the HR Act), I, Dale Last, Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development make this statement of compatibility with respect to the Greenhouse Gas Storage Amendment Bill 2025 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Greenhouse Gas Storage Act 2009* to establish an alternative process for Carbon Transport and Storage Corporation (CTSCo), the former holder of greenhouse gas (GHG) exploration permit 10 (EPQ10), to decommission its GHG wells. The Bill enables CTSCo to either plug and abandon a GHG well or convert a well into a water supply bore and transfer ownership to the landholder on whose property the bore is located. At present, CTSCo is only able to decommission the GHG wells by plugging and abandoning them.

The Bill's general purpose is to support the safe and efficient decommissioning of GHG wells under EPQ10, while providing long-term benefits to landholders through the repurposing of existing GHG well infrastructure. It also addresses a regulatory gap by prescribing the way CTSCo must plug and abandon a GHG well and streamlines the approval processes under relevant planning and water legislation for converted water supply bores.

Human Rights Issue

Human rights relevant to the Bill (Part 2, Division 2 and 3 of the HR Act)

I have considered each of the rights protected by Part 2 of the HR Act. In my opinion, the human right that is relevant to the Bill is:

- Property rights (section 24 of the HR Act).

To determine whether the human rights identified as being limited by the Bill are done so reasonably and demonstrably justifiably, this right will be considered below in accordance with the relevant factors under section 13 of the HR Act and their interaction with the purpose of the limitation.

(a) the nature of the right

Section 24(2) of the HR Act provides that a person must not be arbitrarily deprived of the person's property. The Bill may engage this right by impacting on landowners' property rights

or use of land by providing CTSCo a right to enter their land to comply with its decommissioning obligations.

The amendments provide CTSCo with a right of entry to carry out the proposed conversion process for a GHG well. They also provide a continued limited right of entry for CTSCo to enter land on which a decommissioned GHG well is located, after it has been transferred to the State, to the extent it is necessary to comply with its rehabilitation conditions under the former environmental authority for EPQ10. It is likely that during the conversion of a GHG well to water supply bore, or the rehabilitation of land surrounding a decommissioned GHG well, a landowner may temporarily lose access to some of their property.

Whether a right is limited depends on whether any deprivation caused by the amendments would be 'arbitrary'. In a human rights context, 'arbitrary' refers to conduct that is capricious, unpredictable, or unjust, and deprivation is acts or decisions that, amongst other acts and decisions, limit these rights. It also refers to interferences which are unreasonable in the sense of not being proportionate to a legitimate aim sought, such as the purpose of the Bill. If a deprivation is proportionate under section 13 of the HR Act, it will not be arbitrary.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Section 13(2)(b) of the HR Act requires consideration of the purpose of the limitation of a human right, including whether it is consistent with a free and democratic society based on human dignity, equality, and freedom.

The overarching purpose of the Bill is to establish a statutory mechanism to enable the CTSCo to fulfil its GHG well decommission obligations under the former EPQ10 by either plugging and abandoning the wells or converting them into water supply bores for transfer to the relevant landholders.

The Bill gives CTSCo a right of entry to safely carry out the proposed conversion process for a GHG well which temporarily limits a landowner's access to some of their property.

The purpose of this limitation is to ensure landholder safety while providing a practical solution for the decommissioning of GHG well infrastructure that supports rural property owners access a new water supply.

The Bill also provides a continued limited right of entry for CTSCo to enter land on which a plugged and abandoned well is located, following its transfer to the State. This provision is only relevant if CTSCo plugs and abandons a GHG well instead of converting and transferring ownership and responsibility for the converted water supply bore to a landowner. The purpose of this limitation is to ensure CTSCo has the necessary right of entry to the extent that it is necessary to comply with rehabilitation conditions 58-60 for the area surrounding a decommissioned GHG well under the former environmental authority related to EPQ10. This may temporarily limit a landowner's access to some of their property while the rehabilitation works are completed.

These are proper purposes that promote human dignity, environmental protection, and economic opportunity, and are consistent with the values of a free and democratic society.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Section 13(2)(c) of the HR Act requires consideration of whether any limitation on human rights is rationally connected to, and assists in achieving, the purpose of the Bill.

The potential limitations on property rights are directly linked to the Bill's objective of enabling the responsible decommissioning of GHG wells, while offering optional long-term benefits to landholders through the repurposing of well infrastructure.

The potential limitation on property rights arises only where landowners agree to the conversion and transfer of a bore or where CTSCo needs to comply with its rehabilitation conditions following the plugging and abandonment of a GHG well. Requiring landowners to provide consent before the conversion and transfer process preserves landholders' autonomy and ensures that any change to their property rights occurs with their full consent and awareness. Under existing legislation, CTSCo is required to give each owner or occupier an entry notice at least 10 business days prior to entering private land to carry out activities. The Bill provides that this requirement continues to apply to CTSCo when entering private land to carry out decommissioning or conversion activities for the GHG wells.

These safeguards ensure that any limitations are proportionate and help achieve the Bill's purpose.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

Section 13(2)(d) of the HR Act requires consideration of whether there are any less restrictive and reasonably available ways to achieve the Bill's purpose.

No suitable alternatives were identified in a way that is less restrictive on property rights and would achieve the Bill's purpose. The safeguards provided, and particularly the consent requirement, ensures that any limitation on property rights is minimised and is the least rights-restrictive available.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Section 13(2)(e) of the HR Act requires balancing the importance of the purpose of the limitation against the importance of preserving the human right, taking into account the nature and extent of the limitation.

The potential for limitations on property rights is considered to be minimal, and therefore proportionate, to the legitimate aim of ensuring responsible decommissioning of GHG wells and delivering beneficial outcomes for landholders. Facilitating access to water resources and enabling the environmentally responsible re-use of existing infrastructure outweighs the minimal and mitigated impacts on property rights. Further, the Bill ensures that CTSCo retains limited access to land necessary to comply with its existing rehabilitation conditions.

Accordingly, the Bill does not arbitrarily interfere with property rights and does not constitute a limitation of these rights for the purposes of the HR Act.

(f) any other relevant factors

Not applicable.

Conclusion

In my opinion, the Bill is compatible with human rights under the HR Act because any potential limits to a human right are only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

Dale Last

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