



Queensland

Geothermal Energy Bill 2010



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2010

A Bill

for

An Act to enable and facilitate the production of geothermal energy, to amend this Act, amend and repeal the *Geothermal Exploration Act 2004*, to repeal the *Timber Utilisation and Marketing Act 1987*, to amend the *Aboriginal Land Act 1991*, *Coastal Protection and Management Act 1995*, *Dangerous Goods Safety Management Act 2001*, *Electricity Act 1994*, *Environmental Protection Act 1994*, *Fire and Rescue Service Act 1990*, *Foreign Ownership of Land Register Act 1988*, *Forestry Act 1959*, *Greenhouse Gas Storage Act 2009*, *Land Act 1994*, *Land Court Act 2000*, *Land Protection (Pest and Stock Route Management) Act 2002*, *Land Title Act 1994*, *Local Government Act 2009*, *Mineral Resources Act 1989*, *Nature Conservation Act 1992*, *Pest Management Act 2001*, *Petroleum Act 1923*, *Petroleum and Gas (Production and Safety) Act 2004*, *Queensland Heritage Act 1992*, *State Development and Public Works Organisation Act 1971*, *Survey and Mapping Infrastructure Act 2003*, *Sustainable Planning Act 2009*, *Torres Strait Islander Land Act 1991*, *Valuation of Land Act 1944*, *Water Act 2000*, *Whistleblowers Protection Act 1994* and *Workplace Health and Safety Act 1995* for particular purposes and to make a consequential amendment of the *Wild Rivers Act 2005*

[s 1]

The Parliament of Queensland enacts—	1
Chapter 1 Preliminary	2
Part 1 Introduction	3
1 Short title	4
This Act may be cited as the <i>Geothermal Energy Act 2010</i> .	5
2 Commencement	6
(1) Subject to subsections (2) and (3), this Act commences on a day to be fixed by proclamation.	7 8
(2) The following provisions commence on the date of assent—	9
(a) chapter 9, part 2;	10
(b) chapter 10, part 1;	11
(c) schedule 2, part 1.	12
(3) Schedule 2, part 3 commences immediately after all of chapter 10 and all of the other provisions of schedule 2 have commenced.	13 14 15
Part 2 Purposes and application of Act	16 17
3 Purposes of Act and their achievement	18
(1) The main purpose of this Act is to encourage and facilitate the	19

safe production of geothermal energy for the benefit of all Queenslanders.	1 2
(2) The main purpose is achieved principally by—	3
(a) providing for the granting of authorities (called ‘geothermal tenures’) to explore for or produce geothermal energy; and	4 5 6
<i>Note—</i>	7
Under section 321, there are several exemptions from the requirement to hold a geothermal tenure. They include exemptions for—	8 9 10
• exempt heat pump production	11
• other geothermal production that is not of a large-scale.	12
(b) creating a regulatory system for the carrying out of activities relating to geothermal tenures.	13 14
(3) Other purposes of this Act are to—	15
(a) ensure the following for the carrying out of the activities—	16 17
(i) minimisation of conflict with other land uses;	18
(ii) constructive consultation with people affected by the activities;	19 20
(iii) appropriate compensation for owners or occupiers of land adversely affected by the activities;	21 22
(iv) responsible land and resource management; and	23
(b) encourage the use of renewable energy in the State.	24
4 Facilitation of Act by Petroleum and Gas (Production and Safety) Act 2004	25 26
The <i>Petroleum and Gas (Production and Safety) Act 2004</i> (the <i>P&G Act</i>) also facilitates the operation of this Act by—	27 28
(a) applying chapter 9 of that Act (the <i>P&G Act safety provisions</i>) to particular authorised activities for a geothermal tenure; and	29 30 31

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	(b) applying its provisions about investigations and some of its provisions about enforcement to authorised activities for geothermal tenures.	1 2 3
5	Act binds all persons	4
	(1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.	5 6 7
	(2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.	8 9
6	Application of Act to coastal waters of the State	10
	(1) This Act applies to the coastal waters of the State as if the coastal waters of the State were part of the State.	11 12
	(2) However, this Act does not apply to the adjacent area under the <i>Petroleum (Submerged Lands) Act 1982</i> .	13 14
7	Relationship with Nature Conservation Act 1992	15
	This Act is subject to the <i>Nature Conservation Act 1992</i> , sections 27 and 70QA.	16 17
	<i>Editor's note—</i>	18
	<i>Nature Conservation Act 1992</i> , sections 27 (Prohibition on mining, geothermal activities and GHG storage activities) and 70QA (Prohibition on mining, geothermal activities and GHG storage activities in forest reserves)	19 20 21 22
8	Relationship with GHG storage Act and principal mining and petroleum Acts	23 24
	The relationship between this Act and the following Acts and the tenures and other authorities under them is provided for under chapter 5, parts 2 to 8 and—	25 26 27
	(a) for the <i>Greenhouse Gas Storage Act 2009</i> (the GHG storage Act)—chapter 4, parts 2 to 8 of that Act;	28 29

(b)	for the <i>Mineral Resources Act 1989</i> (the <i>Mineral Resources Act</i>)—part 7AAC of that Act;	1 2
(c)	for the <i>Petroleum Act 1923</i> (the <i>1923 Act</i>)—section 40(1A) and part 6FA of that Act;	3 4
(d)	for the P&G Act—chapter 3A of that Act.	5
9	Act does not affect other rights or remedies	6
(1)	Subject to sections 201 and 374 this Act does not affect or limit a civil right or remedy that exists apart from this Act, whether at common law or otherwise.	7 8 9
	<i>Editor's note—</i>	10
	sections 201 (Responsibility for geothermal well after decommissioning) and 374 (Protection from liability for particular persons)	11 12 13
(2)	Without limiting subsection (1), compliance with this Act does not necessarily show that a civil obligation that exists apart from this Act has been satisfied or has not been breached.	14 15 16 17
(3)	In addition, a breach of an obligation under this Act does not of itself give rise to an action for breach of statutory duty or another civil right or remedy.	18 19 20
(4)	This Act does not limit a court's powers under the <i>Penalties and Sentences Act 1992</i> or another law.	21 22

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Part 3	Interpretation	1
Division 1	Dictionary	2
10	Definitions	3
	The dictionary in schedule 3 defines particular words used in this Act.	4 5
Division 2	Key definitions	6
Subdivision 1	Key concepts	7
11	What is <i>geothermal energy</i>	8
	<i>Geothermal energy</i> is heat energy derived from the earth's natural (subsurface) heat.	9 10
12	What are <i>geothermal resources</i>	11
	<i>Geothermal resources</i> are geological strata and associated material in which elevated levels of geothermal energy exist.	12 13
	<i>Examples of associated material—</i>	14
	groundwater, other fluids and gases that may fill fractures or voids in geological strata	15 16
13	What is <i>geothermal exploration</i>	17
	<i>Geothermal exploration</i> is—	18
	(a) exploring for and quantifying geothermal resources; and	19
	(b) carrying out investigations and other activities associated with exploring for, or quantifying, geothermal resources.	20 21 22

<i>Note—</i>	1
Some geothermal exploration and production is not regulated under this Act, but may be under other legislation. See section 321(b) and (d) to (f) and note and also sections 16, 35 and 77.	2 3 4
14 What is <i>geothermal production</i>	5
(1) <i>Geothermal production</i> is the recovery of geothermal energy—	6 7
(a) on or from beneath the surface of the land in which it is contained, other than production testing; or	8 9
(b) from a place at which geothermal energy naturally appears at the surface of the land.	10 11
<i>Example for paragraph (b)—</i>	12
hot springs	13
(2) However, for this Act, geothermal energy is only produced when it is used for any purpose.	14 15
15 What is <i>exempt heat pump production</i>	16
<i>Exempt heat pump production</i> is geothermal production using a geothermal heat pump if—	17 18
(a) the purpose of the production is to cool or heat buildings; and	19 20
(b) the production is not of a large-scale.	21
16 References to large-scale geothermal production	22
(1) This section applies to a reference in this Act to large-scale geothermal production.	23 24
(2) In deciding whether geothermal production is or will not be of a large-scale, regard must be had to any criteria prescribed under a regulation.	25 26 27
(3) In making a regulation under subsection (2), the following may be considered—	28 29

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(a)	the temperature of fluid or gases extracted in the geothermal production;	1 2
(b)	the flow rate of fluid or gases extracted in the geothermal production;	3 4
(c)	the amount of geothermal energy produced.	5
(4)	In this section— <i>geothermal production</i> includes proposed geothermal production.	6 7 8
17	What is <i>production testing</i>	9
	<i>Production testing</i> is testing from a geothermal well to evaluate the feasibility of geothermal production.	10 11
18	What is a <i>geothermal activity</i>	12
	A <i>geothermal activity</i> is any activity that may be an authorised activity for any geothermal tenure, whether or not a geothermal tenure has been granted for the activity.	13 14 15
Subdivision 2	Definitions relating to authorities under Act	16 17
19	Types of authority under Act	18
(1)	The types of authority under this Act are—	19
(a)	a <i>geothermal exploration permit</i> (also called a <i>geothermal permit</i>)—	20 21
(i)	granted under section 40; or	22
(ii)	continued in force under section 79 or 287; or	23
(iii)	renewed under section 288; and	24

	<i>Note—</i>	1
	See also section 392 (Conversion of 2004 Act permits on 2010 Act start day).	2 3
	(b) a <i>geothermal production lease</i> (also called a <i>geothermal lease</i>)—	4 5
	(i) granted under section 82; or	6
	(ii) continued in force under section 79 or 287; or	7
	(iii) renewed under section 288.	8
	(2) A <i>geothermal tenure</i> is a geothermal permit or a geothermal lease.	9 10
20	What are the <i>conditions</i> of a geothermal tenure	11
	(1) The <i>conditions</i> of a geothermal tenure are—	12
	(a) the conditions stated in it from time to time; and	13
	(b) the geothermal tenure holder’s obligations under chapters 2 to 6; and	14 15
	(c) any condition of the geothermal tenure imposed under chapters 2 to 6 or prescribed under section 378; and	16 17
	(d) a condition that the holder must ensure each person who, under section 353, may carry out an authorised activity for the geothermal tenure complies with its conditions to the extent the conditions apply to the carrying out of the activity.	18 19 20 21 22
	(2) A condition mentioned in subsection (1)(b) or (c) is a <i>mandatory condition</i> of the geothermal tenure.	23 24
21	References to geothermal tenure or provisions of geothermal tenure	25 26
	(1) A reference in this Act to a geothermal tenure includes a reference to its provisions.	27 28

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(2)	A reference in this Act to the provisions of a geothermal tenure is a reference to its mandatory or other conditions and anything written in it.	1 2 3
22	What is an <i>authorised activity</i> for a geothermal tenure	4
	An <i>authorised activity</i> , for a geothermal tenure, is an activity that its holder is, under this Act or the tenure, entitled to carry out in relation to the tenure.	5 6 7
	<i>Notes—</i>	8
1	The provisions of the geothermal tenure may restrict the carrying out of authorised activities. See sections 40, 82, 289, 290, 291 and 314(3).	9 10 11
2	The carrying out of authorised activities is subject to the restrictions under chapters 2 to 6 and section 351 and holder’s rights and obligations under those chapters.	12 13 14
	Subdivision 3 Other key definitions	15
23	Who is an <i>eligible person</i>	16
	An <i>eligible person</i> is—	17
(a)	an adult; or	18
(b)	a company or registered body under the Corporations Act; or	19 20
(c)	a government owned corporation.	21
24	What is a <i>work program</i> for a geothermal permit	22
(1)	The <i>work program</i> , for a geothermal permit, is its current initial or later work program approved under chapter 2, part 3 as amended from time to time under that part.	23 24 25
(2)	For subsection (1), the work program is current if the period to which the program applies has started and not ended.	26 27

25	What is a <i>development plan</i> for a geothermal lease	1
(1)	The <i>development plan</i> , for a geothermal lease, is its current initial or later development plan approved under chapter 3, part 3 as amended from time to time under that part.	2 3 4
(2)	For subsection (1), the development plan is current if the period to which the plan applies has started and has not ended.	5 6
26	Graticulation of earth's surface into <i>blocks</i> and <i>sub-blocks</i>	7 8
(1)	A <i>block</i> is the land resulting from a notional division of the earth's surface—	9 10
(a)	by 2 meridians of longitude 5 minutes apart, each meridian being a multiple of 5 minutes of longitude from the meridian of Greenwich; and	11 12 13
(b)	by 2 parallels of latitude 5 minutes apart, each parallel being a multiple of 5 minutes of latitude from the equator.	14 15 16
(2)	A <i>sub-block</i> is the land resulting from a notional division of a block into 25 areas, each sub-block being bounded by 2 meridians of longitude 1 minute of longitude apart and 2 parallels of latitude 1 minute of latitude apart.	17 18 19 20
(3)	Each block and sub-block must be identified in the way approved by the chief executive.	21 22
27	What is a <i>resource Act</i>	23
	A <i>resource Act</i> is any of the following—	24
•	this Act	25
•	the GHG storage Act	26
•	the Mineral Resources Act	27
•	the 1923 Act	28
•	the P&G Act.	29

[s 28]

Part 4	State ownership of geothermal energy	1 2
28	State ownership of geothermal energy	3
(1)	All geothermal energy on or below the surface of any land in the State is, and is taken always to have been, the property of the State.	4 5 6
(2)	To remove any doubt, it is declared that—	7
(a)	a person does not acquire any property in geothermal energy merely because the person discovers it or discovers geothermal resources from which geothermal energy may be extracted; and	8 9 10 11
(b)	subsection (1) applies whether or not the land is freehold or other land.	12 13
(3)	This section applies despite any other Act, grant, title or other document.	14 15
29	Reservation in land grants	16
(1)	This section applies to each grant under another Act of a right relating to land.	17 18
(2)	This section applies whether the grant was made before or after the commencement of this section.	19 20
(3)	The grant is taken to contain a reservation to the State of—	21
(a)	all geothermal energy on or below the surface of the land; and	22 23
(b)	the exclusive right to do the following in relation to the land—	24 25
(i)	to enter and carry out any geothermal activity;	26
(ii)	to authorise, under this Act, persons to carry out any geothermal activity;	27 28

(iii) to regulate, under this Act, geothermal activities carried out by others.	1 2
<i>Note</i> —	3
See, however, section 368 (Provision for entry by State to carry out geothermal activity).	4 5
(4) In this section—	6
<i>grant</i> , of a right, includes an authority, lease, licence, permit or other instrument of tenure, however called.	7 8
Chapter 2 Geothermal exploration permits	9 10
<i>Notes</i> —	11
1 For the general requirement to have a geothermal tenure and the exceptions to the requirement, see section 321.	12 13
2 In particular, section 321 does not require the holding of a geothermal permit for geothermal exploration that is only for exempt heat pump production.	14 15 16
3 Chapter 5 (Coordination with particular authorities under other resource Acts) imposes requirements for and restrictions on the granting of, and restrictions on authorised activities that may be carried out under, particular geothermal tenures. See section 133.	17 18 19 20
Part 1 Key authorised activities	21
30 Operation of pt 1	22
This part provides for the key authorised activities for a geothermal permit.	23 24
<i>Notes</i> —	25
1 For other authorised activities, see chapter 6, part 5, division 2 (Access to private land outside area of geothermal tenure) and	26 27

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chapter 8, part 1, division 2 (General provisions about authorised activities).	1 2
2 For general restrictions on authorised activities, their relationship with owners' and occupiers' rights and who may carry out authorised activities for a geothermal tenure holder, see chapter 4 and chapter 8, part 1, division 2.	3 4 5 6
31 Principal authorised activities	7
The geothermal permit holder may carry out the following activities in the permit's area—	8 9
(a) geothermal exploration;	10
(b) evaluating the feasibility of geothermal production, including, for example, by production testing.	11 12
32 Incidental activities	13
(1) The geothermal permit holder may carry out any other activity (an <i>incidental activity</i>) in the permit's area if carrying out the activity is reasonably necessary for or is incidental to geothermal exploration.	14 15 16 17
<i>Examples of incidental activities—</i>	18
• constructing or operating facilities, plant or works, including, for example, communication systems, compressors, pipelines, pumping stations, reservoirs, roads, evaporation or storage ponds and tanks	19 20 21 22
• constructing or using temporary structures or structures of a technical nature	23 24
(2) However, constructing or using a structure, other than a temporary structure, for office or residential accommodation is not an incidental activity.	25 26 27

Part 2	Obtaining geothermal permit	1
Division 1	Restricted areas	2
33	Minister's power to decide restricted areas for geothermal tenures	3 4
	(1) The Minister may declare that land in an area (a <i>restricted area</i>) is land for which a geothermal tenure application can not be made.	5 6 7
	(2) However, a declaration can not be made under subsection (1) for excluded land or land in an existing geothermal tenure's area.	8 9 10
	(3) The declaration must be made by gazette notice or by publishing a notice about the declaration.	11 12
34	Amendment or cancellation of restricted area	13
	(1) The power under section 33 to declare a restricted area includes the power to amend or cancel a restricted area.	14 15
	(2) If land ceases to be in a restricted area, the relevant declaration may state a period within which geothermal permit applications for the land will not be considered, to allow them to be considered competitively after the period ends.	16 17 18 19 20
	(3) Land mentioned in subsection (2) is a <i>released area</i> .	21
	(4) The period stated under subsection (2) for a released area is the <i>application period</i> for the area.	22 23

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Division 2	Applying for geothermal permit	1
35	Who may apply	2
(1)	Any eligible person may apply for a geothermal permit for land other than—	3 4
(a)	land in a restricted area; or	5
(b)	excluded land; or	6
(c)	land in an existing geothermal tenure’s area; or	7
(d)	land that has been in a geothermal tenure’s area within 2 months before the making of the application.	8 9
(2)	Also, a geothermal permit application (the <i>relevant application</i>) may be made for land the subject of an existing application only if—	10 11 12
(a)	the land is in a released area and the relevant application is made during the application period for the area; or	13 14
(b)	the existing application was made on the same day as the relevant application.	15 16
(3)	Despite subsection (1), a geothermal permit application can not be made for geothermal exploration—	17 18
(a)	for exempt heat pump production; or	19
(b)	to evaluate the feasibility of exempt heat pump production.	20 21
(4)	In this section—	22
	<i>existing application</i> means another geothermal permit application made but not decided.	23 24
36	Requirements for making application	25
	The application must—	26
(a)	be made to the Minister in the approved form; and	27

-
- (b) include a proposed work program complying with the initial work program requirements; and
 - (c) include a statement about the extent to which the applicant has—
 - (i) the financial and technical resources to carry out authorised activities for the proposed geothermal permit; and
 - (ii) the ability to manage geothermal exploration; and
 - (d) state the name and address for service of 1 person on whom any notice to the applicant may be served; and
 - (e) be accompanied by the fee prescribed under a regulation.

Division 3 Deciding application

37 Restriction on deciding during application period for released area

If the application is for land in a released area and is made within the application period for the area, the application can not be decided before the end of that period.

Note—

See also section 43 (Priority for deciding competing applications).

38 Effect of identification of restricted area on application

- (1) If, before the deciding of the application, any land the subject of the application is declared to be in a restricted area, the application lapses to the extent it applies to the restricted area.
- (2) No amount, whether by way of compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the operation of subsection (1).

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39	Deciding whether to grant geothermal permit	1
(1)	The Minister must decide whether or not to grant the applicant a geothermal permit.	2 3
(2)	However—	4
(a)	before deciding to grant the geothermal permit, the Minister must decide whether to approve the applicant’s proposed initial work program for the permit; and	5 6 7
(b)	the Minister can not grant the geothermal permit unless the following apply—	8 9
(i)	the applicant continues to be an eligible person;	10
(ii)	the proposed work program has been approved;	11
(iii)	the relevant environmental authority has been issued;	12 13
(iv)	any relevant Water Act authorisation has been issued.	14 15
(3)	The Minister may, as a condition of deciding to grant the geothermal permit, require the applicant to do either or both of the following within a stated reasonable period—	16 17 18
(a)	pay the annual rent for the first year of the geothermal permit;	19 20
(b)	give, under section 203, security for the geothermal permit.	21 22
(4)	If the applicant does not comply with the requirement, the application may be refused.	23 24
40	Provisions and granting of geothermal permit	25
(1)	If the Minister decides to grant the applicant a geothermal permit, the Minister must decide its provisions and grant the the applicant the permit.	26 27 28
(2)	The permit must state its term and area.	29

(3)	The term must end no later than 5 years after the permit takes effect.	1 2
(4)	The area must comply with chapter 6, part 1.	3
(5)	The permit may also state—	4
(a)	conditions or other provisions of the permit, other than conditions or provisions that are—	5 6
(i)	inconsistent with the mandatory conditions for geothermal permits; or	7 8
(ii)	the same as, or substantially the same as, or inconsistent with, any relevant environmental condition for the permit; and	9 10 11
(b)	the day the permit takes effect.	12
(6)	However, the provisions of the permit may exclude or restrict the carrying out of an authorised activity for the permit.	13 14
(7)	The day the permit takes effect can not be before the day it is granted.	15 16
(8)	If no day of effect is stated, the permit takes effect on the day after it is granted.	17 18
41	Criteria for decisions	19
	In deciding whether or not to grant the applicant a geothermal permit, or in deciding its provisions, the Minister must consider—	20 21 22
(a)	the applicant’s proposed initial work program; and	23
(b)	the extent to which the Minister is of the opinion that the applicant is capable (the <i>capability criteria</i>) of carrying out authorised activities for the geothermal permit, having regard to the applicant’s—	24 25 26 27
(i)	financial and technical resources; and	28
(ii)	ability to manage geothermal exploration.	29

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42	Notice of decision	1
	The Minister must, as soon as practicable after deciding whether or not to grant the applicant a geothermal permit, give the applicant notice of the decision.	2 3 4
Division 4	Priority for deciding competing geothermal permit applications	5 6
43	Priority for deciding competing applications	7
(1)	This section applies if 2 or more geothermal permit applications are—	8 9
(a)	for land in a released area and made before the end of the application period for the area; or	10 11
(b)	for the same land and made on the same day.	12
	<i>Note—</i>	13
	Competing applications for land other than land in a released area can not be made on different days. See section 35.	14 15
(2)	The applications take the priority the Minister decides, after considering the relative merits of each application.	16 17
Part 3	Work programs	18
Division 1	Function and purpose	19
44	Function and purpose	20
(1)	The work program for a geothermal permit gives detailed information about the nature and extent of activities to be carried out under the permit.	21 22 23
(2)	The purposes of giving the information are to—	24

(a)	allow resource management decisions to be made; and	1
(b)	ensure appropriate development of the geothermal permit's area.	2 3
Division 2	Requirements for proposed initial work programs	4 5
45	Operation of div 2	6
	This division provides for requirements (the <i>initial work program requirements</i>) for a proposed work program for a proposed geothermal permit.	7 8 9
46	Program period	10
(1)	The proposed work program must state its period.	11
(2)	The period can not be longer than 5 years from when the proposed geothermal permit is to take effect.	12 13
47	General requirements	14
(1)	The proposed work program must provide for the following—	15
(a)	its period;	16
(b)	an overview of the activities proposed to be carried out under the proposed geothermal permit during all of its term (the <i>proposed activities</i>);	17 18 19
(c)	for each year of the program period—	20
(i)	the extent and nature of geothermal exploration proposed to be carried out during the year; and	21 22
(ii)	generally where the proposed activities will be carried out; and	23 24
(iii)	the estimated cost of the proposed activities;	25

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(d)	maps showing where the proposed activities will be carried out;	1 2
(e)	reasons why the program is considered appropriate;	3
(f)	any other matter prescribed under a regulation.	4
(2)	The proposed program may include any other information relevant to the work program criteria.	5 6
(3)	A regulation may impose requirements about the form of the work program.	7 8
(4)	The proposed program can not be inconsistent with the mandatory conditions for geothermal permits.	9 10
(5)	In this section—	11
	<i>program period start day</i> means the day the program period starts.	12 13
	<i>year</i> , of the program period, means—	14
(a)	the period starting on the program period start day and ending on the first anniversary of that day; and	15 16
(b)	each subsequent period of 12 months or less during the program period, starting on an anniversary of the program period start day and ending on—	17 18 19
(i)	the next anniversary of that day; or	20
(ii)	if the program period ends before the next anniversary—the day the program period ends.	21 22
48	Water issues	23
(1)	The proposed work program must include an assessment of—	24
(a)	water needed for the proposed activities; and	25
(b)	the potential for obtaining any relevant Water Act authorisation; and	26 27
(c)	the potential structural and other impacts of the carrying out of the proposed activities on aquifers.	28 29

(2)	The proposed program must include a plan for the treatment and disposal of any water taken or that may be taken because of the proposed activities.	1 2 3
(3)	This section is subject to section 52(2).	4
Division 3	Approval of proposed initial work programs	5 6
	<i>Note—</i>	7
	For the requirement for an initial work program, see section 39.	8
49	Criteria	9
(1)	In deciding whether to approve a proposed initial work program, the Minister must consider the following—	10 11
(a)	the potential of the proposed area of the geothermal permit for geothermal exploration;	12 13
(b)	the extent and nature of the proposed geothermal exploration and when and where it will be carried out;	14 15
(c)	any relevant environmental authority;	16
(d)	any relevant Water Act authorisation;	17
(e)	any potential structural and other impacts of the carrying out of the proposed activities on aquifers.	18 19
(2)	The matters mentioned in subsection (1) are the <i>work program criteria</i> .	20 21
50	Verification may be required	22
(1)	The Minister may by notice require the applicant to give the Minister, within a stated reasonable period, a document made by an appropriately qualified independent person verifying all or any of the following—	23 24 25 26
(a)	an assessment of data supplied in the proposed work program;	27 28

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(b)	the source of the data;	1
(c)	the work done for the proposed work program;	2
(d)	that, in the person's opinion, the applicant has—	3
(i)	the financial and technical resources to carry out authorised activities for the proposed geothermal permit; and	4 5 6
(ii)	the ability to manage geothermal exploration.	7
(2)	If the applicant does not comply with the requirement, the Minister may refuse to approve the proposed program.	8 9
(3)	The applicant must bear any costs incurred in complying with the requirement.	10 11
Division 4	Requirements for proposed later work programs	12 13
51	Operation of div 4	14
	This division provides for requirements (the <i>later work program requirements</i>) for a proposed later work program for a geothermal permit.	15 16 17
	<i>Note—</i>	18
	For the requirements to give a proposed later work program, see sections 118, 186(7) and 314.	19 20
52	General requirements	21
(1)	The proposed work program must—	22
(a)	other than for the program period, comply with the initial work program requirements; and	23 24
(b)	state the extent to which the current work program for the geothermal permit has been complied with; and	25 26
(c)	if there have been any amendments to the geothermal permit or its current work program, state—	27 28

	(i) whether the changes have been incorporated in the proposed program; and	1 2
	(ii) any effect the changes have on the proposed program; and	3 4
	(d) state the effect of the discovery of geothermal resources on the proposed program.	5 6
(2)	The proposed program can not be inconsistent with any relevant environmental condition for the geothermal permit.	7 8
53	Program period	9
	The program period for the work program can not be longer than the proposed term of the geothermal permit.	10 11
54	Implementation of evaluation program for potential geothermal commercial area	12 13
	If, under section 67, an evaluation program is taken to be an additional part of the existing work program for the geothermal permit, the proposed work program must include work necessary to implement the evaluation program for the period of that program.	14 15 16 17 18
Division 5	Approval of proposed later work programs	19 20
55	Application of div 5	21
	This division applies if, under this Act, the Minister is given a proposed later work program for a geothermal permit for approval.	22 23 24
56	Geothermal permit taken to have work program until decision on whether to approve proposed program	25 26
(1)	This section applies until—	27

[s 57]

(a)	if the approval is given—the geothermal permit holder is given notice of the approval; or	1 2
(b)	if the approval is refused—the refusal takes effect.	3
(2)	Despite the ending of the program period for the current work program for the geothermal permit—	4 5
(a)	the geothermal permit is taken to have a work program; and	6 7
(b)	the holder may carry out any authorised activity for the geothermal permit.	8 9
57	Deciding whether to approve proposed program	10
(1)	The Minister may approve or refuse to approve the proposed later work program.	11 12
(2)	In deciding whether to give the approval, the Minister must consider the following—	13 14
(a)	the capability criteria;	15
(b)	the work program criteria;	16
(c)	the extent to which the current work program for the geothermal permit has been complied with;	17 18
(d)	any amendments made to the geothermal permit or any of the following for the permit, and the reasons for the amendments—	19 20 21
(i)	the current work program;	22
(ii)	the relevant environmental authority;	23
(iii)	any relevant Water Act authorisation;	24
(e)	any geothermal viability report or independent viability assessment for the geothermal permit.	25 26
(3)	Section 50 applies for the proposed program as if it were an initial work program and an application for approval of the initial work program had been made.	27 28 29

58	Steps after, and taking effect of, decision	1
(1)	If the Minister decides to approve the proposed program, the Minister must give the geothermal permit holder notice of the decision.	2 3 4
(2)	The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.	5 6
(3)	If the Minister decides to refuse to approve the later work program, the Minister must give the holder an information notice about the decision.	7 8 9
(4)	The refusal does not take effect until the end of the appeal period for the decision to refuse.	10 11
(5)	Subsection (4) applies subject to section 332 and any decision of the Land Court under section 334 relating to the decision to refuse.	12 13 14
Division 6	Amending work programs	15
59	Restrictions on amending work program	16
(1)	A geothermal permit holder may amend the work program for the permit.	17 18
(2)	However, the amendment is subject to approval under this division.	19 20
(3)	Also, a work program can not be amended if the program as amended would be inconsistent with—	21 22
(a)	the mandatory conditions for geothermal permits; or	23
(b)	any relevant environmental condition for the permit.	24
60	Applying for approval to amend	25
(1)	A geothermal permit holder may apply to the Minister for approval of an amendment of the work program for the permit.	26 27 28

[s 61]

(2)	The application must be in the approved form and accompanied by the fee prescribed under a regulation.	1 2
61	Verification	3
	Section 50 applies for the application as if—	4
(a)	the application were an application for a geothermal permit; and	5 6
(b)	a reference in the section to a proposed work program were a reference to the amendment.	7 8
62	Deciding application	9
(1)	The Minister must consider and decide whether or not to approve the amendment.	10 11
(2)	In making the decision the Minister must consider the following—	12 13
(a)	the capability criteria;	14
(b)	the work program criteria;	15
(c)	the extent to which the current work program for the geothermal permit has been complied with;	16 17
(d)	any amendments made to the geothermal permit or any of the following for the permit, and the reasons for the amendments—	18 19 20
(i)	the current work program;	21
(ii)	the relevant environmental authority;	22
(iii)	any relevant Water Act authorisation;	23
63	Steps after, and taking effect of, decision	24
(1)	If the Minister decides to approve the amendment, the Minister must give the geothermal permit holder notice of the decision.	25 26 27

[s 65]

- (a) made to the Minister in the approved form; and 1
- (b) accompanied by the fee prescribed under a regulation. 2
- (3) The application may be made— 3
 - (a) for more than 1 part of the geothermal permit’s area; and 4
 - (b) even if another part of the geothermal permit’s area is 5
already a potential geothermal commercial area. 6
- (4) The application must include— 7
 - (a) a report for or that includes the proposed potential 8
geothermal commercial area that— 9
 - (i) complies with the requirements prescribed under a 10
regulation for geothermal viability reports; and 11
 - (ii) is still relevant to the circumstances of the 12
proposed potential geothermal commercial area; 13
and 14
 - (b) an evaluation program for— 15
 - (i) potential geothermal production in the proposed 16
potential geothermal commercial area; and 17
 - (ii) market opportunities for potential geothermal 18
production. 19
- (5) However, subsection (4)(a) does not apply if— 20
 - (a) a geothermal viability report or an independent viability 21
assessment relates to or includes the proposed potential 22
geothermal commercial area; and 23
 - (b) the report or assessment is still relevant to the 24
circumstances of the proposed potential geothermal 25
commercial area. 26
- (6) The evaluation program may provide for a suspension of all or 27
part of the work program for the area the subject of the 28
application. 29

66	Deciding potential geothermal commercial area application	1 2
(1)	The Minister may declare an area the subject of the application to be a potential geothermal commercial area only if satisfied—	3 4 5
(a)	the area is no more than is needed to cover the maximum extent of geothermal resources identified in the report; and	6 7 8
(b)	geothermal production in the area is not, and will not soon be, commercially viable, but is likely to become viable within 5 years.	9 10 11
(2)	The area declared must form a single contiguous parcel of land.	12 13
(3)	In deciding the application, regard must be had to—	14
(a)	whether the relevant geothermal permit's conditions have been substantially complied with; and	15 16
(b)	any other matter prescribed under a regulation.	17
(4)	To remove any doubt, it is declared that the declaration may be made even if the geothermal permit is being continued in force under section 79 or 287.	18 19 20
(5)	If the Minister decides to refuse the application, the Minister must give the applicant an information notice about the decision.	21 22 23
67	Inclusion of evaluation program in work program	24
(1)	If the declaration is made, the evaluation program that accompanied the application is taken to be an additional part of the existing work program for the geothermal permit.	25 26 27
(2)	If there is an inconsistency between the evaluation program and the rest of the work program, the evaluation program prevails to the extent of the inconsistency.	28 29 30

[s 68]

68	Term of declaration	1
(1)	A declaration of a potential geothermal commercial area continues in force for the period stated in the declaration.	2 3
(2)	The period can not be more than 5 years.	4
(3)	In deciding a shorter period, the Minister must consider—	5
(a)	when any discovery of geothermal resources was made; and	6 7
(b)	any geothermal viability report or independent viability assessment for or that includes the proposed potential geothermal commercial area.	8 9 10
(4)	Despite subsection (1), the declaration ceases if the geothermal permit holder gives the chief executive a notice stating that the holder no longer wishes the area to be a potential geothermal commercial area.	11 12 13 14
69	Potential geothermal commercial area still part of geothermal permit	15 16
	A declaration of a potential geothermal commercial area does not change the land the subject of the declaration from being—	17 18 19
(a)	part of the area of the geothermal permit the subject of the application for the declaration; and	20 21
(b)	subject to the geothermal permit.	22
70	Effect of ending of declaration of potential geothermal commercial area	23 24
(1)	This section applies if—	25
(a)	all or part of the area of a geothermal permit is a potential geothermal commercial area; and	26 27
(b)	the declaration of the potential geothermal commercial area ends more than 5 years after the geothermal permit originally took effect.	28 29 30

[s 73]

- (d) that the holder may, within a stated period, make submissions to the Minister about why the holder should not make a geothermal lease application under chapter 3, part 2 for the stated area. 1
2
3
4
- (2) The stated period must be reasonable but must not be more than 6 months. 5
6
- (3) In this section— 7
- appropriate lease application* means a geothermal lease application for— 8
9
- (a) the stated area or an area that is substantially the same as the stated area; or 10
11
- (b) another area the Minister reasonably considers will effectively allow the holder to carry out authorised activities for a geothermal lease in relation to the stated area. 12
13
14
15
- 73 Taking proposed action** 16
- (1) Proposed action under section 72 may be taken only if— 17
- (a) the stated period under that section has ended; and 18
- (b) either— 19
- (i) the holder has not made an appropriate lease application under that section; or 20
21
- (ii) any appropriate lease application under that section made by the holder has been refused; and 22
23
- (c) the Minister has considered any submissions made by the holder within the period. 24
25
- (2) If the Minister decides to take the proposed action, the Minister must give the holder an information notice about the decision. 26
27
28
- (3) A decision to take the proposed action does not take effect until the end of the appeal period for the decision. 29
30

Chapter 3	Geothermal production leases	1
		2
	<i>Notes—</i>	3
	1 Under this chapter, a geothermal lease can only be obtained for large-scale geothermal production. See section 77.	4 5
	2 For the general requirement to have a geothermal tenure and the exceptions to the requirement, see section 321. In particular, section 321 only requires the holding of a geothermal lease for large-scale geothermal production.	6 7 8 9
	3 Chapter 5 (Coordination with particular authorities under other resource Acts) imposes requirements for and restrictions on the granting of, and restrictions on authorised activities that may be carried out under, particular geothermal tenures. See section 133.	10 11 12 13
Part 1	Key authorised activities	14
74	Operation of pt 1	15
	This part provides for the key authorised activities for a geothermal lease.	16 17
	<i>Notes—</i>	18
	1 For other authorised activities, see chapter 6, part 5, division 2 (Access to private land outside area of geothermal tenure) and chapter 8, part 1, division 2 (General provisions about authorised activities).	19 20 21 22
	2 For general restrictions on authorised activities, their relationship with owner's and occupiers' rights and who may carry out authorised activities for a geothermal tenure holder, see chapter 4 and chapter 8, part 1, division 2.	23 24 25 26
75	Principal authorised activities	27
	The geothermal lease holder may carry out the following activities in the lease's area—	28 29
	(a) geothermal exploration;	30

[s 76]

- | | |
|---|--------|
| (b) evaluating the feasibility of geothermal production, including, for example, by production testing; | 1
2 |
| (c) geothermal production. | 3 |

76 Incidental activities 4

- (1) The geothermal lease holder may carry out any other activity (an *incidental activity*) in the lease's area if carrying out the activity is reasonably necessary for or is incidental to geothermal production. 5
6
7
8

Examples of incidental activities— 9

- constructing or operating facilities, plant or works, including, for example, communication systems, compressors, pipelines, pumping stations, reservoirs, roads, evaporation or storage ponds and tanks 10
11
12
13
- constructing or using temporary structures or structures of a technical nature 14
15

- (2) However, constructing or using a structure, other than a temporary structure, for office or residential accommodation is not an incidental activity. 16
17
18

- (3) To remove any doubt, it is declared that the use of infrastructure supporting the use of, or using, geothermal energy is not, of itself, an incidental activity. 19
20
21

Example of infrastructure that uses geothermal energy— 22

- a power station 23

Part 2	Transition from geothermal permit to geothermal lease	1 2
Division 1	Applying for geothermal lease	3
77	Who may apply	4
(1)	A geothermal permit holder who continues to be an eligible person may apply for a geothermal lease over all or part of the permit's area.	5 6 7
	<i>Note—</i>	8
	For restrictions on what land may be included in a geothermal tenure, see sections 33, 35 and 183.	9 10
(2)	However, the holder can only apply for a geothermal lease for the land for large-scale geothermal production.	11 12
(3)	Also, a person other than the holder may apply for the geothermal lease—	13 14
	(a) jointly with the holder; or	15
	(b) with the holder's consent.	16
(4)	To remove any doubt, it is declared that a geothermal lease can only be applied for or granted under this part.	17 18
78	Requirements for making application	19
	The application must—	20
	(a) be made to the Minister in the approved form; and	21
	(b) address the capability criteria; and	22
	(c) include a proposed development plan complying with the initial development plan requirements; and	23 24
	(d) include a statement about the extent to which the applicant has—	25 26

[s 79]

	(i) the financial and technical resources to carry out authorised activities for the proposed geothermal lease; and	1 2 3
	(ii) the ability to manage geothermal production; and	4
	(e) state the name and address for service of 1 person on whom any notice to the applicant may be served; and	5 6
	(f) be accompanied by the fee prescribed under a regulation.	7 8
79	Continuing effect of geothermal permit for application	9
	(1) This section applies if, other than for subsection (2), the relevant geothermal permit would, other than by cancellation under this Act, end before the application is decided.	10 11 12
	(2) The geothermal permit continues in force for the area the subject of the application until the earliest of the following—	13 14
	(a) the term of the geothermal lease starts;	15
	(b) a refusal of the application takes effect;	16
	(c) the application is withdrawn.	17
	(3) Despite any ending of the program period for the current work program for the geothermal permit—	18 19
	(a) the geothermal permit is taken to have a work program; and	20 21
	(b) the holder may carry out any authorised activity for the geothermal permit.	22 23
Division 2	Deciding application	24
80	Deciding whether to grant geothermal lease	25
	Subject to section 83, the Minister may grant the applicant a geothermal lease only if satisfied the requirements mentioned in section 81 have been complied with.	26 27 28

81	Requirements for grant	1
	For section 80, the requirements are the following—	2
	(a) the applicant continues to be an eligible person;	3
	(b) the proposed area of the proposed geothermal lease—	4
	(i) is appropriate for the authorised activities proposed to be carried out; and	5 6
	(ii) contains adequately identified geothermal resources that are adequate for the geothermal lease’s proposed purpose;	7 8 9
	(c) the relevant geothermal permit’s conditions have been substantially complied with;	10 11
	(d) the Minister has approved the applicant’s proposed initial development plan for the geothermal lease;	12 13
	(e) the relevant environmental authority has been issued;	14
	(f) any relevant Water Act authorisation has been issued;	15
	(g) the applicant has established that geothermal production in the geothermal lease’s area will or is likely to happen within 2 years after the lease is to take effect;	16 17 18
	(h) the applicant has paid the annual rent for the first year of the proposed geothermal lease;	19 20
	(i) the applicant has, under section 203, given security for the geothermal lease;	21 22
	(j) the Minister is of the opinion that the applicant is capable (the <i>capability criteria</i>) of carrying out authorised activities for the geothermal lease having regard to the applicant’s—	23 24 25 26
	(i) financial and technical resources; and	27
	(ii) ability to manage geothermal production.	28

[s 82]

82	Provisions and granting of geothermal lease	1
(1)	If the Minister decides to grant the applicant a geothermal lease, the Minister must decide its provisions and grant the applicant the lease.	2 3 4
(2)	The lease must state its term and area.	5
(3)	The term must end no later than 30 years after the lease takes effect.	6 7
(4)	The area must comply with chapter 6, part 1.	8
(5)	The geothermal lease may also state—	9
(a)	conditions or other provisions of the lease, other than conditions or provisions that are—	10 11
(i)	inconsistent with the mandatory conditions for geothermal leases; or	12 13
(ii)	the same as, or substantially the same as, or inconsistent with, any relevant environmental condition for the lease; and	14 15 16
(b)	a day for the lease to take effect; and	17
(c)	a day by which geothermal production under the lease is to start (the <i>production commencement day</i>).	18 19
(6)	However, the provisions of the lease may exclude or restrict the carrying out of an authorised activity for the lease.	20 21
(7)	The day the lease takes effect can not be before the day it is granted.	22 23
(8)	If no day of effect is stated, the lease takes effect on the day after it is granted.	24 25
(9)	In deciding the provisions of the lease, the Minister must consider the development plan criteria and capability criteria.	26 27
(10)	This section applies subject to section 83.	28

83	Provisions about grant and conditions of geothermal lease for significant project	1 2
(1)	This section applies if a proposed geothermal lease is for a significant project.	3 4
(2)	The Minister must not grant the geothermal lease until the Minister has been given the coordinator-general's report for the project.	5 6 7
(3)	Any coordinator-general's conditions for the geothermal lease must be stated in the lease.	8 9
(4)	Any other condition of the geothermal lease stated under section 82 can not be inconsistent with the coordinator-general's conditions.	10 11 12
(5)	If a mandatory condition for geothermal leases conflicts with any of the coordinator-general's conditions, the mandatory condition prevails to the extent of the inconsistency.	13 14 15
(6)	In this section—	16
	<i>coordinator-general's conditions</i> , for the proposed geothermal lease, means the conditions for the lease stated in the coordinator-general's report for the significant project.	17 18 19
	<i>coordinator-general's report</i> means the coordinator-general's report under the <i>State Development and Public Works Organisation Act 1971</i> for the EIS for the significant project.	20 21 22
84	Information notice about refusal	23
	If the Minister decides to refuse to grant the applicant a geothermal lease, the Minister must give the applicant an information notice about the decision.	24 25 26
85	When refusal takes effect	27
(1)	A decision to refuse to grant the applicant a geothermal lease takes effect at the end of the appeal period for the decision.	28 29

[s 86]

- (2) Subsection (1) applies subject to section 332 and any decision of the Land Court under section 334 relating to the decision to refuse. 1
2
3

Part 3 Development plans 4

Division 1 Function and purpose 5

86 Function and purpose 6

- (1) The development plan for a geothermal lease (the *relevant lease*) gives detailed information about the nature and extent of activities to be carried out under the relevant lease. 7
8
9
- (2) The development plan may— 10
- (a) also be about another geothermal lease or proposed geothermal lease if the other geothermal lease or proposed geothermal lease relates to the relevant lease; and 11
12
13
14
- (b) provide that when the plan is approved it will replace any development plan for the other lease. 15
16
- (3) The purposes of giving the information are to— 17
- (a) allow resource management decisions to be made; and 18
- (b) ensure appropriate development of the geothermal lease's area. 19
20

Division 2	Requirements for proposed initial development plans	1 2
87	Operation of div 2	3
	This division provides for requirements (the <i>initial development plan requirements</i>) for a proposed initial development plan for a proposed geothermal lease.	4 5 6
88	Plan period	7
	The plan period for the proposed development plan must be for the following period from when the proposed geothermal lease is to take effect—	8 9 10
	(a) generally—5 years;	11
	(b) if the applicant is seeking a term of less than 5 years for the proposed geothermal lease—the duration of the proposed term.	12 13 14
89	General requirements	15
	(1) The proposed development plan must provide for the following—	16 17
	(a) an overview of the activities proposed to be carried out under the proposed geothermal lease during all of its term (the <i>proposed activities</i>);	18 19 20
	(b) a description of the proposed activities for each year of the plan period;	21 22
	(c) reasons why the plan is considered appropriate;	23
	(d) the following—	24
	(i) after geothermal energy has been produced, the purpose for which it will be used and by whom;	25 26
	(ii) the characteristics of geothermal resources in the geothermal lease's area;	27 28

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(iii) the extent to which further drilling and artificial fracturing is proposed;	1 2
(iv) the scale and scope of geothermal production, including information about the following—	3 4
• the number of geothermal wells	5
• the time of commissioning of the geothermal wells	6 7
• the expected life of geothermal resources	8
• whether geothermal production is to be staged;	9 10
(v) the part of the area required for full and staged production proposals;	11 12
(vi) how many more geothermal wells need to be drilled;	13 14
(vii) when the area is expected to be free of drilling rigs;	15
(viii) the proposed level of investment, and whether the proposed holder has finance or how the proposed holder proposes to obtain finance;	16 17 18
(ix) the skills, experience and qualifications of staff who comply with the proposed holder's requirements for carrying out the proposed activities;	19 20 21 22
(x) a risk management plan for the proposed activities that deals with safety and seismicity issues;	23 24
(xi) a plan for decommissioning exploration wells and any plant or facilities used for the proposed activities, including the expected costs of the decommissioning;	25 26 27 28
(e) any other matter prescribed under a regulation.	29
(2) The proposed plan may include any other information relevant to the development plan criteria.	30 31

-
- (3) A regulation may impose requirements about the form of the development plan. 1
2
- (4) The proposed plan can not be inconsistent with the mandatory conditions for geothermal leases. 3
4
- (5) In this section— 5
- plan period start day* means the day the plan period starts. 6
- year*, of the plan period, means— 7
- (a) the period starting on the plan period start day and ending on the first anniversary of that day; and 8
9
- (b) each subsequent period of 12 months or less during the plan period, starting on an anniversary of the plan period start day and ending on— 10
11
12
- (i) the next anniversary of that day; or 13
- (ii) if the plan period ends before the next anniversary—the day the plan period ends. 14
15
- 90 Water issues** 16
- (1) The proposed development plan must include an assessment of— 17
18
- (a) water needed for the proposed activities; and 19
- (b) the potential for obtaining any relevant Water Act authorisation; and 20
21
- (c) the potential structural and other impacts of the carrying out of the proposed activities on aquifers. 22
23
- (2) The proposed plan must include a plan for the treatment and disposal of any water taken or that may be taken because of the carrying out of the proposed activities. 24
25
26
- (3) This section is subject to section 94(2). 27

[s 91]

Division 3	Approval of proposed initial development plans	1
		2
	<i>Note—</i>	3
	For the requirement for approval of an initial development plan, see section 81 (Requirements for grant).	4
		5
91	Criteria	6
(1)	In deciding whether to approve a proposed development plan the Minister must consider the following—	7
		8
(a)	the potential of the area of the proposed geothermal lease for geothermal production and related activities;	9
		10
(b)	the nature and extent of the proposed activities and when and where they will be carried out;	11
		12
(c)	whether geothermal production under the geothermal lease will be optimised in the best interests of the State;	13
		14
(d)	the nature and extent of water disposal and treatment activities;	15
		16
(e)	any relevant environmental authority;	17
(f)	any relevant Water Act authorisation;	18
(g)	any potential structural and other impacts of the carrying out of the proposed activities on aquifers.	19
		20
(2)	The matters mentioned in subsection (1) are the <i>development plan criteria</i> .	21
		22
92	Verification may be required	23
(1)	The Minister may by notice require the applicant to give the Minister, within a stated reasonable period, a document made by an appropriately qualified independent person verifying all or any of the following—	24
		25
		26
		27
(a)	an assessment of data supplied in the proposed development plan;	28
		29

-
- (b) the source of the data; 1
 - (c) the work done for the proposed development plan; 2
 - (d) that, in the person's opinion, the applicant has— 3
 - (i) the financial and technical resources to carry out 4
authorised activities for the proposed geothermal 5
lease; and 6
 - (ii) the ability to manage geothermal production. 7
 - (2) If the applicant does not comply with the requirement, the 8
Minister may refuse to approve the proposed plan. 9
 - (3) The applicant must bear any costs incurred in complying with 10
the requirement. 11

Division 4 Requirements for proposed later development plans 12 13

93 Operation of div 4 14

This division provides for requirements (the *later development plan requirements*) for a proposed later development plan for a geothermal lease. 15
16
17

Note— 18

For the requirements to give a proposed later development plan, see 19
sections 125, 186(7) and 314. 20

94 General requirements 21

- (1) The proposed development plan must— 22
 - (a) comply with the initial development plan requirements 23
as if a reference in the requirements to a proposed 24
holder were a reference to the geothermal lease holder; 25
and 26
 - (b) highlight any significant changes from the geothermal 27
lease's current development plan (the *current plan*); and 28

[s 95]

(c)	if the current plan has not been complied with—state the details of and reasons for each noncompliance.	1 2
(2)	The proposed plan can not be inconsistent with any relevant environmental condition for the lease.	3 4
(3)	If the effect of the proposed plan is to significantly change an activity provided for under the current plan, the proposed plan must also state the reasons for the change.	5 6 7
(4)	Also, for a significant change that is a reduction of geothermal production, the proposed plan must include an evaluation of the following in the geothermal lease’s area—	8 9 10
(a)	the potential for geothermal production;	11
(b)	the market opportunities for geothermal energy produced.	12 13
Division 5	Approval of proposed later development plans	14 15
95	Application of div 5	16
	This division applies if—	17
(a)	under this Act, the Minister is given a proposed later development plan for a geothermal lease for approval; or	18 19
(b)	the Minister is considering an application under section 139 for approval of a proposed geothermal coordination arrangement.	20 21 22
96	Geothermal lease taken to have development plan until decision on whether to approve proposed plan	23 24
(1)	This section applies until—	25
(a)	if the approval is given—the geothermal lease holder is given notice of the approval; or	26 27
(b)	if the approval is refused—the refusal takes effect.	28

(2)	Despite the ending of the plan period for the geothermal lease's current development plan—	1 2
(a)	the geothermal lease is taken to have a development plan; and	3 4
(b)	the holder may carry out any authorised activity for the geothermal lease.	5 6
97	Deciding whether to approve proposed plan	7
(1)	The Minister may approve or refuse to approve the proposed development plan.	8 9
(2)	In deciding whether to give the approval, the Minister must consider the following—	10 11
(a)	the development plan criteria;	12
(b)	the extent to which the current development plan for the geothermal lease has been complied with;	13 14
(c)	if the proposed plan provides for a significant change that is a reduction of geothermal production—	15 16
(i)	whether the reduction is reasonable; and	17
(ii)	whether the geothermal lease holder has taken all reasonable steps to prevent the reduction;	18 19
(d)	any amendments made to the geothermal lease or any of the following for the lease, and the reasons for the amendments—	20 21 22
(i)	the current development plan;	23
(ii)	the relevant environmental authority;	24
(iii)	any relevant Water Act authorisation.	25
(3)	Section 92 applies for the proposed plan as if it were an were an initial development plan and an application for approval of the initial development plan had been made.	26 27 28

[s 98]

98	Steps after, and taking effect of, decision	1
(1)	If the Minister decides to approve the proposed later development plan, the Minister must give the geothermal lease holder notice of the decision.	2 3 4
(2)	The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.	5 6
(3)	If the Minister decides to refuse to approve the proposed plan, the Minister must give the holder an information notice about the decision.	7 8 9
(4)	The refusal takes effect at the end of the appeal period for the decision to refuse.	10 11
(5)	Subsection (4) applies subject to section 332 and any decision of the Land Court under section 334 relating to the decision to refuse.	12 13 14

Division 6 **Amending development plans** 15

99	Restrictions on amendment	16
(1)	A geothermal lease holder may amend the development plan for the lease.	17 18
(2)	However, the amendment is subject to approval under this division.	19 20
(3)	Also, a development plan can not be amended—	21
(a)	in a way that provides for a cessation of geothermal production under a geothermal lease; or	22 23
(b)	if the plan as amended would be inconsistent with—	24
(i)	the mandatory conditions for geothermal leases; or	25
(ii)	any relevant environmental condition for the lease.	26

100	Applying for approval to amend	1
(1)	A geothermal lease holder may apply for approval to amend the development plan for the lease.	2 3
(2)	The application must be—	4
(a)	made to the Minister in the approved form; and	5
(b)	accompanied by the fee prescribed under a regulation.	6
101	Verification	7
	Section 92 applies for the application as if—	8
(a)	the application were a geothermal lease application; and	9
(b)	a reference in the section to a proposed development plan were a reference to the amendment.	10 11
102	Deciding application	12
	In deciding whether to approve the amendment, the Minister must consider the following—	13 14
(a)	the development plan criteria;	15
(b)	the extent to which the current development plan for the geothermal lease has been complied with;	16 17
(c)	if the proposed plan provides for a significant change that is a reduction of geothermal production—	18 19
(i)	whether the reduction is reasonable; and	20
(ii)	whether the geothermal lease holder has taken all reasonable steps to prevent the reduction;	21 22
(d)	any amendments made to the geothermal lease or any of the following for the lease, and the reasons for the amendments—	23 24 25
(i)	the current development plan;	26
(ii)	the relevant environmental authority;	27
(iii)	any relevant Water Act authorisation.	28

[s 103]

103	Steps after, and taking effect of, decision	1
(1)	If the Minister decides to approve the amendment, the Minister must give the geothermal lease holder notice of the decision.	2 3 4
(2)	The approval takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.	5 6
(3)	If the Minister decides to refuse to approve the amendment, the Minister must give the holder an information notice about the decision.	7 8 9
(4)	The refusal takes effect when the holder is given the notice or, if the notice states a later day of effect, on the later day.	10 11
(5)	Subsection (4) applies subject to section 332 and any decision of the Land Court under section 334 relating to the decision to refuse.	12 13 14
Part 4	Royalty on geothermal production	15 16
104	Imposition of geothermal royalty on geothermal producers	17 18
(1)	A geothermal lease holder who produces geothermal energy, or for whom geothermal energy is produced (a <i>geothermal producer</i>) must pay the State geothermal royalty for the geothermal energy.	19 20 21 22
(2)	The obligation under subsection (1) is subject to any regulation under section 105.	23 24
105	Regulation for geothermal royalty	25
	A regulation may provide for any matter connected with geothermal royalty, including, for example, the following—	26 27

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- (a) when the royalty must be paid; 1
 - (b) the rate of the royalty; 2
 - (c) the value of geothermal energy for the royalty; 3
 - (d) concessions or exemptions from the payment of the royalty; 4
5
 - (e) royalty returns; 6
 - (f) the measurement of, or information about, geothermal energy required for the purpose of a return; 7
8
 - (g) interest on unpaid royalty; 9
 - (h) the recovery of unpaid royalty and interest; 10
 - (i) monitoring the payment of the royalty, including, for example, by auditors; 11
12
 - (j) disclosure by the Minister of personal confidential information about the administration of provisions about the royalty. 13
14
15

106 Obligation to lodge royalty returns 16

A geothermal producer must, in the way and at the times prescribed under a regulation, give the chief executive returns containing the information prescribed under a regulation about the geothermal energy produced by or for the producer. 17
18
19
20

Maximum penalty—500 penalty units. 21

107 Confidentiality 22

- (1) This section applies to a person who— 23
 - (a) is or has been a public service officer or engaged to perform functions under this Act; and 24
25
 - (b) in that capacity has acquired information or has or had access to, or custody of, a document containing information relating to the administration of this chapter that is not publicly available. 26
27
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[s 108]

- (2) This section also applies to a person to whom the Minister has disclosed information mentioned in section 105(j), other than the person to whom the information relates. 1
2
3
- (3) The person must not— 4
- (a) make a record of the information; or 5
- (b) whether directly or indirectly, disclose the information; or 6
7
- (c) use the information to benefit any person. 8
- Maximum penalty—200 penalty units or 1 year’s imprisonment. 9
10
- (4) However, subsection (3) does not apply if the record is made, or the information is disclosed or used— 11
12
- (a) to the extent necessary to perform the person’s functions under or relating to this chapter; or 13
14
- (b) with the consent of the person to whom the information relates; or 15
16
- (c) as required or permitted by law. 17
- 108 Refusal of disclosure of particular information 18**
- (1) A person engaged in the administration or enforcement of this chapter can not be compelled to disclose to a court in a proceeding, or to a party to the proceeding— 19
20
21
- (a) information disclosed under or relating to this chapter (*confidential information*); or 22
23
- (b) whether or not the person has received particular confidential information; or 24
25
- (c) the identity of the source of particular confidential information. 26
27
- (2) Subsection (1) does not apply for a proceeding for the administration or enforcement of this chapter. 28
29

Chapter 4	General mandatory conditions for geothermal tenures	1 2 3
	<i>Notes—</i>	4
	1 The following provisions also impose mandatory conditions on all geothermal tenures—	5 6
	• chapter 2, part 1	7
	• chapter 3, part 1	8
	• chapters 5 and 6.	9
	2 For what is a mandatory condition, see section 20(2).	10
Part 1	Geothermal permits	11
Division 1	Standard relinquishment condition and related provisions	12 13
109	Standard relinquishment condition	14
	(1) It is a condition (the <i>relinquishment condition</i>) of each geothermal permit that its holder must relinquish part of its area as provided for under this division—	15 16 17
	(a) at the end of or before the end of each period of 5 years after the permit originally took effect; and	18 19
	(b) if section 114(4) applies—on the day provided for under that subsection.	20 21
	(2) A relinquishment required under the relinquishment condition—	22 23
	(a) must be made by notice to the chief executive (a <i>relinquishment notice</i>); and	24 25
	(b) takes effect on the day after the notice is given.	26

[s 110]

(3)	This section does not prevent the holder from relinquishing by relinquishment notice more than the part provided for under this division.	1 2 3
110	Consequence of failure to comply with relinquishment condition	4 5
(1)	If a geothermal permit holder does not comply with the relinquishment condition, the Minister must give the holder a notice requiring the holder to comply with the condition within 20 business days after the giving of the notice.	6 7 8 9
(2)	If the holder does not comply with the requirement, the geothermal permit is cancelled.	10 11
111	Part usually required to be relinquished	12
(1)	The relinquishment must have the effect that an area that equates to at least 33.33% of the original sub-blocks of the geothermal permit is relinquished for each 5-year period that has passed since it originally took effect.	13 14 15 16
(2)	This section is subject to sections 114 and 115.	17
112	Relinquishment must be by blocks or sub-blocks	18
(1)	A relinquishment under the relinquishment condition can only be by blocks or sub-blocks.	19 20
(2)	However, if a block or sub-block contains an area that, under section 113, can not be counted as a relinquishment, subsection (1) is complied with if all of the rest of the land within the block or sub-block is relinquished.	21 22 23 24
113	Blocks or sub-blocks that can not be counted towards relinquishment	25 26
(1)	The following can not be counted as blocks or sub-blocks relinquished for the relinquishment condition—	27 28

[s 114]

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|------------|--|----------------------------|
| (a) | blocks or sub-blocks in an area that, under section 188, have ceased to be included in the geothermal permit's area; | 1
2
3 |
| (b) | blocks or sub-blocks the subject of a geothermal lease application or potential geothermal commercial area; | 4
5 |
| (c) | blocks or sub-blocks relinquished under a penalty relinquishment. | 6
7 |
| (2) | To remove any doubt, it is declared that— | 8 |
| (a) | a potential geothermal commercial area can be relinquished and can be counted as an area relinquished for the relinquishment condition; but | 9
10
11 |
| (b) | the mere fact of the declaration of the blocks or sub-blocks as a potential geothermal commercial area for the geothermal permit is not, of itself, a relinquishment. | 12
13
14
15 |
| 114 | Adjustments for blocks or sub-blocks that can not be counted | 16
17 |
| (1) | This section applies if, after taking away all blocks or sub-blocks that, under section 113, can not be counted for the relinquishment condition, the balance of the blocks of the geothermal permit's area is less than the blocks or sub-blocks required to be relinquished under section 111. | 18
19
20
21
22 |
| (2) | The relinquishment condition is taken to have been complied with if the geothermal permit holder gives a relinquishment notice for all of the balance. | 23
24
25 |
| (3) | However, subsection (4) applies if— | 26 |
| (a) | a block or sub-block not counted for the relinquishment condition was the subject of a geothermal lease application or potential geothermal commercial area; and | 27
28
29
30 |
| (b) | the application is refused. | 31 |

[s 115]

(4)	The geothermal permit holder must, within 20 business days after the appeal period for the decision to refuse, give a relinquishment notice to the extent necessary to comply with section 111.	1 2 3 4
115	Adjustment for particular potential geothermal commercial areas	5 6
(1)	This section applies if, apart from this section, the only way to comply with the relinquishment condition would be to relinquish all or part of a potential geothermal commercial area for the geothermal permit.	7 8 9 10
(2)	The relinquishment condition is taken to be complied with if all remaining original sub-blocks of the permit's area, other than any blocks that consist of the potential geothermal commercial area, are relinquished.	11 12 13 14
Division 2	Conditions relating to work programs	15 16
116	Requirement to have work program	17
	A geothermal permit holder must have a work program for the permit.	18 19
117	Compliance with activities in work program	20
	A geothermal permit holder must carry out the geothermal exploration activities proposed in the work program for the permit.	21 22 23
118	Obligation to give proposed later work program	24
(1)	This section imposes an obligation on a geothermal permit holder to give the Minister a proposed later work program for the permit.	25 26 27

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- Notes—* 1
- 1 For approval of the proposed later work program, see chapter 2, part 2
3, division 5. 3
 - 2 If the holder wishes to renew the geothermal permit, a proposed 4
later work program must be included in the renewal application. 5
See section 286. 6
 - (2) The obligation is complied with only if the proposed later 7
work program— 8
 - (a) complies with the later work program requirements; and 9
 - (b) is accompanied by the relevant fee. 10
 - (3) The Minister must be given a proposed later work program at 11
least 40 but no more than 100 business days before the end of 12
the program period for the current work program for the 13
geothermal permit (the *current work program period*). 14
 - (4) However, if before the end of the current work program period 15
a decision is made to refuse to approve a proposed later work 16
program given under subsection (3), the holder may within the 17
period give another proposed later work program. 18
 - (5) If the holder does not give the Minister any proposed later 19
work program before the end of the current work program 20
period, or if subsection (4) applies and the holder has not 21
given the Minister another proposed later work program 22
within the current work program period— 23
 - (a) the Minister must give the holder a notice requiring the 24
holder to give the Minister a proposed later work 25
program for the geothermal permit within 40 business 26
days after the giving of the notice; and 27
 - (b) the holder must comply with the requirement. 28
 - (6) In this section— 29
relevant fee, for the giving of the proposed program, means— 30
 - (a) if the proposed program is given within the time 31
required under subsection (3)—the fee prescribed under 32
a regulation; or 33
-

[s 119]

	(b) if the proposed program is given after the time required under subsection (3) and—	1 2
	(i) if it is given under subsection (4)—nil; or	3
	(ii) if it is not given under subsection (4)—an amount that is 10 times the prescribed fee.	4 5
119	Consequence of failure to comply with notice to give proposed later work program	6 7
	(1) If a geothermal permit holder does not comply with a requirement under section 118(5)(a), the permit is cancelled.	8 9
	(2) However, the cancellation does not take effect until the Minister gives the holder a notice stating that the geothermal permit has been cancelled because of the operation of subsection (1).	10 11 12 13
Division 3	Conditions relating to production testing	14 15
120	Compliance with test plan for production testing	16
	(1) A geothermal permit holder may carry out production testing only in accordance with the following—	17 18
	(a) a test plan for that purpose approved by the Minister;	19
	(b) all conditions of the approval.	20
	(2) The holder may ask the Minister to approve a test plan proposed by the holder.	21 22
	(3) The proposed test plan must comply with any requirements prescribed under a regulation.	23 24
	(4) The Minister may impose conditions on the granting of the approval.	25 26
	(5) If the Minister makes a decision as follows, the Minister must give the holder an information notice about the decision—	27 28

	(a) a decision to refuse to approve the proposed test plan;	1
	(b) a decision to impose conditions on the granting of the approval, other than a condition agreed to or requested by the geothermal permit holder.	2 3 4
121	Requirement of geothermal tenure holder to report outcome of production testing	5 6
	(1) This section applies if a geothermal permit holder carries out production testing.	7 8
	(2) The holder must within 40 business days after the testing ends give the chief executive a report stating the outcome of the testing.	9 10 11
	(3) The report must also state how much water was taken during the testing.	12 13
Part 2	Geothermal leases	14
122	Obligation to commence geothermal production	15
	A geothermal lease holder must start geothermal production under the geothermal lease on or before the later of the following—	16 17 18
	(a) the end of 2 years after the geothermal lease takes effect;	19
	(b) any production commencement day for the geothermal lease.	20 21
123	Requirement to have development plan	22
	A geothermal lease holder must have a development plan for the lease.	23 24

[s 124]

124	Compliance with development plan	1
	A geothermal lease holder must comply with the development plan for the lease.	2 3
125	Obligation to give proposed later development plan	4
(1)	This section imposes an obligation on a geothermal lease holder to give the Minister a proposed later development plan for the lease.	5 6 7
(2)	The obligation is complied with only if the proposed later development plan—	8 9
	(a) complies with the later development plan requirements; and	10 11
	(b) is accompanied by the relevant fee.	12
(3)	The Minister must be given a proposed later development plan—	13 14
	(a) at least 40 but no more than 100 business days before the end of the plan period for the current development plan for the lease (the <i>current plan period</i>); or	15 16 17
	(b) as soon as practicable after the holder proposes or becomes aware of a significant change to the nature and extent of an authorised activity that is not already dealt with under the geothermal lease’s current development plan.	18 19 20 21 22
(4)	However, if before the end of the current plan period a decision is made to refuse to approve a proposed later development plan given under subsection (3), the holder may within the period give the Minister another proposed later development plan.	23 24 25 26 27
(5)	If the holder does not give the Minister any proposed later development plan before the end of the current plan period, or if subsection (4) applies and the holder does not give the Minister another proposed later development plan within the current plan period—	28 29 30 31 32

-
- (a) the Minister must give the holder a notice requiring the holder to give the Minister a proposed later development plan for the geothermal lease within 40 business days after the giving of the notice; and
- (b) the holder must comply with the requirement.
- (6) In this section—
relevant fee, for the giving of the proposed plan, means—
- (a) if the proposed plan is given within the time required under subsection (3)—the fee prescribed under a regulation; or
- (b) if the proposed plan is given after the time required under subsection (3) and—
- (i) if it is given under subsection (4)—nil; or
- (ii) if it is not given under subsection (4)—an amount that is 10 times the prescribed fee.
- 126 Consequence of failure to comply with notice to give proposed later development plan**
- (1) If a geothermal lease holder does not comply with a requirement under section 125(5)(a), the lease is cancelled.
- (2) However, the cancellation does not take effect until the Minister gives the holder a notice stating that the geothermal lease has been cancelled because of the operation of subsection (1).

[s 127]

Part 3	All geothermal tenures	1
127	Water Act authorisation required for taking or interfering with water	2 3
	A geothermal tenure holder can not take or interfere with water as defined under the Water Act unless the taking or interference is authorised under that Act.	4 5 6
128	Compliance with land access code	7
	A geothermal tenure holder must—	8
	(a) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and	9 10
	(b) ensure any other person carrying out an authorised activity for the geothermal tenure complies with the mandatory provisions of the land access code.	11 12 13
129	Annual rent	14
	(1) A geothermal tenure holder must pay the State the annual rent as prescribed under a regulation.	15 16
	(2) The annual rent must be paid in the way, and on or before the day, prescribed under a regulation.	17 18
130	Civil penalty for nonpayment of annual rent	19
	(1) If a geothermal tenure holder does not pay the annual rent as required under section 129, the holder must also pay the State a civil penalty.	20 21 22
	(2) The amount of the penalty is the greater of the following—	23
	(a) \$1000;	24
	(b) 15% of the rent.	25
	(3) The penalty—	26

(a)	must be paid on the day after the last day for payment of the rent; and	1 2
(b)	is still payable even if the holder later pays the rent.	3
	<i>Note—</i>	4
	See also section 365 (Interest on amounts owing to the State).	5
131	Obligation to comply with Act and prescribed standards	6
(1)	A geothermal tenure holder must—	7
(a)	comply with this Act; and	8
(b)	in carrying out an authorised activity for the geothermal tenure, comply with—	9 10
(i)	any standard that the geothermal tenure provides for the activity; and	11 12
(ii)	to the extent that the geothermal tenure does not provide a standard for the activity—any standard prescribed under a regulation for carrying out the activity.	13 14 15 16
(2)	In this section—	17
	<i>standard</i> includes an Australian Standard, an international standard and a code or protocol.	18 19
132	Obligation to survey if Minister requires	20
(1)	The Minister may, by notice to a geothermal tenure holder, require the holder to survey or resurvey the tenure’s area within a stated reasonable period.	21 22 23
(2)	The holder must cause the survey or resurvey to be carried out by a person who is a cadastral surveyor under the <i>Surveyors Act 2003</i> .	24 25 26
(3)	The holder must bear any costs incurred in complying with the notice.	27 28

[s 133]

Chapter 5	Coordination with particular authorities under other resource Acts	1
		2
		3
Part 1	Preliminary	4
133	Relationship with chs 2, 3 and 6	5
(1)	Requirements and restrictions under this chapter relating to the granting of a geothermal tenure apply as well as any relevant requirements under chapter 2, 3 or 6.	6 7 8
(2)	If this chapter imposes a requirement for or a restriction on the granting of a geothermal tenure, it can not be granted if the restriction applies or if the requirement has not been complied with.	9 10 11 12
(3)	If a provision of this chapter conflicts with a provision of chapter 2, 3 or 6, the provision of this chapter prevails to the extent of the inconsistency.	13 14 15
(4)	This chapter does not otherwise limit or affect the requirements of chapter 2, 3 or 6.	16 17
(5)	Subsection (6) applies if this chapter imposes a requirement for or a restriction on the carrying out of an authorised activity for a geothermal tenure.	18 19 20
(6)	Despite chapters 2, 3 and 6, the activity is not an authorised activity for the geothermal tenure while the restriction applies or if the requirement has not been complied with.	21 22 23
134	What is an <i>overlapping resource authority</i>	24
(1)	An <i>overlapping resource authority</i> , for a geothermal tenure, is any authority of the following types, all or part of the area of which is in the geothermal tenure's area—	25 26 27
(a)	an exploration authority (non-geothermal);	28

	(b) a GHG lease;	1
	(c) a mining lease;	2
	(d) a petroleum lease.	3
(2)	An <i>overlapping resource authority</i> , for a proposed geothermal tenure, is another authority of a type mentioned in subsection (1), all or part of the area of which will, if the proposed tenure is granted, be in the proposed tenure's area.	4 5 6 7
135	What is an <i>exploration authority (non-geothermal)</i>	8
	An <i>exploration authority (non-geothermal)</i> is—	9
	(a) a GHG permit; or	10
	(b) an authority to prospect under the 1923 Act or the P&G Act; or	11 12
	(c) any of the following under the Mineral Resources Act—	13
	(i) a mining claim;	14
	(ii) an exploration permit;	15
	(iii) a mineral development licence.	16
136	Relationship with other resource Acts and overlapping resource authorities	17 18
	Subject to the other provisions of this chapter and chapters 2, 3 and 6, another resource Act, or an authority, tenement or tenure under a resource Act, does not limit or otherwise affect—	19 20 21 22
	(a) the power under this Act to grant a geothermal tenure over land in the area of an overlapping resource authority for a proposed geothermal tenure; or	23 24 25
	(b) the carrying out of authorised activities for a geothermal tenure.	26 27

[s 137]

Part 2	Geothermal coordination arrangements for overlapping resource authorities	1 2 3
Division 1	Making of arrangements	4
137	Power to make arrangement	5
(1)	A geothermal tenure holder may make an arrangement with the holder of an overlapping resource authority for the tenure about the carrying out of authorised activities for the tenure.	6 7 8
(2)	An authority of a type mentioned in subsection (1) is a <i>relevant authority</i> for a geothermal coordination arrangement.	9 10 11
(3)	A person who proposes to enter into a relevant authority may enter into an arrangement mentioned in subsection (1).	12 13
(4)	An arrangement of a type mentioned in subsection (1), that under section 140 has taken effect and has not ceased to operate according to its terms and has not been cancelled under this part, is a <i>geothermal coordination arrangement</i> .	14 15 16 17
138	Other provisions about and effect of geothermal coordination arrangement	18 19
(1)	A geothermal coordination arrangement may—	20
(a)	be for any term; and	21
(b)	have more than 2 relevant authorities; and	22
(c)	be included in, or form part of, a coordination arrangement under the P&G Act or a GHG coordination arrangement under the GHG storage Act.	23 24 25
(2)	A person, other than the holder or proposed holder of a relevant authority, may also be a party to the arrangement.	26 27

(3)	A proposed geothermal coordination arrangement has no effect unless it is approved by the Minister under section 140.	1 2
139	Applying for ministerial approval of proposed geothermal coordination arrangement	3 4
(1)	The parties to a proposed geothermal coordination arrangement may jointly apply for approval of the arrangement.	5 6 7
(2)	The application must be—	8
(a)	made to the Minister in the approved form; and	9
(b)	accompanied by—	10
(i)	the original or a certified copy of the proposed arrangement; and	11 12
(ii)	the fee prescribed under a regulation.	13
(3)	If the proposed arrangement is inconsistent with the work program or development plan for the relevant geothermal tenure, the application must be accompanied by the following document so that the Minister may decide whether to approve the document—	14 15 16 17 18
(a)	for a geothermal permit—a proposed later work program complying with the later work program requirements;	19 20 21
(b)	for a geothermal lease—a proposed later development plan complying with the later development plan requirements.	22 23 24
140	Ministerial approval of proposed geothermal coordination arrangement	25 26
(1)	The Minister may approve the proposed arrangement only if—	27 28
(a)	the Minister is satisfied—	29

[s 141]

(i)	the arrangement clearly identifies the safety responsibilities of each party to the arrangement for the land the subject of the arrangement; and	1 2 3
(ii)	the spatial relationship between the relevant authorities for the arrangement is appropriate; and	4 5
(b)	the proposed later work program or development plan accompanying the application has been approved; and	6 7
(c)	the arrangement is consistent with the purposes of this Act.	8 9
(2)	In considering whether to give the approval the Minister may have regard to any—	10 11
(a)	coordination arrangement or proposed coordination arrangement under the P&G Act; or	12 13
(b)	GHG coordination arrangement or proposed GHG coordination arrangement under the GHG storage Act.	14 15
(3)	If a relevant authority has not been granted, the approval does not take effect until the authority takes effect.	16 17
141	Approval does not confer right to renew	18
(1)	This section applies if the term of a geothermal coordination arrangement is longer than the current term of any relevant authority for the arrangement.	19 20 21
(2)	To remove any doubt, it is declared that the approval of the arrangement does not impose an obligation or create a right to renew the relevant authority.	22 23 24
Division 2	Amendment and cancellation	25
142	Amendment or cancellation by parties to arrangement	26
(1)	A geothermal coordination arrangement may be amended or cancelled by the parties to the arrangement only with the Minister’s approval.	27 28 29

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- (2) A purported amendment or cancellation of a geothermal coordination arrangement by the parties to it has no effect unless it is approved under subsection (1).

143 Minister's power to cancel arrangement

- (1) The Minister may, by complying with subsections (2) and (3), cancel a geothermal coordination arrangement.
- (2) If the Minister proposes to cancel the arrangement, the Minister must give each party to the arrangement a notice stating—
- (a) that the Minister proposes to cancel the arrangement; and
 - (b) the reasons for the proposed cancellation; and
 - (c) that any party to the arrangement may make submissions to the Minister about the proposed cancellation or the likely impact of the cancellation on the relevant authorities.
- (3) Before cancelling the arrangement, the Minister must consider—
- (a) any submissions made by any party to the arrangement within the stated period; and
 - (b) the likely impact of the cancellation on the relevant authorities; and
 - (c) the public interest.
- (4) If the Minister decides to cancel the arrangement, the Minister must give each party to the arrangement an information notice about the decision.
- (5) The cancellation takes effect at the end of the appeal period for the decision to cancel or, if a later day of effect is stated in the information notice, on the later day.
- (6) When the decision takes effect, the arrangement and the Minister's approval of it cease to have effect.

[s 144]

144	Cancellation does not affect relevant authorities	1
	The cancellation of a former geothermal coordination arrangement does not affect any relevant authority.	2 3
Part 3	Obtaining geothermal lease if overlapping resource authority	4 5
Division 1	Preliminary	6
145	Application of pt 3	7
	This part applies if—	8
	(a) a person (the <i>applicant</i>) wishes to make a geothermal lease application; and	9 10
	(b) there is an overlapping resource authority for the proposed geothermal lease.	11 12
Division 2	Requirements for application	13
146	Requirements for making application	14
	(1) The geothermal lease application must include—	15
	(a) a statement complying with section 147 (a <i>geothermal statement</i>); and	16 17
	(b) other information addressing the matters mentioned in subsection (2) (the <i>geothermal assessment criteria</i>).	18 19
	(2) The geothermal assessment criteria are—	20
	(a) compliance with the P&G Act safety provisions to the extent they are relevant; and	21 22

<i>Note—</i>	1
The definition of <i>operating plant</i> under the P&G Act, section 670 does not include wet geothermal production.	2 3
(b) the additional requirements under part 7 for proposed initial development plans; and	4 5
(c) the potential for the parties to make a geothermal coordination arrangement for the proposed geothermal lease; and	6 7 8
(d) the economic and technical viability of the concurrent or coordinated carrying out of authorised activities for the proposed geothermal lease and the overlapping resource authority; and	9 10 11 12
(e) the public interest.	13
147 Content requirements for geothermal statement	14
The geothermal statement must—	15
(a) assess—	16
(i) the likely effect of proposed authorised activities for the proposed geothermal lease on the future use of resources under the overlapping resource authority; and	17 18 19 20
(ii) the technical and commercial feasibility of coordinating the proposed activities and the future use of the resources; and	21 22 23
(b) include proposals for the minimisation of potential adverse effects on possible future safe and efficient use of the resources under the overlapping resource authority.	24 25 26 27

[s 148]

Division 3	Consultation provisions	1
148	Applicant's information obligation	2
(1)	The applicant must, within 10 business days after making the geothermal lease application, give the overlapping resource authority holder a copy of the application, other than any part of the application relating to the capability criteria.	3 4 5 6
(2)	If the Minister is reasonably satisfied the applicant has not complied with subsection (1), the Minister may refuse the application.	7 8 9
149	Submissions by overlapping resource authority holder	10
(1)	The overlapping resource authority holder may make submissions to the Minister about the geothermal lease application (<i>holder submissions</i>).	11 12 13
(2)	However, holder submissions may be made only within 4 months after the holder is given a copy of the application.	14 15
(3)	Holder submissions may do all or any of the following—	16
(a)	state that the holder does not object to the granting of the proposed geothermal lease;	17 18
(b)	if the overlapping resource authority is an exploration authority (non-geothermal)—state that the holder does not wish any priority for the carrying out of authorised activities for any future lease that may arise from the overlapping resource authority (<i>overlapping authority priority</i>);	19 20 21 22 23 24
(c)	include information about authorised activities carried out under the overlapping resource authority;	25 26
(d)	include a proposal by the overlapping resource authority holder for the use of the resource;	27 28
(e)	include information relevant to the geothermal assessment criteria;	29 30

(f)	propose reasonable provisions for the safety management plan for the proposed geothermal lease.	1 2
(4)	The holder must give the applicant a copy of the holder submissions.	3 4
Division 4	Resource management decision if overlapping exploration authority (non-geothermal)	5 6 7
150	Application of div 4	8
(1)	This division applies if—	9
(a)	the overlapping resource authority is an exploration authority (non-geothermal); and	10 11
(b)	the overlapping resource authority holder has made holder submissions within 4 months after the holder was given a copy of the application; and	12 13 14
(c)	the submissions state that the holder wishes overlapping authority priority.	15 16
(2)	However, this division does not apply if, under another resource Act, overlapping authority priority has been given for any of the relevant land.	17 18 19
	<i>Note—</i>	20
	If this division does not apply, the geothermal lease application proceeds immediately to decision under chapter 3 as affected by division 7.	21 22
151	Resource management decision	23
	The Minister must make a decision (the <i>resource management decision</i>) about whether—	24 25
(a)	to grant the geothermal lease application; or	26
(b)	to give any overlapping authority priority for all or part of the relevant land; or	27 28

[s 152]

(c)	not to grant the geothermal lease application and not to give any overlapping authority priority for any of the relevant land.	1 2 3
152	Criteria for decision	4
	In making the resource management decision the Minister must have regard to the following—	5 6
(a)	the geothermal statement;	7
(b)	the geothermal assessment criteria;	8
(c)	the holder submissions;	9
(d)	the public interest.	10
153	Restrictions on giving overlapping authority priority	11
	Overlapping authority priority may be given only if the Minister considers that—	12 13
(a)	either—	14
(i)	it is unlikely the applicant and the overlapping resource authority holder will enter into a geothermal coordination arrangement; or	15 16 17
(ii)	a geothermal coordination arrangement for the proposed geothermal lease is not commercially or technically feasible; and	18 19 20
(b)	the public interest would be best served by not granting a geothermal lease to the applicant first.	21 22

Division 5	Process if resource management decision is to give overlapping authority priority	1 2 3
154	Application of div 5	4
	This division applies only if—	5
	(a) under division 4, a resource management decision is required for the geothermal lease application; and	6 7
	(b) the decision is to give overlapping authority priority for all or part of the relevant land.	8 9
155	Notice to applicant and overlapping resource authority holder	10 11
	(1) The chief executive must give the applicant and the overlapping resource authority holder notice of the resource management decision.	12 13 14
	(2) The notice must invite the overlapping resource authority holder to apply, within 6 months after the giving of the notice (the <i>overlapping authority application period</i>), for a lease under the Act under which the overlapping resource authority was granted (a <i>relevant lease</i>)—	15 16 17 18 19
	(a) if the overlapping authority priority is for all of the land—for all of the land; or	20 21
	(b) if the priority is for part of the land—for that part.	22
156	Relevant lease application for all of the land	23
	(1) This section applies if—	24
	(a) the overlapping authority priority is for all of the land; and	25 26
	(b) within the overlapping authority application period the overlapping resource authority holder applies for a relevant lease for all of the land.	27 28 29

[s 157]

- (2) A further step can not be taken to decide the geothermal lease application until after the relevant lease application has been decided. 1
2
3
- Note—* 4
- Acts under which the overlapping resource authority was granted provide for refusal of the relevant lease application if it is not pursued in a timely manner. 5
6
7
- (3) If the decision on the relevant lease application is to grant a relevant lease for all of the land, the geothermal lease application is taken to have lapsed. 8
9
10

157 Relevant lease application for part of the land 11

- (1) This section applies if the overlapping resource authority holder applies for a relevant lease for part of the land within the overlapping authority application period. 12
13
14
- (2) The person who made the geothermal lease application may amend it so that a geothermal lease is only sought for all or part of the rest of the land. 15
16
17
- (3) Unless the amendment is made, a further step can not be taken to decide the geothermal lease application until after the relevant lease application has been decided. 18
19
20
- (4) If— 21
- (a) the amendment has not been made; and 22
- (b) the decision on the relevant lease application is to grant a relevant lease for part of the land; 23
24
- the person who made the geothermal lease application may amend it so that a geothermal lease is sought only for all or part of the rest of the land. 25
26
27
- Note—* 28
- If the geothermal lease application is not amended, see section 161. 29

158	No relevant lease application	1
	If the overlapping resource authority holder does not apply for a relevant lease for any of the land within the overlapping authority application period, the geothermal lease application may be decided.	2 3 4 5
Division 6	Resource management decision not to grant and not to give priority	6 7
159	Lapsing of application	8
	The geothermal lease application is taken to have lapsed if—	9
	(a) under division 4, a resource management decision is required; and	10 11
	(b) the decision was not to grant the geothermal lease application and not to give any overlapping authority priority for any of the relevant land.	12 13 14
Division 7	Deciding application	15
160	Application of div 7	16
	This division applies if—	17
	(a) the overlapping resource authority holder has not made holder submissions within 4 months after the holder was given a copy of the application (the <i>submission period</i>) or at all; or	18 19 20 21
	(b) the overlapping resource authority holder has made holder submissions within the submission period stating that the holder does not wish any overlapping authority priority; or	22 23 24 25

[s 161]

	(c) under division 4, a resource management decision is required and—	1 2
	(i) the resource management decision is not to give overlapping authority priority for any of the relevant land; or	3 4 5
	(ii) the resource management decision is to give overlapping authority priority for all or part of the relevant land and, after division 5 has been complied with, the Minister decides to grant a geothermal lease for the land.	6 7 8 9 10
161	Application may be refused if no reasonable prospects of geothermal coordination arrangement	11 12
	The Minister may decide to refuse the application if—	13
	(a) the Minister is satisfied the applicant and the overlapping authority holder have made reasonable attempts to reach a proposed geothermal coordination arrangement (a <i>relevant arrangement</i>) for the proposed geothermal lease; and	14 15 16 17 18
	(b) either—	19
	(i) the overlapping resource authority holder has given the Minister a notice stating there are no reasonable prospects of a relevant arrangement being made; or	20 21 22 23
	(ii) the Minister has not been given a relevant arrangement for approval and the Minister considers the applicant and the overlapping resource authority holder have had a reasonable opportunity to make a relevant arrangement.	24 25 26 27 28
162	Additional criteria for deciding provisions of geothermal lease	29 30
	In deciding the provisions of the geothermal lease, the Minister must consider the following—	31 32

-
- (a) the geothermal statement; 1
 - (b) the geothermal assessment criteria; 2
 - (c) any holder submissions; 3
 - (d) the effect of the geothermal lease on safe and efficient 4
use of resources under any overlapping resource 5
authority for the geothermal lease if the overlapping 6
resource authority is a lease; 7
 - (e) the effect on safe and efficient use of resources under 8
any future lease that may arise from the overlapping 9
resource authority. 10

163 Publication of outcome of application 11

- (1) After the Minister decides whether or not to grant the 12
geothermal lease, the chief executive must publish a notice 13
about the outcome of the geothermal lease application in or on 14
at least 1 of the following— 15
 - (a) the gazette; 16
 - (b) the department's website; 17
 - (c) another publication the chief executive considers 18
appropriate. 19
- (2) The notice must state— 20
 - (a) the decision; and 21
 - (b) if the decision was to grant the geothermal lease—all of 22
the geothermal lease's conditions other than the 23
mandatory conditions; and 24
 - (c) if, under division 4, a resource management decision 25
was required and the decision is to give overlapping 26
authority priority for all or part of the land—the 27
decision and the reasons for it. 28
- (3) However, if the chief executive considers information in a 29
condition is commercial-in-confidence, the chief executive 30

[s 164]

may, instead of publishing the condition, publish a statement
about its intent. 1
2

Part 4 **Priority to particular higher** 3
tenure applications under other 4
resource Acts 5

164 Earlier GHG, mining or petroleum lease application 6

If— 7

(a) a geothermal lease application is made; and 8

(b) before the making of that application, an application
(the *other application*) was made for a GHG lease,
mining lease or petroleum lease (the *other proposed*
lease); and 9
10
11
12

(c) the other application had not been decided before the
making of the geothermal lease application; and 13
14

(d) the other proposed lease would, if granted, be an
overlapping resource authority for the proposed
geothermal lease; 15
16
17

the geothermal lease application must not be decided until the
other application has been decided. 18
19

165 Proposed GHG, mining or petroleum lease for which EIS 20
approval given 21

(1) This section applies for a geothermal lease application if— 22

(a) before the making of the application, an approval under
the Environmental Protection Act, chapter 3, part 2 was
granted for the voluntary preparation of an EIS; and 23
24
25

-
- (b) the EIS is for a project that is or includes a proposed GHG lease, mining lease or petroleum lease (the *other proposed lease*) for land the subject of the application. 1
2
3
- (2) The application must not be decided until— 4
- (a) if no application is made for the other proposed lease 5
within 2 years after the granting of the approval—the 6
end of the 2 years; or 7
- (b) if an application is made for the other proposed lease 8
within the 2 years—that application is decided. 9
- 166 Proposed GHG, mining or petroleum lease declared a significant project** 10
11
- (1) This section applies for a geothermal lease application if— 12
- (a) before the making of the application, a significant 13
project was declared; and 14
- (b) the project is or includes a proposed GHG lease, mining 15
lease or petroleum lease (the *other proposed lease*) for 16
land the subject of the application. 17
- (2) The application must not be decided until— 18
- (a) if no application is made for the other proposed lease 19
within 1 year after the making of the declaration—the 20
end of that year; or 21
- (b) if an application is made for the other proposed lease 22
within that year—that application is decided. 23

[s 167]

Part 5	Geothermal lease applications in response to invitation under another resource Act	1 2 3
167	Application of pt 5	4
	This part applies if—	5
	(a) a geothermal lease application is made in response to an invitation given because of a resource management decision under another resource Act; and	6 7 8
	(b) the application is made within 6 months after the giving of the invitation.	9 10
168	Additional ground for refusing application	11
	(1) The Minister may decide to refuse the geothermal lease application if satisfied the applicant has not in a timely manner—	12 13 14
	(a) taken any step for the application required of the applicant under chapter 3 or this chapter; or	15 16
	(b) satisfied the Minister about a matter that, under chapter 3 or this chapter, is required for the granting of the application.	17 18 19
	(2) Subsection (1) does not limit section 358.	20
	<i>Editor's note—</i>	21
	section 358 (Request to applicant about application)	22

Part 6	Additional provisions for geothermal tenures	1 2
Division 1	Restrictions on authorised activities other than for geothermal leases	3 4
169	Overlapping GHG, mining or petroleum lease	5
(1)	This section applies if land is in the area of both of the following—	6 7
(a)	a geothermal permit;	8
(b)	a GHG lease, mining lease or petroleum lease (a <i>relevant lease</i>).	9 10
(2)	However, this section does not apply if the same person holds the geothermal permit and the relevant lease.	11 12
(3)	An authorised activity for the geothermal permit may be carried out on the land only if—	13 14
(a)	the relevant lease holder has not, in the way required under subsection (4), objected to—	15 16
(i)	the carrying out of the activity; or	17
(ii)	if the P&G Act safety provisions require a safety management plan for the geothermal permit holder—the safety management plan; or	18 19 20
(b)	if an objection under paragraph (a) has been made—the Minister has, under section 171, decided the authorised activity may be carried out.	21 22 23
	<i>Note—</i>	24
	For notice of authorised activities, see section 173.	25
(4)	The objection must be in the approved form and given to the Minister and the geothermal tenure holder.	26 27

[s 170]

<i>Note—</i>	1
See also the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).	2 3
170 Overlapping exploration authority (non-geothermal)	4
(1) This section applies if land is in the area of a geothermal permit and an exploration authority (non-geothermal).	5 6
(2) An authorised activity for the geothermal permit can not be carried out on the land if—	7 8
(a) carrying out the activity adversely affects the carrying out of an authorised activity for the exploration authority (non-geothermal); and	9 10 11
(b) the authorised activity for the exploration authority (non-geothermal) has already started.	12 13
171 Resolving disputes	14
(1) This section applies if, under section 169, a relevant lease holder has objected to the carrying out of a geothermal activity by a geothermal permit holder.	15 16 17
(2) This section also applies if there is a dispute between a geothermal permit holder and an exploration authority (non-geothermal) holder about whether an authorised activity for the geothermal tenure can be carried out under section 170.	18 19 20 21 22
(3) Either of the parties may by a notice in the approved form ask the Minister to decide—	23 24
(a) for section 169—whether the authorised activity may be carried out under that section; or	25 26
(b) for section 170—whether the authorised activity may be carried out under that section.	27 28
(4) Before making the decision the Minister must give the parties a reasonable opportunity to make submissions about the request within a reasonable period.	29 30 31

-
- (5) The Minister must, after complying with subsection (2) and considering any submissions made under that subsection, decide the matter and give the parties notice of the decision. 1
2
3
- (6) The Minister’s decision binds the parties. 4
- (7) If the request is about a matter mentioned in subsection (1), the Minister may impose conditions on any decision that the authorised activity may be carried out. 5
6
7
- (8) In this section— 8
- parties* means— 9
- (a) for a request about a matter mentioned in subsection (1)—the geothermal permit holder and the relevant lease holder; or 10
11
12
- (b) for a request about a matter mentioned in subsection (2)—the geothermal permit holder and the exploration authority (non-geothermal) holder. 13
14
15

Division 2 Additional conditions 16

172 Notice of grant by particular geothermal permit holders 17

- (1) This section applies if land in a geothermal permit’s area is in the area of, or in a proposed area under an application for, any of the following other authorities— 18
19
20
- (a) an exploration authority (non-geothermal); 21
- (b) a GHG data acquisition authority under the GHG storage Act; 22
23
- (c) a data acquisition authority under the P&G Act; 24
- (d) a water monitoring authority under the P&G Act. 25
- (2) It is a condition of the permit that its holder must, within 20 business days after the holder receives notice of the grant of the permit, give the holder of or applicant for the other authority a notice stating— 26
27
28
29

[s 173]

- (a) the permit has been granted; and 1
 - (b) the permit holder's name and address; and 2
 - (c) the permit's term. 3
- 173 Condition to notify particular other authority holders of proposed start of particular authorised activities** 4
5
- (1) This section applies to a geothermal tenure holder if— 6
 - (a) there is any of the following (the *other authority*) for the geothermal tenure— 7
8
 - (i) an overlapping resource authority; 9
 - (ii) a GHG authority, a mining lease or a petroleum tenure sharing a common boundary with the geothermal tenure; or 10
11
12
 - (b) land in the geothermal tenure's area is in the area of any of the following (also the *other authority*)— 13
14
 - (i) a GHG data acquisition authority under the GHG storage Act; 15
16
 - (ii) a data acquisition authority under the P&G Act. 17
 - (2) Before the geothermal tenure holder first starts a designated activity in the other authority's area, the geothermal tenure holder must give the other authority holder at least 30 business days notice of the activity. 18
19
20
21
 - (3) A notice under subsection (2) must state— 22
 - (a) when the designated activity is to start; and 23
 - (b) where the designated activity is to be carried out; and 24
 - (c) the nature of the activity. 25
 - (4) Before changing the land on which the designated activity is being carried out, the geothermal tenure holder must give the other authority holder at least 30 business days notice stating where the activity is to be carried out. 26
27
28
29

(5)	Compliance with this section is a condition of the geothermal tenure.	1 2
(6)	In this section—	3
	<i>designated activity</i> means any authorised activity for the geothermal tenure other than—	4 5
	(a) an incidental activity under section 32 or 76; or	6
	(b) an activity only involving selecting places where other authorised activities for the geothermal tenure may be carried out.	7 8 9
174	Continuance of geothermal coordination arrangement after transfer	10 11
(1)	This section applies if—	12
	(a) there is an overlapping resource authority for a geothermal lease; and	13 14
	(b) a geothermal coordination arrangement applies to the geothermal lease; and	15 16
	(c) the geothermal lease is transferred.	17
(2)	It is a condition of the geothermal lease that its holder must continue to be a party to a geothermal coordination arrangement for the lease while the overlapping resource authority continues in force.	18 19 20 21
Division 3	Restriction on Minister’s power to amend geothermal lease if overlapping resource authority	22 23 24
175	Interests of overlapping resource authority holder to be considered	25 26
	If there is an overlapping resource authority for a geothermal lease, it may be amended under section 347 only if the	27 28

[s 176]

interests of the overlapping resource authority holder have 1
been considered. 2

Part 7 **Additional provisions for** 3
development plans if 4
overlapping resource authority 5

176 Operation of pt 7 6

This part imposes additional requirements for the following 7
for a geothermal lease or proposed geothermal lease for which 8
there is an overlapping resource authority— 9

- (a) a proposed initial development plan; 10
- (b) a proposed later development plan; 11
- (c) an amendment the subject of a development plan 12
amendment application. 13

177 Statement about interests of overlapping resource 14
authority holder 15

The proposed development plan or amendment must include a 16
statement of how the effects on and the interests of any 17
overlapping resource authority holder have or have not been 18
considered, having regard to the geothermal assessment 19
criteria. 20

178 Consistency with overlapping resource authority's 21
development plan and with any relevant coordination 22
arrangement 23

- (1) To the extent the area of the geothermal lease and the 24
overlapping resource authority coincide or will coincide, the 25
proposed development plan or amendment must be consistent 26
with any geothermal coordination arrangement for that area. 27

(2)	Subsection (3) applies if the overlapping resource authority is a mining lease or petroleum lease (the <i>relevant lease</i>).	1 2
(3)	The proposed plan or amendment must, to the extent the area of the geothermal lease and the relevant lease coincide or will coincide, be consistent with the development plan for the overlapping resource authority.	3 4 5 6
179	Additional criteria for approval	7
	In deciding whether to approve the proposed development plan or amendment, the Minister must consider the geothermal assessment criteria.	8 9 10
Part 8	Additional provisions for safety management plans	11 12
180	Grant of geothermal lease does not affect obligation to make plan	13 14
(1)	This section applies if a geothermal statement accompanies a geothermal lease application as required under this chapter.	15 16
(2)	The deciding of the application or the grant of the geothermal lease—	17 18
(a)	does not affect the obligation under the P&G Act safety provisions to make a safety management plan for any operating plant in the geothermal lease’s area; and	19 20 21
(b)	is not of itself evidence that a safety management plan, or purported safety management plan, for an operating plant in the geothermal lease’s area complies with those provisions.	22 23 24 25

[s 181]

181	Requirements for consultation with particular overlapping resource authority holders	1
		2
(1)	This section applies if—	3
(a)	a person (an <i>operator</i>) proposes to be an operator of operating plant under the P&G Act in a geothermal tenure’s area; and	4 5 6
(b)	the operating plant is used, or is proposed to be used, for geothermal activities (<i>relevant operating plant</i>); and	7 8
(c)	activities (<i>relevant activities</i>) carried out, or proposed to be carried out, at the plant may adversely affect the safe and efficient use of resources under an overlapping resource authority for the geothermal tenure.	9 10 11 12
(2)	Before any operator may operate relevant operating plant, each operator must have made reasonable attempts to consult with the overlapping resource authority holder about relevant activities for the plant.	13 14 15 16
(3)	If there is more than 1 operator, the geothermal tenure holder may coordinate the consultation between the operators and the overlapping resource authority holder.	17 18 19
(4)	For subsection (2), an operator is taken to have made reasonable attempts to consult if—	20 21
(a)	the operator gives the overlapping resource authority holder a copy of the parts of the operator’s proposed safety management plan concerning any relevant operating plant the operator proposes to operate for the relevant activities; and	22 23 24 25 26
(b)	the overlapping resource authority holder has not, within 30 days after the giving of the copy, made any proposal to the operator about provisions for the plan.	27 28 29
(5)	An operator must, before making or remaking a safety management plan for any relevant operating plant the operator operates or proposes to operate, have regard to any reasonable provisions for the plan proposed by the overlapping resource authority holder concerning relevant activities for the plant.	30 31 32 33 34

(6)	However, the obligation under subsection (5) applies only to the extent the provisions are commercially and technically feasible for the operator or any relevant geothermal tenure holder.	1 2 3 4
(7)	If an operator makes a safety management plan for relevant operating plant and the plan includes provisions proposed by the overlapping resource authority holder, the operator must—	5 6 7
(a)	give the overlapping resource authority holder a copy of the plan; and	8 9
(b)	give the chief inspector under the P&G Act a notice stating any provisions proposed under subsection (5) and whether they were included in the plan.	10 11 12
(8)	In this section—	13
	<i>remaking</i> , a safety management plan, includes an amendment or remaking of the plan of a type required under the P&G Act, section 678.	14 15 16
182	Application of P&G Act provisions for resolving disputes about reasonableness of proposed provision	17 18
(1)	This section applies if a dispute exists between an operator under section 181 and an overlapping resource authority holder about the reasonableness of a provision proposed by the overlapping resource authority holder for the operator's proposed safety management plan.	19 20 21 22 23
(2)	The P&G Act, section 387, chapter 12 and schedule 1 apply for the dispute as if it were a dispute to which section 387 of that Act applies.	24 25 26
	<i>Editor's note—</i>	27
	P&G Act, chapter 12 and schedule 1 (Reviews and appeals)	28

[s 183]

Chapter 6	General provisions for geothermal tenures	1
		2
	<i>Note—</i>	3
	See also chapter 8, part 1.	4
Part 1	Area provisions	5
183	Area of geothermal tenure	6
(1)	This section provides for the area of a geothermal tenure.	7
(2)	Subject to section 186, the area does not include excluded land for the geothermal tenure.	8 9
(3)	The area can not include—	10
(a)	land in another geothermal tenure’s area, unless—	11
(i)	the geothermal tenure is a geothermal lease; and	12
(ii)	under section 188, the land will cease to be included in the geothermal permit’s area on the grant of the lease; or	13 14 15
(b)	excluded land for a geothermal tenure.	16
(4)	Unless the Minister otherwise decides, the area must form a single contiguous parcel of land.	17 18
(5)	The area may include a part of a block only if the part consists of all areas within the block that are left after taking away all excluded land within the block (a <i>residual block</i>).	19 20 21
(6)	The area must be no more than the following number of blocks or residual blocks, in any combination, unless the Minister considers there are exceptional circumstances—	22 23 24
(a)	for geothermal permit—50;	25
(b)	for a geothermal lease—25.	26

184	References to blocks of geothermal tenure	1
(1)	This section applies if a geothermal tenure states its area includes land within a block without including or excluding any particular sub-block.	2 3 4
(2)	The reference to the block is a reference to all sub-blocks within the block to the extent they do not consist of excluded land or land in a restricted area.	5 6 7
(3)	To remove any doubt, it is declared that if land within any of the sub-blocks ceases to be excluded land or land in a restricted area, the cessation itself does not cause the land to be within the geothermal tenure's area.	8 9 10 11
185	Minister's power to decide excluded land	12
(1)	The Minister may decide excluded land for a geothermal tenure or proposed geothermal tenure.	13 14
(2)	However, the power under subsection (1) may be exercised only when the Minister is deciding whether to—	15 16
(a)	grant or renew the geothermal tenure; or	17
(b)	approve any later work program or development plan for the geothermal tenure.	18 19
(3)	Also, excluded land must be within any block that the geothermal tenure states is included in its area.	20 21
(4)	Excluded land may be described in a way the Minister considers appropriate, including, for example, by area or by reference to a stated type of land.	22 23 24
(5)	Land ceases to be excluded land for a geothermal tenure if—	25
(a)	the block in which the land is located is relinquished or for any other reason ceases to be in the geothermal tenure's area; or	26 27 28
(b)	the geothermal tenure is a geothermal permit and—	29

[s 186]

- (i) a geothermal lease is granted over any of the geothermal permit's area; and 1
2
- (ii) the land is excluded land for the geothermal lease. 3

186 Minister may add excluded land 4

- (1) The Minister may amend a geothermal tenure by adding excluded land for the tenure to its area. 5
6
- (2) However, the excluded land may be added only if the relevant environmental authority applies to the excluded land. 7
8
- (3) The amendment may be made— 9
 - (a) on the Minister's initiative with the consent of the holder of the geothermal tenure; or 10
11
 - (b) on the holder's application. 12
- (4) The application must be— 13
 - (a) in the approved form; and 14
 - (b) accompanied by the fee prescribed under a regulation. 15
- (5) The Minister must consider the application and decide whether to add or refuse to add the excluded land. 16
17
- (6) If the decision on the application is not to add the land, the Minister must as soon as practicable give the applicant notice of the decision. 18
19
20
- (7) The amendment may be made subject to the holder applying to the Minister for approval of an amendment of the geothermal tenure's work program or development plan to reflect the inclusion of the excluded land. 21
22
23
24
- (8) If the land is added to the geothermal tenure's area it ceases to be excluded land for the tenure. 25
26
- (9) The Minister may amend the provisions of the geothermal tenure in a way that reflects the addition of the land and complies with— 27
28
29

(a)	for a geothermal permit—section 40; or	1
(b)	for a geothermal lease—section 82.	2
187	Ending of geothermal permit if all of its area relinquished	3
	If all of the area of a geothermal permit is relinquished, the permit ends.	4 5
188	Area of geothermal permit reduced on grant of geothermal lease	6 7
(1)	Land ceases to be in a geothermal permit’s area if a geothermal lease is granted to the geothermal permit holder over the land.	8 9 10
(2)	If a geothermal lease is granted to the geothermal permit holder over all of the area of a geothermal permit, the permit ends.	11 12 13
Part 2	Reporting and information provisions	14 15
Division 1	General reporting provisions	16
189	Relinquishment report for partial relinquishment	17
(1)	This section applies if part of the area of a geothermal tenure is relinquished as required or authorised under this Act and the tenure continues to exist.	18 19 20
(2)	The holder of the geothermal tenure must, within 6 months after the relinquishment, give the chief executive a report—	21 22
(a)	describing—	23

[s 190]

(i)	the authorised activities for the geothermal tenure carried out in the part; and	1 2
(ii)	the results of the activities; and	3
(b)	including other information prescribed under a regulation.	4 5
	Maximum penalty—200 penalty units.	6
(3)	The report must—	7
(a)	be given electronically using the system for submission of reports made or approved by the chief executive; and	8 9
(b)	be in the digital format made or approved by the chief executive.	10 11
(4)	The chief executive must ensure the system and a document detailing the digital format made or approved by the chief executive are available for inspection on the department's website.	12 13 14 15
(5)	The requirements under subsection (3) are the <i>required way</i> for giving reports to the chief executive.	16 17
190	End of tenure report	18
	Within 6 months after a geothermal tenure ends, the person who held the tenure immediately before it ended must give the chief executive a report in the required way that includes all of the following—	19 20 21 22
(a)	a summary of all authorised activities for the tenure carried out for the tenure since it took effect;	23 24
(b)	a summary of the results of the activities;	25
(c)	an index of all reports given as required under this Act, for the activities;	26 27
(d)	a summary of all significant hazards created to future safe and efficient mining that under the P&G Act safety provisions, are required to be reported by the person;	28 29 30

(e)	for each hazard mentioned in the summary under paragraph (d)—a reference to the report containing details of the hazard;	1 2 3
(f)	any information required to be reported under this Act that has not been previously reported;	4 5
(g)	other information prescribed under a regulation.	6
	Maximum penalty—150 penalty units.	7
191	Power to require information or reports about authorised activities to be kept or given	8 9
(1)	A regulation or the chief executive may, for the services of the State, require a geothermal tenure holder to—	10 11
(a)	keep, in a stated way, stated information or types of information about authorised activities carried out under the geothermal tenure; or	12 13 14
	<i>Example of a way of keeping information—</i>	15
	in a stated digital format	16
(b)	give the chief executive a notice in the approved form giving stated information or types of information or stated reports at stated times or intervals about authorised activities carried out under the geothermal tenure.	17 18 19 20 21
	<i>Example of a stated time—</i>	22
	for a report about a geothermal well, 6 months after its completion	23 24
(2)	For subsection (1), the information or report required to be given or kept may be—	25 26
(a)	exploration data; or	27
(b)	opinions, conclusions, technical consolidations and advanced interpretations based on exploration data.	28 29
(3)	A requirement by the chief executive under subsection (1)(b) may state—	30 31

[s 192]

- (a) a format required for giving the information or types of information; and 1
2
- (b) a degree of precision required for the giving of the information. 3
4
- (4) A person of whom a requirement under subsection (1) has been made must comply with the requirement. 5
6
Maximum penalty—100 penalty units. 7
- (5) In this section— 8
information includes documents, records and samples. 9

Division 2 Records and samples 10

192 Requirement to keep records and samples 11

- (1) A geothermal tenure holder must, for the period and in the way prescribed under a regulation, keep the records and samples about authorised activities carried out under the tenure as prescribed under a regulation. 12
13
14
15
Maximum penalty—500 penalty units. 16
- (2) For subsection (1), the prescribed records may be— 17
 - (a) exploration data; or 18
 - (b) opinions, conclusions, technical consolidations and advanced interpretations based on exploration data. 19
20

193 Requirement to give records and samples 21

- (1) A person who, under section 192, is required to keep a record or sample must, for the services of the State, give a copy of the record and a part of the sample to the chief executive within 6 months after the earlier of the following (the *required time*)— 22
23
24
25
26
 - (a) the day the record or sample was acquired or made; 27

-
- (b) the day the relevant geothermal tenure ends. 1
Maximum penalty—500 penalty units. 2
- (2) The copy of the record must be given in the required way for 3
giving reports to the chief executive. 4
- (3) If the chief executive gives the person a notice asking the 5
person for more of the sample, the person must give it to the 6
chief executive at the address stated in the notice within the 7
reasonable period stated in the notice (also the *required time*), 8
unless the holder has a reasonable excuse. 9
Maximum penalty—500 penalty units. 10
- (4) The chief executive may extend the required time by up to 1 11
year if— 12
- (a) the person asks for the extension before the required 13
time ends; and 14
- (b) the chief executive is satisfied the extension is 15
necessary. 16
- (5) However, the extension must not end later than— 17
- (a) for subsection (1)—6 months after the required time 18
ends; or 19
- (b) for subsection (3)—1 year after the required time ends. 20
- (6) Without limiting subsection (1), the uses to which the State 21
may put the copy of the record and the part of the sample may 22
include the building of a publicly available database to 23
facilitate geothermal exploration for the services of the State. 24

Division 3 Releasing required information 25

194 Meaning of *required information* 26

The *required information*, for a geothermal tenure, is any 27
form of information given under this Act by the tenure holder 28
about authorised activities carried out under the tenure, 29
including, for example— 30

[s 195]

(a)	a sample; and	1
(b)	data and other matters mentioned in section 191(2).	2
195	Public release of required information	3
(1)	The mere fact of the existence of a geothermal tenure is taken to be an authorisation from its holder to the chief executive to do the following, after the end of any confidentiality period prescribed under a regulation—	4 5 6 7
(a)	to publish in the way prescribed under a regulation required information for the geothermal tenure for public use;	8 9 10
(b)	on payment of a fee prescribed under a regulation, to make the required information available to any person.	11 12
(2)	Any confidentiality period prescribed under subsection (1) ceases if the information is about an authorised activity carried out only in an area no longer in the geothermal tenure’s area.	13 14 15 16
	<i>Example—</i>	17
	The required information is a well completion report about a geothermal well drilled on particular land in a geothermal permit’s area. Subsection (1) ceases to apply if all of that land is relinquished under the relinquishment condition for the permit.	18 19 20 21
(3)	The authorisation is not affected by the ending of the geothermal tenure.	22 23
196	Chief executive may use required information	24
(1)	The mere fact of the existence of a geothermal tenure is taken to be an authorisation from its holder to the chief executive to use required information for—	25 26 27
(a)	purposes reasonably related to this Act that are required for the geothermal tenure; or	28 29
(b)	the services of the State.	30

(2)	The authorisation is not affected by the ending of the geothermal tenure.	1 2
Part 3	General provisions for geothermal wells	3 4
Division 1	Responsibility for geothermal wells	5
197	Requirements for drilling geothermal well	6
	A person drilling a geothermal well must comply with—	7
(a)	any requirements prescribed under a regulation for the drilling of the geothermal well; and	8 9
(b)	any relevant requirements about construction and drilling standards for water well drilling activities under the Water Act.	10 11 12
	Maximum penalty—500 penalty units.	13
Division 2	Decommissioning of geothermal wells	14 15
198	Application of div 2	16
	This division applies to a geothermal well drilled by or for a geothermal tenure holder.	17 18
199	Obligation to decommission	19
(1)	The geothermal tenure holder must ensure the geothermal well is decommissioned from use under this Act before the	20 21

[s 200]

tenure ends or the land on which the well is located ceases to be in the tenure's area.	1 2
Maximum penalty—500 penalty units.	3
(2) However, subsection (1) does not apply for land that, under section 188(1), ceases to be in a geothermal permit's area.	4 5
(3) For subsection (1), the geothermal well is decommissioned from use under this Act only if—	6 7
(a) it has been plugged and abandoned in the way prescribed under a regulation; and	8 9
(b) any relevant requirements under the Water Act for the decommissioning of water wells used for the geothermal well have been complied with; and	10 11 12
(c) the geothermal tenure holder has given the Minister of the department in which the Water Act is administered a notice in the approved form about the decommissioning.	13 14 15
200 Right of entry to facilitate decommissioning	16
(1) This section applies if—	17
(a) the geothermal tenure has ended or the land on which the geothermal well is located is no longer in the tenure's area; and	18 19 20
(b) the geothermal tenure holder or former holder has not carried out decommissioning as required under section 199.	21 22 23
(2) The holder or former holder may enter the following land to carry out the decommissioning—	24 25
(a) land (the <i>primary land</i>) on which the decommissioning must be or was required to be carried out;	26 27
(b) any other land (the <i>access land</i>) it is reasonably necessary to cross for access to the primary land.	28 29
(3) Parts 5, 6 and 8 apply to the holder or former holder in the following way—	30 31

-
- (a) if the geothermal tenure has ended, as if— 1
 (i) it were still in force; and 2
 (ii) the former holder were still its holder; 3
(b) as if the primary land and access land is in the 4
 geothermal tenure’s area; 5
(c) as if the decommissioning is an authorised activity for 6
 the geothermal tenure. 7
Editor’s note— 8
 parts 5 (Private land), 6 (Public land) and 8 (Compensation and 9
 negotiated access) 10

201 Responsibility for geothermal well after decommissioning 11
12

- (1) This section applies if the geothermal tenure holder has 13
decommissioned a geothermal well under section 199. 14

Note— 15

For ownership before decommissioning, see section 265 (Ownership of 16
equipment and improvements). 17

- (2) Despite the decommissioning, the holder continues to be 18
responsible under this Act for the geothermal well until the 19
earlier of the following times (the *relevant time*)— 20

(a) when the geothermal tenure ends; 21

(b) when the land on which the geothermal well is located 22
ceases to be in the geothermal tenure’s area. 23

- (3) The geothermal well is taken to have been transferred to the 24
State at the relevant time. 25

Note— 26

However, the holder may still have obligations under the Environmental 27
Protection Act, chapter 5A for the geothermal well. 28

- (4) Subsection (3) applies despite— 29

[s 202]

- (a) the geothermal well being on or part of land owned by someone else; or 1
2
- (b) the sale or other disposal of the land. 3

Part 4 Security 4

202 Operation and purpose of pt 4 5

- (1) This part empowers the Minister to require, from time to time, a geothermal tenure holder or a person who has applied for a geothermal tenure to give the State security for the tenure or proposed tenure. 6
7
8
9
- (2) The security may be used to pay— 10
 - (a) any liability under this Act the State incurs because of an act or omission of the holder; and 11
12
 - (b) any unpaid annual rent payable by the holder to the State; and 13
14
 - (c) other unpaid amounts payable under this Act by the holder to the State, including, for example, any of the following— 15
16
17
 - (i) an unpaid civil penalty; 18
 - (ii) unpaid interest on unpaid annual rent; 19
 - (iii) any debt payable by the holder under section 346; and 20
21
 - (d) any compensation the State must pay under section 303 because of the exercise or purported exercise of remedial powers for the geothermal tenure, whether or not the tenure has ended. 22
23
24
25

203	Power to require security for geothermal tenure	1
(1)	The Minister may require a geothermal tenure holder or a person who has applied for a geothermal tenure to give the State security for the tenure, or proposed tenure.	2 3 4
(2)	The security must be—	5
(a)	in the form prescribed under a regulation; and	6
(b)	of at least the amount prescribed under a regulation.	7
(3)	The requirement may be made at any time.	8
(4)	However, the requirement does not take effect until the holder or applicant is given—	9 10
(a)	for a requirement to give security in the form and amount prescribed under subsection (2)—notice of the requirement; or	11 12 13
(b)	otherwise—an information notice about the decision to make the requirement.	14 15
204	Minister's power to require additional security	16
(1)	The Minister may at any time require a geothermal tenure holder to increase the amount of security given for the tenure.	17 18
(2)	However—	19
(a)	if, because of an increase in the prescribed amount under section 203(2), the requirement is to increase the total security required to no more than the increased prescribed amount—the requirement must be made by notice to the holder; or	20 21 22 23 24
(b)	if the requirement is to increase the total security required to more than the prescribed amount under section 203(2) when the requirement is made—	25 26 27
(i)	subsections (3) to (6) must be complied with before making the requirement; and	28 29

[s 205]

(ii)	the requirement does not take effect until the holder is given an information notice about the decision to make the requirement.	1 2 3
(3)	The Minister must give the holder notice—	4
(a)	stating the proposed increased amount of the security for the geothermal tenure; and	5 6
(b)	inviting the holder to make submissions about the proposed increased amount to the Minister within a stated reasonable period.	7 8 9
(4)	The stated period must end at least 20 business days after the holder is given the notice.	10 11
(5)	The Minister must consider any submissions made by the holder within the stated period.	12 13
(6)	In this section—	14
	<i>security given</i> includes security given or increased because of a requirement under subsection (1).	15 16
205	Interest on security	17
	The State may keep any interest accruing on security given under this part for a geothermal tenure.	18 19
206	Power to use security	20
	The State may use security given under this part for a geothermal tenure and any interest accruing on the security to make a payment mentioned in section 202(2) concerning the tenure.	21 22 23 24
207	Replenishment of security	25
(1)	This section applies if—	26
(a)	under section 206, all or part of the security for a geothermal tenure has been used; and	27 28

(b)	the geothermal tenure is still in force.	1
(2)	The Minister must give the geothermal tenure holder a notice—	2 3
(a)	stating how much of the security has been used; and	4
(b)	directing the holder to replenish the security for the geothermal tenure, within 30 days after the giving of the notice, up to the higher of the following—	5 6 7
(i)	the amount prescribed under a regulation;	8
(ii)	if the notice states that, under section 203, another amount is required—the other amount.	9 10
208	Security not affected by change in tenure holder	11
(1)	This section applies if security for a geothermal tenure has been given under this part for the tenure and its holder changes.	12 13 14
(2)	Despite the change, the security and any interest accruing on it continues in force for the benefit of the State and may be used under section 206.	15 16 17
(3)	If the security is in the form of money, until the security is replaced or refunded it continues in force for the holder from time to time of the geothermal tenure.	18 19 20
209	Retention of security after geothermal tenure ends	21
(1)	Security or part of security given for a geothermal tenure may be kept by the State for 1 year after the tenure has ended.	22 23
(2)	Also, if a claim made for the use of the security has not been assessed, an appropriate amount of the security to meet the claim may be kept by the State until the claim has been assessed.	24 25 26 27

[s 210]

Part 5	Private land	1
Division 1	Requirements for entry to private land in geothermal tenure area	2 3
Subdivision 1	Entry notice requirement for preliminary activities and particular advanced activities	4 5 6
210	Entry notice requirement	7
(1)	A person must not—	8
(a)	enter private land in a geothermal tenure’s area to carry out a preliminary activity for the tenure; or	9 10
(b)	enter private land in a geothermal tenure’s area to carry out an advanced activity for the tenure if either of the following applies for the entry—	11 12 13
(i)	the deferral agreement exemption;	14
(ii)	the Land Court application exemption;	15
	unless the geothermal tenure’s holder has given each owner and occupier of the land a written notice of the entry that complies with section 211 (an <i>entry notice</i>).	16 17 18
	Maximum penalty—500 penalty units.	19
(2)	The entry notice must be given—	20
(a)	generally—at least 10 business days before the entry; or	21
(b)	if, by a signed endorsement on the notice, the relevant owner or occupier has agreed to a shorter period—the shorter period.	22 23 24
	Maximum penalty—500 penalty units.	25

[s 211]

-
- (3) The holder must give the chief executive a copy of the entry notice immediately after the notice is given and before entry is made under the geothermal tenure. 1
2
3
Maximum penalty—10 penalty units. 4
- (4) A contravention of subsection (3) does not affect the validity of the notice or the entry. 5
6
- (5) This section is subject to section 212. 7
- (6) In this section— 8
- deferral agreement exemption*, for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 216(c)(i). 9
10
11
- give*, for an entry notice, includes publishing it in a way approved under section 214. 12
13
- Land Court application exemption*, for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 216(c)(ii). 14
15
16

211 Required contents of entry notice 17

- (1) An entry notice must state the following— 18
- (a) the land proposed to be entered; 19
- (b) the period during which the land will be entered (the *entry period*); 20
21
- (c) the activities proposed to be carried out on the land; 22
- (d) when and where the activities are proposed to be carried out; 23
24
- (e) contact details for— 25
- (i) the relevant geothermal tenure holder; or 26
- (ii) another person the holder has authorised to discuss the matters stated in the notice. 27
28

[s 212]

- (2) Also, the first entry notice from the geothermal tenure holder to a particular owner or occupier must be accompanied by or include a copy of—
- (a) the land access code; and
 - (b) any code of practice made under this Act applying to authorised activities for the geothermal tenure; and
 - (c) the relevant environmental authority documentation.
- (3) The entry period can not be longer than—
- (a) generally—6 months; or
 - (b) if the relevant owner or occupier agrees in writing to a longer period—the longer period.
- (4) Subject to subsections (1) to (3), an entry notice may state an entry period that is different to the entry period stated in another entry notice given by the geothermal tenure holder to another owner or occupier of the land.
- (5) In this section—
- relevant environmental authority documentation* means—
- (a) if, under the Environmental Protection Act, the relevant environmental authority for the geothermal tenure is a code compliant authority—the relevant code; or
 - (b) if, under the Environmental Protection Act, the relevant environmental authority for the geothermal tenure is a non-code compliant authority—
 - (i) the environmental authority; and
 - (ii) if the environmental authority imposes conditions by referring to a code—that code.

212 Exemptions from entry notice requirement

- (1) The requirement under section 210(1) to give an entry notice does not apply for an entry to land to carry out an authorised activity if any of the following apply—

-
- (a) the geothermal tenure holder owns the land; 1
 - (b) the holder has the right other than under this Act to enter the land to carry out the activity; 2
3
 - (c) if— 4
 - (i) there is a conduct and compensation agreement relating to the land; and 5
6
 - (ii) each eligible claimant for the land is a party to the agreement; and 7
8
 - (iii) the agreement includes a waiver of entry notice; 9
 - (d) the entry is to preserve life or property or because of an emergency that exists or may exist; 10
11
 - (e) the relevant owner or occupier has, by signed writing, given a waiver of entry notice. 12
13
- (2) A waiver of entry notice mentioned in subsection (1) must comply with section 213(1). 14
15

213 Provisions for waiver of entry notice 16

- (1) A waiver of entry notice mentioned in section 212 must— 17
- (a) if it does not form part of a conduct and compensation agreement, be written and signed; and 18
19
 - (b) state the following— 20
 - (i) that the relevant owner or occupier has been told they are not required to agree to the waiver of entry notice; 21
22
23
 - (ii) the authorised activities proposed to be carried out on the land; 24
25
 - (iii) the period during which the land will be entered; 26
 - (iv) when and where the activities are proposed to be carried out. 27
28
- (2) The relevant owner or occupier can not withdraw the waiver of entry notice during the period. 29
30

[s 214]

(3)	The waiver of entry notice ceases to have effect at the end of the period.	1 2
214	Giving entry notice by publication	3
(1)	The chief executive may approve a geothermal tenure holder giving an entry notice for the tenure by publishing it in a stated way.	4 5 6
(2)	The publication may relate to more than 1 entry notice.	7
(3)	The chief executive may give the approval only if satisfied—	8
(a)	for a relevant owner or occupier who is an individual, it is impracticable to give the owner or occupier the notice personally; and	9 10 11
(b)	the publication will happen at least 20 business days before the entry.	12 13
Subdivision 2	Conduct and compensation agreement requirement for particular advanced activities	14 15 16
215	Conduct and compensation agreement requirement	17
(1)	A person must not enter private land in a geothermal tenure’s area to carry out an advanced activity for the tenure (the <i>relevant activity</i>) unless each eligible claimant for the land is a party to an appropriate conduct and compensation agreement. Maximum penalty—500 penalty units.	18 19 20 21 22 23
(2)	The requirement under subsection (1) is the <i>conduct and compensation agreement requirement</i> .	24 25
	<i>Note—</i>	26
	For conduct and compensation agreements, see part 8, division 1.	27
(3)	In this section—	28

appropriate conduct and compensation agreement, for an eligible claimant, means a conduct and compensation agreement about the holder's compensation liability to the eligible claimant of at least to the extent the liability relates to the relevant activity and its effects.

216 Exemptions from conduct and compensation agreement requirement

The conduct and compensation agreement requirement does not apply for an entry to land to carry out an advanced activity if any of the following apply—

- (a) the geothermal tenure holder owns the land;
- (b) the holder has the right other than under this Act to enter the land to carry out the activity;
- (c) each eligible claimant for the land is—
 - (i) a party to an agreement, complying with section 217, that a conduct and compensation agreement can be entered into after the entry (a *deferral agreement*); or
 - (ii) an applicant or respondent to a Land Court application under section 253 relating to the land;
- (d) the entry is to preserve life or property or because of an emergency that exists or may exist.

217 Requirements for deferral agreement

A deferral agreement must—

- (a) be written and signed by or for the holder and each eligible claimant for the land to be entered; and
- (b) state the following—
 - (i) that the eligible claimant has been told the claimant is under no obligation to enter into a deferral

[s 218]

	agreement before entering into a conduct and compensation agreement;	1 2
	(ii) the authorised activities proposed to be carried out on the land;	3 4
	(iii) the period during which the land will be entered;	5
	(iv) when and where the activities are proposed to be carried out;	6 7
	(v) the period for which the deferral agreement has effect;	8 9
	(vi) when it is proposed to enter into a conduct and compensation agreement.	10 11
Division 2	Access to private land outside area of geothermal tenure	12 13
Subdivision 1	Preliminary	14
218	Application of div 2	15
	This division applies for a geothermal tenure in relation to all private land outside its area.	16 17
Subdivision 2	Access rights and access agreements	18 19
219	Access rights of geothermal tenure holder	20
	(1) Subject to section 220, the geothermal tenure holder has the following rights—	21 22
	(a) to cross the land if it is reasonably necessary to allow the holder to enter the geothermal tenure's area;	23 24

[s 220]

(b)	to carry out activities on the land that are reasonably necessary to allow the crossing of the land.	1 2
	<i>Example for paragraph (b)—</i>	3
	opening a gate or fence	4
(2)	The rights under subsection (1) that may, under section 220, be exercised are the access rights for the geothermal tenure.	5 6
(3)	Land to which the access rights apply is access land for the geothermal tenure.	7 8
220	Restriction on exercise of access rights	9
(1)	The access rights may be exercised only if—	10
(a)	the exercise of the rights is needed to preserve life or property because of a dangerous situation or emergency that exists or may exist; or	11 12 13
(b)	the following have agreed orally or in writing to the exercise of the rights—	14 15
(i)	if exercising the rights is likely to have a permanent impact on the land—each owner and the occupier of the land;	16 17 18
(ii)	if exercising the rights is unlikely to have a permanent impact on the land—each occupier of the land.	19 20 21
	<i>Note—</i>	22
	See also section 324 (Duty to avoid interference in carrying out geothermal activities).	23 24
(2)	An agreement mentioned in subsection (1)(b) is an access agreement .	25 26
(3)	In this section—	27
	permanent impact , on the land, means a continuing effect on the land or its use or a permanent or long-term adverse effect on its current lawful use by an occupier of the land.	28 29 30

[s 221]

<i>Example of an exercise of the rights that is likely to have a permanent impact—</i>	1 2
building a road	3
<i>Example of an exercise of the rights that is unlikely to have a permanent impact—</i>	4 5
opening or closing a gate	6
221 Owner or occupier must not unreasonably refuse to make access agreement	7 8
(1) An owner or occupier of the land must not, if asked by the geothermal tenure holder, unreasonably refuse to make an access agreement for the exercise of the access rights.	9 10 11
(2) For subsection (1), the owner or occupier does not unreasonably refuse only because the owner or occupier asks for the agreement to be subject to reasonable and relevant conditions offered by the owner or occupier.	12 13 14 15
(3) If the holder asks the owner or occupier to make an access agreement and the owner or occupier has not within 20 business days made the agreement, the owner or occupier is taken to have refused to agree.	16 17 18 19
<i>Note—</i>	20
Either party may refer a refusal under subsection (1) or (3) to the Land Court to decide whether the refusal is unreasonable. See section 225.	21 22
222 Principles for deciding whether access is reasonable	23
(1) This section provides for matters to which regard must be had in deciding whether—	24 25
(a) it is reasonably necessary for the geothermal tenure holder to cross the land to allow the holder to enter the tenure’s area; or	26 27 28
(b) it is reasonably necessary for the holder to carry out activities on the land to allow the crossing of the land; or	29 30

(c)	the owner or occupier has unreasonably refused to make an access agreement.	1 2
(2)	The holder must first show it not possible or reasonable to exercise the access rights by using a formed road.	3 4
(3)	After subsection (2) has been satisfied, the following must be considered—	5 6
(a)	the nature and extent of any impact the exercise of the access rights will have on the land and the owner or occupier’s use and enjoyment of it;	7 8 9
(b)	how, when and where and the period during which the holder proposes to exercise the access rights.	10 11
(4)	In this section—	12
	<i>formed road</i> means any existing road or track on private land or public land used, or that may reasonably be capable of being used, to drive or ride motor vehicles.	13 14 15
223	Provisions for access and access agreements	16
(1)	Section 210 applies for any entry to the land by the geothermal tenure holder as if the entry were an entry to carry out authorised activities.	17 18 19
	<i>Editor’s note—</i>	20
	Section 210 (Entry notice requirement)	21
(2)	However—	22
(a)	a written access agreement may include a waiver of entry notice for the entry; and	23 24
(b)	if an access agreement provides for alternative conditions to section 210 for the entry—section 210 does not apply for so long as the alternative conditions are in force.	25 26 27 28
(3)	A written access agreement may include a conduct and compensation agreement for the exercise or future exercise of access rights by the holder.	29 30 31

[s 224]

(4)	This division does not limit or otherwise affect the ability of the owner or occupier to grant the holder a right of access to the land, including, for example, by the grant of an easement.	1 2 3
224	Access agreement binds successors and assigns	4
	Subject to section 226, an access agreement binds the parties to it and each of their personal representatives, successors in title and assigns.	5 6 7
Subdivision 3	Land Court resolution	8
225	Power of Land Court to decide access agreement	9
(1)	If a dispute arises between the geothermal tenure holder and an owner or occupier of the land (the <i>parties</i>) about a matter mentioned in section 222(1), any party to the dispute may apply to the Land Court for it to decide the matter.	10 11 12 13
(2)	In deciding the matter, the Land Court may impose conditions it considers appropriate for the exercise of the access rights.	14 15
(3)	Conditions imposed under subsection (2) are taken to be—	16
(a)	if there is already an access agreement between the parties—conditions of that agreement; or	17 18
(b)	if there is no access agreement between the parties—an access agreement between the parties.	19 20
226	Power of Land Court to vary access agreement	21
(1)	An owner or occupier of the land or the geothermal tenure holder may apply to the Land Court to vary any access agreement between them.	22 23 24
(2)	The Land Court may vary the access agreement only if it considers the change is appropriate because of a material change in circumstances.	25 26 27
(3)	Subsection (2) does not limit section 222.	28

(4)	This section does not prevent the owner or occupier and the holder from agreeing to vary the access agreement.	1 2
227	Criteria for deciding access	3
	In deciding an application under this subdivision, the Land Court must have regard to section 222(2) and (3).	4 5
Division 3	Provisions for dealings or change in ownership or occupancy	6 7
228	Entry notice or waiver of entry notice or access agreement not affected by a dealing	8 9
	A dealing with a geothermal tenure does not affect an entry notice or waiver of entry notice or an access agreement given or made for the tenure.	10 11 12
229	Change in ownership or occupancy	13
(1)	If, after the giving of an entry notice, the ownership or occupancy of the relevant land changes—	14 15
(a)	the holder of the geothermal tenure for which the entry notice was given is taken to have given that notice to each new owner or occupier of the land; and	16 17 18
(b)	section 210(2) does not apply for the new owner or occupier for the entry period stated in the notice.	19 20
(2)	If, after the giving of a waiver of entry notice, the ownership or occupancy of the relevant land changes, each new owner or occupier of the land is taken to have given that waiver of entry notice.	21 22 23 24
(3)	If the relevant geothermal tenure holder becomes aware of a new owner or occupier mentioned in subsection (1) or (2), the holder must, within 15 business days, give the new owner or occupier a copy of the entry notice or waiver of entry notice.	25 26 27 28

[s 230]

- (4) If the holder does not comply with subsection (3), subsections (1) and (2) cease to apply for the entry notice or consent. 1
2

Division 4 Periodic notice after entry of land 3

230 Notice to owners and occupiers 4

- (1) This section applies if— 5
- (a) private land has been entered to carry out authorised activities for a geothermal tenure; or 6
7
 - (b) access land for a geothermal tenure has been entered in the exercise of the access rights over the land. 8
9
- (2) The holder of the geothermal tenure must, within 3 months after the end of the period under subsection (3), (4) or (5), give each owner and occupier of the land a notice stating— 10
11
12
- (a) what activities were carried out on the land during that period and where they were carried out; or 13
14
 - (b) if no activities were carried out on the land during the period—that no activities were carried out on the land during that period. 15
16
17
- (3) If an entry notice was given for the entry to all owners or occupiers of the land, the period for subsection (2) is the period stated in the entry notice. 18
19
20
- (4) If all owners or occupiers of the land gave a waiver of entry notice for the entry, the period for subsection (2) is the longer of the following periods after the giving of the waiver of entry notice— 21
22
23
24
- (a) either— 25
 - (i) for a geothermal permit—6 months; or 26
 - (ii) for a geothermal lease—1 year; 27
 - (b) if, within the period under paragraph (a), each owner or occupier of the land consented to a longer period—the longer period. 28
29
30

-
- (5) If an entry notice for the entry was given to some of the owners or occupiers and the rest of the owners or occupiers gave a waiver of entry notice for the entry, the period for subsection (2) is the longer of the periods under subsections (3) and (4).

Division 5 Access to carry out rehabilitation and environmental management

231 Right of access for authorised activities includes access for rehabilitation and environmental management

- (1) This section applies if, under this part, a geothermal tenure holder has the right to enter private land to carry out authorised activities for the tenure.
- (2) The right includes a right to enter the land to carry out rehabilitation or environmental management required of the holder under any relevant environmental requirement under the Environmental Protection Act.

Division 6 Miscellaneous provision

232 Direction to ease concerns of owner or occupier

- (1) This section applies if the Minister reasonably believes that, to ease a valid concern of an owner or occupier of land in a geothermal tenure's area, the tenure holder ought reasonably to take action, or cease taking action.
- (2) The Minister may, by notice, direct the holder to take the action, or cease taking the action, within a stated reasonable period.
- (3) However, before deciding to give the notice, the Minister must—
- (a) give the holder a notice stating—

[s 233]

(i)	the proposed direction; and	1
(ii)	the grounds for giving the proposed direction; and	2
(iii)	the facts and circumstances forming the basis for the grounds; and	3 4
(iv)	that the holder may, within a stated reasonable period, make submissions to the Minister about the proposed direction; and	5 6 7
(b)	consider any submissions made by the holder within the period.	8 9
(4)	The decision does not take effect until the holder is given an information notice about the decision.	10 11
	<i>Note—</i>	12
	For the consequence of noncompliance with the direction, see section 315 (When noncompliance action may be taken).	13 14
Part 6	Public land	15
Division 1	Public roads	16
Subdivision 1	Preliminary	17
233	Significant projects excluded from div 1	18
(1)	This division does not apply for a geothermal tenure for a significant project.	19 20
(2)	Subsection (1) does not limit or otherwise affect conditions the coordinator-general may, under the <i>State Development and Public Works Organisation Act 1971</i> , part 4, recommend for the geothermal tenure.	21 22 23 24

234	What is a <i>notifiable road use</i>	1
(1)	A <i>notifiable road use</i> , for a geothermal tenure, is—	2
(a)	the use of a public road in the geothermal tenure’s area for transport relating to a seismic survey or drilling activity; or	3 4 5
(b)	the use of a public road at more than the haulage threshold rate if the haulage relates to the construction of a pipeline.	6 7 8
(2)	Subsection (1)(b) applies even if the road is not on land in the geothermal tenure’s area.	9 10
(3)	In this section—	11
	<i>haulage threshold rate</i> means—	12
(a)	for a State-controlled road—50000t a year; or	13
(b)	for another public road—10000t a year.	14

Subdivision 2	Notifiable road uses	15
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235	Notice of notifiable road use	16
(1)	It is a condition of each geothermal tenure that its holder must not use a public road for a notifiable road use unless the holder has given the public road authority for the road notice that the holder proposes to carry out the use.	17 18 19 20
	<i>Note—</i>	21
	See also section 262 (Compensation to be addressed before carrying out notifiable road use).	22 23
(2)	The notice must—	24
(a)	be given—	25
(i)	at least 10 business days before the use starts; or	26
(ii)	within a shorter period agreed to by the public road authority in writing; and	27 28

[s 236]

- (b) state the following— 1
- (i) the public road proposed to be used; 2
 - (ii) the type of haulage under the use; 3
 - Examples of type of haulage—* 4
 - vehicle type 5
 - material hauled 6
 - (iii) the total weight of material proposed to be hauled; 7
 - (iv) when the use is proposed to start and end; 8
 - (v) the frequency of vehicle movements; 9
 - (vi) contact details for the holder or someone else the holder has authorised to discuss the matters stated in the notice. 10
11
12

236 Directions about notifiable road use 13

- (1) The public road authority for a public road may, by notice, give a geothermal tenure holder a direction (a *road use direction*) about the way the holder may use the road for notifiable road uses being carried out, or proposed to be carried out, by the holder. 14
15
16
17
18
- (2) The direction must— 19
- (a) be reasonable; and 20
 - (b) only be about— 21
 - (i) preserving the condition of the road; or 22
 - (ii) the safety of road users or the public; and 23
 - (c) be accompanied by or include an information notice about the decision to give the direction. 24
25
- Examples of what a direction may be about—* 26
- when the road may be used 27
 - the route for the movement of heavy vehicles 28
 - safety precautions the holder must take 29

(3)	The direction may also require the holder to—	1
(a)	carry out an assessment of the impacts likely to arise from the notifiable road use the subject of the notice; and	2 3 4
(b)	consult with the public road authority in carrying out the assessment.	5 6
(4)	However—	7
(a)	an assessment can not be required if the notifiable road use is transport relating to a seismic survey or drilling activity; and	8 9 10
(b)	the public road authority can not require an assessment of an impact to the extent it has already been assessed under an EIS under the Environmental Protection Act or a similar document under another Act.	11 12 13 14
237	Obligation to comply with road use directions	15
	It is a condition of each geothermal tenure that its holder must comply with any road use direction given to its holder relating to the tenure, unless the holder has a reasonable excuse.	16 17 18
Division 2	Other public land	19
	<i>Note—</i>	20
	For the ownership of equipment and improvements on public land see part 9.	21 22
238	When entry notice has to be given	23
(1)	This section does not apply for a notifiable road use.	24
(2)	A person must not enter public land to carry out an authorised activity for a geothermal tenure on public land unless—	25 26
(a)	the activity is an activity that may be carried out by a member of the public without requiring the specific approval of the public land authority for the land; or	27 28 29

[s 239]

- Example—* 1
travelling on a public road in the geothermal tenure’s area 2
- (b) the holder has, at least 30 business days before the entry, 3
given the public land authority notice under this part (an 4
entry notice) of the proposed entry; or 5
- (c) the public land authority has agreed in writing that an 6
entry notice is not required and the agreement complies 7
with section 239; or 8
- (d) the entry is needed to preserve life or property because 9
of a dangerous situation or emergency that exists or may 10
exist. 11
- Maximum penalty—100 penalty units. 12
- (3) An agreement under subsection (2)(c) is a **waiver of entry 13
notice**. 14

239 Waiver of entry notice 15

- (1) A waiver of entry notice must— 16
- (a) be signed; and 17
- (b) state the following— 18
- (i) that the public land authority has been told it is not 19
required to agree to the waiver of entry notice; 20
- (ii) the authorised activities proposed to be carried out 21
on the land; 22
- (iii) the period during which the land will be entered; 23
- (iv) when and where the activities are proposed to be 24
carried out. 25
- (2) The public land authority can not withdraw the waiver of 26
entry notice during the period. 27
- (3) The waiver of entry notice ceases to have effect at the end of 28
the period. 29

240	Required contents of entry notice	1
(1)	An entry notice must state the following—	2
(a)	the land proposed to be entered;	3
(b)	the period during which the land will be entered (the <i>entry period</i>);	4 5
(c)	the activities proposed to be carried out on the land;	6
(d)	when and where the activities are proposed to be carried out;	7 8
(e)	contact details for—	9
(i)	the relevant geothermal tenure holder; or	10
(ii)	another person the holder has authorised to discuss the matters stated in the notice.	11 12
(2)	The entry period can not be longer than—	13
(a)	for a geothermal permit—6 months; or	14
(b)	for a geothermal lease—1 year.	15
(3)	However, for a geothermal lease the entry period may be longer if the public land authority agrees in writing.	16 17
(4)	Subject to subsections (2) and (3), an entry notice given to 1 public land authority for the public land may state a different 2 entry period from an entry notice given to another public land 3 authority for the public land.	18 19 20 21
(5)	If a proposed activity is not likely to significantly disrupt 22 activities the public land authority ordinarily carries out on the 23 land, the entry notice may comply with subsection (1)(c) and 24 (d) by generally describing the nature and extent of the 25 activity.	22 23 24 25 26
241	Conditions public land authority may impose	27
(1)	A public land authority may impose relevant and reasonable 28 conditions on a geothermal tenure holder, including, for 29 example, about giving the public land authority—	28 29 30

[s 241]

- | | | |
|------|---|----------------------------|
| (a) | notice of proposed entry— | 1 |
| (i) | generally—at least 2 business days before the proposed entry; or | 2
3 |
| (ii) | if the holder and the public land authority have agreed to a longer or shorter period for giving the notice—within the longer or shorter period; or | 4
5
6 |
| (b) | notice at stated intervals of activities carried out by, or for, the holder on the land. | 7
8 |
| (2) | However, the public land authority can not impose a condition that is any of the following for a condition of the geothermal tenure or the relevant environmental authority (the <i>existing condition</i>)— | 9
10
11
12 |
| (a) | the same as the existing condition; | 13 |
| (b) | substantially the same as the existing condition; | 14 |
| (c) | inconsistent with the existing condition. | 15 |
| (3) | Despite subsection (2), if the public land authority is the chief executive of the department in which the <i>Nature Conservation Act 1992</i> is administered, that chief executive may impose a condition more stringent than the environmental authority's conditions. | 16
17
18
19
20 |
| (4) | If the public land authority decides to impose a condition other than a condition agreed to or requested by the holder, it must give the holder an information notice about the decision. | 21
22
23 |
| (5) | In carrying out the activity, the holder must comply with the conditions. | 24
25 |
| | Maximum penalty for subsection (5)—100 penalty units. | 26 |

Part 7	Access to land in area of particular other authorities	1 2
242	Application of pt 7	3
(1)	This part applies for a geothermal tenure (the <i>first authority</i>) for land outside its area and in the area of any of the following (the <i>second authority</i>)—	4 5 6
(a)	another geothermal tenure;	7
(b)	a petroleum tenure;	8
(c)	a petroleum authority;	9
(d)	a mining tenement;	10
(e)	a GHG authority.	11
(2)	However, if the land is also private land or public land, this part does not limit part 5 or 6.	12 13
243	Access if second authority is a lease	14
	If the second authority is a lease, the first authority holder may enter the land only if—	15 16
(a)	the second authority holder has consented in writing to the entry; and	17 18
(b)	the first authority holder has given the chief executive a notice stating that the consent has been given.	19 20
244	Access if second authority is not a lease	21
(1)	If the second authority is not a lease, the first authority holder may do the following without the second authority holder's consent—	22 23 24
(a)	cross the land if it is reasonably necessary to allow the first authority holder to enter the first authority's area;	25 26

[s 245]

	(b) carry out activities on the land that are reasonably necessary to allow the crossing of the land.	1 2
(2)	However, a right under subsection (1) may be exercised only if its exercise does not adversely affect the carrying out of an authorised activity for the second authority.	3 4 5
(3)	Subsection (2) applies whether or not the authorised activity has already started.	6 7
Part 8	Compensation and negotiated access	8 9
Division 1	Compensation other than for notifiable road uses	10 11
Subdivision 1	Preliminary	12
245	Application of div 1	13
	This division does not apply for a public land authority in relation to a notifiable road use.	14 15
Subdivision 2	General provisions	16
246	General liability to compensate	17
(1)	The holder of each geothermal tenure is liable to compensate each owner or occupier of private land or public land that is in the area of, or is access land for, the tenure (an <i>eligible claimant</i>) for any compensatable effect the eligible claimant suffers caused by relevant authorised activities.	18 19 20 21 22

(2)	A geothermal tenure holder’s liability under subsection (1) to an eligible claimant is the holder’s <i>compensation liability</i> to the claimant.	1 2 3
(3)	This section is subject to section 256.	4
(4)	In this section—	5
	<i>compensatable effect</i> means all or any of the following relating to the eligible claimant’s land—	6 7
(a)	deprivation of possession of its surface;	8
(b)	diminution of its value;	9
(c)	diminution of the use made or that may be made of the land or any improvement on it;	10 11
(d)	severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;	12 13
(e)	any cost or loss arising from the carrying out of activities under the geothermal tenure on the land.	14 15
	<i>relevant authorised activities</i> means authorised activities for the geothermal tenure carried out by the holder or a person authorised by the holder.	16 17 18
Subdivision 3	General provisions for conduct and compensation agreements	19 20
247	Conduct and compensation agreement	21
(1)	An eligible claimant and a geothermal tenure holder may enter into an agreement (a <i>conduct and compensation agreement</i>) about—	22 23 24
(a)	how and when the geothermal tenure holder may enter the land for which the eligible claimant is an eligible claimant; and	25 26 27

[s 248]

(b)	how authorised activities under the geothermal tenure, to the extent they relate to the eligible claimant, must be carried out; and	1 2 3
(c)	the holder's compensation liability to the claimant or any future compensation liability that the holder may have to the claimant.	4 5 6
(2)	However, a conduct and compensation agreement can not be inconsistent with this Act, a condition of the geothermal tenure or a mandatory provision of the land access code and is unenforceable to the extent of the inconsistency.	7 8 9 10
(3)	A conduct and compensation agreement may relate to all or part of the liability or future liability.	11 12
248	Content of conduct and compensation agreement	13
(1)	A conduct and compensation agreement must—	14
(a)	provide for the matters mentioned in section 247(1); and	15
(b)	be written and signed by or for the geothermal tenure holder and the eligible claimant; and	16 17
(c)	state whether it is for all or part of the compensation liability; and	18 19
(d)	if it is for only part of the compensation liability, state—	20
(i)	details of each activity or effect of the activity to which the agreement relates; and	21 22
(ii)	the period for which the agreement has effect; and	23
(e)	provide for how and when the compensation liability will be met.	24 25
(2)	A conduct and compensation agreement may—	26
(a)	extend the holder's compensation liability to the claimant or any future compensation liability that the holder may have to the claimant to any renewal of the geothermal tenure; and	27 28 29 30
(b)	provide for—	31

-
- (i) monetary or non-monetary compensation; or 1
Example of non-monetary compensation— 2
A conduct and compensation agreement may provide for 3
the construction of a road for the claimant. 4
- (ii) a process by which it may be amended or enforced; 5
and 6
Example of a process for amendment— 7
A conduct and compensation agreement may provide for 8
compensation under it to be reviewed on the happening of 9
a material change in circumstances for the geothermal 10
tenure, including a change in the extent of activities 11
required under a later development plan for a geothermal 12
lease. 13
- (c) provide for any compensation that is or may be payable 14
by the holder to the eligible claimant under the 15
Environmental Protection Act. 16
- (3) This section does not limit the matters that may be provided 17
for in a conduct and compensation agreement. 18

Subdivision 4 Negotiation process 19

Note— 20

Generally, a geothermal tenure holder can not enter private land to carry 21
out an advanced activity unless the holder complies with this 22
subdivision. See sections 215 and 216. 23

249 Notice of intent to negotiate 24

- (1) A geothermal tenure holder may give an eligible claimant to 25
whom the holder has a compensation liability a notice (the 26
negotiation notice) that the holder wishes to negotiate a 27
conduct and compensation agreement or a deferral agreement 28
with the eligible claimant. 29
- (2) The negotiation notice must be accompanied by a copy of the 30
land access code and state all of the following— 31

[s 250]

- | | | |
|-----|---|----------------|
| (a) | if the holder wishes to negotiate a conduct and compensation agreement— | 1
2 |
| | (i) whether the holder wishes to negotiate all or part of the holder’s compensation liability to the eligible claimant; and | 3
4
5 |
| | (ii) if the holder only wishes to negotiate part of the liability—what the part is; | 6
7 |
| (b) | if the holder wishes to negotiate a deferral agreement—that wish and the reasons for it; | 8
9 |
| (c) | the land the holder proposes to enter; | 10 |
| (d) | the activities proposed to be carried out on the land; | 11 |
| (e) | when and where the activities are proposed to be carried out; | 12
13 |
| (f) | if the holder is a corporation—contact details for the holder and an individual the holder has authorised to negotiate the agreement. | 14
15
16 |
| (3) | The geothermal tenure holder must give the chief executive a copy of the negotiation notice immediately after it is given. | 17
18 |
| | Maximum penalty for subsection (3)—10 penalty units. | 19 |

250 Negotiations 20

- | | | |
|-----|--|----------------------------|
| (1) | On the giving of the negotiation notice, the geothermal tenure holder and the eligible claimant (the <i>parties</i>) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement (a <i>relevant agreement</i>). | 21
22
23
24
25 |
| (2) | The period of the negotiations— | 26 |
| | (a) must be at least 20 business days from the giving of the negotiation notice (the <i>minimum negotiation period</i>); but | 27
28
29 |
| | (b) may continue for as long as the parties wish. | 30 |

-
- (3) If, during the minimum negotiation period, the parties enter into a relevant agreement, the geothermal tenure holder can not enter the relevant land to carry out advanced activities for the tenure until the period ends. 1
2
3
4
- (4) Subsection (3) applies despite the terms of the agreement. 5
- 251 Cooling-off during minimum negotiation period 6**
- (1) This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period. 7
8
9
- (2) Either of the parties may, within the minimum negotiation period, terminate the agreement by giving notice to the other party. 10
11
12
- (3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect. 13
14
- (4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given. 15
16
- 252 Parties may seek mediation 17**
- (1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and compensation agreement. 18
19
20
- (2) Either party may ask an authorised officer to call a mediation between the parties to negotiate a conduct and compensation agreement. 21
22
23
- (3) Chapter 7, part 1 applies to the mediation. 24
- (4) However, the authorised officer must take all reasonable steps to ensure the mediation is finished within 20 business days after it was requested. 25
26
27

[s 253]

Subdivision 5	Deciding compensation through Land Court	1 2
253	Deciding compensation through Land Court if mediation not called or after unsuccessful mediation	3 4
(1)	This section applies if, under section 252, a party has asked an authorised officer to call a mediation and the officer does not finish the mediation within 20 business days after receiving the request.	5 6 7 8
(2)	This section also applies if—	9
(a)	an authorised officer has, under section 252, called a mediation; and	10 11
(b)	one or both of the parties attended the mediation; and	12
(c)	there is no conduct and compensation agreement between the parties relating to the subject of the mediation within 20 business days after the mediation was called.	13 14 15 16
(3)	An eligible party may apply to the Land Court for it to decide the geothermal tenure holder’s—	17 18
(a)	compensation liability to the claimant; or	19
(b)	future compensation liability to the claimant for an authorised activity for the geothermal tenure proposed to be carried out by or for the holder.	20 21 22
(4)	However, the Land Court may decide the liability or future liability only to the extent it is not subject to a conduct and compensation agreement.	23 24 25
(5)	In hearing the application, the Land Court must as much as practicable ensure the hearing happens together with, or as closely as possible to, the hearing of any relevant environmental compensation application.	26 27 28 29
(6)	In this section— <i>eligible party</i> means—	30 31

-
- (a) if subsection (1) applies—any party; or 1
 - (b) if subsection (2) applies—a party who attended the 2
mediation. 3
- relevant environmental compensation application*** means an 4
application to the Land Court for compensation that is or may 5
be payable by the geothermal tenure holder to the eligible 6
claimant under the Environmental Protection Act. 7

254 Land Court review of compensation 8

- (1) This section applies if— 9
 - (a) the compensation liability or future compensation 10
liability of a geothermal tenure holder to an eligible 11
claimant has been agreed to under a conduct and 12
compensation agreement or decided by the Land Court 13
(the ***original compensation***); and 14
 - (b) there has been a material change in circumstances (the 15
change) since the agreement or decision. 16
- (2) The eligible claimant or the holder may apply to the Land 17
Court for it to review the original compensation. 18
- (3) In carrying out the review, the Land Court may review the 19
original compensation only to the extent it is affected by the 20
change. 21
- (4) If the Land Court considers the original compensation is not 22
affected by the change, it must not carry out or continue with 23
the review. 24
- (5) The Land Court may, after carrying out the review, decide to 25
confirm the original compensation or amend it in a way the 26
court considers appropriate. 27
- (6) If the decision is to amend the original compensation, the 28
original compensation as amended under the decision is, for 29
this Act, taken to be the original compensation. 30

[s 255]

255	Orders Land Court may make	1
(1)	The Land Court may make any order it considers appropriate to meet or enforce its decision on an application under this part.	2 3 4
(2)	Without limiting subsection (1), the Land Court may order non-monetary compensation as well as monetary compensation.	5 6 7
Subdivision 6	Miscellaneous provision	8
256	Compensation not affected by change in ownership or occupancy	9 10
(1)	A conduct and compensation agreement or a Land Court decision under this part is for the benefit of, and is taken to have been agreed to or decided for and is binding on, the following—	11 12 13 14
(a)	the relevant eligible claimant;	15
(b)	the geothermal tenure holder;	16
(c)	each of their successors and assigns including successors and assigns for the area of the relevant geothermal tenure.	17 18 19
(2)	Subsection (1) is subject to section 254.	20
Division 2	Compensation for notifiable road uses	21 22
257	Liability to compensate public road authority	23
(1)	The holder of each geothermal tenure is liable to compensate the public road authority for a public road for any cost, damage or loss it incurs or will incur that is or will be caused by notifiable road uses carried out by the holder that relate to the road.	24 25 26 27 28

<i>Examples of a possible cost for subsection (1)—</i>	1
• repair costs to rectify damage to the road caused or that will be caused by any of the uses	2 3
• capital costs for unplanned upgrades of the road incurred or that will be incurred because of any of the uses	4 5
• bring-forward costs, including interest charges, for a planned upgrade of the road that because of any of the uses is or will be required earlier than planned	6 7 8
(2) The holder’s liability under subsection (1) is the holder’s compensation liability to the public road authority.	9 10
(3) The compensation liability—	11
(a) applies whether or not the holder has, under section 235, given notice of the use; and	12 13
(b) is subject to section 263; and	14
(c) is in addition to and does not limit or otherwise affect the holder’s liability under another provision of this Act about compensating the public road authority or anyone else.	15 16 17 18
258 Compensation agreement	19
(1) A geothermal tenure holder and the public road authority for a public road may enter into an agreement (a compensation agreement) about the holder’s compensation liability to the public road authority relating to the road.	20 21 22 23
(2) A compensation agreement may relate to all or part of the liability.	24 25
(3) A compensation agreement must—	26
(a) be signed by or for the holder and the public road authority; and	27 28
(b) state whether it is for all or part of the liability; and	29
(c) if it is for only part of the liability, state—	30

[s 259]

(i)	each part of the notifiable road use to which the agreement relates; and	1 2
(ii)	the period for which the agreement has effect; and	3
(d)	provide for how and when the liability will be met.	4
(4)	A compensation agreement may—	5
(a)	extend the holder’s compensation liability to the public road authority relating to the road to any renewal of the geothermal tenure; and	6 7 8
(b)	provide for—	9
(i)	monetary or non-monetary compensation; or	10
(ii)	a process by which it may be amended or enforced.	11
	<i>Example for paragraph (b)—</i>	12
	A compensation agreement may provide for compensation under it to be reviewed on the happening of a material change in circumstances for the geothermal tenure, including a significant decrease or increase in the extent of the relevant notifiable road use.	13 14 15 16 17
(5)	Subsections (2) to (4) do not limit the matters that may be provided for in a compensation agreement.	18 19
259	Deciding compensation through Land Court	20
(1)	The public road authority for a public road or a geothermal tenure holder may apply to the Land Court for it to decide the holder’s compensation liability to the public road authority relating to the road.	21 22 23 24
(2)	The Land Court may decide the compensation liability only to the extent it is not subject to a compensation agreement.	25 26
(3)	In making the decision, the Land Court may have regard to whether the applicant has attempted to mediate or negotiate the compensation liability.	27 28 29

260	Criteria for decision	1
(1)	The criteria the Land Court must consider in deciding a compensation application include—	2 3
(a)	the reasonableness of the cost, damage or loss claimed; and	4 5
(b)	if the public road authority is a local government—the extent to which the cost, damage or loss claimed has been, will be or ought reasonably to be or to have been paid from—	6 7 8 9
(i)	amounts the geothermal tenure holder has paid or agreed to pay the public road authority for notifiable road uses; or	10 11 12
(ii)	rates and charges under the <i>Local Government Act 2009</i> paid or payable by the geothermal tenure holder to the public road authority; and	13 14 15
(c)	any other relevant matter.	16
(2)	In considering the reasonableness of any cost, damage or loss claimed, the Land Court must have regard to—	17 18
(a)	any action taken or proposed by the geothermal tenure holder to, or to attempt to, avoid, minimise or remedy the cost, damage or loss; and	19 20 21
(b)	any relevant act or omission of the public road authority.	22
(3)	Subsection (1)(b)(ii) applies whether or not the rates and charges relate to notifiable road uses.	23 24
261	Land Court review of compensation	25
(1)	This section applies if—	26
(a)	the compensation liability or future compensation liability of a geothermal tenure holder to a public road authority has been agreed to under a compensation agreement or decided by the Land Court (the <i>original compensation</i>); and	27 28 29 30 31

[s 262]

(b)	there has been a material change in circumstances since the agreement or decision.	1 2
	<i>Example of a material change in circumstances—</i>	3
	a significant decrease or increase in the extent of the relevant notifiable road use	4 5
(2)	The public road authority or geothermal tenure holder may apply to the Land Court for it to review the original compensation.	6 7 8
(3)	Sections 259 and 260 apply for the review as if the application were a compensation application.	9 10
(4)	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.	11 12 13
(5)	However, before making the decision, the Land Court must have regard to—	14 15
	(a) the original compensation; and	16
	(b) whether the applicant has attempted to mediate or negotiate an amendment of the original compensation; and	17 18 19
	(c) any change in the matters mentioned in section 260(1) since the original compensation was agreed or decided.	20 21
(6)	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.	22 23 24
262	Compensation to be addressed before carrying out notifiable road use	25 26
(1)	It is a condition of each geothermal tenure that its holder must not carry out a notifiable road use on a public road unless—	27 28
	(a) the holder and the relevant public road authority have signed a compensation agreement for the use; or	29 30
	(b) the public road authority has given written consent to the carrying out of the use; or	31 32

-
- (c) a compensation application has been made to decide the holder's compensation liability to the public road authority relating to the road. 1
2
3
- (2) A consent under subsection (1)(b) may be given for any renewal of the geothermal tenure. 4
5
- 263 Compensation not affected by change in administration or holder** 6
7
- (1) An agreement or decision under this part about compensation liability is binding on— 8
9
- (a) the relevant public road authority; and 10
- (b) the relevant geothermal tenure holder; and 11
- (c) each of their personal representatives, successors and assigns. 12
13
- (2) Subsection (1) is subject to section 261. 14

Part 9 Ownership of equipment and improvements 15 16

- 264 Application of pt 9** 17
- (1) This part applies if— 18
- (a) equipment or improvements are taken onto or constructed or placed on land in a geothermal tenure's area; and 19
20
21
- (b) the equipment or improvements were taken onto or constructed or placed on the land for use for an authorised activity for the geothermal tenure; and 22
23
24
- (c) the geothermal tenure continues in force. 25
- (2) However, this part is subject to part 14. 26

[s 265]

<i>Editor's note—</i>	1
part 14 (Enforcement of end of tenure and area reduction obligations)	2
(3) In this section—	3
<i>equipment</i> includes machinery and plant.	4
<i>improvements—</i>	5
(a) does not include a geothermal well; but	6
(b) does include any works constructed in connection with a geothermal well.	7 8
265 Ownership of equipment and improvements	9
(1) While the equipment or improvements are on the land they remain the property of the person who owned them immediately before they were taken onto or constructed or placed on the land, unless that person otherwise agrees.	10 11 12 13
<i>Note—</i>	14
See, however, section 354 (Obligation to remove equipment and improvements).	15 16
(2) However, for a geothermal well, subsection (1) is subject to part 3, division 2.	17 18
<i>Editor's note—</i>	19
part 3, division 2 (Decommissioning of geothermal wells)	20
(3) Subsection (1) applies despite—	21
(a) the plant or equipment having become part of the land; or	22 23
(b) the sale or other disposal of the land of which the plant or equipment has become a part.	24 25
(4) The equipment or improvements can not be—	26
(a) levied or seized in execution; or	27
(b) sold in exercise of a power of sale or otherwise disposed of by a process under a law of a State taken against the holder or the owner of the land.	28 29 30

-
- (5) This section applies despite— 1
- (a) an Act or law of a State; or 2
 - (b) a contract, covenant or claim of right under a law of a State. 3
4

Part 10 Geothermal register 5

266 Geothermal register 6

The chief executive must keep a register of details about the following— 7
8

- (a) restricted areas; 9
- (b) excluded land; 10
- (c) geothermal tenures; 11
- (d) geothermal coordination arrangements; 12
- (e) dealings with geothermal authorities. 13

267 Keeping of register 14

- (1) The chief executive must include in the geothermal register the information prescribed under a regulation. 15
16
- (2) The chief executive may also keep in the register information the chief executive considers appropriate about matters relating to this Act or another resource Act. 17
18
19
- (3) If under this Act, there is a change relating to information required to be kept in the register or to information that, under subsection (2), the chief executive keeps in the register, the chief executive must— 20
21
22
23
 - (a) amend the register to reflect the change; and 24
 - (b) record in the register— 25

[s 268]

	(i) when the information was amended; and	1
	(ii) for a dealing—when it took effect under section 275(2).	2 3
(4)	For subsection (3), if the change requires approval under this Act, the change happens when the approval takes effect.	4 5
268	Access to register	6
(1)	The chief executive must—	7
(a)	keep the geothermal register open for inspection by the public during office hours on business days at the places the chief executive considers appropriate; and	8 9 10
(b)	allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and	11 12 13
(c)	give a person who asks for a copy of all or part of a document or information held in the register the copy on payment of the fee prescribed under a regulation.	14 15 16
(2)	This section is subject to section 269.	17
269	Arrangements with other departments for copies from geothermal register	18 19
(1)	Despite section 268, the chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of particulars recorded in the geothermal register without payment of the fees prescribed under section 268.	20 21 22 23 24
(2)	However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the copy will not be—	25 26 27
(a)	used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or	28 29 30

(b)	included in another database of information in any form other than with chief executive's approval.	1 2
270	Supply of statistical data from geothermal register	3
(1)	The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the geothermal register.	4 5 6
(2)	If the chief executive supplies statistical data under subsection (1)—	7 8
(a)	the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and	9 10 11
(b)	without limiting paragraph (a), the agreement may also state—	12 13
(i)	how the fees and charges are to be calculated; and	14
(ii)	how payment of the fees and charges is to be made.	15
(3)	Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.	16 17 18
(4)	An agreement for the supply of statistical data must include—	19
(a)	a provision allowing the chief executive to exclude particulars from data supplied under the agreement if the chief executive is satisfied on reasonable grounds that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and	20 21 22 23 24
(b)	a provision allowing the chief executive to prohibit disclosure or to limit distribution or use of data supplied under the agreement.	25 26 27
(5)	An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under section 268.	28 29 30

[s 271]

- (6) The chief executive must exclude geothermal tenure particulars and personal information from data supplied under the agreement. 1
2
3
- (7) Subsection (6) applies despite anything in the agreement. 4
- (8) In this section— 5
- geothermal tenure particulars* means particulars from any instrument or information kept by the chief executive that may allow a person to identify a geothermal tenure to which the instrument or information relates. 6
7
8
9
- personal information* means particulars from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates. 10
11
12
13
- 271 Chief executive may correct register** 14
- (1) The chief executive may correct the geothermal register if satisfied— 15
16
- (a) the register is incorrect; and 17
- (b) the correction will not prejudice the rights recorded in the register of a geothermal tenure holder, a person who holds an interest in a geothermal tenure or a person who is a party to a geothermal coordination arrangement. 18
19
20
21
- (2) The power to correct includes power to correct information in the register or a document forming part of the register. 22
23
- (3) If the register is corrected, the chief executive must record in it— 24
25
- (a) the state of the register before the correction; and 26
- (b) the time, date and circumstances of the correction. 27
- (4) A correction under this section has the same effect as if the relevant error had not been made. 28
29
- (5) For subsection (1)(b), a right is not prejudiced if the relevant person acquired or has dealt with the right with actual or 30
31

constructive knowledge that the register was incorrect and
how it was incorrect. 1
2

Part 11 Dealings 3

Division 1 Preliminary 4

272 What is a *dealing* with a geothermal tenure 5

- (1) Each of the following is a *dealing* with a geothermal tenure— 6
- (a) a transfer of a geothermal tenure or of a share in a geothermal tenure; 7
8
 - (b) a mortgage of a geothermal tenure or of a share in a geothermal tenure; 9
10
 - (c) a release, transfer or surrender of a mortgage mentioned in paragraph (b); 11
12
 - (d) a sublease or an acquisition of a share in a sublease; 13
 - (e) a transfer of a sublease share mentioned in paragraph (d); 14
15
 - (f) a change to a geothermal tenure holder's name even if the holder continues to be the same person after the change. 16
17
18
- (2) However, a *dealing* with a geothermal tenure does not include a prohibited dealing mentioned in section 273(1). 19
20
- (3) In this section— 21
- transfer* includes— 22
- (a) a transmission by death; and 23
 - (b) a transfer by operation of law. 24

[s 273]

Example for paragraph (b)—

A geothermal tenure is held by individuals as joint tenants and one of them dies. A transfer of the tenure includes a record of the death to record the passing by survivorship of the deceased holder's share of the tenure to the other holders.

273 Prohibited dealings

- (1) A dealing having the effect of transferring a divided part of the area of a geothermal tenure is prohibited.

Examples of a divided part of the area of a geothermal tenure—

- a specific part of the surface of the area
- a specific strata beneath the surface of the area

- (2) A dealing or transfer prohibited under subsection (1) is of no effect.

274 What is a *third party transfer*

A *third party transfer*, of a geothermal tenure, is a transfer of a geothermal tenure or of a share in a geothermal tenure other than—

- (a) a transfer under which—
- (i) the proposed transferee is someone who holds the same ABN as any proposed transferor; or
 - (ii) all of one holder's share in the geothermal tenure will be transferred to another holder of the tenure; or
- (b) a transmission by death; or
- (c) a transfer by operation of law.

Division 2	Registration of dealings generally	1
275	Registration required for all dealings	2
(1)	A dealing with a geothermal tenure has no effect until it has been registered.	3 4
(2)	A registered dealing takes effect on—	5
(a)	for a third party transfer—the day the transfer was finished; or	6 7
(b)	otherwise—the day the dealing was given to the chief executive for registration.	8 9
276	Approval requirement for third party transfer or sublease	10
	A dealing that is a third party transfer or sublease can not be registered unless an application has been made under division 3 for approval of the dealing and the approval has been given.	11 12 13
277	Obtaining registration other than third party transfer or sublease	14 15
(1)	Registration of a dealing other than a third party transfer or sublease may be sought only by giving the chief executive notice of the dealing in the approved form.	16 17 18
(2)	The form must be accompanied by the fee prescribed under a regulation.	19 20
278	Effect of approval and registration	21
	The registration of a dealing or the giving of an approval under division 3 for a dealing does not of itself give the dealing any more effect or validity than it would have had, had section 275 not been enacted.	22 23 24 25

[s 279]

Division 3	Approval of third party transfers and subleases	1 2
279	Who may apply	3
(1)	Any party to a third party transfer or sublease may apply for approval and registration of the transfer or sublease.	4 5
(2)	However, the application can not be made if the proposed transferee or sublessee is not an eligible person.	6 7
280	Requirements for application	8
(1)	The application must be—	9
(a)	made to the Minister in the approved form; and	10
(b)	accompanied by—	11
(i)	if the relevant geothermal tenure or interest is subject to a mortgage—the mortgagee’s consent; and	12 13 14
(ii)	the fee prescribed under a regulation.	15
(2)	Also, if the application relates to a sublease, the application must—	16 17
(a)	be accompanied by a plan of survey for the sublease; and	18 19
(b)	state—	20
(i)	the authorised activities for the relevant geothermal lease that are proposed to be carried out under the sublease; and	21 22 23
(ii)	information that addresses the capability criteria for geothermal leases for authorised activities.	24 25

281	Deciding application	1
(1)	The Minister must decide whether or not to approve and register the third party transfer or sublease.	2 3
(2)	The approval may be given only if—	4
(a)	the proposed transferee or sublessee—	5
(i)	continues to be an eligible person; and	6
(ii)	is a holder of the relevant environmental authority and any relevant Water Act authorisation; and	7 8
(b)	either—	9
(i)	any financial assurance required under the Environmental Protection Act for the environmental authority has been given; or	10 11 12
(ii)	the administering authority under that Act has given the Minister notice that it has not required financial assurance under that Act from the proposed transferee or sublessee for the environmental authority; and	13 14 15 16 17
(c)	for a sublease—	18
(i)	the authorised activities for the relevant geothermal lease proposed to be carried out under the sublease are not inconsistent with the lease; and	19 20 21
(ii)	the Minister has approved the plan of survey accompanying the application.	22 23
(3)	In making the decision, the Minister must consider the relevant criteria under chapter 2 or 3 for obtaining the relevant type of geothermal tenure.	24 25 26
282	Security may be required	27
(1)	The Minister may, as a condition of deciding to give the approval, require the proposed transferee or sublessee to give, under section 203, security for the geothermal tenure as if the	28 29 30

[s 283]

proposed transferee or sublessee were an applicant for the tenure.	1 2
(2) If the proposed transferee or sublessee does not comply with the requirement, the approval may be refused.	3 4
283 Information notice about refusal	5
If the Minister decides not to give the approval, the Minister must give the applicant an information notice about the decision.	6 7 8
Part 12 Renewals	9
284 General conditions for renewal application	10
(1) A geothermal tenure holder may apply to renew the tenure only if none of the following is outstanding by the holder—	11 12
(a) annual rent for any geothermal tenure;	13
(b) a civil penalty under section 130 for nonpayment of annual rent;	14 15
(c) security required for any geothermal tenure, as required under section 203;	16 17
(d) interest payable under section 365 on annual rent or a civil penalty;	18 19
(e) geothermal royalty.	20
(2) Also, the application can not be made—	21
(a) more than 60 business days before the geothermal tenure’s term ends; or	22 23
(b) after the geothermal tenure has ended; or	24
(c) if the area the subject of the application is more than the area of the geothermal tenure sought to be renewed	25 26

	immediately before the renewed geothermal tenure is to take effect.	1 2
285	Restriction on applying for renewal of geothermal permit	3
	A geothermal permit holder can not apply to renew the permit for a proposed term ending later than 15 years after the permit originally took effect.	4 5 6
286	Requirements for making application	7
	The application must—	8
	(a) be made to the Minister in the approved form; and	9
	(b) include the following for the renewed geothermal tenure—	10 11
	(i) for a geothermal permit—a proposed later work program complying with the later work program requirements;	12 13 14
	(ii) for a geothermal lease—a proposed later development plan complying with the later development plan requirements; and	15 16 17
	(c) be accompanied by—	18
	(i) the application fee prescribed under a regulation; and	19 20
	(ii) if the application is made less than 20 business days before the end of the geothermal tenure’s term—an amount that is 10 times the application fee.	21 22 23 24
287	Continuing effect of geothermal tenure for renewal application	25 26
	(1) This section applies if, before the application is decided, the geothermal tenure’s term ends.	27 28

[s 288]

- (2) Despite the ending of the term, the geothermal tenure continues in force until the earlier of the following happens—
- (a) any renewed term of the geothermal tenure starts;
 - (b) a refusal of the application takes effect;
 - (c) the application is withdrawn;
 - (d) the geothermal tenure is cancelled under this Act.
- (3) Subsections (4) and (5) also apply if—
- (a) the geothermal tenure is a geothermal permit; and
 - (b) the applicant has applied for a declaration of a potential geothermal commercial area for the geothermal permit.
- (4) The geothermal permit continues in force until the declaration application is decided but only for the area of the proposed potential geothermal commercial area applied for.
- (5) The evaluation program included in the declaration application is taken to be the work program for the geothermal permit.
- (6) If the geothermal tenure is renewed, subsections (2) and (4) are taken never to have applied for the period from the end of the term of the geothermal tenure being renewed as stated in that tenure.
- 288 Deciding application**
- (1) The Minister may grant or refuse the renewal.
- (2) However—
- (a) before deciding to grant the renewal, the Minister must decide whether to approve the following for the renewed geothermal tenure—
 - (i) for a renewed geothermal permit—the applicant’s proposed work program;
 - (ii) for a renewed geothermal lease—the applicant’s proposed development plan; and

-
- (b) the renewal can not be granted unless— 1
- (i) the proposed program or plan has been approved; 2
and 3
 - (ii) the applicant satisfies the capability criteria; and 4
 - (iii) the Minister is satisfied the applicant has 5
substantially complied with the geothermal tenure 6
being renewed; and 7
 - (iv) the relevant environmental authority has been 8
issued; and 9
 - (v) any relevant Water Act authorisation has been 10
issued. 11
- (3) Also, if— 12
- (a) the geothermal tenure is a geothermal permit; and 13
 - (b) the applicant has been given a notice under section 72 to 14
apply for a geothermal lease; 15
- the renewal application must not be decided until the issue of 16
whether a geothermal lease will be granted is decided. 17
- (4) Subsection (3) does not limit the power under section 73 to 18
take a proposed action as stated in the notice. 19
- (5) The Minister may, as a condition of deciding to grant the 20
application, require the applicant to do either or both of the 21
following within a stated reasonable period— 22
- (a) pay the annual rent for the first year of the renewed 23
geothermal tenure; 24
 - (b) give, under section 203, security for the renewed 25
geothermal tenure. 26
- (6) If the applicant does not comply with the requirement, the 27
Minister may refuse the application. 28

[s 289]

289	Provisions and term of renewed geothermal permit	1
(1)	This section, as well as section 291, applies if the Minister decides to grant the renewal and the geothermal tenure is a geothermal permit.	2 3 4
(2)	Subject to this section and section 291, section 40 applies to the renewed geothermal permit as if it were a geothermal permit decided to be granted under chapter 2.	5 6 7
(3)	The renewed geothermal permit's term can not be—	8
(a)	more than 5 years; or	9
(b)	for a term ending more than 15 years after the permit originally took effect.	10 11
(4)	However, if any part of the renewed geothermal permit's area is a potential geothermal commercial area, its term for that part may be for a longer period that—	12 13 14
(a)	ends no later than when the declaration of the potential geothermal commercial area ends; and	15 16
(b)	is no more than the last term of the geothermal permit being renewed.	17 18
(5)	To remove any doubt, it is declared that subsection (4)(b) does not prevent a renewal of the renewed geothermal tenure.	19 20
290	Provisions of renewed geothermal lease	21
(1)	This section, as well as section 291, applies if the Minister decides to grant the renewal and the geothermal tenure is a geothermal lease.	22 23 24
(2)	Subject to this section and section 291, section 82 applies to the renewed geothermal tenure as if it were a geothermal lease decided to be granted under chapter 3.	25 26 27
(3)	The renewed lease's term must not be more than 20 years.	28

291	Additional provisions for term of any renewed geothermal tenure	1 2
(1)	The renewed geothermal tenure’s conditions may be different from the conditions or other provisions of the geothermal tenure being renewed.	3 4 5
(2)	If the renewed geothermal tenure is decided before the end of the term of the geothermal tenure being renewed as stated in that tenure (the <i>previous term</i>), the term of the renewed geothermal tenure is taken to start from the end of the previous term.	6 7 8 9 10
(3)	If the renewed geothermal tenure is decided after the previous term, the term of the renewed geothermal tenure starts immediately after the end of the previous term, but—	11 12 13
(a)	the renewed geothermal tenure’s conditions do not start until its holder is given notice of them; and	14 15
(b)	until the notice is given, the conditions of the geothermal tenure being renewed apply to the renewed geothermal tenure as if they were its conditions.	16 17 18
292	Criteria for decisions	19
	In deciding whether to grant the renewal, or deciding the provisions of the renewed geothermal tenure, the Minister must consider—	20 21 22
(a)	for a renewed geothermal permit—the work program criteria; and	23 24
(b)	for a renewed geothermal lease—the development plan criteria; and	25 26
(c)	whether the applicant continues to satisfy the capability criteria.	27 28

[s 293]

293	Information notice about refusal	1
	If the Minister decides to refuse the application, the Minister must give the applicant an information notice about the decision.	2 3 4
294	When refusal takes effect	5
	(1) A refusal of the application takes effect at the end of the appeal period for the decision to refuse.	6 7
	(2) Subsection (1) applies subject to section 332 and any decision of the Land Court under section 334 relating to the decision to refuse.	8 9 10
Part 13	Surrenders	11
295	Requirements for surrender	12
	(1) A geothermal tenure holder may surrender all or part of the tenure's area only if, under this part—	13 14
	(a) an application (a <i>surrender application</i>) has been made for approval of the surrender; and	15 16
	(b) the surrender has been approved.	17
	(2) In this section—	18
	<i>surrender</i> does not include a relinquishment of an area if the relinquishment is required or authorised under—	19 20
	(a) the relinquishment condition; or	21
	(b) a penalty relinquishment.	22
296	Requirements for making surrender application	23
	(1) A surrender application must be—	24

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- (a) made to the Minister in the approved form; and 1
 - (b) accompanied by the fee prescribed under a regulation. 2
 - (2) A surrender application must also be accompanied by a report 3
by the applicant about— 4
 - (a) the authorised activities for the geothermal tenure 5
carried out on the area the subject of the application; and 6
 - (b) the results of the activities; and 7
 - (c) any other information prescribed under a regulation. 8
 - Maximum penalty for subsection (2)—150 penalty units. 9

297 Deciding application 10

- (1) The Minister may approve a surrender only if— 11
 - (a) up to the day the application was made, the holder had 12
submitted all reports required to be submitted under this 13
Act; and 14
 - (b) for a surrender of all of the area of the geothermal 15
tenure—all of the relevant environmental authority has 16
been cancelled or surrendered; and 17
 - (c) for a surrender of part of the area of the geothermal 18
tenure—the relevant environmental authority has been 19
amended or partially surrendered in a way that reflects 20
the partial surrender of the tenure; and 21
 - (d) all geothermal wells in the geothermal tenure’s area 22
have been decommissioned in the way required under 23
section 199. 24
- (2) In deciding whether to give the approval, the Minister must 25
consider the extent to which the applicant has complied with 26
the geothermal tenure’s conditions. 27
- (3) If the application is for part of the area of the geothermal 28
tenure, the surrender may be approved subject to the 29
applicant’s written agreement to the Minister amending the 30

[s 298]

conditions applying to the rest of the area of the tenure in a stated way the Minister considers appropriate.	1 2
298 Notice and taking effect of decision	3
(1) If the Minister decides to approve a surrender, the Minister must give the applicant notice of the decision.	4 5
(2) The surrender takes effect on the day after the decision is made.	6 7
(3) If the Minister decides to refuse a surrender, the Minister must give the applicant an information notice about the decision.	8 9
Part 14 Enforcement of end of tenure and area reduction obligations	10 11
299 Power of authorised person to ensure compliance	12
(1) This section applies if the holder, or former holder, of a geothermal tenure has not complied with any of the following relating to land that was in the former tenure's area (the <i>primary land</i>)—	13 14 15 16
(a) a requirement under section 199 or 354 relating to the land;	17 18
(b) a requirement under an environmental requirement under the Environmental Protection Act to conduct work on the land.	19 20 21
<i>Editor's note</i> —	22
section 199 (Obligation to decommission) or 354 (Obligation to remove equipment and improvements)	23 24
(2) A person authorised (the <i>authorised person</i>) by the chief executive may, by complying with section 300, exercise the following powers (<i>remedial powers</i>)—	25 26 27

(a)	enter the primary land and do all things necessary to ensure the requirement is complied with;	1 2
(b)	enter any other land (<i>secondary land</i>) necessary or desirable to cross for access to the primary land.	3 4
(3)	However, remedial powers do not include power to enter a structure or a part of a structure used for residential purposes without the consent of the occupier of the structure or part of the structure.	5 6 7 8
(4)	The authorisation under subsection (2)—	9
(a)	must be written; and	10
(b)	may be given on conditions the chief executive considers appropriate.	11 12
300	Requirements for entry to ensure compliance	13
(1)	Remedial powers may be exercised for the primary or secondary land under section 299 only if a following person is given notice of the proposed entry at least 10 business days before the proposed entry—	14 15 16 17
(a)	if the land has an occupier—any occupier of the land;	18
(b)	if the land does not have an occupier—its owner.	19
(2)	The notice must—	20
(a)	identify the authorised person; and	21
(b)	describe the land; and	22
(c)	state—	23
(i)	that the authorised person has under this section, been authorised to enter the land; and	24 25
(ii)	the purpose of the entry; and	26
(iii)	the period of the entry.	27
(3)	The chief executive may approve the giving of the notice by publishing it in a stated way.	28 29

[s 301]

- (4) The chief executive may give the approval only if satisfied the publication is reasonably likely to adequately inform the person to whom the notice is required to be given of the proposed entry. 1
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4
- (5) If the authorised person intends to enter the land and any occupier of the land is present at the land, the person also must show or make a reasonable attempt to show the occupier the person’s authorisation under this section. 5
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8
- 301 Duty to avoid damage in exercising remedial powers** 9
- In exercising remedial powers, a person must take all reasonable steps to ensure the person causes as little inconvenience, and does as little damage, as is practicable. 10
11
12
- 302 Notice of damage because of exercise of remedial powers** 13
- (1) If a person exercising remedial powers damages land or something on it, the person must give the owner and any occupier of the land notice of the damage. 14
15
16
- (2) If for any reason it is not practicable to comply with subsection (1), the person must— 17
18
- (a) leave the notice at the place where the damage happened; and 19
20
- (b) ensure it is left in a conspicuous place and in a reasonably secure way. 21
22
- (3) The notice must state— 23
- (a) particulars of the damage; and 24
- (b) that the owner or occupier may claim compensation under section 303 from the State. 25
26

303	Compensation for exercise of remedial powers	1
(1)	This section applies if an owner or occupier of land (the <i>claimant</i>) suffers a cost, damage or loss because of the exercise or purported exercise of remedial powers.	2 3 4
(2)	Compensation is payable to the claimant by the State for the cost, damage or loss.	5 6
(3)	The compensation may be claimed and ordered in a proceeding brought in a court with jurisdiction for the recovery of the amount of compensation claimed.	7 8 9
(4)	The court may order the compensation only if it is satisfied it is just to make the order in the circumstances of the particular case.	10 11 12
304	Ownership of thing removed in exercise of remedial powers	13 14
(1)	This section applies if—	15
(a)	remedial powers are exercised for land; and	16
(b)	in the exercise of the powers a thing is removed from the land; and	17 18
(c)	immediately before the removal, the thing was the property of—	19 20
(i)	the holder or former holder of a geothermal tenure about whom the powers were exercised; or	21 22
(ii)	an agent of or contractor for the holder.	23
(2)	On the removal, the thing becomes the property of the State.	24
(3)	The State may deal with the thing as it considers appropriate, including, for example, by destroying it or giving it away.	25 26
(4)	The chief executive may deal with the thing for the State.	27
(5)	If the State sells the thing, the State may, after deducting the costs of the sale, return the net proceeds of the sale to the former owner of the thing.	28 29 30

[s 305]

305	Recovery of costs of and compensation for exercise of remedial power	1 2
(1)	The State may recover from the responsible person as a debt any—	3 4
(a)	reasonable costs the State or an authorised person under section 299 incurs in exercising a remedial power; and	5 6
(b)	compensation payable by the State under section 303 for the exercise of the remedial power.	7 8
(2)	However, in any proceeding to recover the costs, any relevant net proceeds of sale mentioned in section 304 must be deducted from the amount claimed for the costs.	9 10 11
(3)	In this section—	12
	<i>relevant net proceeds of sale</i> means the net proceeds of sale under which the thing sold was the property of the responsible person immediately before its removal under section 304.	13 14 15
	<i>responsible person</i> means the holder or former holder of the geothermal tenure about whom the remedial powers were exercised.	16 17 18
Chapter 7	Mediation, enforcement, offences and proceedings	19 20
Part 1	Mediation with eligible claimants or owners and occupiers	21 22 23
306	Application of pt 1	24
	This part applies if—	25

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- (a) under section 252, an authorised officer is asked by a geothermal tenure holder or an eligible claimant to call a mediation; or
 - (b) an owner or occupier of land in a geothermal tenure's area gives an authorised officer a notice stating concerns about the way in which authorised activities for the tenure are being carried out on the land; or
 - (c) a geothermal tenure holder gives an authorised officer a notice stating concerns about the activities of an owner or occupier of land in the tenure's area; or
 - (d) for another reason an authorised officer has concerns about the relationship between a geothermal tenure holder and an owner or occupier of land in the tenure's area.

307 Mediation may be called

- (1) If section 306(a) applies, the authorised officer must, by notice, ask the geothermal tenure holder and the eligible claimant (the *parties*) to attend a mediation by the authorised officer about negotiating a conduct and compensation agreement.
- (2) If section 306(b), (c) or (d) applies, the authorised officer may, by notice, ask the geothermal tenure holder and the owner or occupier (also the *parties*) to attend a mediation by the authorised officer about the concerns.
- (3) The notice must state what the subject of the mediation is and when and where it will be held.

308 Who may attend mediation

- (1) Apart from the authorised officer, anyone given notice of the mediation may attend it.
- (2) A party may be represented by an agent only if the authorised officer agrees.

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(3)	However, a party can not be represented by a lawyer unless the parties agree and the authorised officer is satisfied there is no disadvantage to a party.	1 2 3
309	What happens if a party does not attend	4
(1)	This section applies if a party given notice of the mediation does not attend.	5 6
(2)	For the purpose of applying to the Land Court under section 253, the mediation is taken to have been conducted.	7 8
(3)	A party who attended the mediation may apply to the Land Court for an order requiring the party who did not attend to pay the attending party's reasonable costs of attending.	9 10 11
(4)	The Land Court must not order the party who did not attend to pay costs if it is satisfied the party had a reasonable excuse for not attending.	12 13 14
(5)	If the Land Court makes the order, it must decide the amount of the costs.	15 16
310	Conduct of mediation	17
(1)	In conducting the mediation, the authorised officer must endeavour to help those attending to reach an early and inexpensive settlement of the subject of the mediation.	18 19 20
(2)	Subject to section 252, the authorised officer is to decide how the mediation is to be conducted.	21 22
311	Statements made at mediation	23
	Nothing said by a person at the mediation is admissible, without the person's consent, in a proceeding.	24 25

312	Mediated agreement	1
(1)	If, at the mediation, the parties negotiate an agreement about the concerns the subject of the mediation, the agreement must be written and signed by or for the parties.	2 3 4
(2)	The agreement—	5
(a)	may be a conduct and compensation agreement or an amendment of an existing conduct and compensation agreement between the parties; and	6 7 8
(b)	has the same effect as any other compromise.	9
Part 2	Noncompliance action for geothermal tenures	10 11
Division 1	Preliminary	12
313	Operation of div 1	13
(1)	This division provides a process for noncompliance action against a geothermal tenure holder.	14 15
(2)	The power to take noncompliance action under this part does not limit a power as follows (the <i>other power</i>)—	16 17
(a)	the power under chapter 6, part 4 to require new or additional security;	18 19
(b)	a power under another provision of this Act to amend the geothermal tenure;	20 21
(c)	the power under the P&G Act to give compliance direction.	22 23
(3)	The other power does not limit the power to take noncompliance action.	24 25
(4)	Noncompliance action may be taken when the other power is exercised.	26 27

[s 314]

Note—

The P&G Act, chapter 10 includes provisions about investigating geothermal activities and for the giving of compliance and dangerous situation directions as defined under that Act concerning those activities.

Division 2 Noncompliance action by Minister

314 Types of noncompliance action that may be taken

(1) The noncompliance action the Minister may take under this division is all or any of the following—

(a) amending the geothermal tenure by doing all or any of the following—

(i) reducing its term;

(ii) reducing its area;

Example of a possible reduction—

A geothermal permit holder has not, in contravention of section 117, carried out work required under the work program for the permit. Noncompliance action may include amending the permit to reduce its area to reflect the work not carried out.

(iii) amending a condition of the geothermal tenure;

(iv) imposing a new condition;

(b) requiring the holder of the geothermal tenure to relinquish a stated part of its area on or before a stated time;

(c) cancelling the geothermal tenure, immediately or on a stated day;

(d) withdrawing from a stated day, the approval of the work program or development plan for the tenure and directing its holder to, on or before that day, give the Minister the following document so the Minister may decide whether to approve the document—

(i)	for a geothermal permit—a proposed later work program complying with the later work program requirements;	1 2 3
(ii)	for a geothermal lease—a proposed later development plan complying with the later development plan requirements;	4 5 6
(e)	requiring the geothermal tenure holder to pay the State a penalty of an amount no more than the monetary value of 2000 penalty units.	7 8 9
(2)	However, a requirement under subsection (1)(e) may be made only if the holder has agreed to the requirement being made instead of the taking of other noncompliance action under subsection (1).	10 11 12 13
(3)	A condition or amendment under subsection (1) may restrict the authorised activities for the geothermal tenure.	14 15
(4)	If, under subsection (1)(c), the geothermal tenure is cancelled on a stated day, a condition may be imposed under subsection (1)(a) restricting the authorised activities for the tenure until the cancellation.	16 17 18 19
(5)	Noncompliance action may be taken despite the mandatory conditions for the geothermal tenure.	20 21
315	When noncompliance action may be taken	22
(1)	Noncompliance action may be taken if—	23
(a)	an event mentioned in subsection (2) or (3) has happened; and	24 25
(b)	the procedure under division 3 for taking the action has been followed; and	26 27
(c)	the geothermal tenure for which the noncompliance action is taken relates to the event for which the action is taken.	28 29 30
(2)	For subsection (1), the event is that the holder—	31

[s 316]

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|------|--|----------------|
| (a) | obtained the geothermal tenure because of a materially false or misleading representation or declaration made orally or in writing; or | 1
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| (b) | has failed to comply with this Act, a direction given under this Act or the geothermal tenure; or | 4
5 |
| (c) | did not pay an amount under this Act by the day it became owing; or | 6
7 |
| (d) | has used any land in the geothermal tenure's area for an activity that— | 8
9 |
| (i) | is not an authorised activity for the geothermal tenure or that, under any of the following Acts can not be carried out on the land— | 10
11
12 |
| (A) | the GHG storage Act, chapter 4, part 6; | 13 |
| (B) | the Mineral Resources Act, part 7AAC; | 14 |
| (C) | the P&G Act, chapter 3A; | 15 |
| (D) | the 1923 Act, part 6FA; and | 16 |
| (ii) | the holder can not otherwise lawfully carry out; or | 17 |
| (e) | has used the geothermal tenure for a purpose other than for a purpose for which it was granted; or | 18
19 |
| (f) | has carried out or purported to carry out work under the geothermal tenure for which the tenure was not granted. | 20
21 |
| (3) | Also, it is an event for subsection (1) if the holder is not, or has ceased to be, an eligible person. | 22
23 |

Division 3	Procedure for noncompliance action	24 25
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316	Notice of proposed noncompliance action	26
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| (1) | The Minister must give the geothermal tenure holder a notice stating the following— | 27
28 |
|-----|---|----------|

(a)	that the Minister proposes to take noncompliance action against the holder;	1 2
(b)	the types of noncompliance action that may be taken against the holder and the type likely to be taken;	3 4
(c)	the grounds for taking noncompliance action against the holder;	5 6
(d)	the facts and circumstances that are the basis for the grounds;	7 8
(e)	that the holder may, within a stated period, make submissions to the Minister about the proposal to take noncompliance action.	9 10 11
(2)	The notice may state—	12
(a)	if the noncompliance action is likely to include amending the geothermal tenure—the likely amendment; and	13 14 15
(b)	the amount of any likely reduction of the tenure’s area.	16
317	Considering submissions	17
(1)	The Minister must consider any submissions made by the holder within the period stated in the notice given under section 316.	18 19 20
(2)	If the Minister decides not to take noncompliance action, the Minister must, as soon as practicable, give the holder notice of the decision.	21 22 23
318	Decision on proposed noncompliance action	24
(1)	If, after complying with section 317, the Minister still believes a ground exists to take noncompliance action, the Minister may decide to take noncompliance action for the geothermal tenure relating to a ground stated in the notice given under section 316.	25 26 27 28 29

[s 319]

- (2) The Minister must, in deciding whether to take the action, have regard to whether the holder is a suitable person to hold or continue to hold the geothermal tenure. 1
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- (3) In considering whether the holder is a suitable person to hold or to continue to hold the geothermal tenure, the Minister must consider the criteria under the following for granting that type of geothermal tenure, to the extent the criteria are relevant— 4
5
6
7
8
- (a) for a geothermal permit—sections 39 and 41; 9
- (b) for a geothermal lease—section 91. 10
- 319 Notice and taking effect of decision 11**
- (1) The Minister must, after making a decision under section 318, give an information notice about the decision to— 12
13
- (a) the geothermal tenure holder; and 14
- (b) any other person who holds an interest in the geothermal tenure recorded in the geothermal register. 15
16
- (2) Generally, the decision takes effect on the later of the following— 17
18
- (a) the day the holder is given the information notice; 19
- (b) a later day of effect stated in the notice. 20
- (3) However, if the decision was to cancel the geothermal tenure the decision takes effect at the end of the appeal period for the decision. 21
22
23
- (4) Subsection (3) applies subject to section 332 and any decision of the Land Court under section 334 relating to the decision to refuse. 24
25
26
- 320 Consequence of failure to comply with relinquishment requirement 27
28**
- (1) This section applies if— 29

[s 322]

(d)	the activity is exempt heat pump production or the installation of a geothermal heat pump for exempt heat pump production; or	1 2 3
(e)	the activity is geothermal production and it is not of a large-scale; or	4 5
(f)	the activity is geothermal exploration for exempt heat pump production.	6 7
	Maximum penalty—2000 penalty units.	8
	<i>Note—</i>	9
	Other legislation may regulate geothermal production that is not of a large-scale and activities relating to geothermal heat pumps. See the <i>Sustainable Planning Act 2009</i> and the <i>Plumbing and Drainage Act 2002</i> .	10 11 12 13
322	Defence if geothermal activity is for GHG storage injection	14 15
(1)	This section applies to a geothermal activity consisting of the injection into an underground reservoir of a GHG stream.	16 17
(2)	It is a defence to a proceeding for an offence against section 321 for the defendant to prove the injection—	18 19
(a)	was for the purpose of GHG storage injection testing or GHG stream storage as defined under the GHG storage Act; and	20 21 22
(b)	was authorised under that Act.	23
323	Geothermal tenure holder’s measurement obligations	24
	A geothermal tenure holder must—	25
(a)	ensure geothermal energy produced from the geothermal tenure’s area is measured; and	26 27
(b)	give the chief executive details of the measurement at the times and in the way prescribed under a regulation.	28 29
	Maximum penalty—500 penalty units.	30

324	Duty to avoid interference in carrying out geothermal activities	1 2
	A person who carries out an authorised activity for a geothermal tenure must carry out the activity in a way that does not unreasonably interfere with anyone else carrying out a lawful activity.	3 4 5 6
	Maximum penalty—500 penalty units.	7
325	Obstruction of geothermal tenure holder	8
(1)	A person must not, without reasonable excuse, obstruct a geothermal tenure holder from—	9 10
(a)	entering or crossing land to carry out an authorised activity for the geothermal tenure if chapter 6, part 5, 6 or 7 to the extent the part is relevant, has been complied with for the entry; or	11 12 13 14
(b)	carrying out an authorised activity for the geothermal tenure on the land.	15 16
	Maximum penalty—500 penalty units.	17
(2)	If a person has obstructed a geothermal tenure holder from carrying out an activity mentioned in subsection (1) and the holder decides to proceed with the carrying out of the activity, the holder must warn the person that—	18 19 20 21
(a)	it is an offence to obstruct the holder unless the person has a reasonable excuse; and	22 23
(b)	the holder considers the person’s conduct is an obstruction.	24 25
(3)	In this section—	26
	<i>obstruct</i> includes assault, hinder, resist and attempt or threaten to assault, hinder or resist.	27 28

[s 326]

326	False or misleading information	1
(1)	A person must not make an entry in a document required to be kept under this Act knowing the entry is false or misleading in a material particular.	2 3 4
	Maximum penalty—500 penalty units.	5
(2)	A person of whom a direction or requirement under this Act has been made must not state anything or give a document or thing in response to the direction or requirement that the person knows is false or misleading in a material particular.	6 7 8 9
	Maximum penalty—500 penalty units.	10
327	Executive officers must ensure corporation does not commit particular offences	11 12
(1)	The executive officers of a corporation must ensure the corporation complies with each designated provision of this Act.	13 14 15
(2)	If a corporation commits an offence against a designated provision of this Act, each of its executive officers also commits an offence namely, the offence of failing to ensure the corporation complies with the provision.	16 17 18 19
	Maximum penalty—the penalty for the contravention of the provision by an individual.	20 21
(3)	Evidence that the corporation has been convicted of an offence against a designated provision of this Act is evidence that each of its executive officers committed the offence of failing to ensure the corporation complies with the provision.	22 23 24 25
(4)	However, it is a defence for an executive officer to prove that—	26 27
(a)	if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the designated provision; or	28 29 30 31

(b)	the officer was not in a position to influence the conduct of the corporation in relation to the offence.	1 2
(5)	In this section—	3
	<i>designated provision</i> , of this Act, means any of the following provisions—	4 5
	• sections 197, 199, 241 and 354	6
	• chapter 6, part 2	7
	• this part, other than this section.	8
328	Attempts to commit offences	9
(1)	A person who attempts to commit an offence against this Act commits an offence.	10 11
	Maximum penalty for an attempt—half the maximum penalty for the completed offence.	12 13
(2)	The Criminal Code, section 4 applies to subsection (1).	14
Part 4	Appeals	15
329	Who may appeal	16
(1)	A person whose interests are affected by a decision identified in schedule 1 may appeal against the decision to the Land Court.	17 18 19
(2)	For this section, a person who has been given or is entitled to be given an information notice about a decision is taken to be a person whose interests are affected by the decision.	20 21 22
330	Period to appeal	23
(1)	The appeal must be started within 20 business days after—	24

[s 331]

(a)	if the person has been given an information notice about the decision—the day the person is given the notice; or	1 2
(b)	if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.	3 4
(2)	However, the Land Court may at any time within the 20 business days extend the period for making an appeal.	5 6
331	Starting appeal	7
(1)	The appeal is started by filing a written notice of appeal with the Land Court.	8 9
(2)	The appellant must give the chief executive a copy of the notice.	10 11
332	Stay of operation of decision	12
(1)	The Land Court may grant a stay of the decision to secure the effectiveness of the appeal.	13 14
(2)	A stay—	15
(a)	may be given on the conditions the Land Court considers appropriate; and	16 17
(b)	operates for the period fixed by the Land Court; and	18
(c)	may be amended or cancelled by the Land Court.	19
(3)	The period of a stay under this section must not extend past the time when the Land Court decides the appeal.	20 21
(4)	The appeal affects the decision or carrying out of the decision only if it is stayed.	22 23
333	Hearing procedures	24
(1)	In deciding an appeal, the Land Court—	25
(a)	has the same powers as the Minister; and	26
(b)	is not bound by the rules of evidence; and	27

(c)	must comply with natural justice; and	1
(d)	may hear the appeal in court or in chambers.	2
(2)	An appeal is by way of rehearing unaffected by the decision.	3
(3)	Subject to subsections (1) and (2), the procedure for the appeal is—	4
(a)	in accordance with the rules for the Land Court; or	5
(b)	in the absence of relevant rules, as directed by the Land Court.	6
(4)	A power under an Act to make rules for the Land Court includes power to make rules for appeals under this part.	7
		8
		9
		10
334	Land Court’s powers on appeal	11
(1)	Subject to section 335, in deciding an appeal, the Land Court may—	12
		13
(a)	confirm the decision; or	14
(b)	set aside the decision and substitute another decision; or	15
(c)	set aside the decision and return the issue to the Minister with the directions the court considers appropriate.	16
(2)	If the Land Court substitutes another decision, the substituted decision is for this Act other than this part taken to be the decision of the Minister.	17
		18
		19
		20
335	Restriction on Land Court’s powers for decision not to grant geothermal lease	21
		22
(1)	This section applies if the Land Court is deciding an appeal against a decision not to grant a geothermal lease.	23
		24
(2)	The Land Court can not exercise a power mentioned in section 334(1)(b) or (c) in relation to the decision on the ground that any resource management decision for the application for the geothermal lease was to give overlapping authority priority, in whole or part.	25
		26
		27
		28
		29

[s 336]

Part 5	Evidence and legal proceedings	1
		2
Division 1	Evidentiary provisions	3
336	Application of div 1	4
	This division applies to a proceeding under or in relation to this Act.	5 6
337	Authority	7
	The power of the Minister, chief executive or an auditor appointed for the geothermal royalty to do anything under this Act must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it.	8 9 10 11
338	Signatures	12
	A signature purporting to be the signature of the Minister or the chief executive is evidence of the signature it purports to be.	13 14 15
339	Other evidentiary aids	16
	A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—	17 18 19
	(a) that a stated document of any of the following types is a document given, issued, kept or made under this Act—	20 21
	(i) an appointment, approval or decision;	22
	(ii) a direction, notice or requirement;	23
	(iii) a geothermal tenure;	24
	(iv) the geothermal register;	25

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- | | |
|--|----------------|
| (v) a report; | 1 |
| (vi) another record; | 2 |
| (b) that a stated document is another document kept under this Act; | 3
4 |
| (c) that a stated document is a copy of, or an extract from or part of, a thing mentioned in paragraph (a) or (b); | 5
6 |
| (d) that on a stated day— | 7 |
| (i) a stated person was given a stated decision, direction or notice under this Act; or | 8
9 |
| (ii) a stated requirement under this Act was made of a stated person; | 10
11 |
| (e) that on a stated day or during a stated period a geothermal tenure— | 12
13 |
| (i) was or was not in force; or | 14 |
| (ii) was or was not subject to a stated condition; or | 15 |
| (iii) was or was not cancelled; | 16 |
| (f) that a stated amount is payable under this Act by a stated person and has not been paid; | 17
18 |
| (g) that a stated address for a geothermal tenure holder is the last address of the holder known to the Minister or the chief executive. | 19
20
21 |

Division 2 Offence proceedings 22

340 Offences under Act are summary 23

- | | |
|---|----------|
| (1) An offence against this Act is a summary offence. | 24 |
| (2) A proceeding for an offence against this Act must start within the later of the following periods to end— | 25
26 |
| (a) 1 year after the commission of the offence; | 27 |

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- (b) 6 months after the offence comes to the complainant's knowledge but within 2 years after the commission of the offence. 1
2
3

341 Statement of complainant's knowledge 4

In a complaint starting a proceeding for an offence against this Act, a statement that the matter of the complaint came to the complainant's knowledge on a stated day is evidence the matter came to the complainant's knowledge on that day. 5
6
7
8

342 Conduct of representatives 9

- (1) This section applies to a proceeding for an offence against this Act if it is relevant to prove a person's state of mind about particular conduct. 10
11
12
- (2) It is enough to show— 13
- (a) the conduct was engaged in by a representative of the person within the scope of the representative's actual or apparent authority; and 14
15
16
- (b) the representative had the state of mind. 17
- (3) Conduct engaged in for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been engaged in also by the person unless the person proves— 18
19
20
21
- (a) if the person was in a position to influence the representative in relation to the conduct—the person took reasonable steps to prevent the conduct; or 22
23
24
- (b) the person was not in a position to influence the representative in relation to the conduct. 25
26
- (4) In this section— 27
- engaging*, in conduct, includes failing to engage in conduct. 28
- representative* means— 29

-
- (a) for a corporation—an agent, employee or executive officer of the corporation; or 1
2
 - (b) for an individual—an agent or employee of the individual. 3
4
- state of mind*, of a person, includes the person’s— 5
- (a) belief, intention, knowledge, opinion or purpose; and 6
 - (b) reasons for the belief, intention, opinion or purpose. 7

343 Additional orders that may be made on conviction 8

- (1) If a court convicts a person for an offence against this Act, it may— 9
10
 - (a) order the forfeiture to the State of— 11
 - (i) anything used to commit the offence; or 12
 - (ii) anything else the subject of the offence; and 13
 - (b) make any order to enforce the forfeiture it considers appropriate; and 14
15
 - (c) order the person to pay the State the amount of costs it incurred for remedial work that was necessary or desirable because of the commission of the offence. 16
17
18
- (2) Forfeiture of a thing may be ordered— 19
 - (a) whether or not it has been seized under this Act; and 20
 - (b) if it has been seized under this Act, whether or not it has been returned to its owner. 21
22

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Chapter 8	Miscellaneous provisions	1
Part 1	Provisions about geothermal tenures	2 3
Division 1	General provisions	4
344	Geothermal tenure does not create an interest in land	5
	The granting of a geothermal tenure does not create an interest in any land.	6 7
345	Joint holders of a geothermal tenure	8
(1)	A geothermal tenure may be held by 2 or more persons as joint tenants or as tenants in common.	9 10
(2)	If, under this Act—	11
(a)	an application is made for, or for approval to transfer, a geothermal tenure for more than 1 proposed holder or transferee; and	12 13 14
(b)	the application does not show whether the proposed holders or transferees are to hold as joint tenants or as tenants in common; and	15 16 17
(c)	the application is granted;	18
	the chief executive must record in the geothermal register that the applicants hold the geothermal tenure as tenants in common.	19 20 21
(3)	In this section—	22
	<i>geothermal tenure</i> includes a share in a geothermal tenure.	23

346	Minister's power to ensure compliance by geothermal tenure holder	1 2
(1)	This section applies if—	3
(a)	a geothermal tenure holder has not complied with a requirement under this Act of the holder; and	4 5
(b)	no other provision of this Act allows someone other than the holder to ensure compliance with the requirement.	6 7
(2)	The Minister may take any action the Minister considers appropriate to ensure all or part of the requirement is complied with if—	8 9 10
(a)	subsections (3) and (4) have been complied with; or	11
(b)	the holder has agreed to the Minister taking the action.	12
(3)	The Minister must give the holder notice—	13
(a)	stating the requirement and the action the Minister proposes to take; and	14 15
(b)	inviting the holder to, within a stated reasonable period, make submissions to the Minister about the proposed action.	16 17 18
(4)	The Minister must consider any submissions made by the holder within the stated period.	19 20
(5)	A decision to take the action does not take effect until the holder is given an information notice about the decision.	21 22
(6)	The State may recover from the holder as a debt any reasonable costs it incurs in the exercise of the power under subsection (2).	23 24 25
347	Power to correct or amend tenure	26
(1)	The Minister may amend a geothermal tenure at any time by giving its holder a notice of the amendment and recording particulars in the relevant register if the amendment—	27 28 29
(a)	is to correct a clerical error; or	30

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- (b) is to state, or more accurately state, the boundaries of the area of the geothermal tenure because of a survey carried out under section 132. 1
2
3
- (2) The Minister may at any time amend a condition of the geothermal tenure if its holder agrees in writing. 4
5
- (3) Despite subsections (1) and (2), the following can not be amended under this section— 6
7
- (a) the mandatory conditions for that type of geothermal tenure; 8
9
- (b) the geothermal tenure’s term; 10
- (c) any work program or development plan for the geothermal tenure. 11
12
- (4) Also, the Minister can not amend the geothermal tenure in a way that would make a provision of the tenure— 13
14
- (a) inconsistent with the mandatory conditions for that type of geothermal tenure; or 15
16
- (b) the same as, or substantially the same as, or inconsistent with, any relevant environmental condition for the tenure. 17
18
19
- 348 Replacement of instrument for geothermal tenure 20**
- (1) If the instrument for a geothermal tenure has been lost, stolen or destroyed, its holder may apply to replace it. 21
22
- (2) The application must be made to the Minister in the approved form. 23
24
- (3) If the Minister is reasonably satisfied the instrument has been lost, stolen or destroyed, the Minister must replace it. 25
26
- (4) If the Minister decides to refuse to replace the instrument, the Minister must give the holder an information notice about the decision. 27
28
29

349	Joint and several liability for conditions and for debts to State	1 2
	If more than 1 person holds a geothermal tenure, each holder is jointly and severally—	3 4
	(a) responsible for complying with its conditions; and	5
	(b) liable for all debts payable under this Act and unpaid by the geothermal tenure holder to the State.	6 7
Division 2	General provisions about authorised activities	8 9
350	Authorised activities may be carried out despite rights of owner or occupier	10 11
	(1) The authorised activities for a geothermal tenure may be carried out despite the rights of an owner or occupier of land on which the activities are carried out.	12 13 14
	(2) However, subsection (1) applies for an authorised activity only if section 351 does not prevent it from being carried out.	15 16
351	General restrictions on right to carry out authorised activity	17 18
	(1) The right under this Act to carry out an authorised activity for a geothermal tenure is subject to the following—	19 20
	(a) chapter 5 and this chapter;	21
	(b) compliance with the tenure holder’s rights and obligations under—	22 23
	(i) chapters 2 to 6; and	24
	(ii) this chapter; and	25
	(iii) sections 323 and 324; and	26

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<i>Editor's note—</i>	1
sections 323 (Geothermal tenure holder's measurement obligations) and 324 (Duty to avoid interference in carrying out geothermal activities)	2 3 4
(c) the mandatory conditions and the other conditions and provisions of the geothermal tenure;	5 6
(d) any exclusion or restriction provided for in the geothermal tenure on the carrying out of the activities;	7 8
(e) the P&G Act safety provisions;	9
(f) the Environmental Protection Act;	10
(g) the Water Act;	11
(h) any other relevant Act or law.	12
(2) Also, the right may be exercised only by the holder or someone that the holder has authorised under section 353.	13 14
352 Restrictions on carrying out authorised activities on particular land	15 16
(1) Geothermal exploration or geothermal production can not be carried out within 300m of any boundary of a geothermal tenure.	17 18 19
(2) An authorised activity for a geothermal tenure may be carried out within 300m laterally of any of the following buildings only if its owner or occupier has given written consent to the carrying out of the activity—	20 21 22 23
(a) a permanent building used mainly for accommodation for a business purpose;	24 25
(b) a permanent building used for sporting, community or recreational purposes or as a place of worship.	26 27
(3) An authorised activity for a geothermal tenure can not be carried out within 50m laterally of any of the following things unless its owner or occupier has given written consent to the carrying out of the activity—	28 29 30 31

(a)	a principal stockyard;	1
(b)	a bore or artesian well;	2
(c)	a dam;	3
(d)	another artificial water storage connected to a water supply;	4 5
(e)	a cemetery or burial place.	6
353	Who may carry out authorised activity for geothermal tenure holder	7 8
(1)	An authorised activity for a geothermal tenure may be carried out for the holder by any of the following persons acting within the scope of the person’s authority from the holder—	9 10 11
(a)	if the holder is a corporation—its officers and employees;	12 13
(b)	the holder’s employees or partners who are individuals;	14
(c)	agents of or contractors for the holder;	15
(d)	officers and employees of or agents of or contractors for agents or contractors mentioned in paragraph (c).	16 17
	<i>Example—</i>	18
	A geothermal lease holder may also enter into a geothermal coordination arrangement under which another party to the arrangement may carry out an authorised activity for the geothermal lease. See section 137(1).	19 20 21 22
(2)	The authority may be express, or implied from—	23
(a)	the nature of the relationship between the person and the holder; or	24 25
(b)	the duties the person performs for the holder; or	26
(c)	the duties a person mentioned in subsection (1) customarily performs.	27 28
(3)	If a geothermal lease is subject to a registered sublease, the sublessee may, subject to the terms of the sublease, carry out	29 30

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authorised activities for the lease stated in the relevant application for approval of the sublease. 1
2

Division 3 Provisions for when geothermal tenure ends or area reduced 3 4

354 Obligation to remove equipment and improvements 5

(1) This section applies for equipment or improvements in a geothermal tenure's area or on access land for a geothermal tenure that are being, or have been, used for an authorised activity for the tenure. 6
7
8
9

(2) However, this section does not apply for— 10

(a) a geothermal well; or 11

Note— 12

For a geothermal well, see chapter 6, part 3, division 2 (Decommissioning of geothermal wells). 13
14

(b) equipment or improvements on land that, under section 188, ceases to be in a geothermal permit's area. 15
16

(3) The holder of the geothermal tenure must, before the removal day, remove the equipment or improvements from the land unless the owner of the land otherwise agrees. 17
18
19

Maximum penalty—1000 penalty units. 20

(4) To remove any doubt, it is declared that subsection (3) applies even if the equipment or improvements are not owned by the holder. 21
22
23

(5) In this section— 24

equipment includes machinery and plant. 25

removal day means the latest of the following days— 26

(a) the earlier of the following— 27

(i) the day the geothermal tenure ends; 28

(ii)	the day the land ceases to be in the geothermal tenure's area;	1 2
(b)	if before the day provided for under paragraph (a), the Minister fixes a day—that day;	3 4
(c)	if before a day fixed under paragraph (b), the Minister fixes a later day—that day.	5 6
355	Authorisation to enter to facilitate compliance	7
(1)	The Minister may, by notice, authorise a former holder of a geothermal tenure to enter any of the following land to comply with, or remedy a contravention of, section 128 or this division—	8 9 10 11
(a)	the land to which section 128 or this division applies (<i>primary land</i>);	12 13
	<i>Editor's note—</i>	14
	section 128 (Compliance with land access code)	15
(b)	any other land (<i>secondary land</i>) necessary or desirable to cross for access to the primary land.	16 17
(2)	Chapter 6, parts 5 (other than division 4), 6 and 8 and sections 20 and 131 apply to the former holder for the authorisation as if—	18 19 20
(a)	the geothermal tenure were still in force (the <i>notional tenure</i>); and	21 22
(b)	the former holder is the holder of the notional tenure; and	23 24
(c)	the primary land and any secondary land are in the notional tenure's area; and	25 26
(d)	the compliance or the remedying of the contravention were authorised activities for the notional tenure.	27 28
	<i>Editor's note—</i>	29
	chapter 6, parts 5 (Private land), 6 (Public land) and 8 (Compensation and negotiated access)	30 31

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- (3) However, the power under this section does not include the power to enter a structure or a part of a structure used for residential purposes without the consent of the occupier of the structure or part of the structure. 1
2
3
4
- (4) If the former holder intends to enter the land and any occupier of the land is present at the land, the former holder also must show or make a reasonable attempt to show the occupier the former holder’s authorisation under this section. 5
6
7
8
- Part 2 Applications, lodging documents and making submissions** 9
10
11
- 356 Place for making applications, lodging documents or making submissions** 12
13
- (1) This section applies to any of the following under this Act— 14
- (a) the making of an application; 15
 - (b) the giving of a document to the Minister or the chief executive; 16
17
 - (c) the making of a submission. 18
- (2) The application, document or submission may be made or given only at the following place— 19
20
- (a) the office of the department provided for under the relevant approved form for that purpose; 21
22
 - (b) if the relevant approved form does not make provision as mentioned in paragraph (a) or if there is no relevant approved form—the office of the department notified on the department’s website. 23
24
25
26

357	Requirements for making an application	1
(1)	The Minister must refuse to receive or process a purported application not made under the requirements under this Act for making the application.	2 3 4
(2)	However, the Minister may decide to allow the application to proceed and be decided as if it did comply with the requirements if the Minister is satisfied the application substantially complies with the requirements.	5 6 7 8
358	Request to applicant about application	9
(1)	If the Minister is deciding or is required to decide an application under this Act, the Minister may by notice require the applicant to do all or any of the following within a stated reasonable period—	10 11 12 13
(a)	complete or correct the application if it appears to the Minister to be incorrect, incomplete or defective;	14 15
(b)	give the Minister additional information about, or relevant to, the application;	16 17
	<i>Example—</i>	18
	The application is for a geothermal tenure. The Minister may require a document, prepared by an appropriately qualified person, independently verifying geological or predictive migration data given in the proposed work program or development plan for the tenure.	19 20 21 22 23
(c)	give the Minister an independent report by an appropriately qualified person or a statutory declaration verifying all or any of the following—	24 25 26
(i)	any information included in the application;	27
(ii)	any additional information required under paragraph (b);	28 29
(iii)	if the application is for a geothermal tenure—that the applicant meets the capability criteria.	30 31
(2)	For subsection (1)(b), if the application is for a geothermal tenure, a required document may include a survey or resurvey	32 33

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of the area of the proposed tenure carried out by a person who is a cadastral surveyor under the <i>Surveyors Act 2003</i> .	1 2
(3) For subsection (1)(c), the notice may require—	3
(a) the statutory declaration to be made by an appropriately qualified independent person or by the applicant; and	4 5
(b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.	6 7
(4) The applicant must bear any costs incurred in complying with the notice.	8 9
(5) The Minister may extend the period for complying with the notice.	10 11
(6) Without limiting section 357(1) or 359, the Minister may refuse to decide the application until the request is complied with.	12 13 14
(7) In this section— <i>information</i> includes a document.	15 16
359 Refusing application for failure to comply with request	17
The Minister may refuse an application if—	18
(a) a notice under section 358 has been given for the application; and	19 20
(b) the period stated in the notice for complying with it has ended; and	21 22
(c) the request has not been complied with to the Minister’s satisfaction.	23 24
360 Particular criteria generally not exhaustive	25
(1) This section applies if another provision of this Act permits or requires the Minister to consider particular criteria in deciding an application.	26 27 28

(2)	To remove any doubt, it is declared that the Minister may in making the decision consider any other criteria the Minister considers relevant.	1 2 3
(3)	However, subsection (2) does not apply if the provision otherwise provides.	4 5
(4)	In this section— <i>criteria</i> includes issues and matters.	6 7
361	Particular grounds for refusal generally not exhaustive	8
(1)	This section applies if another provision of this Act provides for particular grounds on which the Minister may refuse an application.	9 10 11
(2)	To remove any doubt, unless the other provision otherwise provides, the Minister may refuse the application on another reasonable and relevant ground.	12 13 14
(3)	In this section— <i>refuse</i> , an application, includes refuse the thing the subject of the application.	15 16 17
362	Amending applications	18
(1)	If a person has made an application under this Act, the person may amend the application or a document accompanying the application only if—	19 20 21
(a)	the application has not been decided; and	22
(b)	the Minister has agreed to the making of the amendment; and	23 24
(c)	if the amendment is to change the applicant—each applicant and proposed applicant has agreed to the change.	25 26 27
(2)	If, under subsection (1), the application is amended to change the applicant, for the deciding of the application the applicant	28 29

[s 363]

as changed is taken to have been the applicant from the 1
making of the application. 2

363 Withdrawal of application 3

(1) A person who has made an application under this Act may 4
give the chief executive a notice withdrawing the application 5
at any time before any decision about the application takes 6
effect. 7

(2) The withdrawal takes effect when the notice is given. 8

364 Minister's power to refund application fee 9

If an application under this Act is withdrawn, the Minister 10
may refund all or part of any fee paid for the application. 11

Part 3 Other miscellaneous provisions 12
13

365 Interest on amounts owing to the State 14

(1) Interest is payable to the State on any amount owing under 15
this Act by anyone to the State and unpaid from time to time 16
after the relevant day. 17

Examples of an amount that may be owing under this Act— 18

- annual or other rent 19
- a civil penalty for nonpayment of annual rent 20

(2) The interest accrues daily at the rate prescribed under a 21
regulation on the unpaid amount for the period starting on the 22
day immediately after the amount became payable and ending 23
on the day the amount owing on which interest is payable is 24
paid in full, both days inclusive. 25

(3)	Any amount received in payment of the unpaid amount or the interest must first be applied in payment of the interest.	1 2
(4)	Subsection (3) applies despite any order or direction of the payer.	3 4
(5)	In this section—	5
	<i>relevant day</i> means the following—	6
(a)	for an amount for annual or other rent or a civil penalty for nonpayment of annual rent—the day that is 3 months after the last day for payment of the rent or civil penalty;	7 8 9
(b)	for another amount—the day the amount becomes owing.	10 11
366	Recovery of unpaid amounts	12
(1)	If a provision of this Act requires a geothermal tenure holder to pay the State an amount (including interest) the State may recover the amount from the holder as a debt.	13 14 15
(2)	In this section—	16
	<i>holder</i> includes a former holder of the geothermal tenure about whom the remedial powers were exercised.	17 18
367	General public interest criteria for particular Ministerial decisions	19 20
(1)	This section does not apply to an application for or about a geothermal permit.	21 22
(2)	The Minister must consider the public interest in making a decision under this Act about an application or the granting of an approval by the Minister.	23 24 25
(3)	If—	26
(a)	another provision of this Act permits or requires the Minister to make a decision; and	27 28
(b)	the other provision does not require the Minister to consider the public interest;	29 30

[s 368]

	the Minister may still consider the public interest in making the decision.	1 2
368	Provision for entry by State to carry out geothermal activity	3 4
	(1) If the State proposes to exercise a right under section 29(3)(b)(i), the right may be exercised by anyone authorised by the chief executive.	5 6 7
	(2) However, a person authorised under subsection (1) may enter the land only if the person has given the owner of the land at least 5 business days notice of the proposed entry.	8 9 10
	(3) To remove any doubt, it is declared that subsection (2) does not apply to an inspector or authorised officer performing functions under the P&G Act relating to this Act.	11 12 13
369	Name and address for service	14
	(1) A person (the <i>first person</i>) may by a signed notice given to the chief executive nominate another person (a <i>nominated person</i>) at a stated address as the first person's address for service for this Act.	15 16 17 18
	(2) If this Act requires or permits the Minister or chief executive to serve a notice or other document on the first person, it may be served on the first person by serving it on the last nominated person at the stated address for that person.	19 20 21 22
	(3) In this section— <i>serve</i> includes give.	23 24
370	Notice of agents	25
	A person carrying out functions under this Act (the <i>first person</i>) may refuse to deal with a person who claims to be acting as the agent of a geothermal tenure holder unless the holder has given the first person notice of the agency.	26 27 28 29

371	Additional information about reports and other matters	1
(1)	This section applies if—	2
(a)	a person is required under this Act to give a notice or copy of a document, report or information (the <i>advice</i>) to the Minister or the chief executive; and	3 4 5
(b)	the person gives the advice.	6
(2)	The Minister or chief executive may by notice require the person to give, within the reasonable time stated in the notice, written information about the matter for which the advice was given.	7 8 9 10
(3)	The person must comply with the notice.	11
	Maximum penalty for subsection (3)—500 penalty units.	12
372	References to right to enter	13
	A right under this Act to enter a place includes the right to—	14
(a)	leave and re-enter the place from time to time; and	15
(b)	remain on the place for the time necessary to achieve the purpose of the entry; and	16 17
(c)	take on the place equipment, materials, vehicles or other things reasonably necessary to exercise a power under this Act.	18 19 20
373	Application of provisions	21
	If a provision of this Act applies any of the following (the <i>applied law</i>) for a purpose—	22 23
(a)	another provision of this Act;	24
(b)	another law;	25
(c)	a provision of another law;	26
	for that purpose the applied law and any definition relevant to it apply with necessary changes.	27 28

[s 374]

374	Protection from liability for particular persons	1
(1)	A person as follows (a <i>designated person</i>) does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act—	2 3 4
(a)	the Minister;	5
(b)	a public service officer or public service employee;	6
(c)	a person if—	7
(i)	the person has, under section 368, been authorised to carry out an activity for the State; and	8 9
(ii)	the act or omission happened while the person was acting within the scope of that authority;	10 11
(d)	a geothermal tenure holder given a direction under this Act who is complying with the direction.	12 13
(2)	For subsection (1)(b), it does not matter what is the form of appointment or employment of the person.	14 15
(3)	If subsection (1) prevents a civil liability attaching to a designated person, the liability attaches instead to the State.	16 17
(4)	In this section—	18
	<i>civil liability</i> includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.	19 20 21
375	Delegation by Minister or chief executive	22
(1)	The Minister may delegate the Minister’s functions under this Act to an appropriately qualified public service officer or public service employee.	23 24 25
(2)	The chief executive may delegate the chief executive’s functions under this Act to an appropriately qualified public service officer or employee.	26 27 28
(3)	In this section—	29
	<i>functions</i> includes powers.	30

376	Practice manual	1
(1)	The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about geothermal tenure administration practice to guide and inform persons dealing with the department.	2 3 4 5
(2)	The manual may include—	6
(a)	directions about—	7
(i)	what information, documents or instruments (<i>material</i>) a person may or must give; and	8 9
(ii)	how or when requested material must be given; and	10
(iii)	the format of requested material; and	11
(b)	practices to ensure there is consistency and efficiency in geothermal tenure administration processes.	12 13
(3)	If—	14
(a)	a person is required or permitted to give the Minister or the chief executive (the <i>official</i>) information for a particular purpose relating to this Act; and	15 16 17
(b)	this Act does not provide for how the information may or must be given to the official for the purpose; and	18 19
(c)	the person gives the official the information in the way required or permitted under the manual;	20 21
	the person is taken to have given the official the information for the purpose.	22 23
(4)	The information must be given at—	24
(a)	if the manual states a particular office of the department where the information must be given (a <i>required office</i>)—that office; or	25 26 27
(b)	if the manual does not state a required office and the information relates to a particular application—the department’s office where the application was lodged; or	28 29 30 31
(c)	otherwise—the office of the chief executive.	32

[s 377]

- (5) The chief executive must— 1
- (a) keep a copy of the manual and a record (however called) 2
of each part of the manual, including the dates when 3
each part was published or superseded; and 4
- (b) make the manual and the record available to the public 5
in the way the chief executive considers appropriate. 6
- (6) Without limiting subsection (5), the chief executive must 7
ensure an up-to-date copy of the manual and the record are 8
available to be read free of charge— 9
- (a) on the department’s website; and 10
- (b) if information relates to a particular application—at the 11
department’s office where the application was made. 12
- 377 Approved forms 13**
- (1) The chief executive may approve forms for use under this Act. 14
- (2) A form may be approved for use under this Act that is 15
combined with or is to be used together with an approved 16
form under another Act. 17
- 378 Regulation-making power 18**
- (1) The Governor in Council may make regulations under this 19
Act. 20
- (2) A regulation may be made about the following— 21
- (a) assessing the viability of geothermal production under 22
geothermal tenures, including, for example— 23
- (i) requiring geothermal tenure holders to give reports 24
about the viability of geothermal production under 25
their tenure (a *geothermal viability report*); and 26
- (ii) empowering the Minister to make an independent 27
assessment of the viability of carrying out 28
geothermal production in all or part of a 29

	geothermal tenure's area (an <i>independent viability assessment</i>); and	1 2
	(iii) providing for who must pay the cost of an independent viability assessment;	3 4
(b)	the fees payable under this Act including late payment fees;	5 6
(c)	the conditions of geothermal tenures;	7
(d)	imposing a penalty, of no more than 20 penalty units, for a contravention of a regulation.	8 9
Chapter 9	Repeal and transitional provisions	10 11
Part 1	Repeal provisions	12
379	Repeal of Geothermal Exploration Act 2004	13
	The Geothermal Exploration Act 2004, No. 12 is repealed.	14
380	Repeal of Timber Utilisation and Marketing Act 1987	15
	The Timber Utilisation and Marketing Act 1987, No. 30 is repealed.	16 17

[s 381]

Part 2	Transitional provisions	1
Division 1	Preliminary	2
381	Definitions for pt 2	3
	In this part—	4
	<i>2004 Act</i> means the <i>Geothermal Exploration Act 2004</i> , to be repealed under section 379.	5 6
	<i>2004 Act permit</i> means a geothermal exploration permit under the 2004 Act.	7 8
	<i>2010 Act permit</i> means a geothermal permit under this Act.	9
	<i>2010 Act start day</i> means the day section 379 commences.	10
	<i>assent</i> means the date of assent of this Act.	11
	<i>Birdsville lease</i> see section 382(1).	12
	<i>Ergon Energy</i> means—	13
	(a) Ergon Energy Corporation Limited ACN 087 646 062; or	14 15
	(b) if, after assent, anyone else becomes a holder of the Birdsville lease—the holder of that lease.	16 17
	<i>new land access provisions start day</i> means the day section 467 commences.	18 19

Division 2	Provisions for Ergon Energy geothermal production near Birdsville	1 2 3										
Subdivision 1	Grant of and provisions about Birdsville lease	4 5										
382	Geothermal lease for Ergon Energy	6										
(1)	On assent, Ergon Energy is taken to have been granted a geothermal lease (the <i>Birdsville lease</i>) for the following sub-blocks—	7 8 9										
	Cooper Creek block identification map	10										
	<table><thead><tr><th>Block</th><th>Sub-blocks</th></tr></thead><tbody><tr><td>1600</td><td>P, T, U, Y, Z</td></tr><tr><td>1601</td><td>L, M, N, O, Q, R, S, T, V, W, X, Y</td></tr><tr><td>1672</td><td>D, E</td></tr><tr><td>1673</td><td>A, B, C, F, G, H</td></tr></tbody></table>	Block	Sub-blocks	1600	P, T, U, Y, Z	1601	L, M, N, O, Q, R, S, T, V, W, X, Y	1672	D, E	1673	A, B, C, F, G, H	
Block	Sub-blocks											
1600	P, T, U, Y, Z											
1601	L, M, N, O, Q, R, S, T, V, W, X, Y											
1672	D, E											
1673	A, B, C, F, G, H											
(2)	The term of the Birdsville lease is 5 years from assent.	11										
(3)	This Act applies to the Birdsville lease as if all of this Act, other than chapters 2 and 3, had commenced on assent.	12 13										
(4)	In this section—	14										
	<i>block identification map</i> means a map that forms part of the series of maps known as the ‘Block Identification Map—Series B’ held by the department.	15 16 17										
383	Authorised activities	18										
	From assent, Ergon Energy may, subject to this Act, carry out for the Birdsville lease any authorised activity for a geothermal lease.	19 20 21										

[s 384]

384	Conditions	1
(1)	The mandatory conditions for geothermal leases apply for the Birdsville lease.	2 3
(2)	However, sections 129 and 130 do not apply for the Birdsville lease until the third anniversary of assent.	4 5
	<i>Editor's note—</i>	6
	sections 129 (Annual rent) and 130 (Civil penalty for nonpayment of annual rent)	7 8
(3)	Subsection (1) is subject to sections 385 and 386.	9
385	Land access provisions until the new land access provisions start day	10 11
(1)	This section applies only until the new land access provisions start day.	12 13
(2)	The following provisions of this Act do not apply for the Birdsville lease—	14 15
(a)	section 128;	16
(b)	the following provisions of chapter 6—	17
	• part 5	18
	• part 6, division 2	19
	• part 8, division 1;	20
(c)	chapter 7, part 1.	21
(3)	The 2004 Act, sections 90 to 96 and 98 to 101, and any definitions under that Act to the extent they are relevant to the sections, apply for the Birdsville lease as if—	22 23 24
(a)	the lease were a permit under that Act; and	25
(b)	a reference in the provisions to a permit included a reference to the lease.	26 27

Subdivision 2	Development plan provisions	1
386	Deferral of development plan requirement	2
	Section 123 does not apply for the Birdsville lease until the later of the following—	3 4
	(a) 12 months after the Environmental Protection Act, section 665 commences;	5 6
	<i>Editor's note—</i>	7
	Environmental Protection Act, section 665 (Deferral of requirement for environmental authority for Birdsville geothermal lease)	8 9 10
	(b) if, within the 12 months, Ergon Energy applies under section 387 for approval of a development plan for the lease—the day the application is decided.	11 12 13
387	Provisions for approval of development plan	14
	(1) Ergon Energy may at any time apply to the Minister for approval of a proposed development plan for the Birdsville lease.	15 16 17
	(2) Chapter 3, part 3, divisions 1 to 3 apply for the application as if Ergon Energy had applied for a geothermal lease and did not hold one.	18 19 20
	(3) If the Minister approves the proposed development plan, it becomes the development plan for the Birdsville lease.	21 22
388	Exemption from geothermal royalty	23
	Section 104 does not apply for the Birdsville lease.	24

[s 389]

Division 3	New land access provisions for 2004 Act permits until 2010 Act start day	1 2 3
389	Application of div 3	4
	This division applies for a 2004 Act permit from the new land access provisions start day to the 2010 Act start day.	5 6
	<i>Note—</i>	7
	See also section 392 (Conversion of 2004 Act permits on 2010 Act start day).	8 9
390	Compliance with land access code	10
(1)	Section 128 applies to holder of the permit as if it were a 2010 Act permit and compliance with that section were a mandatory condition of the permit under the 2004 Act.	11 12 13
(2)	If a mandatory or tenure condition of the permit under the 2004 Act is inconsistent with a mandatory provision of the land access code, the mandatory provision prevails to the extent of the inconsistency.	14 15 16 17
391	Application of particular provisions of this Act	18
(1)	The 2004 Act, sections 90 to 96 and 98 to 101 cease to apply for the permit.	19 20
(2)	The following provisions of this Act apply for the permit—	21
(a)	section 128;	22
(b)	the following provisions of chapter 6—	23
	• part 5	24
	• part 6, division 2	25
	• part 8, division 1;	26
(c)	chapter 7, part 1;	27

[s 392]

-
- (d) any definitions under schedule 3 to the extent they are relevant to the provisions mentioned in paragraphs (a) to (c). 1
2
3
- (3) The provisions applied under subsection (2) apply as if— 4
- (a) the permit were a 2010 Act permit; and 5
- (b) a reference in the provisions to a geothermal tenure included a reference to the permit; and 6
7
- (c) the provisions were in force. 8
- (4) Despite the provisions applied under subsection (2), a proceeding for compensation started under the 2004 Act, section 101 before the new land access provisions start day may be finished as if the provisions did not apply. 9
10
11
12

Division 4 General provisions 13

392 Conversion of 2004 Act permits on 2010 Act start day 14

- (1) This section applies to a 2004 Act permit (the *old permit*) in force immediately before the 2010 Act start day. 15
16
- (2) On the 2010 Act start day, the permit becomes a 2010 Act permit (the *converted permit*). 17
18
- (3) The converted permit continues in force subject to this Act for the rest of the old permit's term. 19
20
- (4) However, the old permit's conditions immediately before the 2010 Act start day, as amended from time to time under this Act, continue in force for the converted permit. 21
22
23
- (5) If a condition of the old permit mentioned in subsection (4) conflicts with a mandatory condition for geothermal permits, or a mandatory provision of the land access code, the mandatory condition or mandatory provision prevails to the extent of the inconsistency. 24
25
26
27
28

[s 393]

(6)	The work program for the converted permit is the proposed work program included in the tender for the old permit made under section 21 of the 2004 Act.	1 2 3
393	Outstanding tenders under 2004 Act	4
(1)	This section applies to a tender for a proposed 2004 Act permit made but not decided before the 2010 Act start day.	5 6
(2)	On the 2010 Act start day, the tender becomes an application for a 2010 Act permit.	7 8
(3)	The tender is taken to comply with the requirements under this Act for making the application.	9 10
(4)	To remove any doubt, subsection (2) does not prevent the application of sections 92 and 358 to the application.	11 12
394	Other undecided applications	13
(1)	An application under the 2004 Act about a 2004 Act permit becomes an application for any corresponding matter under this Act.	14 15 16
(2)	The application is taken to comply with the requirements under this Act for making an application of that type under this Act.	17 18 19
(3)	To remove any doubt, subsection (2) does not prevent the application of section 358 to the application.	20 21
395	Decisions or documents under 2004 Act	22
(1)	This section applies to a decision or document under the 2004 Act in force immediately before the 2010 Act start day about a matter under that Act.	23 24 25
(2)	On the 2010 Act start day, the decision or document is taken to have been given under this Act about any corresponding matter under this Act.	26 27 28

(3)	However, subsection (2) does not change the time when the decision or document was given or made.	1 2
396	Outstanding appeals	3
	If, immediately before the 2010 Act start day, an appeal about a matter under the 2004 Act had not been decided, on the 2010 Act start day the appeal is taken to be an appeal about any corresponding matter under this Act.	4 5 6 7
Chapter 10	Amendment of Acts	8
Part 1	Amendments commencing on date of assent	9 10
Division 1	Amendment of Electricity Act 1994	11
397	Act amended	12
	This division amends the <i>Electricity Act 1994</i> .	13
398	Amendment of s 131A (Retailer of last resort scheme)	14
(1)	Section 131A(3)(i)— <i>renumber</i> as section 131A(3)(j).	15 16
(2)	Section 131A(3)— <i>insert</i> —	17 18
	‘(i) the recovery of a distribution entity’s costs incurred relating to the happening of the circumstances in which the scheme operates;’.	19 20 21

[s 399]

Division 2	Amendment of Geothermal Exploration Act 2004	1 2
399 Act amended		3
	This division amends the <i>Geothermal Exploration Act 2004</i> .	4
400 Replacement of s 138A (Ministerial directions about the giving of information)		5 6
	Section 138A—	7
	<i>omit, insert—</i>	8
‘138A Practice manual		9
‘(1)	The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about permit administration practice to guide and inform persons dealing with the department.	10 11 12 13
‘(2)	The manual may include—	14
	(a) directions about—	15
	(i) what information, documents or instruments (<i>material</i>) a person may or must give; and	16 17
	(ii) how or when requested material must be given; and	18
	(iii) the format of requested material; and	19
	(b) practices to ensure there is consistency and efficiency in permit administration processes.	20 21
‘(3)	If—	22
	(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i>) information for a particular purpose relating to this Act; and	23 24 25
	(b) this Act does not provide for how the information may or must be given to the official for the purpose; and	26 27

-
- (c) the person gives the official the information in the way
required or permitted under the manual; 1
2
the person is taken to have given the official the information 3
for the purpose. 4
- ‘(4) The information must be given at— 5
- (a) if the manual states a particular office of the department 6
where the information must be given (a **required** 7
office)—that office; or 8
- (b) if the manual does not state a required office and the 9
information relates to a particular application—the 10
department’s office where the application was lodged; 11
or 12
- (c) otherwise—the office of the chief executive. 13
- ‘(5) The chief executive must— 14
- (a) keep a copy of the manual and a record (however called) 15
of each part of the manual, including the dates when 16
each part was published or superseded; and 17
- (b) make the manual and the record available to the public 18
in the way the chief executive considers appropriate. 19
- ‘(6) Without limiting subsection (5), the chief executive must 20
ensure an up-to-date copy of the manual and the record are 21
available to be read free of charge— 22
- (a) on the department’s website; and 23
- (b) if information relates to a particular application—at the 24
department’s office where the application was lodged.’. 25

[s 401]

Division 3	Amendment of Greenhouse Gas Storage Act 2009	1 2
401 Act amended		3
	The following provisions amend the <i>Greenhouse Gas Storage Act 2009</i> —	4 5
	• this division	6
	• part 2, division 1	7
	• part 3, division 3	8
	• schedule 2, parts 1, 2 and 4.	9
402 Omission of s 10 (Native title)		10
	Section 10—	11
	<i>omit.</i>	12
403 Amendment of s 23 (What is a GHG storage activity)		13
	Section 23, after ‘authority’—	14
	<i>insert</i> —	15
	‘, whether or not a GHG authority has been granted for the activity’.	16 17
404 Amendment of s 28 (Reservation in land grants)		18
(1)	Section 28(3), ‘authority-related’—	19
	<i>omit, insert</i> —	20
	‘GHG storage’.	21
(2)	Section 28(4), definition <i>authority-related activity</i> —	22
	<i>omit.</i>	23

405	Amendment of s 35 (Requirements for making tender)	1
	Section 35(b)(iii)—	2
	<i>omit, insert—</i>	3
	‘(iii) a statement about the extent to which the tenderer has—	4 5
	(A) the financial and technical resources to carry out authorised activities for the proposed GHG permit; and	6 7 8
	(B) the ability to manage GHG storage exploration; and’.	9 10
406	Omission of s 36 (Requirements for verification statement)	11 12
	Section 36—	13
	<i>omit.</i>	14
407	Amendment of s 56 (Verification may be required)	15
	Section 56(1)—	16
	<i>insert—</i>	17
	‘(d) that, in the person’s opinion, the applicant has—	18
	(i) the financial and technical resources to carry out authorised activities for the proposed GHG permit; and	19 20 21
	(ii) the ability to manage GHG storage exploration.’.	22
408	Amendment of s 114 (Requirements for making permit-related application)	23 24
	Section 114(c)(iii)—	25
	<i>omit, insert—</i>	26

[s 409]

	‘(iii) a statement about the extent to which the applicant has—	1 2
	(A) the financial and technical resources to carry out authorised activities for the proposed GHG lease; and	3 4 5
	(B) the ability to manage GHG stream storage; and’.	6 7
409	Omission of s 115 (Requirements for verification statement)	8 9
	Section 115—	10
	<i>omit.</i>	11
410	Amendment of s 125 (Call for tenders)	12
	Section 125(1), after ‘(a <i>call for tenders</i>)’—	13
	<i>insert—</i>	14
	‘for land other than unavailable land for a GHG lease’.	15
411	Amendment of s 148 (Verification may be required)	16
	Section 148(1)—	17
	<i>insert—</i>	18
	‘(d) that, in the person’s opinion, the applicant has—	19
	(i) the financial and technical resources to carry out authorised activities for the proposed GHG lease; and	20 21 22
	(ii) the ability to manage GHG stream storage.’.	23
412	Replacement of s 427 (Ministerial directions about the giving of information)	24 25
	Section 427—	26

<i>omit, insert—</i>	1
‘427 Practice manual	2
‘(1) The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about GHG authority administration practice to guide and inform persons dealing with the department.	3 4 5 6
‘(2) The manual may include—	7
(a) directions about—	8
(i) what information, documents or instruments (<i>material</i>) a person may or must give; and	9 10
(ii) how or when requested material must be given; and	11
(iii) the format of requested material; and	12
(b) practices to ensure there is consistency and efficiency in GHG authority administration processes.	13 14
‘(3) If—	15
(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i>) information for a particular purpose relating to this Act; and	16 17 18
(b) this Act does not provide for how the information may or must be given to the official for the purpose; and	19 20
(c) the person gives the official the information in the way required or permitted under the manual;	21 22
the person is taken to have given the official the information for the purpose.	23 24
‘(4) The information must be given at—	25
(a) if the manual states a particular office of the department where the information must be given (a <i>required office</i>)—that office; or	26 27 28
(b) if the manual does not state a required office and the information relates to a particular application—the department’s office where the application was lodged; or	29 30 31 32

[s 413]

(c)	otherwise—the office of the chief executive.	1
‘(5)	The chief executive must—	2
(a)	keep a copy of the manual and a record (however called) of each part of the manual, including the dates when each part was published or superseded; and	3 4 5
(b)	make the manual and the record available to the public in the way the chief executive considers appropriate.	6 7
‘(6)	Without limiting subsection (5), the chief executive must ensure an up-to-date copy of the manual and the record are available to be read free of charge—	8 9 10
(a)	on the department’s website; and	11
(b)	if information relates to a particular application—at the department’s office where the application was made.’.	12 13
Division 4	Amendment of Mineral Resources Act 1989	14 15
413	Act amended	16
	The following provisions amend the <i>Mineral Resources Act 1989</i> —	17 18
	• this division	19
	• part 2, division 2	20
	• part 3, division 5	21
	• schedule 2, part 2.	22
414	Replacement of s 416B (Ministerial directions about the giving of information)	23 24
	Section 416B—	25
	<i>omit, insert</i> —	26

‘416B Practice manual	1
‘(1) The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about mining tenement administration practice to guide and inform persons dealing with the department.	2 3 4 5
‘(2) The manual may include—	6
(a) directions about—	7
(i) what information, documents or instruments (<i>material</i>) a person may or must give; and	8 9
<i>Examples—</i>	10
1 A direction may state what material may be included in statement under section 133(1)(g)(ii) specifying an applicant’s technical resources or financial resources.	11 12 13
2 A direction may state acceptable methods for section 246 (Description of mining lease).	14 15
3 If a mining tenement applicant gives quarterly reports to the Australian Securities Exchange (ASX Limited (ACN 008 624 691)), a direction may require the applicant to give the applicant’s last 2 quarterly reports provided to that exchange.	16 17 18 19 20
(ii) how or when requested material must be given; and	21
(iii) the format of requested material; and	22
(b) practices to ensure there is consistency and efficiency in mining tenement administration processes.	23 24
‘(3) If—	25
(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i>) information for a particular purpose relating to this Act; and	26 27 28
(b) this Act does not provide for how the information may or must be given to the official for the purpose; and	29 30
<i>Examples of when this Act does not so provide —</i>	31
1 An authorisation required to be produced under section 167(1) or 216(1) is to be in a form acceptable to the Minister.	32 33 34

[s 415]

- 2 The statement required under section 231C(1)(e)(ii) is to be acceptable to the to the Minister. 1
2
- (c) the person gives the official the information in the way required or permitted under the manual; 3
4
the person is taken to have given the official the information for the purpose. 5
6
- ‘(4) The information must be given at— 7
- (a) if the manual states a particular office of the department where the information must be given (a *required office*)—that office; or 8
9
10
- (b) if the manual does not state a required office and the information relates to a particular application—the department’s office where the application was lodged; 11
12
13
or 14
- (c) otherwise—the office of the chief executive. 15
- ‘(5) The chief executive must— 16
- (a) keep a copy of the manual and a record (however called) of each part of the manual, including the dates when each part was published or superseded; and 17
18
19
- (b) make the manual and the record available to the public in the way the chief executive considers appropriate. 20
21
- ‘(6) Without limiting subsection (5), the chief executive must ensure an up-to-date copy of the manual and the record are available to be read free of charge— 22
23
24
- (a) on the department’s website; and 25
- (b) if information relates to a particular application—at the department’s office where the application was lodged.’. 26
27

415 Insertion of new ss 722EA and 722EB 28

After section 722E— 29

insert— 30

‘722EA No consent required for application for mining tenement for particular land	1 2
‘(1) This section applies to an application for a mining lease by the prescribed persons in respect of all or any prescribed land under section 722D or 722E, if the land is covered by an existing authority within the meaning of section 248(1)(a).	3 4 5 6
‘(2) Despite section 248(2), the written consent to the application of the holder of the existing authority need not be obtained by the prescribed persons.	7 8 9
‘(3) Also, section 248(4) does not apply to the application.	10
‘(4) To remove any doubt, it is declared that this section applies to the application whether it was made before or after the commencement of this section.	11 12 13
‘722EB Deciding application to add excluded land to EPC 545	14 15
‘(1) This section applies to an application under section 176A to add excluded land to exploration permit for coal 545 (the <i>excluded land application</i>) whether the application was made before or after the commencement of this section.	16 17 18 19
‘(2) If—	20
(a) the excluded land application involves prescribed land under section 722D or 722E; and	21 22
(b) the prescribed persons have, under section 722D or 722E, applied for a mining lease in respect of the prescribed land;	23 24 25
the Minister need not decide the excluded land application, to the extent it relates to the prescribed land, until after the day each application for a mining lease in respect of the prescribed land has been finally decided.	26 27 28 29
‘(3) For this Act, if the Minister defers deciding a part of the excluded land application under subsection (2), the application is taken not to have been finally decided by the Minister until the day the Minister decides that part.	30 31 32 33

[s 416]

‘(4) In this section—	1
<i>excluded land</i> means—	2
(a) excluded land as defined under section 176A(5); or	3
(b) land that, under section 722B(7), is excluded land for section 176A.’.	4 5
416 Replacement of pt 19, div 12	6
Part 19, division 12—	7
<i>omit, insert—</i>	8
‘Division 12 Transitional provision for Mines and Energy Legislation Amendment Act 2010	9 10 11
‘773 Existing mining lease applications	12
‘(1) This section applies to an application for the grant of a mining lease lodged before the commencement but not heard by the Land Court before the commencement.	13 14 15
‘(2) If a properly made objection was lodged before the commencement—	16 17
(a) previous section 265 applies to the application; and	18
(b) this Act as in force immediately before the commencement continues to apply to the Land Court for dealing with, or continuing to deal with, the application.	19 20 21
‘(3) If a properly made objection was not lodged before the commencement—	22 23
(a) amended section 265 applies to the application; and	24
(b) any reference under previous section 265 of the application to the Land Court for hearing is of no effect and is taken never to have had any effect; and	25 26 27

(c)	this Act as in force from the commencement applies to the application.	1 2
‘(4)	In this section—	3
	<i>amended section 265</i> means section 265 as in force immediately after the commencement.	4 5
	<i>commencement</i> means the date of assent of the <i>Mines and Energy Legislation Amendment Act 2010</i> .	6 7
	<i>previous section 265</i> means section 265 as in force before the commencement.	8 9
	<i>properly made objection</i> means an objection to the application lodged in accordance with section 260.	10 11
‘Division 13	Transitional provisions for amendments under Geothermal Energy Act 2010	12 13 14
‘Subdivision 1	Provision for amendments commencing on date of assent	15 16
‘774	Reference to particular leases	17
‘(1)	A reference in an Act, lease, contract or other document to a CQCAA lease is, if the context permits, taken to include a reference to a CQCAA lease that is renewed under this Act or any other Act relating to mining.	18 19 20 21
‘(2)	In this section—	22
	<i>CQCAA lease</i> means a special coal mining lease granted under the <i>Central Queensland Coal Associates Agreement Act 1968</i> .’.	23 24 25

[s 417]

Division 5	Amendment of Petroleum Act 1923	1
417 Act amended		2
	The following provisions amend the <i>Petroleum Act 1923</i> —	3
	• this division	4
	• part 2, division 3	5
	• part 3, division 7	6
	• schedule 2, parts 2 and 4.	7
418 Replacement of s 142 (Ministerial directions about the giving of information)		8
	Section 142—	9
	<i>omit, insert</i> —	10
‘142 Practice manual		11
‘(1)	The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about 1923 Act petroleum tenure administration practice to guide and inform persons dealing with the department.	12
‘(2)	The manual may include—	13
	(a) directions about—	14
	(i) what information, documents or instruments (<i>material</i>) a person may or must give; and	15
	(ii) how or when requested material must be given; and	16
	(iii) the format of requested material; and	17
	(b) practices to ensure there is consistency and efficiency in 1923 Act petroleum tenure administration processes.	18
‘(3)	If—	19
	(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i>) information for a particular purpose relating to this Act; and	20
		21
		22
		23
		24
		25
		26
		27
		28

-
- (b) this Act does not provide for how the information may
or must be given to the official for the purpose; and
- (c) the person gives the official the information in the way
required or permitted under the manual;
- the person is taken to have given the official the information
for the purpose.
- ‘(4) The information must be given at—
- (a) if the manual states a particular office of the department
where the information must be given (a *required
office*)—that office; or
- (b) if the manual does not state a required office and the
information relates to a particular application—the
department’s office where the application was lodged;
or
- (c) otherwise—the office of the chief executive.
- ‘(5) The chief executive must—
- (a) keep a copy of the manual and a record (however called)
of each part of the manual, including the dates when
each part was published or superseded; and
- (b) make the manual and the record available to the public
in the way the chief executive considers appropriate.
- ‘(6) Without limiting subsection (5), the chief executive must
ensure an up-to-date copy of the manual and the record are
available to be read free of charge—
- (a) on the department’s website; and
- (b) if information relates to a particular application—at the
department’s office where the application was lodged.’.

[s 419]

Division 6	Amendment of Petroleum and Gas (Production and Safety) Act 2004	1 2
419 Act amended		3
	The following provisions amend the <i>Petroleum and Gas (Production and Safety) Act 2004</i> —	4 5
	• this division	6
	• part 2, division 4	7
	• part 3, division 8	8
	• schedule 2, parts 1, 2 and 4.	9
420 Amendment of s 31 (Operation of div 1)		10
(1)	Section 31(3)(c) to (g)— <i>renumber</i> as section 31(d) to (h).	11 12
(2)	Section 31(3)— <i>insert</i> — '(c) chapter 3, part 4A; and'.	13 14 15
421 Amendment of s 121 (Requirements for grant)		16
	Section 121(1)(b)(ii), 'reserves'— <i>omit, insert</i> — 'resources and reserves'.	17 18 19
422 Amendment of s 304 (Application of div 1)		20
	Section 304(2)— <i>insert</i> — '(d) the coal or oil shale exploration tenement is a mineral (f) pilot tenure.'.	21 22 23 24

423	Amendment of s 331 (Application of div 2)	1
	Section 331—	2
	<i>insert—</i>	3
	‘(3) However, this division does not apply if land is in the area of a coal or oil shale exploration tenement that is a mineral (f) pilot tenure.’.	4 5 6
424	Amendment of s 344 (Application of div 2)	7
	Section 344(2)—	8
	<i>insert—</i>	9
	‘(c) the application relates to land in the area of a coal or oil shale exploration tenement that is a mineral (f) pilot tenure.’.	10 11 12
425	Insertion of new ch 3, pt 4A	13
	After chapter 3, part 4—	14
	<i>insert—</i>	15
‘Part 4A	Additional provisions if overlapping mineral (f) pilot tenure	16 17 18
‘Division 1	Preliminary	19
‘363A	Definitions for pt 4A	20
	‘In this part—	21
	<i>MDLA 407</i> see section 363B(2).	22
	<i>mineral (f) production tenure</i> , for overlapping mineral (f) land, means a tenure that authorises the production of mineral (f) for the land.	23 24 25

[s 425]

mineral (f) tenure means a mineral (f) pilot tenure or a mineral (f) production tenure. 1
2

mineral (f) pilot tenure see section 363B(1). 3

overlapping mineral (f) land see section 363B(1). 4

‘363B Application of pt 4A 5

‘(1) This part applies to land (*overlapping mineral (f) land*) in the area of— 6
7

(a) mineral development licence 309, 374 or 385 (a *mineral (f) pilot tenure*); or 8
9

(b) any mineral (f) production tenure granted for land in the area of a mineral development licence mentioned in paragraph (a). 10
11
12

‘(2) This part also applies to land the subject of mineral development licence application 407 (*MDLA 407*). 13
14

‘363C Relationship with other provisions 15

‘(1) This part applies despite— 16

(a) other provisions of this chapter or the Mineral Resources Act; and 17
18

(b) the conditions or other provisions of an authority to prospect. 19
20

‘(2) If this part conflicts with another provision of this chapter or the Mineral Resources Act, this part prevails to the extent of the inconsistency. 21
22
23

‘Division 2	General suspension	1
‘363D	Suspension of authorised activities for authority to prospect	2 3
‘(1)	This section applies to an authorised activity for an authority to prospect in the area of overlapping mineral (f) land.	4 5
‘(2)	Subject to subsection (3) and section 363E, any right to carry out the activity on the overlapping mineral (f) land is suspended.	6 7 8
‘(3)	During the suspension, the authority holder may carry out an authorised activity for the authority on the overlapping mineral (f) land only if—	9 10 11
(a)	the mineral (f) tenure holder for the land has agreed in writing to the carrying out of the activity; and	12 13
(b)	a copy of the agreement has been lodged at the relevant office; and	14 15
(c)	the agreement is still in force.	16
‘(4)	The suspension continues until the mineral (f) tenure ends.	17
‘(5)	In this section—	18
	<i>relevant office</i> means—	19
(a)	the office of the department for lodging an agreement mentioned in subsection (3)(a), as stated in a gazette notice by the chief executive; or	20 21 22
(b)	if no office is stated under paragraph (a)—the office of the chief executive.	23 24
‘363E	Entry rights for particular activities during suspension	25
‘(1)	An authority to prospect holder to whom section 363D applies may, without an agreement mentioned in that section, enter the overlapping mineral (f) land to—	26 27 28

[s 425]

- | | | |
|------|--|----------------|
| (a) | carry out rehabilitation or environmental management required of the holder under any relevant environmental requirement under the Environmental Protection Act; or | 1
2
3 |
| (b) | carry out low impact environmental monitoring; or | 4 |
| | <i>Examples—</i> | 5 |
| | the monitoring of air, ecology, fauna, hydrology, soil or water | 6 |
| (c) | move, remove or maintain equipment, machinery or plant; or | 7
8 |
| (d) | carry out improvement restoration for the authority to prospect; or | 9
10 |
| (e) | carry out care and maintenance of disturbed areas; or | 11 |
| (f) | carry out low impact track construction or maintenance; or | 12
13 |
| (g) | use or maintain infrastructure put in place on the land before the commencement of this section; or | 14
15 |
| (h) | put in place or maintain infrastructure for a purpose, or to do an activity, mentioned in paragraphs (d) to (g); or | 16
17 |
| (i) | construct pipelines for transporting water in the area of mineral development licence 374 for infrastructure mentioned in paragraph (g), if— | 18
19
20 |
| | (i) the construction is an authorised activity for the authority to prospect; and | 21
22 |
| | (ii) the mineral (f) tenure holder for the land has agreed in writing to the location of the pipelines; and | 23
24
25 |
| | (iii) a copy of the agreement has been lodged at the relevant office; and | 26
27 |
| | (iv) the agreement is still in force. | 28 |
| ‘(2) | Subsection (1) is subject to section 363F. | 29 |
| ‘(3) | The authority holder’s rights and obligations under the rest of this Act continue to apply for an entry and the carrying out of an activity authorised under subsection (1). | 30
31
32 |

-
- ‘(4) In this section— 1
- improvement restoration*, for an authority to prospect, means 2
the repair of any damage caused by an activity under the 3
authority to all pre-existing improvements on, or attached to, 4
the land subject to the authority by— 5
- (a) restoring them to the same, or substantially the same, 6
condition they were in before the damage happened; or 7
- (b) replacing them with another improvement in the 8
condition mentioned in paragraph (a). 9
- relevant office* means— 10
- (a) the office of the department for lodging an agreement 11
mentioned in subsection (1)(i)(iii), as stated in a gazette 12
notice by the chief executive; or 13
- (b) if no office is stated under paragraph (a)—the office of 14
the chief executive. 15
- rest of this Act* means the provisions of this Act other than this 16
part. 17

‘363F Notice of entry under s 363E 18

- ‘Before entering land under section 363E(1), an authority to 19
prospect holder must, at least 10 business days before the 20
entry, give the mineral (f) tenure holder for the land a notice 21
stating the following— 22
- (a) the area of the overlapping mineral (f) land proposed to 23
be entered; 24
- (b) the period during which the land will be entered (the 25
entry period); 26
- (c) the activities proposed to be carried out on the land 27
under section 363E(1); 28
- (d) when and where the activities are proposed to be carried 29
out. 30

[s 425]

‘363G Ministerial power to suspend authority to prospect requirements	1 2
‘(1) This section applies if the Minister is satisfied that, because of section 363D, the holder of an authority to prospect is not able to, or will not be able to, carry out all or any authorised activities for the authority.	3 4 5 6
‘(2) The Minister may, by giving notice to the authority holder, decide to suspend or limit any of the performance requirements for the authority to prospect, for all or part of the term of the authority.	7 8 9 10
‘(3) During the suspension or limitation, the obligation does not apply to the extent of the suspension or limitation.	11 12
‘(4) In this section— <i>performance requirement</i> means an obligation under this Act or a condition of an authority to prospect, and includes an obligation about relinquishment.	13 14 15 16
 ‘Division 3 Resolving disputes	 17
 ‘363H Negotiation and request to Minister	 18
‘(1) This section applies if there is a dispute about any of the following—	19 20
(a) a right to carry out an authorised activity under section 363D;	21 22
(b) a right to enter overlapping mineral (f) land under section 363E;	23 24
(c) any request made by a mineral (f) tenure holder to an authority to prospect holder to remove or modify infrastructure on overlapping mineral (f) land, if the infrastructure was put in place on the land under—	25 26 27 28
(i) an agreement entered into under section 363D(3); or	29 30

(ii) section 363E(1).	1
‘(2) The parties must use all reasonable endeavours to attempt to resolve the dispute.	2 3
‘(3) After complying with subsection (2), either of the parties may, by a notice in the approved form, ask the Minister to decide whether the entry is allowed or the activity may be carried out.	4 5 6
‘(4) Before making a decision, the Minister must give the parties an opportunity to make submissions about the request within a reasonable period.	7 8 9
‘(5) Also before making the decision, the Minister may refer the dispute under section 363I to the Land Court for it to make recommendations about deciding the dispute.	10 11 12
‘363I Reference to Land Court	13
‘(1) A referral by the Minister under section 363H(5) must be made by filing a notice in the approved form with the registrar of the Land Court.	14 15 16
‘(2) The referral starts a proceeding before the Land Court for it to make the recommendations.	17 18
‘(3) The parties to the proceeding are the mineral (f) tenure holder and the authority to prospect holder for the overlapping mineral (f) land to which the dispute relates.	19 20 21
‘363J Decision by Minister	22
‘(1) The Minister must, after considering the following, decide the matter and give the parties notice of the decision—	23 24
(a) any submissions made by the parties under section 363H(4);	25 26
(b) any recommendations by the Land Court.	27
‘(2) In making a decision, the Minister may also consider the public interest.	28 29
‘(3) The Minister’s decision binds the parties.	30

[s 425]

‘(4) The Minister may impose conditions on any decision that the entry is allowed or the authorised activity may be carried out.	1 2
‘Division 4 Obtaining petroleum lease if overlapping mineral (f) land or land in area of MDLA 407	3 4 5
‘363K Additional provision about area of petroleum lease	6
‘(1) This section applies if—	7
(a) a person who, under section 117, may make an ATP-related application for land that includes any of the following makes that application—	8 9 10
(i) land that is overlapping mineral (f) land;	11
(ii) land in the area of MDLA 407; and	12
(b) the Minister decides to grant the petroleum lease.	13
‘(2) Without limiting section 168, the area of the petroleum lease can not include—	14 15
(a) the land that is overlapping mineral (f) land; or	16
(b) land in the area of MDLA 407.	17
‘(3) The Minister may, in the lease, describe the exclusion of the land under subsection (2) in a way the Minister considers appropriate.	18 19 20
‘363L Minister may add land to petroleum lease if mineral (f) tenure ends	21 22
‘(1) This section applies if—	23
(a) land is not included in a petroleum lease because of section 363K(2); and	24 25
(b) if the land is—	26

-
- (i) overlapping mineral (f) land—the mineral (f) tenure for the land ends; and 1
2
- (ii) in the area of MDLA 407— 3
- (A) the mineral (f) pilot tenure for mineral development licence 309 ends; and 4
5
- (B) a mineral (f) production tenure has not been granted for land in the mineral development licence’s area. 6
7
8
- ‘(2) The Minister may amend the petroleum lease by adding the land to the lease area if— 9
10
- (a) the lease as amended complies with section 168; and 11
- (b) the lease holder consents. 12
- ‘(3) The Minister may amend the provisions of the lease in a way that reflects the inclusion of the land. 13
14
- ‘(4) Also, the Minister may give the lease holder a notice— 15
- (a) withdrawing, from a stated day, the approval of the development plan for the lease; and 16
17
- (b) directing the holder to lodge at the relevant office a proposed later development plan for the lease that— 18
19
- (i) complies with the later development plan requirements; and 20
21
- (ii) changes the development plan for the lease to reflect the inclusion of the land. 22
23
- ‘(5) The amended provisions of the lease or the proposed later development plan must not be— 24
25
- (a) inconsistent with the mandatory conditions of petroleum leases; or 26
27
- (b) the same as, or substantially the same as, or inconsistent with, any relevant environmental condition for the lease. 28
29
- ‘(6) In this section— 30
- relevant office* means— 31
-

[s 426]

(a)	the office of the department for lodging proposed later development plans, as stated in a gazette notice by the chief executive; or	1 2 3
(b)	if no office is gazetted under paragraph (a)—the office of the chief executive.’.	4 5
426	Replacement of s 858A (Ministerial directions about the giving of information)	6 7
	Section 858A—	8
	<i>omit, insert—</i>	9
‘858A	Practice manual	10
‘(1)	The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about petroleum authority administration practice to guide and inform persons dealing with the department.	11 12 13 14
‘(2)	The manual may include—	15
(a)	directions about—	16
(i)	what information, documents or instruments (<i>material</i>) a person may or must give; and	17 18
(ii)	how or when requested material must be given; and	19
(iii)	the format of requested material; and	20
(b)	practices to ensure there is consistency and efficiency in petroleum authority administration processes.	21 22
‘(3)	If—	23
(a)	a person is required or permitted to give the Minister or the chief executive (the <i>official</i>) information for a particular purpose relating to this Act; and	24 25 26
(b)	this Act does not provide for how the information may or must be given to the official for the purpose; and	27 28
(c)	the person gives the official the information in the way required or permitted under the manual;	29 30

the person is taken to have given the official the information for the purpose.	1 2
‘(4) The information must be given at—	3
(a) if the manual states a particular office of the department where the information must be given (a <i>required</i> <i>office</i>)—that office; or	4 5 6
(b) if the manual does not state a required office and the information relates to a particular application—the department’s office where the application was lodged; or	7 8 9 10
(c) otherwise—the office of the chief executive.	11
‘(5) The chief executive must—	12
(a) keep a copy of the manual and a record (however called) of each part of the manual, including the dates when each part was published or superseded; and	13 14 15
(b) make the manual and the record available to the public in the way the chief executive considers appropriate.	16 17
‘(6) Without limiting subsection (5), the chief executive must ensure an up-to-date copy of the manual and the record are available to be read free of charge—	18 19 20
(a) on the department’s website; and	21
(b) if information relates to a particular application—at the department’s office where the application was lodged.’.	22 23
427 Insertion of new ch 15, pt 10 hdg and div 1	24
Chapter 15—	25
<i>insert</i> —	26

[s 428]

‘Part 10	Transitional provisions for amendments under Geothermal Energy Act 2010	1 2 3
‘Division 1	Provisions about mineral (f) pilot tenures	4 5
‘947	Applications for particular petroleum leases	6
	‘Section 363K applies to an ATP-related application, if—	7
	(a) the application was made before the commencement of this section; and	8 9
	(b) immediately before the commencement, the application has not been decided; and	10 11
	(c) the application includes land that is overlapping mineral (f) land or land in the area of MDLA 407.’.	12 13
428	Amendment of sch 2 (Dictionary)	14
	Schedule 2—	15
	<i>insert—</i>	16
	‘ low impact , for an activity or infrastructure, means the activity or infrastructure—	17 18
	(a) is of low impact on the environment; and	19
	(b) is of low impact for land disturbance; and	20
	(c) does not adversely affect the carrying out of an authorised activity, or is not likely to adversely affect the carrying out of a future authorised activity, under a mineral (f) tenure.	21 22 23 24
	MDLA 407 see section 363B(2).	25
	mineral (f) pilot tenure see section 363B(1).	26

<i>mineral (f) production tenure</i>	see section 363A.	1
<i>mineral (f) tenure</i>	see section 363A.	2
<i>overlapping mineral (f) land</i>	see section 363B(1).’.	3
Part 2	Amendments relating to land access and owners and occupiers	4 5 6
Division 1	Amendment of Greenhouse Gas Storage Act 2009	7 8
429	Act amended	9
	The following provisions amend the <i>Greenhouse Gas Storage Act 2009</i> —	10 11
	• this division	12
	• part 1, division 3	13
	• part 3, division 3	14
	• schedule 2, parts 1, 2 and 4.	15
430	Omission of s 85 (Obligation to consult with particular owners and occupiers)	16 17
	Section 85—	18
	<i>omit.</i>	19

[s 431]

431	Omission of s 166 (Obligation to consult with particular owners and occupiers)	1 2
	Section 166—	3
	<i>omit.</i>	4
432	Replacement of ch 5, pt 7, divs 1 to 3	5
	Chapter 5, part 7, divisions 1 to 3—	6
	<i>omit, insert—</i>	7
‘Division 1	Requirements for entry to private land in GHG authority area	8 9
‘Subdivision 1	Entry notice requirement for preliminary activities and particular advanced activities	10 11 12
‘278	Entry notice requirement	13
	‘(1) A person must not—	14
	(a) enter private land in a GHG authority’s area to carry out a preliminary activity for the authority; or	15 16
	(b) enter private land in a GHG authority’s area to carry out an advanced activity for the authority if either of the following applies for the entry—	17 18 19
	(i) the deferral agreement exemption;	20
	(ii) the Land Court application exemption;	21
	unless the GHG authority’s holder has given each owner and occupier of the land a written notice of the entry that complies with section 279 (an <i>entry notice</i>).	22 23 24
	Maximum penalty—500 penalty units.	25
	‘(2) The entry notice must be given—	26

(a)	generally—at least 10 business days before the entry; or	1
(b)	if, by a signed endorsement on the notice, the relevant owner or occupier has agreed to a shorter period—the shorter period.	2 3 4
	Maximum penalty—500 penalty units.	5
‘(3)	The holder must give the chief executive a copy of the entry notice immediately after the notice is given and before entry is made under the GHG authority.	6 7 8
	Maximum penalty—10 penalty units.	9
‘(4)	A contravention of subsection (3) does not affect the validity of the notice or the entry.	10 11
‘(5)	This section is subject to section 280.	12
‘(6)	In this section—	13
	<i>deferral agreement exemption</i> , for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 284(c)(i).	14 15 16
	<i>give</i> , for an entry notice, includes publishing it in a way approved under section 282.	17 18
	<i>Land Court application exemption</i> , for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 284(c)(ii).	19 20 21
‘279	Required contents of entry notice	22
‘(1)	An entry notice must state the following—	23
(a)	the land proposed to be entered;	24
(b)	the period during which the land will be entered (the <i>entry period</i>);	25 26
(c)	the activities proposed to be carried out on the land;	27
(d)	when and where the activities are proposed to be carried out;	28 29
(e)	contact details for—	30

[s 432]

- (i) the relevant GHG authority holder; or 1
 - (ii) another person the holder has authorised to discuss 2
the matters stated in the notice. 3
- ‘(2) Also, the first entry notice from the GHG authority holder to a 4
particular owner or occupier must be accompanied by or 5
include a copy of— 6
 - (a) the land access code; and 7
 - (b) any code of practice made under this Act applying to 8
authorised activities for the GHG authority; and 9
 - (c) the relevant environmental authority documentation. 10
- ‘(3) The entry period can not be longer than— 11
 - (a) generally—6 months; or 12
 - (b) if the relevant owner or occupier agrees in writing to a 13
longer period—the longer period. 14
- ‘(4) Subject to subsections (1) to (3), an entry notice may state an 15
entry period that is different to the entry period stated in 16
another entry notice given by the GHG authority holder to 17
another owner or occupier of the land. 18
- ‘(5) In this section— 19
 - relevant environmental authority documentation*** means— 20
 - (a) if, under the Environmental Protection Act, the relevant 21
environmental authority for the GHG authority is a code 22
compliant authority—the relevant code; or 23
 - (b) if, under the Environmental Protection Act, the relevant 24
environmental authority for the GHG authority is a 25
non-code compliant authority— 26
 - (i) the environmental authority; and 27
 - (ii) if the environmental authority imposes conditions 28
by referring to a code—that code. 29

‘280 Exemptions from entry notice requirement	1
‘(1) The requirement under section 278(1) to give an entry notice does not apply for an entry to land to carry out an authorised activity if any of the following apply—	2 3 4
(a) the GHG authority holder owns the land;	5
(b) the holder has the right other than under this Act to enter the land to carry out the activity;	6 7
(c) if—	8
(i) there is a conduct and compensation agreement relating to the land; and	9 10
(ii) each eligible claimant for the land is a party to the agreement; and	11 12
(iii) the agreement includes a waiver of entry notice;	13
(d) the entry is to preserve life or property or because of an emergency that exists or may exist;	14 15
(e) the relevant owner or occupier has, by signed writing, given a waiver of entry notice.	16 17
‘(2) A waiver of entry notice mentioned in subsection (1) must comply with section 281(1).	18 19
‘281 Provisions for waiver of entry notice	20
‘(1) A waiver of entry notice mentioned in section 280 must—	21
(a) if it does not form part of a conduct and compensation agreement, be written and signed; and	22 23
(b) state the following—	24
(i) that the relevant owner or occupier has been told they are not required to agree to the waiver of entry notice;	25 26 27
(ii) the authorised activities proposed to be carried out on the land;	28 29
(iii) the period during which the land will be entered;	30

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(iv) when and where the activities are proposed to be carried out.	1 2
‘(2) The relevant owner or occupier can not withdraw the waiver of entry notice during the period.	3 4
‘(3) The waiver of entry notice ceases to have effect at the end of the period.	5 6
‘282 Giving entry notice by publication	7
‘(1) The chief executive may approve a GHG authority holder giving an entry notice for the authority by publishing it in a stated way.	8 9 10
‘(2) The publication may relate to more than 1 entry notice.	11
‘(3) The chief executive may give the approval only if satisfied—	12
(a) for a relevant owner or occupier who is an individual, it is impracticable to give the owner or occupier the notice personally; and	13 14 15
(b) the publication will happen at least 20 business days before the entry.	16 17
‘Subdivision 2 Conduct and compensation agreement requirement for particular advanced activities	18 19 20
‘283 Conduct and compensation agreement requirement	21
‘(1) A person must not enter private land in a GHG authority’s area to carry out an advanced activity for the authority (the <i>relevant activity</i>) unless each eligible claimant for the land is a party to an appropriate conduct and compensation agreement.	22 23 24 25 26
Maximum penalty—500 penalty units.	27

- ‘(2) The requirement under subsection (1) is the *conduct and compensation agreement requirement*. 1
2
Note— 3
For conduct and compensation agreements, see part 10, division 1. 4
- ‘(3) In this section— 5
appropriate conduct and compensation agreement, for an 6
eligible claimant, means a conduct and compensation 7
agreement about the holder’s compensation liability to the 8
eligible claimant of at least to the extent the liability relates to 9
the relevant activity and its effects. 10

**‘284 Exemptions from conduct and compensation 11
agreement requirement 12**

‘The conduct and compensation agreement requirement does 13
not apply for an entry to land to carry out an advanced activity 14
if any of the following apply— 15

- (a) the GHG authority holder owns the land; 16
- (b) the holder has the right other than under this Act to enter 17
the land to carry out the activity; 18
- (c) each eligible claimant for the land is— 19
- (i) a party to an agreement, complying with section 20
285, that a conduct and compensation agreement 21
can be entered into after the entry (a *deferral* 22
agreement); or 23
- (ii) an applicant or respondent to a Land Court 24
application under section 325B relating to the land; 25
- (d) the entry is to preserve life or property or because of an 26
emergency that exists or may exist. 27

‘285 Requirements for deferral agreement 28

‘A deferral agreement must— 29

[s 433]

(a)	be written and signed by or for the holder and each eligible claimant for the land to be entered; and	1 2
(b)	state the following—	3
(i)	that the eligible claimant has been told the claimant is under no obligation to enter into a deferral agreement before entering into a conduct and compensation agreement;	4 5 6 7
(ii)	the authorised activities proposed to be carried out on the land;	8 9
(iii)	the period during which the land will be entered;	10
(iv)	when and where the activities are proposed to be carried out;	11 12
(v)	the period for which the deferral agreement has effect;	13 14
(vi)	when it is proposed to enter into a conduct and compensation agreement.’.	15 16
433	Amendment of s 297 (Change in ownership or occupancy)	17 18
	Section 297(1)(b), from ‘the requirement’ to ‘before entry’— <i>omit, insert—</i> ‘section 279(2)’.	19 20 21
434	Amendment of s 314 (Required contents of entry notice)	22
	Section 314(3), ‘for a GHG lease’— <i>omit.</i>	23 24
435	Replacement of ch 5, pt 10 (General compensation provisions)	25 26
	Chapter 5, part 10— <i>omit, insert—</i>	27 28

‘Part 10	Compensation and negotiated access	1 2
‘Division 1	Compensation other than for notifiable road uses	3 4
‘Subdivision 1	Preliminary	5
‘319	Application of div 1	6
	‘This division does not apply for a public land authority in relation to a notifiable road use.	7 8
‘Subdivision 2	General provisions	9
‘320	General liability to compensate	10
	‘(1) The holder of each GHG authority is liable to compensate each owner or occupier of private land or public land in the area of, or access land for, the authority (an <i>eligible claimant</i>) for any compensatable effect the eligible claimant suffers caused by relevant authorised activities.	11 12 13 14 15
	‘(2) A GHG authority holder’s liability under subsection (1) to an eligible claimant is the holder’s <i>compensation liability</i> to the claimant.	16 17 18
	‘(3) This section is subject to section 325E.	19
	‘(4) In this section—	20
	<i>compensatable effect</i> means all or any of the following relating to the eligible claimant’s land—	21 22
	(a) deprivation of possession of its surface;	23
	(b) diminution of its value;	24

‘322	Content of conduct and compensation agreement	1
‘(1)	A conduct and compensation agreement must—	2
(a)	provide for the matters mentioned in section 321(1); and	3
(b)	be written and signed by or for the GHG authority holder and the eligible claimant; and	4 5
(c)	state whether it is for all or part of the compensation liability; and	6 7
(d)	if it is for only part of the compensation liability, state—	8
(i)	details of each activity or effects of the activity to which the agreement relates; and	9 10
(ii)	the period for which the agreement has effect; and	11
(e)	provide for how and when the compensation liability will be met.	12 13
‘(2)	A conduct and compensation agreement may—	14
(a)	extend the holder’s compensation liability to the claimant or any future compensation liability that the holder may have to the claimant to any renewal of the GHG authority; and	15 16 17 18
(b)	provide for—	19
(i)	monetary or non-monetary compensation; or	20
	<i>Example of non-monetary compensation—</i>	21
	A conduct and compensation agreement may provide for the construction of a road for the claimant.	22 23
(ii)	a process by which it may be amended or enforced; and	24 25
	<i>Example of a process for amendment—</i>	26
	A conduct and compensation agreement may provide for compensation under it to be reviewed on the happening of a material change in circumstances for the GHG authority including a change in the extent of activities required under a later development plan for a GHG lease.	27 28 29 30 31

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(c)	provide for any compensation that is or may be payable by the holder to the eligible claimant under the Environmental Protection Act.	1 2 3
‘(3)	This section does not limit the matters that may be provided for in a conduct and compensation agreement.	4 5
‘Subdivision 4	Negotiation process	6
<i>Note—</i>		7
Generally, a GHG authority holder can not enter private land to carry out an advanced activity unless the holder complies with this subdivision. See sections 283 and 284.		8 9 10
‘323	Notice of intent to negotiate	11
‘(1)	A GHG authority holder may give an eligible claimant to whom the holder has a compensation liability a notice (the <i>negotiation notice</i>) that the holder wishes to negotiate a conduct and compensation agreement or a deferral agreement with the eligible claimant.	12 13 14 15 16
‘(2)	The negotiation notice must be accompanied by a copy of the land access code and state all of the following—	17 18
(a)	if the holder wishes to negotiate a conduct and compensation agreement—	19 20
(i)	whether the holder wishes to negotiate all or part of the holder’s compensation liability to the eligible claimant; and	21 22 23
(ii)	if the holder only wishes to negotiate part of the liability—what the part is;	24 25
(b)	if the holder wishes to negotiate a deferral agreement—that wish and the reasons for it;	26 27
(c)	the land the holder proposes to enter;	28
(d)	the activities proposed to be carried out on the land;	29

(e)	when and where the activities are proposed to be carried out;	1 2
(f)	if the holder is a corporation—contact details for the holder and an individual the holder has authorised to negotiate the agreement.	3 4 5
‘(3)	The GHG authority holder must give the chief executive a copy of the negotiation notice immediately after it is given.	6 7
	Maximum penalty for subsection (3)—10 penalty units.	8
‘324	Negotiations	9
‘(1)	On the giving of the negotiation notice, the GHG authority holder and the eligible claimant (the <i>parties</i>) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement (a <i>relevant agreement</i>).	10 11 12 13 14
‘(2)	The period of the negotiations—	15
(a)	must be at least 20 business days from the giving of the negotiation notice (the <i>minimum negotiation period</i>); but	16 17 18
(b)	may continue for as long as the parties wish.	19
‘(3)	If, during the minimum negotiation period, the parties enter into a relevant agreement the GHG authority holder can not enter the relevant land to carry out advanced activities for the authority until the period ends.	20 21 22 23
‘(4)	Subsection (3) applies despite the terms of the agreement.	24
‘325	Cooling-off during minimum negotiation period	25
‘(1)	This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period.	26 27 28

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‘(2) Either of the parties may, within the minimum negotiation period, terminate the agreement by giving notice to the other party.	1 2 3
‘(3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect.	4 5
‘(4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given.	6 7
‘325A Parties may seek mediation	8
‘(1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and compensation agreement.	9 10 11
‘(2) Either party may ask an authorised officer to call a mediation between the parties to negotiate a conduct and compensation agreement.	12 13 14
‘(3) Chapter 6, part 1A applies to the mediation.	15
‘(4) However, the authorised officer must take all reasonable steps to ensure the mediation is finished within 20 business days after it was requested.	16 17 18
‘Subdivision 5 Deciding compensation through Land Court	19 20
‘325B Deciding compensation through Land Court if mediation not called or after unsuccessful mediation	21 22
‘(1) This section applies if, under section 325A, a party has asked an authorised officer to call a mediation and the officer does not finish the mediation within 20 business days after receiving the request.	23 24 25 26
‘(2) This section also applies if—	27
(a) an authorised officer has, under section 325A, called a mediation; and	28 29

(b)	one or both of the parties attended the mediation; and	1
(c)	there is no conduct and compensation agreement between the parties relating to the subject of the mediation within 20 business days after the mediation was called.	2 3 4 5
‘(3)	An eligible party may apply to the Land Court for it to decide the GHG authority holder’s—	6 7
(a)	compensation liability to the claimant; or	8
(b)	future compensation liability to the claimant for an authorised activity for the GHG authority proposed to be carried out by or for the holder.	9 10 11
‘(4)	However, the Land Court may decide the liability or future liability only to the extent it is not subject to a conduct and compensation agreement.	12 13 14
‘(5)	In hearing the application, the Land Court must as much as practicable ensure the hearing happens together with, or as closely as possible to, the hearing of any relevant environmental compensation application.	15 16 17 18
‘(6)	In this section—	19
	<i>eligible party</i> means—	20
(a)	if subsection (1) applies—any party; or	21
(b)	if subsection (2) applies—a party who attended the mediation.	22 23
	<i>relevant environmental compensation application</i> means an application to the Land Court for compensation that is or may be payable by the GHG authority holder to the eligible claimant under the Environmental Protection Act.	24 25 26 27
‘325C	Land Court review of compensation	28
‘(1)	This section applies if—	29
(a)	the compensation liability or future compensation liability of a GHG authority holder to an eligible	30 31

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- claimant has been agreed to under a conduct and
compensation agreement or decided by the Land Court
(the *original compensation*); and
- (b) there has been a material change in circumstances (the
change) since the agreement or decision.
- ‘(2) The eligible claimant or the holder may apply to the Land
Court for it to review the original compensation.
- ‘(3) In carrying out the review, the Land Court may review the
original compensation only to the extent it is affected by the
change.
- ‘(4) If the Land Court considers the original compensation is not
affected by the change, it must not carry out or continue with
the review.
- ‘(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.
- ‘(6) If the decision is to amend the compensation, the original
compensation as amended under the decision is, for this Act,
taken to be the original compensation.
- ‘325D Orders Land Court may make**
- ‘(1) The Land Court may make any order it considers appropriate
to meet or enforce its decision on an application under this
part.
- ‘(2) Without limiting subsection (1), the Land Court may order
non-monetary compensation as well as monetary
compensation.

‘Subdivision 6	Miscellaneous provision	1
‘325E Compensation not affected by change in ownership or occupancy		2 3
‘(1) A conduct and compensation agreement or a Land Court decision under this part is for the benefit of, and is taken to have been agreed to or decided for and is binding on, the following—		4 5 6 7
(a) the relevant eligible claimant;		8
(b) the GHG authority holder;		9
(c) each of their successors and assigns including successors and assigns for the area of the relevant GHG authority.		10 11 12
‘(2) Subsection (1) is subject to section 325C.		13
‘Division 2	Compensation for notifiable road uses’.	14 15
436 Replacement of ss 329 and 330		16
Sections 329 and 330—		17
<i>omit, insert—</i>		18
‘329 Compliance with land access code		19
‘A GHG authority holder must—		20
(a) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and		21 22
(b) ensure any other person carrying out an authorised activity for the GHG authority complies with the mandatory provisions of the land access code.’.		23 24 25

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437	Replacement of ch 6 hdg (Enforcement, offences and proceedings)	1 2
	Chapter 6, heading—	3
	<i>omit, insert—</i>	4
‘Chapter 6	Mediation, investigations and enforcement	5 6
‘Part 1A	Mediation with eligible claimants or owners and occupiers	7 8 9
‘377A	Application of pt 1A	10
	‘This part applies if—	11
	(a) under section 325A, an authorised officer is asked by a GHG authority holder or an eligible claimant to call a mediation; or	12 13 14
	(b) an owner or occupier of land in a GHG authority’s area gives an authorised officer a notice stating concerns about the way in which authorised activities for the authority are being carried out on the land; or	15 16 17 18
	(c) a GHG authority holder gives an authorised officer a notice stating concerns about the activities of an owner or occupier of land in the authority’s area; or	19 20 21
	(d) for another reason an authorised officer has concerns about the relationship between a GHG authority holder and an owner or occupier of land in the authority’s area.	22 23 24
‘377B	Mediation may be called	25
	‘(1) If section 377A(a) applies, the authorised officer must, by notice, ask the GHG authority holder and the eligible claimant	26 27

(the <i>parties</i>) to attend a mediation by the authorised officer about negotiating a conduct and compensation agreement.	1 2
‘(2) If section 377A(b), (c) or (d) applies, the authorised officer may, by notice, ask the GHG authority holder and the owner or occupier (also the <i>parties</i>) to attend a mediation by the authorised officer about the concerns.	3 4 5 6
‘(3) The notice must state what the subject of the mediation is and when and where it will be held.	7 8
‘377C Who may attend mediation	9
‘(1) Apart from the authorised officer, anyone given notice of the mediation may attend it.	10 11
‘(2) A party may be represented by an agent only if the authorised officer agrees.	12 13
‘(3) However, a party can not be represented by a lawyer unless the parties agree and the authorised officer is satisfied there is no disadvantage to a party.	14 15 16
‘377D What happens if a party does not attend	17
‘(1) This section applies if a party given notice of the mediation does not attend.	18 19
‘(2) For the purpose of applying to the Land Court under section 325B, the mediation is taken to have been conducted.	20 21
‘(3) A party who attended the mediation may apply to the Land Court for an order requiring the party who did not attend to pay the attending party’s reasonable costs of attending.	22 23 24
‘(4) The Land Court must not order the party who did not attend to pay costs if it is satisfied the party had a reasonable excuse for not attending.	25 26 27
‘(5) If the Land Court makes the order, it must decide the amount of the costs.	28 29

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‘377E Conduct of mediation	1
‘(1) In conducting the mediation, the authorised officer must endeavour to help those attending to reach an early and inexpensive settlement of the subject of the mediation.	2 3 4
‘(2) Subject to section 325A, the authorised officer is to decide how the mediation is to be conducted.	5 6
‘377F Statements made at mediation	7
‘Nothing said by a person at the mediation is admissible, without the person’s consent, in a proceeding.	8 9
‘377G Mediated agreement	10
‘(1) If, at the mediation, the parties negotiate an agreement about the concerns the subject of the mediation, the agreement must be written and signed by or for the parties.	11 12 13
‘(2) The agreement—	14
(a) may be a conduct and compensation agreement or an amendment of an existing conduct and compensation agreement between the parties; and	15 16 17
(b) has the same effect as any other compromise.’	18
438 Insertion of new ch 8, pt 2	19
After section 436—	20
<i>insert—</i>	21

‘Part 2	Transitional provisions for amendments under Geothermal Energy Act 2010	1
		2
		3
‘437	Land access code prevails over conditions	4
	‘If a condition of a GHG authority is inconsistent with a mandatory provision of the land access code, the mandatory provision prevails to the extent of the inconsistency.	5
		6
		7
‘438	Existing compensation agreements other than for notifiable road uses	8
		9
	‘(1) This section applies if immediately before the commencement of this section a compensation agreement under chapter 5, part 10 was in force.	10
		11
		12
	‘(2) On the commencement the agreement becomes a conduct and compensation agreement under chapter 5, part 10, division 1.	13
		14
‘439	Existing entry notices	15
	‘(1) This section applies to an entry notice for the carrying out of an authorised activity for a GHG authority if the notice complied with the entry notice requirements before the commencement of this section.	16
		17
		18
		19
	‘(2) The notice continues, according to its terms, to be valid for the carrying out of the activity after the commencement even though the notice does not comply with all of the entry notice requirements from the commencement.	20
		21
		22
		23
	‘(3) In this section—	24
	<i>entry notice requirements</i> means the requirements under this Act relating to the giving of an entry notice.	25
		26

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‘440	References to geothermal tenure	1
	‘Until the <i>Geothermal Energy Act 2010</i> , chapter 9, part 1 commences, a reference in this Act to a geothermal tenure is taken to be a reference to a geothermal exploration permit.’	2 3 4
439	Amendment of sch 2 (Dictionary)	5
(1)	Schedule 2, definitions <i>compensation agreement, compensation application, compensation liability, eligible claimant, entry notice, entry period, occupier, petroleum interest, private land, public land</i> and <i>waiver of entry notice</i> —	6 7 8 9 10
	<i>omit.</i>	11
(2)	Schedule 2—	12
	<i>insert</i> —	13
	‘advanced activity , for a provision about a GHG authority, means an authorised activity for the authority other than a preliminary activity for the authority.	14 15 16
	<i>Examples</i> —	17
	• levelling of drilling pads and digging sumps	18
	• earthworks associated with pipeline installation	19
	• vegetation clear-felling	20
	• constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump	21 22
	• geophysical surveying with physical clearing	23
	• carrying out a seismic survey using explosives	24
	• constructing a track or access road	25
	• changing a fence line	26
	compensation application , for chapter 5, part 10, division 2, means an application made under section 325H(1).	27 28
	compensation liability —	29
(a)	for chapter 5, part 10, division 1—see section 320(2); or	30

-
- (b) for chapter 5, part 10, division 2—see section 325F(2). 1
- conduct and compensation agreement** see section 321(1). 2
- conduct and compensation agreement requirement** see 3
section 283(2). 4
- deferral agreement** see section 284(c)(i). 5
- eligible claimant**, for compensation, see section 320(1). 6
- entry notice**— 7
- (a) for chapter 5, part 7—see section 279(1); or 8
- (b) for chapter 5, part 8—see section 312(2)(b). 9
- land access code** see the P&G Act, section 24A. 10
- mandatory provision**, of the land access code, means a 11
provision of that code that the code requires compliance with. 12
- minimum negotiation period** see section 324(2)(a). 13
- negotiation notice** see section 323(1). 14
- occupier**, of a place, means— 15
- (a) a person who has a right to occupy the place other than 16
under a mining interest, petroleum authority, 1923 Act 17
petroleum tenure, GHG authority or geothermal tenure; 18
or 19
- (b) a person who has been given a right to occupy the place 20
by a person mentioned in paragraph (a). 21
- parties**— 22
- (a) for chapter 5, part 10, division 1, subdivision 4—see 23
section 324(1); or 24
- (b) for chapter 6, part 1A—see section 377B. 25
- preliminary activity**— 26
- 1 A **preliminary activity**, for a provision about a GHG 27
authority, means an authorised activity for the authority 28
that will have no impact, or only a minor impact, on the 29

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	business activities of any owner or occupier of the land on which the activity is to be carried out.	1 2
	<i>Examples—</i>	3
	• walking the area of the permit or licence	4
	• driving along an existing road or track in the area	5
	• taking soil or water samples	6
	• drilling without constructing earthworks	7
	• geophysical surveying without physical clearing	8
	• aerial, electrical or environmental surveying	9
	• seismic surveying without using explosives	10
	• survey pegging	11
2	However, the following are not preliminary activities—	12
	(a) an authorised activity carried out on land that—	13
	(i) is less than 100ha; and	14
	(ii) is being used for intensive farming or broadacre agriculture;	15 16
	<i>Examples—</i>	17
	• land used for dryland or irrigated cropping, plantation forestry or horticulture	18 19
	• a dairy, cattle or sheep feedlot, piggery or poultry farm	20 21
	(b) an authorised activity carried out within 600m of a school or an occupied residence;	22 23
	(c) an authorised activity that affects the lawful carrying out of an organic or bio-organic farming system.	24 25 26
	<i>private land—</i>	27
1	<i>Private land</i> is—	28
	(a) freehold land; or	29
	(b) an interest in land less than fee simple held from the State under another Act.	30 31

-
- 2 However, land is not private land to the extent of an 1
 interest in any of the following relating to the land— 2
- (a) a mining interest; 3
 - (b) a petroleum authority or 1923 Act petroleum 4
 tenure; 5
 - (c) a GHG authority; 6
 - (d) a geothermal tenure; 7
 - (e) an occupation right under a permit under the *Land* 8
 Act 1994. 9
- 3 Also, land owned by a public land authority is not 10
 private land. 11
- public land*** means land other than— 12
- (a) private land; or 13
 - (b) to the extent an interest in any of the following relates to 14
 the land— 15
 - (i) a mining interest; 16
 - (ii) a petroleum authority or 1923 Act petroleum 17
 tenure; 18
 - (iii) a GHG authority; 19
 - (iv) a geothermal tenure; 20
 - (v) an occupation right under a permit under the *Land* 21
 Act 1994. 22
- relevant owner or occupier***, for a provision about entry 23
notices, means the owner or occupier to whom the entry 24
notice is to be given, or would be given, other than for an 25
exemption from the requirement to give an entry notice. 26
- waiver of entry notice***— 27
- (a) for chapter 5, part 7—means a waiver of entry notice 28
 mentioned in section 281 that complies with section 29
 281(1); or 30
 - (b) for chapter 5, part 8—see section 312(3).’ 31
-

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Division 2	Amendment of Mineral Resources Act 1989	1 2
440 Act amended		3
	The following provisions amend the <i>Mineral Resources Act 1989</i> —	4 5
	• this division	6
	• part 1, division 4	7
	• part 3, division 5	8
441 Amendment of s 10A (Extension of certain entitlements to registered native title bodies corporate and registered native title claimants)		9 10 11
	Section 10A(3), ‘sections 34, 96(11), 125, 169, 198(10), 217, 231(6), 300(13) and 317’—	12 13
	<i>omit, insert</i> —	14
	‘sections 34, 96(11), 125, 198(10), 231(6), 300(13) and 317 and part 10, division 1B’.	15 16
442 Amendment of s 141 (Conditions of exploration permit)		17
	Section 141(1), before paragraph (a)—	18
	<i>insert</i> —	19
	‘(aa) a condition that the holder must—	20
	(i) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and	21 22 23
	(ii) ensure any other person carrying out an authorised activity for the exploration permit complies with the mandatory provisions of the land access code; and’.	24 25 26 27

443	Omission of s 145 (Compensation)	1
	Section 145—	2
	<i>omit.</i>	3
444	Replacement of ss 163 and 164	4
	Sections 163 and 164—	5
	<i>omit, insert—</i>	6
‘163	Access and compensation provisions—sch 1	7
	‘Schedule 1 contains provisions about access, compensation and related matters for exploration permits.’	8 9
445	Omission of ss 169–174	10
	Sections 169 to 174—	11
	<i>omit.</i>	12
446	Omission of s 191 (Compensation)	13
	Section 191—	14
	<i>omit.</i>	15
447	Amendment of s 194 (Conditions of mineral development licence)	16 17
	Section 194(1), before paragraph (a)—	18
	<i>insert—</i>	19
	‘(aa) a condition that the holder must—	20
	(i) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and	21 22 23
	(ii) ensure any other person carrying out an authorised activity for the mineral development licence	24 25

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	complies with the mandatory provisions of the land access code; and’.	1 2
448	Replacement of ss 211 and 212	3
	Sections 211 and 212—	4
	<i>omit, insert—</i>	5
‘211	Access and compensation provisions—sch 1	6
	‘Schedule 1 contains provisions about access, compensation and related matters for mineral development licences.’.	7 8
449	Omission of ss 217–222	9
	Sections 217 to 222—	10
	<i>omit.</i>	11
450	Omission of ss 254–259	12
	Sections 254 to 259—	13
	<i>omit.</i>	14
451	Insertion of new pt 10, divs 1A and 1B	15
	Part 10—	16
	<i>insert—</i>	17
‘Division 1A	Directions to remedy contravention	18
‘335A	Power to give compliance direction	19
	‘(1) This section applies if a relevant officer reasonably believes a person—	20 21
	(a) has contravened, or is contravening, this Act or a mandatory provision of the land access code; or	22 23

-
- (b) is involved in an activity that is likely to result in a
contravention of this Act or a mandatory provision of
the land access code. 1 2 3
- ‘(2) The relevant officer may give the person a written direction (a
compliance direction) to take steps reasonably necessary to
remedy the contravention or avoid the likely contravention. 4 5 6
- ‘(3) The direction may also state— 7
- (a) the steps the relevant officer reasonably believes are
necessary to remedy the contravention or avoid the
likely contravention; or 8 9 10
- (b) that the person must notify the relevant officer when the
person has complied with the compliance direction; or 11 12
- (c) that a relevant officer proposes, at a stated time or at
stated intervals, to enter premises of which the person is
the owner or occupier to check compliance with the
direction. 13 14 15 16
- ‘335B Requirements for giving compliance direction 17**
- ‘(1) A compliance direction must state the following— 18
- (a) that the relevant officer giving it believes the person
given the direction— 19 20
- (i) has contravened, or is contravening, this Act or a
mandatory provision of the land access code; or 21 22
- (ii) is involved in an activity that is likely to result in a
contravention of this Act or a mandatory provision
of the land access code; 23 24 25
- (b) the provision the relevant officer believes is being, has
been, or is likely to be, contravened; 26 27
- (c) the reasons for the belief; 28
- (d) that the person must take steps reasonably necessary to
remedy the contravention, or avoid the likely
contravention, within a stated reasonable period. 29 30 31

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- ‘(2) The direction must include, or be accompanied by, a review and appeal notice about the decisions to give the direction and to fix the period. 1
2
3
- ‘(3) The direction may be given orally if— 4
- (a) for any reason it is not practicable to give the direction in writing; and 5
6
- (b) the relevant officer giving it warns the person it is an offence not to comply with the direction. 7
8
- ‘(4) If the direction is given orally, the relevant officer must confirm the direction by also giving it in writing as soon as practicable after giving it orally. 9
10
11
- ‘(5) In this section— 12
- review and appeal notice*, for a decision, means a written notice stating the following— 13
14
- (a) the rights of internal review and appeal under the applied provisions under section 335D; 15
16
- (b) the period in which any internal review must be started; 17
- (c) how rights are to be exercised; 18
- (d) that a stay of a decision the subject of an appeal under the applied provisions may be applied for. 19
20

‘335C Failure to comply with compliance direction 21

- ‘(1) A person to whom a compliance direction has been given must comply with the direction unless the person has a reasonable excuse. 22
23
24
- Maximum penalty—500 penalty units. 25
- ‘(2) If the direction states steps the person may take to remedy the contravention, or avoid the likely contravention, the subject of the direction, the person is taken to have complied with the direction if all the steps have been taken. 26
27
28
29
- ‘(3) Subsection (2) does not prevent the person from complying with the direction in another way. 30
31

‘335D Right of internal review and appeal against compliance direction	1 2
‘(1) This section applies if a person is given a compliance direction.	3 4
‘(2) The Petroleum and Gas (Production and Safety) Act, chapter 12, other than section 817(2), (the <i>applied provisions</i>) applies, with necessary changes, as if—	5 6 7
(a) the decision were mentioned in schedule 1, table 1 of that Act; and	8 9
(b) a reference in that chapter to an information notice were a reference to a review and appeal notice under section 335B.	10 11 12
‘(3) An internal review application under the applied provisions may be made only to—	13 14
(a) if the compliance direction was given by a deputy mining registrar or a field officer—the mining registrar; or	15 16 17
(b) if the compliance direction was given by the mining registrar—the chief executive.	18 19
‘335E Other relevant officer’s powers not affected	20
‘This division does not limit or otherwise affect a relevant officer’s powers under another provision of this Act.	21 22
‘Division 1B Mediation with eligible claimants or owners and occupiers	23 24
‘335F Application of div 1B	25
‘This division applies if—	26
(a) under schedule 1, section 19 a relevant officer is asked by an exploration permit or a mineral development	27 28

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licence holder or an eligible claimant to call a mediation; or	1 2
(b) an owner or occupier of land in a mining tenement's area gives a relevant officer a written notice stating concerns about the way in which authorised activities for the tenement are being carried out on the land; or	3 4 5 6
(c) a mining tenement holder gives a relevant officer a written notice stating concerns about the activities of an owner or occupier of land in the tenement's area; or	7 8 9
(d) for another reason a relevant officer has concerns about the relationship between a mining tenement holder and an owner or occupier of land in the tenement's area.	10 11 12
'335G Mediation may be called	13
'(1) If section 335F(a) applies, the relevant officer must, by notice, ask the exploration permit or mineral development licence holder and the eligible claimant (the <i>parties</i>) to attend a mediation by the relevant officer about negotiating a conduct and compensation agreement.	14 15 16 17 18
'(2) If section 335F(b), (c) or (d) applies, the relevant officer may, by written notice, ask the mining tenement holder and the owner or occupier (also the <i>parties</i>) to attend a mediation by the relevant officer about the concerns.	19 20 21 22
'(3) The notice must state what the subject of the mediation is and when and where it will be held.	23 24
'335H Who may attend mediation	25
'(1) Apart from the relevant officer, anyone given written notice of the mediation may attend it.	26 27
'(2) A party may be represented by an agent only if the relevant officer agrees.	28 29

‘(3) However, a party can not be represented by a lawyer unless the parties agree and the relevant officer is satisfied there is no disadvantage to a party.	1 2 3
‘335I What happens if a party does not attend	4
‘(1) This section applies if a party given notice of the mediation does not attend.	5 6
‘(2) For the purpose of applying to the Land Court under schedule 1, section 20, the mediation is taken to have been conducted.	7 8
‘(3) A party who attended the mediation may apply to the Land Court for an order requiring the party who did not attend to pay the attending party’s reasonable costs of attending.	9 10 11
‘(4) The Land Court must not order the party who did not attend to pay costs if it is satisfied the party had a reasonable excuse for not attending.	12 13 14
‘(5) If the Land Court makes the order, it must decide the amount of the costs.	15 16
‘335J Conduct of mediation	17
‘(1) In conducting the mediation, the relevant officer must endeavour to help those attending to reach an early and inexpensive settlement of the subject of the mediation.	18 19 20
‘(2) Subject to schedule 1, section 19, the relevant officer is to decide how the mediation is to be conducted.	21 22
‘335K Statements made at mediation	23
‘Nothing said by a person at the mediation is admissible, without the person’s consent, in a proceeding.	24 25

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‘335L Mediated agreement	1
‘(1) If, at the mediation, the parties negotiate an agreement about the concerns the subject of the mediation, the agreement must be written and signed by or for the parties.	2 3 4
‘(2) The agreement—	5
(a) may be a conduct and compensation agreement or an amendment of an existing conduct and compensation agreement between the parties; and	6 7 8
(b) has the same effect as any other compromise.’.	9
452 Amendment of s 336 (Appointment of mining registrars and other officers)	10 11
Section 336—	12
<i>insert—</i>	13
‘(3) The chief executive may appoint other persons to perform functions under division 1A or 1B or schedule 1 as a relevant officer.	14 15 16
‘(4) However, the chief executive may appoint a person under subsection (3) to perform a function only if the chief executive considers the person is appropriately qualified to perform the function.	17 18 19 20
‘(5) In this section—	21
<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate to perform the function.	22 23
<i>Example of standing for an employee of the department—</i>	24
the employee’s classification level in the department	25
<i>functions</i> includes powers.’.	26
453 Amendment of s 405 (Directions to be complied with)	27
Section 405, after penalty—	28
<i>insert—</i>	29

‘(2) This section does not apply if the direction is a compliance direction.	1 2
<i>Note—</i>	3
For compliance directions, see section 335C.’.	4
454 Insertion of new pt 19, div 13, sdiv 2	5
Part 19, as inserted under this Act—	6
<i>insert—</i>	7
‘Subdivision 2 Provisions for amendments about compensation and the land access code	8 9 10
‘775 Old access code ceases to apply	11
‘(1) This section applies if a condition of a mining tenement requires the holder to comply with the old access code.	12 13
‘(2) On the commencement of this section the condition ceases to be a condition of the mining tenement.	14 15
‘(3) In this section—	16
<i>old access code</i> means the document called ‘Code of Conduct-Procedures for Sound Landowner/Explorer Relations’ approved by the Minister on 20 September 1990.	17 18 19
‘776 Land access code prevails over conditions	20
‘If a condition of a mining tenement is inconsistent with a mandatory provision of the land access code, the mandatory provision prevails to the extent of the inconsistency.	21 22 23
‘777 Existing compensation decisions and proceedings continue	24 25
‘(1) If, before the commencement of this section, the Land Court had decided compensation under former section 145 or 191	26 27

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- for a matter, the decision is taken to be the compensation for
the matter decided under schedule 1, section 20. 1 2
- ‘(2) If, immediately before the commencement, a proceeding 3
under former section 145 or 191 had been started— 4
- (a) the proceeding may be finished as if schedule 1 had not 5
been enacted; and 6
- (b) compensation decided for the matter in the proceeding 7
is taken to be the compensation decided under schedule 8
1, section 20 for the matter. 9
- ‘(3) In carrying out a review of the compensation or decided 10
compensation under schedule 1, section 20, the Land Court 11
must apply former section 145 or 191— 12
- (a) as if the review were the proceeding mentioned in the 13
section; and 14
- (b) with other necessary changes. 15
- ‘(4) This section applies despite schedule 1, section 20(1). 16
- ‘778 Existing notices of entry 17**
- ‘(1) This section applies if, before the commencement of this 18
section, an exploration permit or mineral development licence 19
holder had given an owner of land notice of entry under 20
former section 163 or 211. 21
- ‘(2) Despite schedule 1, the notice of entry may be renewed under 22
former section 164 or 212, but only to the extent it relates to— 23
- (a) a preliminary activity; or 24
- (b) an advanced activity that the holder started before the 25
commencement. 26
- ‘(3) The notice of entry and any renewal of it under subsection 27
(2)— 28
- (a) is taken to be an entry notice for schedule 1; and 29

(b)	continues to be valid for the carrying out by the holder after the commencement of an activity mentioned in subsection (2).	1 2 3
‘(4)	To remove any doubt, it is declared that subsection (3) applies even though a copy of any document required, under schedule 1, to accompany an entry notice did not accompany the notice of entry.	4 5 6 7
‘779	References to geothermal tenure	8
	‘Until the <i>Geothermal Energy Act 2010</i> , chapter 10, part 1 commences, a reference in this Act to a geothermal tenure is taken to be a reference to a geothermal exploration permit.’	9 10 11
455	Insertion of new sch 1	12
	After part 19—	13
	<i>insert—</i>	14
‘Schedule 1	Access and compensation provisions for exploration permits and mineral development licences	15 16 17 18 19
	sections 163 and 211	20
‘Part 1	Preliminary	21
‘Division 1	Key definitions for schedule 1	22

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‘1	Meaning of <i>exploration tenement</i>	1
	‘An <i>exploration tenement</i> is any exploration permit or mineral development licence.	2 3
‘2	What is a <i>preliminary activity</i>	4
‘(1)	A <i>preliminary activity</i> , for a provision about an exploration tenement, means an authorised activity for the tenement that will have no impact, or only a minor impact, on the business activities of any owner or occupier of the land on which the activity is to be carried out.	5 6 7 8 9
	<i>Examples—</i>	10
	• walking the area of the permit or licence	11
	• driving along an existing road or track in the area	12
	• taking soil or water samples	13
	• drilling without constructing earthworks	14
	• geophysical surveying without physical clearing	15
	• aerial, electrical or environmental surveying	16
	• seismic surveying without using explosives	17
	• survey pegging	18
‘(2)	However, the following are not preliminary activities—	19
(a)	an authorised activity carried out on land that—	20
	(i) is less than 100ha; and	21
	(ii) is being used for intensive farming or broadacre agriculture;	22 23
	<i>Examples—</i>	24
	• land used for dryland or irrigated cropping, plantation forestry or horticulture	25 26
	• a dairy, cattle or sheep feedlot, piggery or poultry farm	27 28
(b)	an authorised activity carried out within 600m of a school or an occupied residence;	29 30

(c)	an authorised activity that affects the lawful carrying out of an organic or bioorganic farming system.	1 2
‘3	What is an <i>advanced activity</i>	3
	‘An <i>advanced activity</i> , for a provision about an exploration tenement, means an authorised activity for the tenement other than a preliminary activity for the tenement.	4 5 6
	<i>Examples—</i>	7
	• levelling of drilling pads and digging sumps	8
	• bulk sampling	9
	• open trenching or costeaning with an excavator	10
	• vegetation clear-felling	11
	• constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump	12 13
	• geophysical surveying with physical clearing	14
	• carrying out a seismic survey using explosives	15
	• constructing a track or access road	16
	• changing a fence line	17
‘Division 2	Other definitions for schedule 1	18
‘4	Other definitions	19
	‘In this schedule—	20
	<i>compensation liability</i> see section 13(2).	21
	<i>conduct and compensation agreement</i> see section 14(1).	22
	<i>conduct and compensation agreement requirement</i> see section 10(2).	23 24
	<i>deferral agreement</i> see section 11(c)(i).	25
	<i>eligible claimant</i> see section 13(1).	26
	<i>entry notice</i> see section 5(1).	27

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- minimum negotiation period*** see section 17(2)(a). 1
- negotiation notice*** see section 16(1). 2
- parties*** see section 17(1). 3
- private land*** means freehold land or an interest in land less 4
than fee simple held from the State under another Act, other 5
than— 6
- (a) to the extent of an interest in any of the following 7
relating to the land— 8
- (i) a mining interest; 9
- (ii) a petroleum tenure or a licence under the 10
Petroleum and Gas (Production and Safety) Act; 11
- (iii) a GHG authority; 12
- (iv) a geothermal tenure; 13
- (v) an occupation right under a permit under the *Land* 14
Act 1994; or 15
- (b) land owned by a public land authority. 16
- public land*** means land other than— 17
- (a) private land; or 18
- (b) to the extent an interest in any of the following relates to 19
the land— 20
- (i) a mining interest; 21
- (ii) a petroleum tenure or a licence under the 22
Petroleum and Gas (Production and Safety) Act; 23
- (iii) a GHG authority; 24
- (iv) a geothermal tenure; 25
- (v) an occupation right under a permit under the *Land* 26
Act 1994. 27
- public land authority***, for land, means— 28
- (a) if the land is a public road—the road authority for the 29
road; or 30

(b)	if a local government or other authority is, under an Act, charged with the control of the land—the local government or other authority; or	1 2 3
(c)	otherwise—the chief executive of the department administering the Act under which entry to the land is administered.	4 5 6
‘Part 2	Requirements for entry to exploration tenement area	7 8
‘Division 1	Entry notice requirement for preliminary activities and particular advanced activities	9 10 11
‘5	Entry notice requirement for particular authorised activities	12 13
‘(1)	A person must not—	14
(a)	enter private land in an exploration tenement’s area to carry out a preliminary activity for the tenement; or	15 16
(b)	enter private land in an exploration tenement’s area to carry out an advanced activity for the tenement if either of the following applies for the entry—	17 18 19
(i)	the deferral agreement exemption;	20
(ii)	the Land Court application exemption; or	21
(c)	enter public land an exploration tenement’s area to carry out any authorised activity for the tenement;	22 23
	unless the exploration tenement’s holder has given each owner and occupier of the land a written notice of the entry that complies with section 6 (an <i>entry notice</i>).	24 25 26

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Maximum penalty—500 penalty units.	1
‘(2) The entry notice must be given—	2
(a) generally—at least 10 business days before the entry; or	3
(b) if, by a signed endorsement on the notice, the relevant owner or occupier has agreed to a shorter period—the shorter period.	4 5 6
Maximum penalty—500 penalty units.	7
‘(3) The holder must give the mining registrar a copy of the entry notice immediately after the notice is given and before entry is made under the exploration tenement.	8 9 10
Maximum penalty—10 penalty units.	11
‘(4) A contravention of subsection (3) does not affect the validity of the notice or the entry.	12 13
‘(5) This section is subject to section 7.	14
‘(6) In this section—	15
<i>deferral agreement exemption</i> , for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 11(c)(i).	16 17 18
<i>give</i> , for an entry notice, includes publishing it in a way approved under section 9.	19 20
<i>Land Court application exemption</i> , for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 11(c)(ii).	21 22 23
‘6 Required contents of entry notice	24
‘(1) An entry notice must state the following—	25
(a) the land proposed to be entered;	26
(b) the period during which the land will be entered (the <i>entry period</i>);	27 28
(c) the activities proposed to be carried out on the land;	29

-
- (d) when and where the activities are proposed to be carried out; 1
2
- (e) contact details for— 3
- (i) the relevant exploration tenement holder; or 4
- (ii) another person the holder has authorised to discuss the matters stated in the notice. 5
6
- ‘(2) Also, the first entry notice from the exploration tenement holder to a particular owner or occupier must be accompanied by or include a copy of— 7
8
9
- (a) the land access code; and 10
- (b) any code of practice made under this Act applying to authorised activities for the exploration tenement; and 11
12
- (c) the relevant environmental authority documentation. 13
- ‘(3) The entry period can not be longer than— 14
- (a) generally—6 months; or 15
- (b) if the relevant owner or occupier agrees in writing to a longer period—the longer period. 16
17
- ‘(4) Subject to subsections (1) to (3), an entry notice may state an entry period that is different to the entry period stated in another entry notice given by the exploration tenement holder to another owner or occupier of the land. 18
19
20
21
- ‘(5) In this section— 22
- relevant environmental authority documentation*** means— 23
- (a) if, under the Environmental Protection Act, the relevant environmental authority (exploration) is a code compliant authority—the relevant code; or 24
25
26
- (b) if, under the Environmental Protection Act, the relevant environmental authority (exploration) is a non-code compliant authority— 27
28
29
- (i) the environmental authority; and 30

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	(ii) if the environmental authority imposes conditions by referring to a code—that code.	1 2
‘7	Exemptions from entry notice requirement	3
	‘(1) The requirement under section 5(1) to give an entry notice does not apply for an entry to land to carry out an authorised activity if any of the following apply—	4 5 6
	(a) the exploration tenement holder owns the land;	7
	(b) the holder has the right other than under this Act to enter the land to carry out the activity;	8 9
	(c) if—	10
	(i) there is a conduct and compensation agreement relating to the land; and	11 12
	(ii) each eligible claimant for the land is a party to the agreement; and	13 14
	(iii) the agreement includes a waiver of entry notice;	15
	(d) the entry is to preserve life or property or because of an emergency that exists or may exist;	16 17
	(e) the relevant owner or occupier has, by signed writing, given a waiver of entry notice.	18 19
	‘(2) A waiver of entry notice mentioned in subsection (1) must comply with section 8(1).	20 21
‘8	Provisions for waiver of entry notice	22
	‘(1) A waiver of entry notice mentioned in section 7 must—	23
	(a) if it does not form part of a conduct and compensation agreement, be written and signed; and	24 25
	(b) state the following—	26
	(i) that the relevant owner or occupier has been told they are not required to agree to the waiver of entry notice;	27 28 29

	(ii) the authorised activities proposed to be carried out on the land;	1 2
	(iii) the period during which the land will be entered;	3
	(iv) when and where the activities are proposed to be carried out.	4 5
'(2)	The relevant owner or occupier can not withdraw the waiver of entry notice during the period.	6 7
'(3)	The waiver of entry notice ceases to have effect at the end of the period.	8 9
'9	Giving entry notice by publication	10
'(1)	The mining registrar may approve an exploration tenement holder giving an entry notice for the tenement by publishing it in a stated way.	11 12 13
'(2)	The publication may relate to more than 1 entry notice.	14
'(3)	The mining registrar may give the approval only if—	15
	(a) for a relevant owner or occupier who is an individual, it is impracticable to give the owner or occupier the notice personally; and	16 17 18
	(b) the publication will happen at least 20 business days before the entry.	19 20
'Division 2	Conduct and compensation agreement requirement for particular advanced activities	21 22 23
'10	Conduct and compensation agreement requirement for particular advanced activities	24 25
'(1)	A person must not enter private land an exploration tenement's area to carry out an advanced activity for the tenement (the <i>relevant activity</i>) unless each eligible claimant	26 27 28

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	for the land is a party to an appropriate conduct and compensation agreement.	1 2
	Maximum penalty—500 penalty units.	3
‘(2)	The requirement under subsection (1) is the <i>conduct and compensation agreement requirement</i> .	4 5
‘(3)	In this section—	6
	<i>appropriate conduct and compensation agreement</i> , for an eligible claimant, means a conduct and compensation agreement about the holder’s compensation liability to the eligible claimant of at least to the extent the liability relates to the relevant activity and its effects.	7 8 9 10 11
‘11	Exemptions from conduct and compensation agreement requirement	12 13
	‘The conduct and compensation agreement requirement does not apply for an entry to land to carry out an advanced activity if any of the following apply—	14 15 16
	(a) the exploration tenement holder owns the land;	17
	(b) the holder has the right other than under this Act to enter the land to carry out the activity;	18 19
	(c) each eligible claimant for the land is—	20
	(i) a party to an agreement, complying with section 12, that a conduct and compensation agreement can be entered into after the entry (a <i>deferral agreement</i>); or	21 22 23 24
	(ii) an applicant or respondent to a Land Court application under section 20 relating to the land;	25 26
	(d) the entry is to preserve life or property or because of an emergency that exists or may exist.	27 28
‘12	Requirements for deferral agreement	29
	‘A deferral agreement must—	30

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<i>compensatable effect</i> means all or any of the following relating to the eligible claimant's land—	1 2
(a) deprivation of possession of its surface;	3
(b) diminution of its value;	4
(c) diminution of the use made or that may be made of the land or any improvement on it;	5 6
(d) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;	7 8
(e) any cost or loss arising from the carrying out of activities under the exploration tenement on the land.	9 10
<i>relevant authorised activities</i> means authorised activities for the exploration tenement carried out by the holder or a person authorised by the holder.	11 12 13

'Part 4	General provisions for conduct and compensation agreements	14 15
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'14	Conduct and compensation agreement	16
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(1)	An eligible claimant and an exploration tenement holder may enter into an agreement (a <i>conduct and compensation agreement</i>) about—	17 18 19
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(a)	how and when the exploration tenement holder may enter the land for which the eligible claimant is an eligible claimant to carry out an advanced activity for the tenement; and	20 21 22 23
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	<i>Notes—</i>	24
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1	For restrictions on entry to private land to carry out an advanced activity, see section 10.	25 26
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2	For when an entry notice is required, see section 5.	27
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- (b) how authorised activities under the exploration tenement, to the extent they relate to the eligible claimant, must be carried out; and
- (c) the holder's compensation liability to the claimant or any future compensation liability that the holder may have to the claimant.
- '(2) However, a conduct and compensation agreement can not be inconsistent with this Act, a condition of the exploration tenement or a mandatory provision of the land access code and is unenforceable to the extent of the inconsistency.
- '(3) A conduct and compensation agreement may relate to all or part of the liability or future liability.
- '15 Content of conduct and compensation agreement**
- '(1) A conduct and compensation agreement between an eligible claimant and an exploration tenement holder must—
- (a) provide for the matters mentioned in section 14(1); and
- (b) be written and signed by or for the eligible claimant and the holder; and
- (c) state whether it is for all or part of the liability; and
- (d) if it is for only part of the liability, state—
- (i) details of each activity or effects of the activity to which the agreement relates; and
- (ii) the period for which the agreement has effect; and
- (e) provide for how and when the liability will be met.
- '(2) A conduct and compensation agreement may—
- (a) provide for—
- (i) monetary or non-monetary compensation; or
- Example of non-monetary compensation—*
- A conduct and compensation agreement may provide for the construction of a road for the claimant.

-
- (ii) if the holder only wishes to negotiate part of the liability—what the part is; 1
2
 - (b) if the holder wishes to negotiate a deferral agreement—that wish and the reasons for it; 3
4
 - (c) the land the exploration tenement tenure holder proposes to enter; 5
6
 - (d) the activities proposed to be carried out on the land; 7
 - (e) when and where the activities are proposed to be carried out; 8
9
 - (f) contact details for— 10
 - (i) the relevant exploration tenement holder; or 11
 - (ii) another person the holder has authorised to discuss the matters stated in the notice. 12
13
 - ‘(3) The exploration tenement holder must give the mining registrar a copy of the negotiation notice immediately after it is given. 14
15
16
 - Maximum penalty for subsection (3)—10 penalty units. 17

‘17 Negotiations 18

- ‘(1) On the giving of the negotiation notice, the exploration tenement holder and the eligible claimant (the *parties*) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement (a *relevant agreement*). 19
20
21
22
23
- ‘(2) The period of the negotiations— 24
 - (a) must be at least 20 business days from the giving of the negotiation notice (the *minimum negotiation period*); but 25
26
27
 - (b) may continue for as long as the parties wish. 28
- ‘(3) If, during the minimum negotiation period, the parties enter into a relevant agreement, the exploration tenement holder can 29
30

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not enter the relevant land to carry out advanced activities for the exploration tenement until the period ends.	1 2
‘(4) Subsection (3) applies despite the terms of the agreement.	3
‘18 Cooling-off during minimum negotiation period	4
‘(1) This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period.	5 6 7
‘(2) Either of the parties may, within the minimum negotiation period, terminate the agreement by giving notice to the other party.	8 9 10
‘(3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect.	11 12
‘(4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given.	13 14
‘19 Parties may seek mediation	15
‘(1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and compensation agreement.	16 17 18
‘(2) Either party may ask a relevant officer to call a conference (a <i>mediation conference</i>) between the parties to negotiate a conduct and compensation agreement.	19 20 21
‘(3) Part 10, division 1B applies to the mediation conference.	22
‘(4) However, the relevant officer must take all reasonable steps to ensure the mediation conference is finished within 20 business days after it was requested.	23 24 25

‘Part 6	Deciding compensation through Land Court	1 2
‘20	Deciding compensation through Land Court if mediation not called or after unsuccessful mediation	3 4
‘(1)	This section applies if, under section 19, a party has asked a relevant officer to call a mediation and the officer does not finish the mediation within 20 business days after receiving the request.	5 6 7 8
‘(2)	This section also applies if—	9
	(a) a relevant officer has, under section 19, called a mediation; and	10 11
	(b) one or both of the parties attended the mediation; and	12
	(c) there is no conduct and compensation agreement between the parties relating to the subject of the mediation within 20 business days after the mediation was called.	13 14 15 16
‘(3)	An eligible party may apply to the Land Court for it to decide the exploration tenement holder’s—	17 18
	(a) compensation liability to the claimant; or	19
	(b) future compensation liability to the claimant for an authorised activity for the exploration tenement holder proposed to be carried out by or for the holder.	20 21 22
‘(4)	However, the Land Court may decide the liability or future liability only to the extent it is not subject to a conduct and compensation agreement.	23 24 25
‘(5)	In hearing the application, the Land Court must as much as practicable ensure the hearing happens together with, or as closely as possible to, the hearing of any relevant environmental compensation application.	26 27 28 29
‘(6)	In this section—	30
	<i>eligible party</i> means—	31

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- (a) if subsection (1) applies—any party; or 1
 - (b) if subsection (2) applies—a party who attended the mediation. 2
3
- relevant environmental compensation application*** means an 4
application to the Land Court for compensation that is or may 5
be payable by the exploration tenement holder to the eligible 6
claimant under the Environmental Protection Act. 7

‘21 Land Court review of compensation 8

- ‘(1) This section applies if— 9
- (a) the compensation liability or future compensation 10
liability of an exploration tenement holder to an eligible 11
claimant has been agreed to under a conduct and 12
compensation agreement or decided by the Land Court 13
(the ***original compensation***); and 14
 - (b) there has been a material change in circumstances (the 15
change) since the agreement or decision. 16
- ‘(2) The eligible claimant or the holder may apply to the Land 17
Court for it to review the original compensation. 18
- ‘(3) In carrying out the review, the Land Court may review the 19
original compensation only to the extent it is affected by the 20
change. 21
- ‘(4) If the Land Court considers the original compensation is not 22
affected by the change, it must not carry out or continue with 23
the review. 24
- ‘(5) The Land Court may, after carrying out the review, decide to 25
confirm the original compensation or amend it in a way the 26
court considers appropriate. 27
- ‘(6) If the decision is to amend the compensation, the original 28
compensation as amended under the decision is, for this Act, 29
taken to be the original compensation. 30

‘22	Orders Land Court may make	1
	‘(1) The Land Court may make any order it considers appropriate to meet or enforce its decision on an application under this part.	2 3 4
	‘(2) Without limiting subsection (1), the Land Court may order non-monetary compensation as well as monetary compensation.	5 6 7
‘Part 7	Miscellaneous provision	8
‘23	Compensation not affected by change in ownership or occupancy	9 10
	‘A conduct and compensation agreement or a Land Court decision under this schedule is for the benefit of and is taken to have been agreed to or decided for and is binding on—	11 12 13
	(a) the relevant eligible claimant; and	14
	(b) the exploration tenement holder; and	15
	(c) each of their successors and assigns including successors and assigns for the area of the relevant exploration tenement.’.	16 17 18
456	Amendment and renumbering of schedule (Dictionary)	19
	(1) Schedule, definitions <i>occupier</i> , <i>section 169 conference</i> , <i>section 217 conference</i> and <i>section 254 conference</i> —	20 21
	<i>omit</i> .	22
	(2) Schedule—	23
	<i>insert</i> —	24
	‘ <i>advanced activity</i> , for schedule 1, see schedule 1, section 3.	25

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<i>compensation liability</i> , for schedule 1, see schedule 1, section 13(2).	1 2
<i>compliance direction</i> see section 335A(2).	3
<i>conduct and compensation agreement</i> , for schedule 1, see schedule 1, section 14(1).	4 5
<i>conduct and compensation agreement requirement</i> , for schedule 1, see schedule 1, section 10(2).	6 7
<i>eligible claimant</i> , for schedule 1, see schedule 1, section 13(1).	8 9
<i>entry notice</i> , for schedule 1, see schedule 1, section 5(1).	10
<i>exploration tenement</i> , for schedule 1, see schedule 1, section 1.	11 12
<i>land access code</i> see the Petroleum and Gas (Production and Safety) Act, section 24A.	13 14
<i>mandatory provision</i> , of the land access code, means a provision of that code that the code requires compliance with.	15 16
<i>minimum negotiation period</i> , for schedule 1, see schedule 1, section 17(2)(a).	17 18
<i>mining interest</i> means—	19
(a) a mining tenement; or	20
(b) a tenure held from the State under another Act about mining under which tenure the holder is authorised to carry out mining or a related mineral or energy resources activity.	21 22 23 24
<i>negotiation notice</i> , for schedule 1, see schedule 1, section 16(1).	25 26
<i>occupier</i> , of a place, means a person—	27
(a) who has a right to occupy the place, other than under a mining interest, petroleum tenure, licence under the Petroleum and Gas (Production and Safety) Act, GHG authority or geothermal tenure; or	28 29 30 31

-
- (b) to whom an occupier under paragraph (a) has given the right to occupy the place. 1
2
- parties*— 3
- (a) for part 10, division 1B, see section 335G; or 4
- (b) for schedule 1, see schedule 1, section 17(1). 5
- preliminary activity*, for schedule 1, see schedule 1, section 2. 6
- private land*, for schedule 1, see schedule 1, section 4. 7
- public land*, for schedule 1, see schedule 1, section 4. 8
- public land authority*, for schedule 1, see schedule 1, section 4. 9
10
- relevant officer* means a mining registrar, deputy mining registrar or field officer appointed under section 336(1) or (2) or another officer appointed under section 336(3).’ 11
12
13
- (3) Schedule, definition *area*, paragraph 1, ‘coal or oil shale’— 14
omit. 15
- (4) Schedule, definition *area*— 16
insert— 17
- ‘4 The *area*, of a geothermal tenure, is the land to which 18
the tenure is subject, as recorded in the geothermal 19
register under the Geothermal Act.’. 20
- (5) Schedule— 21
renumber as schedule 2. 22

Division 3 Amendment of Petroleum Act 1923 23

- 457 Act amended** 24
- The following provisions amend the *Petroleum Act 1923*— 25
- this division 26
 - part 1, division 5 27

[s 458]

•	part 3, division 7	1
•	schedule 2, parts 2 and 4.	2
458	Amendment of s 2 (Definitions)	3
(1)	Section 2, definitions <i>compensation agreement, compensation liability, eligible claimant, entry notice, entry period, occupier, private land, public land</i> and <i>waiver of entry notice</i> —	4
	<i>omit.</i>	5
		6
		7
(2)	Section 2—	8
	<i>insert</i> —	9
		10
	<i>‘advanced activity</i> , for a provision about a 1923 Act petroleum tenure, means an authorised activity for the tenure other than a preliminary activity for the tenure.	11
		12
		13
	<i>Examples</i> —	14
	• levelling of drilling pads and digging sumps	15
	• earthworks associated with pipeline installation	16
	• vegetation clear-felling	17
	• constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump	18
		19
	• geophysical surveying with physical clearing	20
	• carrying out a seismic survey using explosives	21
	• constructing a track or access road	22
	• changing a fence line	23
	<i>compensation application</i> , for part 6K, division 2, means an application made under section 79VH(1).	24
		25
	<i>compensation liability</i> —	26
(a)	for part 6K, division 1—see section 79Q(2); or	27
(b)	for part 6K, division 2—see section 79VF(2).	28
	<i>conduct and compensation agreement</i> see section 79R(1).	29

<i>conduct and compensation agreement requirement</i> see section 78Q(2).	1 2
<i>deferral agreement</i> see section 78S(b).	3
<i>eligible claimant</i> , for compensation, see section 79Q(1).	4
<i>entry notice</i> —	5
(a) for part 6H—see section 78M(1); or	6
(b) for part 6I—see section 79I(2)(b).	7
<i>land access code</i> see the 2004 Act, section 24A.	8
<i>mandatory provision</i> , of the land access code, means a provision of that code that the code requires compliance with.	9 10
<i>minimum negotiation period</i> see section 79U(2)(a).	11
<i>negotiation notice</i> see section 79T(1).	12
<i>occupier</i> , of a place, means a person—	13
(a) who has a right to occupy the place, other than under a mining interest, 1923 Act petroleum tenure, 2004 Act petroleum authority, GHG authority or geothermal tenure; or	14 15 16 17
(b) to whom an occupier under paragraph (a) has given the right to occupy the place.	18 19
<i>parties</i> —	20
(a) for part 6K, division 1, subdivision 4—see section 79U(1); or	21 22
(b) for part 6R—see section 103B.	23
<i>preliminary activity</i> —	24
1 A <i>preliminary activity</i> , for a provision about a 1923 Act petroleum tenure, means an authorised activity for the tenure that will have no impact, or only a minor impact, on the business activities of any owner or occupier of the land on which the activity is to be carried out.	25 26 27 28 29

[s 458]

	<i>Examples—</i>	1
	• walking the area of the permit or licence	2
	• driving along an existing road or track in the area	3
	• taking soil or water samples	4
	• drilling without constructing earthworks	5
	• geophysical surveying without physical clearing	6
	• aerial, electrical or environmental surveying	7
	• seismic surveying without using explosives	8
	• survey pegging	9
2	However, the following are not preliminary activities—	10
	(a) an authorised activity carried out on land that—	11
	(i) is less than 100ha; and	12
	(ii) is being used for intensive farming or broadacre agriculture;	13 14
	<i>Examples—</i>	15
	• land used for dryland or irrigated cropping, plantation forestry or horticulture	16 17
	• a dairy, cattle or sheep feedlot, piggery or poultry farm	18 19
	(b) an authorised activity carried out within 600m of a school or an occupied residence;	20 21
	(c) an authorised activity that affects the lawful carrying out of an organic or bio-organic farming system.	22 23 24
	<i>private land—</i>	25
1	<i>Private land</i> is—	26
	(a) freehold land; or	27
	(b) an interest in land less than fee simple held from the State under another Act.	28 29
2	However, land is not private land to the extent of an interest in any of the following relating to the land—	30 31

-
- (a) a mining interest; 1
- (b) a 1923 Act petroleum tenure or 2004 Act 2
petroleum authority; 3
- (c) a GHG authority; 4
- (d) a geothermal tenure; 5
- (e) an occupation right under a permit under the *Land 6
Act 1994*. 7
- 3 Also, land owned by a public land authority is not 8
private land. 9
- public land*** means land other than— 10
- (a) private land; or 11
- (b) to the extent an interest in any of the following relates to 12
the land— 13
- (i) a mining interest; 14
- (ii) a 1923 Act petroleum tenure or 2004 Act 15
petroleum authority; 16
- (iii) a GHG authority; 17
- (iv) a geothermal tenure; 18
- (v) an occupation right under a permit under the *Land 19
Act 1994*. 20
- relevant owner or occupier***, for a provision about entry 21
notices, means the owner or occupier to whom the entry 22
notice is to be given, or would be given, other than for an 23
exemption from the requirement to give an entry notice. 24
- waiver of entry notice***— 25
- (a) for part 6H—means a waiver of entry notice mentioned 26
in section 78O that complies with section 78O(1); or 27
- (b) for part 6I—see section 79I(3). 28

[s 459]

459	Omission of s 74V (Obligation to consult with particular owners and occupiers)	1 2
	Section 74V—	3
	<i>omit.</i>	4
460	Replacement of ss 74X and 74Y	5
	Sections 74X and 74Y—	6
	<i>omit, insert—</i>	7
‘74X	Compliance with land access code	8
	‘A 1923 Act petroleum tenure holder must—	9
	(a) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and	10 11
	(b) ensure any other person carrying out an authorised activity for the 1923 Act petroleum tenure complies with the mandatory provisions of the land access code.’.	12 13 14
461	Replacement of pt 6H, divs 1 to 3	15
	Part 6H, divisions 1 to 3—	16
	<i>omit, insert—</i>	17
‘Division 1	Requirements for entry to private land in 1923 Act petroleum tenure area	18 19 20
‘Subdivision 1	Entry notice requirement for preliminary activities and particular advanced activities	21 22 23
‘78L	Entry notice requirement	24
	‘(1) A person must not—	25

-
- (a) enter private land in a 1923 Act petroleum tenure’s area to carry out a preliminary activity for the tenure; or
- (b) enter private land in a 1923 Act petroleum tenure’s area to carry out an advanced activity for the tenure if either of the following applies for the entry—
- (i) the deferral agreement exemption;
 - (ii) the Land Court application exemption;
- unless the 1923 Act petroleum tenure’s holder has given each owner and occupier of the land a written notice of the entry that complies with section 78M (an **entry notice**).
- Maximum penalty—500 penalty units.
- ‘(2) The entry notice must be given—
- (a) generally—at least 10 business days before the entry; or
 - (b) if, by a signed endorsement on the notice, the relevant owner or occupier has agreed to a shorter period—the shorter period.
- Maximum penalty—500 penalty units.
- ‘(3) The holder must give the chief executive a copy of the entry notice immediately after the notice is given and before entry is made under the 1923 Act petroleum tenure.
- Maximum penalty—10 penalty units.
- ‘(4) A contravention of subsection (3) does not affect the validity of the notice or the entry.
- ‘(5) This section is subject to section 78N.
- ‘(6) In this section—
- deferral agreement exemption**, for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 78R(c)(i).
- give**, for an entry notice, includes publishing it in a way approved under section 78P.

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Land Court application exemption, for an entry, means that
the conduct and compensation agreement requirement does
not apply for the entry because of section 78R(c)(ii).

- ‘78M Required contents of entry notice**
- ‘(1) An entry notice must state the following—
- (a) the land proposed to be entered;
 - (b) the period during which the land will be entered (the *entry period*);
 - (c) the activities proposed to be carried out on the land;
 - (d) when and where the activities are proposed to be carried out;
 - (e) contact details for—
 - (i) the relevant 1923 Act petroleum tenure holder; or
 - (ii) another person the holder has authorised to discuss the matters stated in the notice.
- ‘(2) Also, the first entry notice from the 1923 Act petroleum tenure holder to a particular owner or occupier must be accompanied by or include a copy of—
- (a) the land access code; and
 - (b) any code of practice made under this Act applying to authorised activities for the 1923 Act petroleum tenure; and
 - (c) the relevant environmental authority documentation.
- ‘(3) The entry period can not be longer than—
- (a) generally—6 months; or
 - (b) if the relevant owner or occupier agrees in writing to a longer period—the longer period.
- ‘(4) Subject to subsections (1) to (3), an entry notice may state an entry period that is different to the entry period stated in

another entry notice given by the 1923 Act petroleum tenure holder to another owner or occupier of the land.	1 2
‘(5) In this section—	3
<i>relevant environmental authority documentation</i> means—	4
(a) if, under the Environmental Protection Act, the relevant environmental authority for the 1923 Act petroleum tenure is a code compliant authority—the relevant code; or	5 6 7 8
(b) if, under Environmental Protection Act, the relevant environmental authority for the 1923 Act petroleum tenure is a non-code compliant authority—	9 10 11
(i) the environmental authority; and	12
(ii) if the environmental authority imposes conditions by referring to a code—that code.	13 14
‘78N Exemptions from entry notice requirement	15
‘(1) The requirement under section 78L(1) to give an entry notice does not apply for an entry to land to carry out an authorised activity if any of the following apply—	16 17 18
(a) the 1923 Act petroleum tenure holder owns the land;	19
(b) the holder has the right other than under this Act to enter the land to carry out the activity;	20 21
(c) if—	22
(i) there is a conduct and compensation agreement relating to the land; and	23 24
(ii) each eligible claimant for the land is a party to the agreement; and	25 26
(iii) the agreement includes a waiver of entry notice;	27
(d) the entry is to preserve life or property or because of an emergency that exists or may exist;	28 29

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(e)	the relevant owner or occupier has, by signed writing, given a waiver of entry notice.	1 2
‘(2)	A waiver of entry notice mentioned in subsection (1) must comply with section 78O(1).	3 4
‘78O	Provisions for waiver of entry notice	5
‘(1)	A waiver of entry notice mentioned in section 78N must—	6
(a)	if it does not form part of a conduct and compensation agreement, be written and signed; and	7 8
(b)	state the following—	9
(i)	that the relevant owner or occupier has been told they are not required to agree to the waiver of entry notice;	10 11 12
(ii)	the authorised activities proposed to be carried out on the land;	13 14
(iii)	the period during which the land will be entered;	15
(iv)	when and where the activities are proposed to be carried out.	16 17
‘(2)	The relevant owner or occupier can not withdraw the waiver of entry notice during the period.	18 19
‘(3)	The waiver of entry notice ceases to have effect at the end of the period.	20 21
‘78P	Giving entry notice by publication	22
‘(1)	The chief executive may approve a 1923 Act petroleum tenure holder giving an entry notice for the tenure by publishing it in a stated way.	23 24 25
‘(2)	The publication may relate to more than 1 entry notice.	26
‘(3)	The chief executive may give the approval only if satisfied—	27

(a)	for a relevant owner or occupier who is an individual, it is impracticable to give the owner or occupier the notice personally; and	1 2 3
(b)	the publication will happen at least 20 business days before the entry.	4 5
‘Subdivision 2	Conduct and compensation agreement requirement for particular advanced activities	6 7 8
‘78Q	Conduct and compensation agreement requirement	9
‘(1)	A person must not enter private land in a 1923 Act petroleum tenure’s area to carry out an advanced activity for the tenure (the <i>relevant activity</i>) unless each eligible claimant for the land is a party to an appropriate conduct and compensation agreement.	10 11 12 13 14
	Maximum penalty—500 penalty units.	15
‘(2)	The requirement under subsection (1) is the <i>conduct and compensation agreement requirement</i> .	16 17
	<i>Note—</i>	18
	For conduct and compensation agreements, see part 6K.	19
‘(3)	In this section—	20
	<i>appropriate conduct and compensation agreement</i> , for an eligible claimant, means a conduct and compensation agreement about the holder’s compensation liability to the eligible claimant of at least to the extent the liability relates to the relevant activity and its effects.	21 22 23 24 25

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‘78R Exemptions from conduct and compensation agreement requirement	1 2
‘The conduct and compensation agreement requirement does not apply for an entry to land to carry out an advanced activity if any of the following apply—	3 4 5
(a) the 1923 Act petroleum tenure holder owns the land;	6
(b) the holder has the right other than under this Act to enter the land to carry out the activity;	7 8
(c) each eligible claimant for the land is—	9
(i) a party to an agreement, complying with section 78S, that a conduct and compensation agreement can be entered into after the entry (a <i>deferral agreement</i>); or	10 11 12 13
(ii) an applicant or respondent to a Land Court application under section 79VB relating to the land;	14 15 16
(d) the entry is to preserve life or property or because of an emergency that exists or may exist.	17 18
‘78S Requirements for deferral agreement	19
‘A deferral agreement must—	20
(a) be written and signed by or for the holder and each eligible claimant for the land to be entered; and	21 22
(b) state the following—	23
(i) that the eligible claimant has been told the claimant is under no obligation to enter into a deferral agreement before entering into a conduct and compensation agreement;	24 25 26 27
(ii) the authorised activities proposed to be carried out on the land;	28 29
(iii) the period during which the land will be entered;	30

	(iv) when and where the activities are proposed to be carried out;	1 2
	(v) the period for which the deferral agreement has effect;	3 4
	(vi) when it is proposed to enter into a conduct and compensation agreement.’.	5 6
462	Amendment of s 78U (Change in ownership or occupancy)	7 8
	Section 78U(1)(b), from ‘the requirement’ to ‘before entry,’— <i>omit, insert—</i>	9 10
	‘section 78M(1)’.	11
463	Replacement of part 6K (General compensation provisions)	12 13
	Part 6K— <i>omit, insert—</i>	14 15
‘Part 6K	Compensation and negotiated access	16 17
‘Division 1	Compensation other than for notifiable road uses	18 19
‘Subdivision 1	Preliminary	20
‘79P	Application of div 1	21
	‘This division does not apply for a public land authority in relation to a notifiable road use.	22 23

‘Subdivision 2	General provisions	1
‘79Q	General liability to compensate	2
‘(1)	The holder of each 1923 Act petroleum tenure is liable to compensate each owner or occupier of private land or public land in the area of, or access land for, the tenure (an <i>eligible claimant</i>) for any compensatable effect the eligible claimant suffers caused by relevant authorised activities.	3 4 5 6 7
‘(2)	A 1923 Act petroleum tenure holder’s liability under subsection (1) to an eligible claimant is the holder’s <i>compensation liability</i> to the claimant.	8 9 10
‘(3)	This section is subject to section 79VE.	11
‘(4)	In this section—	12
	<i>compensatable effect</i> means all or any of the following relating to the eligible claimant’s land—	13 14
	(a) deprivation of possession of its surface;	15
	(b) diminution of its value;	16
	(c) diminution of the use made or that may be made of the land or any improvement on it;	17 18
	(d) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;	19 20
	(e) any cost or loss arising from the carrying out of activities under the 1923 Act petroleum tenure on the land.	21 22 23
	<i>relevant authorised activities</i> means authorised activities for the 1923 Act petroleum tenure carried out by the holder or a person authorised by the holder.	24 25 26

‘Subdivision 3	General provisions for conduct and compensation agreements	1 2
‘79R	Conduct and compensation agreement	3
‘(1)	An eligible claimant and a 1923 Act petroleum tenure holder may enter into an agreement (a <i>conduct and compensation agreement</i>) about—	4 5 6
(a)	how and when the 1923 Act petroleum tenure holder may enter the land for which the eligible claimant is an eligible claimant; and	7 8 9
(b)	how authorised activities under the 1923 Act petroleum tenure, to the extent they relate to the eligible claimant, must be carried out; and	10 11 12
(c)	the holder’s compensation liability to the claimant or any future compensation liability that the holder may have to the claimant.	13 14 15
‘(2)	However, a conduct and compensation agreement can not be inconsistent with this Act, a condition of the 1923 Act petroleum tenure or a mandatory provision of the land access code and is unenforceable to the extent of the inconsistency.	16 17 18 19
‘(3)	A conduct and compensation agreement may relate to all or part of the liability or future liability.	20 21
‘79S	Content of conduct and compensation agreement	22
‘(1)	A conduct and compensation agreement must—	23
(a)	provide for the matters mentioned in section 79R(1); and	24 25
(b)	be written and signed by or for the 1923 Act petroleum tenure holder and the eligible claimant; and	26 27
(c)	state whether it is for all or part of the compensation liability; and	28 29
(d)	if it is for only part of the compensation liability, state—	30

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- (i) details of each activity or effect of the activity to which the agreement relates; and
 - (ii) the period for which the agreement has effect; and
 - (e) provide for how and when the compensation liability will be met.
- ‘(2) A conduct and compensation agreement may—
- (a) extend the holder’s compensation liability to the claimant or any future compensation liability that the holder may have to the claimant to any renewal of the 1923 Act petroleum tenure; and
 - (b) provide for—
 - (i) monetary or non-monetary compensation; or
Example of non-monetary compensation—
A conduct and compensation agreement may provide for the construction of a road for the claimant.
 - (ii) a process by which it may be amended or enforced; and
Example of a process for amendment—
A conduct and compensation agreement may provide for compensation under it to be reviewed on the happening of a material change in circumstances for the 1923 Act petroleum tenure including a change in the extent of activities required under a later development plan for a lease.
 - (c) provide for any compensation that is or may be payable by the holder to the eligible claimant under the Environmental Protection Act.
- ‘(3) This section does not limit the matters that may be provided for in a conduct and compensation agreement.

‘Subdivision 4	Negotiation process	1
	<i>Note—</i>	2
	Generally, a 1923 Act petroleum tenure holder can not enter private land to carry out an advanced activity unless the holder complies with this subdivision. See sections 78Q and 78R.	3 4 5
‘79T	Notice of intent to negotiate	6
‘(1)	A 1923 Act petroleum tenure holder may give an eligible claimant to whom the holder has a compensation liability a notice (the <i>negotiation notice</i>) that the holder wishes to negotiate a conduct and compensation agreement or a deferral agreement with the eligible claimant.	7 8 9 10 11
‘(2)	The negotiation notice must be accompanied by a copy of the land access code and state all of the following—	12 13
(a)	if the holder wishes to negotiate a conduct and compensation agreement—	14 15
(i)	whether the holder wishes to negotiate all or part of the holder’s compensation liability to the eligible claimant; and	16 17 18
(ii)	if the holder only wishes to negotiate part of the liability—what the part is;	19 20
(b)	if the holder wishes to negotiate a deferral agreement—that wish and the reasons for it;	21 22
(c)	the land the holder proposes to enter;	23
(d)	the activities proposed to be carried out on the land;	24
(e)	when and where the activities are proposed to be carried out;	25 26
(f)	if the holder is a corporation—contact details for the holder and an individual the holder has authorised to negotiate the agreement.	27 28 29

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‘(3) The 1923 Act petroleum tenure holder must give the chief executive a copy of the negotiation notice immediately after it is given.	1 2 3
Maximum penalty for subsection (3)—10 penalty units.	4
‘79U Negotiations	5
‘(1) On the giving of the negotiation notice, the 1923 Act petroleum tenure holder and the eligible claimant (the <i>parties</i>) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement (a <i>relevant agreement</i>).	6 7 8 9 10
‘(2) The period of the negotiations—	11
(a) must be at least 20 business days from the giving of the negotiation notice (the <i>minimum negotiation period</i>); but	12 13 14
(b) may continue for as long as the parties wish.	15
‘(3) If, during the minimum negotiation period, the parties enter into a relevant agreement, the 1923 Act petroleum tenure holder can not enter the relevant land to carry out advanced activities for the tenure until the period ends.	16 17 18 19
‘(4) Subsection (3) applies despite the terms of the agreement.	20
‘79V Cooling-off during minimum negotiation period	21
‘(1) This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period.	22 23 24
‘(2) Either of the parties may, within the minimum negotiation period, terminate the agreement by giving notice to the other party.	25 26 27
‘(3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect.	28 29

‘(4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given.	1 2
‘79VA Parties may seek mediation	3
‘(1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and compensation agreement.	4 5 6
‘(2) Either party may ask an authorised officer to call a mediation between the parties to negotiate a conduct and compensation agreement.	7 8 9
‘(3) Part 6R applies to the mediation.	10
‘(4) However, the authorised officer must take all reasonable steps to ensure the mediation is finished within 20 business days after it was requested.	11 12 13
‘Subdivision 5 Deciding compensation through Land Court	14 15
‘79VB Deciding compensation through Land Court if mediation not called or after unsuccessful mediation	16 17
‘(1) This section applies if, under section 79VA, a party has asked an authorised officer to call a mediation and the officer does not finish the mediation within 20 business days after receiving the request.	18 19 20 21
‘(2) This section also applies if—	22
(a) an authorised officer has, under section 79VA, called a mediation; and	23 24
(b) one or both of the parties attended the mediation; and	25
(c) there is no conduct and compensation agreement between the parties relating to the subject of the mediation within 20 business days after the mediation was called.	26 27 28 29

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- ‘(3) An eligible party may apply to the Land Court for it to decide the 1923 Act petroleum tenure holder’s—
- (a) compensation liability to the claimant; or
 - (b) future compensation liability to the claimant for an authorised activity for the 1923 Act petroleum tenure proposed to be carried out by or for the holder.
- ‘(4) However, the Land Court may decide the liability or future liability only to the extent it is not subject to a conduct and compensation agreement.
- ‘(5) In hearing the application, the Land Court must as much as practicable ensure the hearing happens together with, or as closely as possible to, the hearing of any relevant environmental compensation application.
- ‘(6) In this section—
- eligible party* means—
- (a) if subsection (1) applies—any party; or
 - (b) if subsection (2) applies—a party who attended the mediation.
- relevant environmental compensation application* means an application to the Land Court for compensation that is or may be payable by the 1923 Act petroleum tenure holder to the eligible claimant under the Environmental Protection Act.
- ‘79VC Land Court review of compensation**
- ‘(1) This section applies if—
- (a) the compensation liability or future compensation liability of a 1923 Act petroleum tenure holder to an eligible claimant has been agreed to under a conduct and compensation agreement or decided by the Land Court (the *original compensation*); and
 - (b) there has been a material change in circumstances (the *change*) since the agreement or decision.

‘(2) The eligible claimant or the holder may apply to the Land Court for it to review the original compensation.	1 2
‘(3) In carrying out the review, the Land Court may review the original compensation only to the extent it is affected by the change.	3 4 5
‘(4) If the Land Court considers the original compensation is not affected by the change, it must not carry out or continue with the review.	6 7 8
‘(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.	9 10 11
‘(6) If the decision is to amend the compensation, the original compensation as amended under the decision is, for this Act, taken to be the original compensation.	12 13 14
‘79VD Orders Land Court may make	15
‘(1) The Land Court may make any order it considers appropriate to meet or enforce its decision on an application under this part.	16 17 18
‘(2) Without limiting subsection (1), the Land Court may order non-monetary compensation as well as monetary compensation.	19 20 21
‘Subdivision 6 Miscellaneous provision	22
‘79VE Compensation not affected by change in ownership or occupancy	23 24
‘(1) A conduct and compensation agreement or a Land Court decision under this part is for the benefit of, and is taken to have been agreed to or decided for and is binding on, the following—	25 26 27 28
(a) the relevant eligible claimant;	29

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(b)	the 1923 Act petroleum tenure holder;	1
(c)	each of their successors and assigns including successors and assigns for the area of the relevant 1923 Act petroleum tenure.	2 3 4
‘(2)	Subsection (1) is subject to section 79VC.	5
‘Division 2	Compensation for notifiable road uses’.	6 7
464	Insertion of new pt 6R	8
	After part 6Q—	9
	<i>insert—</i>	10
‘Part 6R	Mediation with eligible claimants or owners and occupiers	11 12 13
‘103A	Application of pt 6R	14
	‘This part applies if—	15
(a)	under section 79VA, an authorised officer is asked by a 1923 Act petroleum tenure holder or an eligible claimant to call a mediation; or	16 17 18
(b)	an owner or occupier of land in a 1923 Act petroleum tenure’s area gives an authorised officer a notice stating concerns about the way in which authorised activities for the tenure are being carried out on the land; or	19 20 21 22
(c)	a 1923 Act petroleum tenure holder gives an authorised officer a notice stating concerns about the activities of an owner or occupier of land in the tenure’s area; or	23 24 25
(d)	for another reason an authorised officer has concerns about the relationship between a 1923 Act petroleum	26 27

tenure holder and an owner or occupier of land in the tenure's area.	1 2
'103B Mediation may be called	3
'(1) If section 103A(a) applies, the authorised officer must, by notice, ask the 1923 Act petroleum tenure holder and the eligible claimant (the <i>parties</i>) to attend a mediation by the authorised officer about negotiating a conduct and compensation agreement.	4 5 6 7 8
'(2) If section 103A(b), (c) or (d) applies, the authorised officer may, by notice, ask the 1923 Act petroleum tenure holder and the owner or occupier (also the <i>parties</i>) to attend a mediation by the authorised officer about the concerns.	9 10 11 12
'(3) The notice must state what the subject of the mediation is and when and where it will be held.	13 14
'103C Who may attend mediation	15
'(1) Apart from the authorised officer, anyone given notice of the mediation may attend it.	16 17
'(2) A party may be represented by an agent only if the authorised officer agrees.	18 19
'(3) However, a party can not be represented by a lawyer unless the parties agree and the authorised officer is satisfied there is no disadvantage to a party.	20 21 22
'103D What happens if a party does not attend	23
'(1) This section applies if a party given notice of the mediation does not attend.	24 25
'(2) For the purpose of applying to the Land Court under section 79VB, the mediation is taken to have been conducted.	26 27

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‘(3) A party who attended the mediation may apply to the Land Court for an order requiring the party who did not attend to pay the attending party’s reasonable costs of attending.	1 2 3
‘(4) The Land Court must not order the party who did not attend to pay costs if it is satisfied the party had a reasonable excuse for not attending.	4 5 6
‘(5) If the Land Court makes the order, it must decide the amount of the costs.	7 8
‘103E Conduct of mediation	9
‘(1) In conducting the mediation, the authorised officer must endeavour to help those attending to reach an early and inexpensive settlement of the subject of the mediation.	10 11 12
‘(2) Subject to section 79VA, the authorised officer is to decide how the mediation is to be conducted.	13 14
‘103F Statements made at mediation	15
‘Nothing said by a person at the mediation is admissible, without the person’s consent, in a proceeding.	16 17
‘103G Mediated agreement	18
‘(1) If, at the mediation, the parties negotiate an agreement about the concerns the subject of the mediation, the agreement must be written and signed by or for the parties.	19 20 21
‘(2) The agreement—	22
(a) may be a conduct and compensation agreement or an amendment of an existing conduct and compensation agreement between the parties; and	23 24 25
(b) has the same effect as any other compromise.’	26

465	Insertion of new pt 13	1
	After section 185—	2
	<i>insert—</i>	3
‘Part 13	Transitional provisions for amendments under Geothermal Energy Act 2010	4 5 6
‘186	Land access code prevails over conditions	7
	‘If a condition of a 1923 Act petroleum tenure is inconsistent with a mandatory provision of the land access code, the mandatory provision prevails to the extent of the inconsistency.	8 9 10 11
‘187	Existing compensation agreements other than for notifiable road uses	12 13
	‘(1) This section applies if immediately before the commencement of this section a compensation agreement under part 6K was in force.	14 15 16
	‘(2) On the commencement the agreement becomes a conduct and compensation agreement under part 6K, division 1.	17 18
‘188	Existing entry notices	19
	‘(1) This section applies to an entry notice for the carrying out of an authorised activity for a 1923 Act petroleum tenure if the notice complied with the entry notice requirements before the commencement of this section.	20 21 22 23
	‘(2) The notice continues, according to its terms, to be valid for the carrying out of the activity after the commencement even though the notice does not comply with all of the entry notice requirements from the commencement.	24 25 26 27
	‘(3) In this section—	28

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<i>entry notice requirements</i> means the requirements under this Act relating to the giving of an entry notice.	1 2
‘189 References to geothermal tenure	3
‘Until the <i>Geothermal Energy Act 2010</i> , chapter 9, part 1 commences, a reference in this Act to a geothermal tenure is taken to be a reference to a geothermal exploration permit.’	4 5 6
Division 4 Amendment of Petroleum and Gas (Production and Safety) Act 2004	7 8
466 Act amended	9
The following provisions amend the <i>Petroleum and Gas (Production and Safety) Act 2004</i> —	10 11
• this division	12
• part 1, division 6	13
• part 3, division 8	14
• schedule 2, parts 1, 2 and 4.	15
467 Insertion of new ch 1, pt 3, div 3	16
Chapter 1, part 3—	17
<i>insert</i> —	18
‘Division 3 Land access code	19
‘24A Making of code	20
‘(1) A regulation may make a single code for all resource Acts (the <i>land access code</i>) that—	21 22
(a) states best practice guidelines for communication between the holders of authorities and owners and occupiers of private land; and	23 24 25

	(b) imposes on the authorities mandatory conditions concerning the conduct of authorised activities on private land.	1 2 3
	‘(2) In this section— <i>resource Acts</i> means the following—	4 5
	• this Act	6
	• the <i>Geothermal Exploration Act 2004</i>	7
	• the <i>Geothermal Energy Act 2010</i>	8
	• the GHG storage Act	9
	• the Mineral Resources Act	10
	• the 1923 Act.’.	11
468	Omission of s 74 (Obligation to consult with particular owners and occupiers)	12 13
	Section 74—	14
	<i>omit.</i>	15
469	Omission of s 153 (Obligation to consult with particular owners and occupiers)	16 17
	Section 153—	18
	<i>omit.</i>	19
470	Replacement of ch 5, pt 2, divs 1 to 2A	20
	Chapter 5, part 2, divisions 1 to 2A—	21
	<i>omit, insert—</i>	22

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‘Division 1	Requirements for entry to private land in petroleum authority area	1 2
‘Subdivision 1	Entry notice requirement for preliminary activities and particular advanced activities	3 4 5
‘495	Entry notice requirement	6
‘(1)	A person must not—	7
(a)	enter private land in a petroleum authority’s area to carry out a preliminary activity for the authority; or	8 9
(b)	enter private land in a petroleum authority’s area to carry out an advanced activity for the authority if either of the following applies for the entry—	10 11 12
(i)	the deferral agreement exemption;	13
(ii)	the Land Court application exemption;	14
	unless the petroleum authority’s holder has given each owner and occupier of the land a written notice of the entry that complies with section 496 (an <i>entry notice</i>).	15 16 17
	Maximum penalty—500 penalty units.	18
‘(2)	The entry notice must be given—	19
(a)	generally—at least 10 business days before the entry; or	20
(b)	if, by a signed endorsement on the notice, the relevant owner or occupier has agreed to a shorter period—the shorter period.	21 22 23
	Maximum penalty—500 penalty units.	24
‘(3)	The holder must give the chief executive a copy of the entry notice immediately after the notice is given and before entry is made under the petroleum authority.	25 26 27
	Maximum penalty—10 penalty units.	28

‘(4)	A contravention of subsection (3) does not affect the validity of the notice or the entry.	1 2
‘(5)	This section is subject to section 497.	3
‘(6)	In this section—	4
	<i>deferral agreement exemption</i> , for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 500A(e)(i).	5 6 7
	<i>give</i> , for an entry notice, includes publishing it in a way approved under section 499.	8 9
	<i>Land Court application exemption</i> , for an entry, means that the conduct and compensation agreement requirement does not apply for the entry because of section 500A(e)(ii).	10 11 12
‘496	Required contents of entry notice	13
‘(1)	An entry notice must state the following—	14
	(a) the land proposed to be entered;	15
	(b) the period during which the land will be entered (the <i>entry period</i>);	16 17
	(c) the activities proposed to be carried out on the land;	18
	(d) when and where the activities are proposed to be carried out;	19 20
	(e) contact details for—	21
	(i) the relevant petroleum authority holder; or	22
	(ii) another person the holder has authorised to discuss the matters stated in the notice.	23 24
‘(2)	Also, the first entry notice from the petroleum authority holder to a particular owner or occupier must be accompanied by or include a copy of—	25 26 27
	(a) the land access code; and	28
	(b) any code of practice made under this Act applying to authorised activities for the petroleum authority; and	29 30

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(c)	the relevant environmental authority documentation.	1
‘(3)	The entry period can not be longer than—	2
(a)	generally—6 months; or	3
(b)	if the relevant owner or occupier agrees in writing to a longer period—the longer period.	4 5
‘(4)	Subject to subsections (1) to (3), an entry notice may state an entry period that is different to the entry period stated in another entry notice given by the petroleum authority holder to another owner or occupier of the land.	6 7 8 9
‘(5)	In this section—	10
	<i>relevant environmental authority documentation</i> means—	11
(a)	if, under the Environmental Protection Act, the relevant environmental authority for the petroleum authority is a code compliant authority—the relevant code; or	12 13 14
(b)	if, under the Environmental Protection Act, the relevant environmental authority for the petroleum authority is a non-code compliant authority—	15 16 17
(i)	the environmental authority; and	18
(ii)	if the environmental authority imposes conditions by referring to a code—that code.	19 20
‘497	Exemptions from entry notice requirement	21
‘(1)	The requirement under section 495(1) to give an entry notice does not apply for an entry to land to carry out an authorised activity if any of the following apply—	22 23 24
(a)	the petroleum authority holder owns the land;	25
(b)	the holder has the right other than under this Act to enter the land to carry out the activity;	26 27
(c)	if—	28
(i)	there is a conduct and compensation agreement relating to the land; and	29 30

-
- (ii) each eligible claimant for the land is a party to the agreement; and 1
2
 - (iii) the agreement includes a waiver of entry notice; 3
 - (d) the authority is a pipeline licence and an owner's permission under section 399 has been given for the land; 4
5
6
 - (e) the authority is a petroleum facility licence and an owner's permission under section 439 has been given for the land; 7
8
9
 - (f) the entry is to preserve life or property or because of an emergency that exists or may exist; 10
11
 - (g) the relevant owner or occupier has, by signed writing, given a waiver of entry notice. 12
13
- '(2) A waiver of entry notice mentioned in subsection (1) must comply with section 498(1). 14
15

'498 Provisions for waiver of entry notice 16

- '(1) A waiver of entry notice mentioned in section 497 must— 17
- (a) if it does not form part of a conduct and compensation agreement, be written and signed; and 18
19
 - (b) state the following— 20
 - (i) that the relevant owner or occupier has been told they are not required to agree to the waiver of entry notice; 21
22
23
 - (ii) the authorised activities proposed to be carried out on the land; 24
25
 - (iii) the period during which the land will be entered; 26
 - (iv) when and where the activities are proposed to be carried out. 27
28
- '(2) The relevant owner or occupier can not withdraw the waiver of entry notice during the period. 29
30

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‘(3) The waiver of entry notice ceases to have effect at the end of the period.	1 2
‘499 Giving entry notice by publication	3
‘(1) The chief executive may approve a petroleum authority holder giving an entry notice for the authority by publishing it in a stated way.	4 5 6
‘(2) The publication may relate to more than 1 entry notice.	7
‘(3) The chief executive may give the approval only if satisfied—	8
(a) for a relevant owner or occupier who is an individual, it is impracticable to give the owner or occupier the notice personally; and	9 10 11
(b) the publication will happen at least 20 business days before the entry.	12 13
‘Subdivision 2 Conduct and compensation agreement requirement for particular advanced activities	14 15 16
‘500 Conduct and compensation agreement requirement	17
‘(1) A person must not enter private land in a petroleum authority’s area to carry out an advanced activity for the authority (the <i>relevant activity</i>) unless each eligible claimant for the land is a party to an appropriate conduct and compensation agreement.	18 19 20 21 22
Maximum penalty—500 penalty units.	23
‘(2) The requirement under subsection (1) is the <i>conduct and compensation agreement requirement</i> .	24 25
<i>Note—</i>	26
For conduct and compensation agreements, see part 5.	27
‘(3) In this section—	28

appropriate conduct and compensation agreement, for an eligible claimant, means a conduct and compensation agreement about the holder's compensation liability to the eligible claimant of at least to the extent the liability relates to the relevant activity and its effects.

- ‘500A Exemptions from conduct and compensation agreement requirement**
- ‘The conduct and compensation agreement requirement does not apply for an entry to land to carry out an advanced activity if any of the following apply—
- (a) the petroleum authority holder owns the land;
 - (b) the holder has the right other than under this Act to enter the land to carry out the activity;
Example of a right other than under this Act—
an appropriate easement to construct or operate the pipeline the subject of a pipeline licence
 - (c) the authority is a pipeline licence and an owner's permission under section 399 has been given for the land;
 - (d) the authority is a petroleum facility licence and an owner's permission under section 439 has been given for the land;
 - (e) each eligible claimant for the land is—
 - (i) a party to an agreement, complying with section 500B, that a conduct and compensation agreement can be entered into after the entry (a *deferral agreement*); or
 - (ii) an applicant or respondent to a Land Court application under section 537B relating to the land;
 - (f) the entry is to preserve life or property or because of an emergency that exists or may exist.

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‘500B Requirements for deferral agreement	1
‘A deferral agreement must—	2
(a) be written and signed by or for the holder and each eligible claimant for the land to be entered; and	3 4
(b) state the following—	5
(i) that the eligible claimant has been told the claimant is under no obligation to enter into a deferral agreement before entering into a conduct and compensation agreement;	6 7 8 9
(ii) the authorised activities proposed to be carried out on the land;	10 11
(iii) the period during which the land will be entered;	12
(iv) when and where the activities are proposed to be carried out;	13 14
(v) the period for which the deferral agreement has effect;	15 16
(vi) when it is proposed to enter into a conduct and compensation agreement.’.	17 18
471 Amendment of s 512 (Change in ownership or occupancy)	19 20
Section 512(1)(b), from ‘the requirement’ to ‘before entry,’—	21
<i>omit, insert—</i>	22
‘section 495(2)’.	23
472 Replacement of ch 5, pt 5 (General compensation provisions)	24 25
Chapter 5, part 5—	26
<i>omit, insert—</i>	27

‘Part 5	Compensation and negotiated access	1 2
‘Division 1	Compensation other than for notifiable road uses	3 4
‘Subdivision 1	Preliminary	5
‘531	Application of div 1	6
	‘This division does not apply for a public land authority in relation to a notifiable road use.	7 8
‘Subdivision 2	General provisions	9
‘532	General liability to compensate	10
	‘(1) The holder of each petroleum authority is liable to compensate each owner or occupier of private land or public land in the area of, or access land for, the authority (an <i>eligible claimant</i>) for any compensatable effect the eligible claimant suffers that is caused by relevant authorised activities.	11 12 13 14 15
	‘(2) A petroleum authority holder’s liability under subsection (1) to an eligible claimant is the holder’s <i>compensation liability</i> to the claimant.	16 17 18
	‘(3) This section is subject to section 537E.	19
	‘(4) In this section—	20
	<i>compensatable effect</i> means all or any of the following relating to the eligible claimant’s land—	21 22
	(a) deprivation of possession of its surface;	23
	(b) diminution of its value;	24

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- (c) diminution of the use made or that may be made of the land or any improvement on it; 1
2
 - (d) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns; 3
4
 - (e) any cost or loss arising from the carrying out of activities under the petroleum authority on the land. 5
6
- relevant authorised activities* means authorised activities for the petroleum authority carried out by the holder or a person authorised by the holder. 7
8
9

‘Subdivision 3 General provisions for conduct and compensation agreements 10 11

‘533 Conduct and compensation agreement 12

- ‘(1) An eligible claimant and a petroleum authority holder may enter into an agreement (a *conduct and compensation agreement*) about— 13
14
15
 - (a) how and when the petroleum authority holder may enter the land for which the eligible claimant is an eligible claimant; and 16
17
18
 - (b) how authorised activities under the petroleum authority to the extent they relate to the eligible claimant must be carried out; and 19
20
21
 - (c) the holder’s compensation liability to the claimant or any future compensation liability that the holder may have to the claimant. 22
23
24
- ‘(2) However, a conduct and compensation agreement can not be inconsistent with this Act, a condition of the petroleum authority or a mandatory provision of the land access code and is unenforceable to the extent of the inconsistency. 25
26
27
28
- ‘(3) A conduct and compensation agreement may relate to all or part of the liability or future liability. 29
30

‘534	Content of conduct and compensation agreement	1
‘(1)	A conduct and compensation agreement must—	2
(a)	provide for the matters mentioned in section 533(1); and	3
(b)	be written and signed by or for the petroleum authority holder and the eligible claimant; and	4 5
(c)	state whether it is for all or part of the compensation liability; and	6 7
(d)	if it is for only part of the compensation liability, state—	8
(i)	details of each activity or effect of the activity to which the agreement relates; and	9 10
(ii)	the period for which the agreement has effect; and	11
(e)	provide for how and when the compensation liability will be met.	12 13
‘(2)	A conduct and compensation agreement may—	14
(a)	extend the holder’s compensation liability to the claimant or any future compensation liability that the holder may have to the claimant to any renewal of the petroleum authority; and	15 16 17 18
(b)	provide for—	19
(i)	monetary or non-monetary compensation; or	20
	<i>Example of non-monetary compensation—</i>	21
	A conduct and compensation agreement may provide for the construction of a road for the claimant.	22 23
(ii)	a process by which it may be amended or enforced; and	24 25
	<i>Example of a process for amendment—</i>	26
	A conduct and compensation agreement may provide for compensation under it to be reviewed on the happening of a material change in circumstances for the petroleum authority including a change in the extent of activities required under a later development plan for a petroleum lease.	27 28 29 30 31 32

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(c)	provide for any compensation that is or may be payable by the holder to the eligible claimant under the Environmental Protection Act.	1 2 3
‘(3)	This section does not limit the matters that may be provided for in a conduct and compensation agreement.	4 5
‘Subdivision 4	Negotiation process	6
<i>Note—</i>		7
Generally, a petroleum authority holder can not enter private land to carry out an advanced activity unless the holder complies with this subdivision. See sections 500 and 500A.		8 9 10
‘535	Notice of intent to negotiate	11
‘(1)	A petroleum authority holder may give an eligible claimant to whom the holder has a compensation liability a notice (the <i>negotiation notice</i>) that the holder wishes to negotiate a conduct and compensation agreement or a deferral agreement with the eligible claimant.	12 13 14 15 16
‘(2)	The negotiation notice must be accompanied by a copy of the land access code and state all of the following—	17 18
(a)	if the holder wishes to negotiate a conduct and compensation agreement—	19 20
(i)	whether the holder wishes to negotiate all or part of the holder’s compensation liability to the eligible claimant; and	21 22 23
(ii)	if the holder only wishes to negotiate part of the liability—what the part is;	24 25
(b)	if the holder wishes to negotiate a deferral agreement—that wish and the reasons for it;	26 27
(c)	the land the holder proposes to enter;	28
(d)	the activities proposed to be carried out on the land;	29

(e)	when and where the activities are proposed to be carried out;	1 2
(f)	if the holder is a corporation—contact details for the holder and an individual the holder has authorised to negotiate the agreement.	3 4 5
‘(3)	The petroleum authority holder must give the chief executive a copy of the negotiation notice immediately after it is given.	6 7
	Maximum penalty for subsection (3)—10 penalty units.	8
‘536	Negotiations	9
‘(1)	On the giving of the negotiation notice, the petroleum authority holder and the eligible claimant (the <i>parties</i>) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement (a <i>relevant agreement</i>).	10 11 12 13 14
‘(2)	The period of the negotiations—	15
(a)	must be at least 20 business days from the giving of the negotiation notice (the <i>minimum negotiation period</i>); but	16 17 18
(b)	may continue for as long as the parties wish.	19
‘(3)	If, during the minimum negotiation period, the parties enter into a relevant agreement the petroleum authority holder can not enter the relevant land to carry out advanced activities for the authority until the period ends.	20 21 22 23
‘(4)	Subsection (3) applies despite the terms of the agreement.	24
‘537	Cooling-off during minimum negotiation period	25
‘(1)	This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period.	26 27 28

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‘(2) Either of the parties may, within the minimum negotiation period, terminate the agreement by giving notice to the other party.	1 2 3
‘(3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect.	4 5
‘(4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given.	6 7
‘537A Parties may seek mediation	8
‘(1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and compensation agreement.	9 10 11
‘(2) Either party may ask an authorised officer to call a mediation between the parties to negotiate a conduct and compensation agreement.	12 13 14
‘(3) Chapter 10, part 1AA applies to the mediation.	15
‘(4) However, the authorised officer must take all reasonable steps to ensure the mediation is finished within 20 business days after it was requested.	16 17 18
‘Subdivision 5 Deciding compensation through Land Court	19 20
‘537B Deciding compensation through Land Court if mediation not called or after unsuccessful mediation	21 22
‘(1) This section applies if, under section 537A, a party has asked an authorised officer to call a mediation and the officer does not finish the mediation within 20 business days after receiving the request.	23 24 25 26
‘(2) This section also applies if—	27
(a) an authorised officer has, under section 537A, called a mediation; and	28 29

(b) one or both of the parties attended the mediation; and	1
(c) there is no conduct and compensation agreement between the parties relating to the subject of the mediation within 20 business days after the mediation was called.	2 3 4 5
‘(3) An eligible party may apply to the Land Court for it to decide the petroleum authority holder’s—	6 7
(a) compensation liability to the claimant; or	8
(b) future compensation liability to the claimant for an authorised activity for the petroleum authority proposed to be carried out by or for the holder.	9 10 11
‘(4) However, the Land Court may decide the liability or future liability only to the extent it is not subject to a conduct and compensation agreement.	12 13 14
‘(5) In hearing the application, the Land Court must as much as practicable ensure the hearing happens together with, or as closely as possible to, the hearing of any relevant environmental compensation application.	15 16 17 18
‘(6) In this section—	19
<i>eligible party</i> means—	20
(a) if subsection (1) applies—any party; or	21
(b) if subsection (2) applies—a party who attended the mediation.	22 23
<i>relevant environmental compensation application</i> means an application to the Land Court for compensation that is or may be payable by the petroleum authority holder to the eligible claimant under the Environmental Protection Act.	24 25 26 27
‘537C Land Court review of compensation	28
‘(1) This section applies if—	29
(a) the compensation liability or future compensation liability of a petroleum authority holder to an eligible	30 31

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- claimant has been agreed to under a conduct and
compensation agreement or decided by the Land Court
(the *original compensation*); and
- (b) there has been a material change in circumstances (the
change) since the agreement or decision.
- ‘(2) The eligible claimant or the holder may apply to the Land
Court for it to review the original compensation.
- ‘(3) In carrying out the review, the Land Court may review the
original compensation only to the extent it is affected by the
change.
- ‘(4) If the Land Court considers the original compensation is not
affected by the change, it must not carry out or continue with
the review.
- ‘(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.
- ‘(6) If the decision is to amend the compensation, the original
compensation as amended under the decision is, for this Act,
taken to be the original compensation.
- ‘537D Orders Land Court may make**
- ‘(1) The Land Court may make any order it considers appropriate
to meet or enforce its decision on an application under this
part.
- ‘(2) Without limiting subsection (1), the Land Court may order
non-monetary compensation as well as monetary
compensation.

‘Subdivision 6	Miscellaneous provision	1
‘537E Compensation not affected by change in ownership or occupancy		2 3
‘(1) A conduct and compensation agreement or a Land Court decision under this part is for the benefit of, and is taken to have been agreed to or decided for and is binding on, the following—		4 5 6 7
(a) the relevant eligible claimant;		8
(b) the petroleum authority holder;		9
(c) each of their successors and assigns including successors and assigns for the area of the relevant petroleum authority.		10 11 12
‘(2) Subsection (1) is subject to section 537C.		13
‘Division 2	Compensation for notifiable road uses’.	14 15
473 Replacement of ss 555 and 556		16
Sections 555 and 556—		17
<i>omit, insert—</i>		18
‘555 Compliance with land access code		19
‘A petroleum authority holder must—		20
(a) comply with the mandatory provisions of the land access code to the extent it applies to the holder; and		21 22
(b) ensure any other person carrying out an authorised activity for the petroleum authority complies with the mandatory provisions of the land access code.’.		23 24 25

[s 474]

474	Replacement of ch 10, hdg (Investigations and enforcement)	1 2
	Chapter 10, heading—	3
	<i>omit, insert—</i>	4
‘Chapter 10	Mediation, investigations and enforcement	5 6
‘Part 1AA	Mediation with eligible claimants or owners and occupiers	7 8 9
‘734B	Application of pt 1AA	10
	‘This part applies if—	11
	(a) under section 537A, an authorised officer is asked by a petroleum authority holder or an eligible claimant to call a mediation; or	12 13 14
	(b) an owner or occupier of land in a petroleum authority’s area gives an authorised officer a notice stating concerns about the way in which authorised activities for the authority are being carried out on the land; or	15 16 17 18
	(c) a petroleum authority holder gives an authorised officer a notice stating concerns about the activities of an owner or occupier of land in the authority’s area; or	19 20 21
	(d) for another reason an authorised officer has concerns about the relationship between a petroleum authority holder and an owner or occupier of land in the authority’s area.	22 23 24 25
‘734C	Mediation may be called	26
	‘(1) If section 734B(a) applies, the authorised officer must, by notice, ask the petroleum authority holder and the eligible	27 28

claimant (the <i>parties</i>) to attend a mediation by the authorised officer about negotiating a conduct and compensation agreement.	1 2 3
‘(2) If section 734B(b), (c) or (d) applies, the authorised officer may, by notice, ask the petroleum authority holder and the owner or occupier (also the <i>parties</i>) to attend a mediation by the authorised officer about the concerns.	4 5 6 7
‘(3) The notice must state what the subject of the mediation is and when and where it will be held.	8 9
‘734D Who may attend mediation	10
‘(1) Apart from the authorised officer, anyone given notice of the mediation may attend it.	11 12
‘(2) A party may be represented by an agent only if the authorised officer agrees.	13 14
‘(3) However, a party can not be represented by a lawyer unless the parties agree and the authorised officer is satisfied there is no disadvantage to a party.	15 16 17
‘734E What happens if a party does not attend	18
‘(1) This section applies if a party given notice of the mediation does not attend.	19 20
‘(2) For the purpose of applying to the Land Court under section 537B, the mediation is taken to have been conducted.	21 22
‘(3) A party who attended the mediation may apply to the Land Court for an order requiring the party who did not attend to pay the attending party’s reasonable costs of attending.	23 24 25
‘(4) The Land Court must not order the party who did not attend to pay costs if it is satisfied the party had a reasonable excuse for not attending.	26 27 28
‘(5) If the Land Court makes the order, it must decide the amount of the costs.	29 30

[s 475]

‘734F Conduct of mediation	1
‘(1) In conducting the mediation, the authorised officer must endeavour to help those attending to reach an early and inexpensive settlement of the subject of the mediation.	2 3 4
‘(2) Subject to section 537A, the authorised officer is to decide how the mediation is to be conducted.	5 6
‘734G Statements made at mediation	7
‘Nothing said by a person at the mediation is admissible, without the person’s consent, in a proceeding.	8 9
‘734H Mediated agreement	10
‘(1) If, at the mediation, the parties negotiate an agreement about the concerns the subject of the mediation, the agreement must be written and signed by or for the parties.	11 12 13
‘(2) The agreement—	14
(a) may be a conduct and compensation agreement or an amendment of an existing conduct and compensation agreement between the parties; and	15 16 17
(b) has the same effect as any other compromise.’	18
475 Amendment of s 780 (Power to give compliance direction)	19 20
Section 780(1)(a) and (b)—	21
<i>omit, insert</i> —	22
‘(a) has contravened, or is contravening, any of the following (an <i>enforced instrument</i>)—	23 24
(i) this Act;	25
(ii) the GHG storage Act;	26
(iii) a mandatory provision of the land access code; or	27

	(b) is involved in an activity that is likely to result in a contravention of an enforced instrument.’.	1 2
476	Amendment of s 781 (Requirements for giving compliance direction)	3 4
	Section 781—	5
	<i>insert—</i>	6
	‘(3) The direction may be given orally if—	7
	(a) for any reason it is not practicable to give the direction in writing; and	8 9
	(b) the inspector or authorised officer giving it warns the person it is an offence not to comply with the direction.	10 11
	‘(4) If the direction is given orally, the inspector or authorised officer must confirm the direction by also giving it in writing as soon as practicable after giving it orally.’.	12 13 14
477	Insertion of new ch 15, pt 10, div 2	15
	Chapter 15, part 10, as inserted under this Act—	16
	<i>insert—</i>	17
‘Division 2	Provisions about land access and compensation	18 19
‘948	Land access code prevails over conditions	20
	‘If a condition of a petroleum authority is inconsistent with a mandatory provision of the land access code, the mandatory provision prevails to the extent of the inconsistency.	21 22 23

[s 478]

‘949 Existing compensation agreements other than for notifiable road uses	1 2
‘(1) This section applies if immediately before the commencement of this section a compensation agreement under chapter 5, part 3 was in force.	3 4 5
‘(2) On the commencement the agreement becomes a conduct and compensation agreement under chapter 5, part 5, division 1.	6 7
‘950 Existing entry notices	8
‘(1) This section applies to an entry notice for the carrying out of an authorised activity for a petroleum authority if the notice complied with the entry notice requirements before the commencement of this section.	9 10 11 12
‘(2) The notice continues, according to its terms, to be valid for the carrying out of the activity after the commencement even though the notice does not comply with all of the entry notice requirements from the commencement.	13 14 15 16
‘(3) In this section—	17
<i>entry notice requirements</i> means the requirements under this Act relating to the giving of an entry notice.	18 19
‘951 References to geothermal tenure	20
‘Until the <i>Geothermal Energy Act 2010</i> , chapter 9, part 1 commences, a reference in this Act to a geothermal tenure is taken to be a reference to a geothermal exploration permit.’	21 22 23
478 Amendment of sch 2 (Dictionary)	24
(1) Schedule 2, definitions <i>compensation agreement</i> , <i>compensation application</i> , <i>compensation liability</i> , <i>eligible claimant</i> , <i>entry notice</i> , <i>entry period</i> , <i>negotiation notice</i> , <i>private land</i> , <i>public land</i> and <i>waiver of entry notice</i> —	25 26 27 28
<i>omit</i> .	29

(2) Schedule 2—	1
<i>insert—</i>	2
‘advanced activity , for a provision about a petroleum authority, means an authorised activity for the authority other than a preliminary activity for the authority.	3 4 5
<i>Examples—</i>	6
• levelling of drilling pads and digging sumps	7
• earthworks associated with pipeline installation	8
• vegetation clear-felling	9
• constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump	10 11
• geophysical surveying with physical clearing	12
• carrying out a seismic survey using explosives	13
• constructing a track or access road	14
• changing a fence line	15
compensation application , for chapter 5, part 5, division 2, means an application made under section 537H(1).	16 17
compensation liability—	18
(a) for chapter 5, part 5, division 1—see section 532(2); or	19
(b) for chapter 5, part 5, division 2—see section 537F(2).	20
conduct and compensation agreement see section 533(1).	21
conduct and compensation agreement requirement see section 500(2).	22 23
deferral agreement see section 500A(e)(i).	24
eligible claimant , for compensation, see section 532(1).	25
entry notice—	26
(a) for chapter 5, part 2, division 1, subdivision 1—see section 495(1); or	27 28
(b) for chapter 5, part 3—see section 526(2)(b).	29
land access code see section 24A.	30

[s 478]

- mandatory provision***, of the land access code, means a provision of that code that the code requires compliance with. 1
2
- minimum negotiation period*** see section 536(2)(a). 3
- negotiation notice***— 4
- (a) for chapter 2, part 6, division 3, subdivision 4—see 5
section 221(2)(a); or 6
- (b) for chapter 5, part 5, division 1, subdivision 4—see 7
section 535(1). 8
- parties***— 9
- (a) for chapter 5, part 5, division 1, subdivision 4—see 10
section 536(1); or 11
- (b) for chapter 10, part 1AA—see section 734C. 12
- preliminary activity***— 13
- 1 A *preliminary activity*, for a provision about a petroleum 14
authority, means an authorised activity for the permit or 15
licence that will have no impact, or only a minor impact, 16
on the business activities of any owner or occupier of the 17
land on which the activity is to be carried out. 18
- Examples***— 19
- walking the area of the permit or licence 20
 - driving along an existing road or track in the area 21
 - taking soil or water samples 22
 - drilling without constructing earthworks 23
 - geophysical surveying without physical clearing 24
 - aerial, electrical or environmental surveying 25
 - seismic surveying without using explosives 26
 - survey pegging 27
- 2 However, the following are not preliminary activities— 28
- (a) an authorised activity carried out on land that— 29
- (i) is less than 100ha; and 30

(ii)	is being used for intensive farming or broadacre agriculture;	1 2
	<i>Examples—</i>	3
	• land used for dryland or irrigated cropping, plantation forestry or horticulture	4 5
	• a dairy, cattle or sheep feedlot, piggery or poultry farm	6 7
(b)	an authorised activity carried out within 600m of a school or an occupied residence;	8 9
(c)	an authorised activity that affects the lawful carrying out of an organic or bio-organic farming system.	10 11 12
	<i>private land—</i>	13
1	<i>Private land</i> is—	14
	(a) freehold land; or	15
	(b) an interest in land less than fee simple held from the State under another Act.	16 17
2	However, land is not private land to the extent of an interest in any of the following relating to the land—	18 19
	(a) a mining interest;	20
	(b) a petroleum authority or 1923 Act petroleum tenure;	21 22
	(c) a GHG authority;	23
	(d) a geothermal tenure;	24
	(e) an occupation right under a permit under the <i>Land Act 1994</i> .	25 26
3	Also, land owned by a public land authority is not private land.	27 28
	<i>public land</i> means land other than—	29
	(a) private land; or	30

[s 478]

- (b) to the extent an interest in any of the following relates to the land—
- (i) a mining interest;
 - (ii) a petroleum authority or 1923 Act petroleum tenure;
 - (iii) a GHG authority;
 - (iv) a geothermal tenure;
 - (v) an occupation right under a permit under the *Land Act 1994*.
- relevant owner or occupier***, for a provision about entry notices, means the owner or occupier to whom the entry notice is to be given, or would be given, other than for an exemption from the requirement to give an entry notice.
- waiver of entry notice***—
- (a) for chapter 5, part 2—means a waiver of entry notice mentioned in section 497 that complies with section 498(1); or
 - (b) for chapter 5, part 3—see section 526(3).’.
- (3) Schedule 2, definition *occupier*, paragraph 1(i)—
- omit, insert*—
- ‘(i) the person has a right to occupy the place, other than under a mining interest, petroleum authority, 1923 Act petroleum tenure, GHG authority or geothermal tenure; or’.

Part 3	Other amendments	1
Division 1	Amendment of Aboriginal Land Act 1991	2 3
479 Act amended		4
	This division and schedule 2, part 4 amend the <i>Aboriginal Land Act 1991</i> .	5 6
480 Replacement of s 42 (Reservations of minerals and petroleum)		7 8
	Section 42—	9
	<i>omit, insert—</i>	10
‘42 Resource reservations under resource Acts		11
	‘A deed of grant of transferred land must contain the reservations to the State taken to be contained in the grant under the following—	12 13 14
	• the <i>Geothermal Energy Act 2010</i> , section 29	15
	• the <i>Greenhouse Gas Storage Act 2009</i> , section 28	16
	• the <i>Mineral Resources Act 1989</i> , section 8	17
	• the <i>Petroleum Act 1923</i> , section 10	18
	• the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 27.’.	19 20
481 Replacement of s 80 (Reservations of minerals and petroleum)		21 22
	Section 80—	23
	<i>omit, insert—</i>	24

[s 482]

‘80	Resource reservations under other Acts	1
	‘A deed of grant of granted land and an Aboriginal lease must contain the reservations to the State taken to be contained in the grant under the following—	2 3 4
	• the <i>Geothermal Energy Act 2010</i> , section 29	5
	• the <i>Greenhouse Gas Storage Act 2009</i> , section 28	6
	• the <i>Mineral Resources Act 1989</i> , section 8	7
	• the <i>Petroleum Act 1923</i> , section 10	8
	• the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 27.’.	9 10
Division 2	Amendment of Environmental Protection Act 1994	11 12
482	Act amended	13
	This division and schedule 2, part 4 amend the <i>Environmental Protection Act 1994</i> .	14 15
483	Amendment of s 309A (What this chapter is about)	16
(1)	Section 309A(1)(b)—	17
	<i>renumber</i> as section 309A(1)(c).	18
(2)	Section 309A(1)—	19
	<i>insert</i> —	20
	‘(b) geothermal activities, unless under the Geothermal Act the activities are—	21 22
	(i) geothermal exploration for exempt heat pump production or to evaluate the feasibility of exempt heat pump production; or	23 24 25
	(ii) exempt heat pump production; or	26

(iii) other geothermal production that, under the Geothermal Act, is not of a large-scale; and	1 2
<i>Notes—</i>	3
1 The Geothermal Act does not regulate activities mentioned in subparagraphs (i) and (ii). For the exclusions, see sections 16, 35, 77 and 321 of that Act.	4 5 6
2 However, other legislation may regulate those activities. See the <i>Sustainable Planning Act 2009</i> and the <i>Plumbing and Drainage Act 2002</i> .’	7 8 9
484 Amendment of s 309D (What is a <i>relevant resource authority</i>)	10 11
(1) Section 309D(2), definition <i>resource authority</i> , paragraphs (b) to (d)—	12 13
<i>renumber</i> as paragraphs (c) to (e).	14
(2) Section 309D(2), definition <i>resource authority</i> —	15
<i>insert—</i>	16
‘(b) a geothermal tenure under the Geothermal Act; or’.	17
485 Amendment of s 309I (Restriction)	18
Section 309I—	19
<i>insert—</i>	20
‘ <i>Note—</i>	21
A person can not apply for an environmental authority (chapter 5A activities) for the following activities because under section 309A(1)(b) they are not a chapter 5A activity—	22 23 24
(a) geothermal exploration for any of the following—	25
(i) exempt heat pump production;	26
(ii) to evaluate the feasibility of exempt heat pump production;	27
(b) geothermal production that, under the Geothermal Act, section 16 is not of a large-scale.’.	28 29

[s 486]

486	Insertion of new ch 13, pt 16	1
	Chapter 13—	2
	<i>insert—</i>	3
‘Part 16	Transitional provisions for	4
	Geothermal Energy Act 2010	5
‘664	Deferral of requirement for environmental authority	6
	for existing authorised geothermal activities	7
	‘(1) This section applies if—	8
	(a) immediately before the commencement of this section, a	9
	geothermal activity was authorised to be carried out	10
	under the repealed <i>Geothermal Exploration Act 2004</i> ;	11
	and	12
	(b) a person was carrying out the activity before the	13
	commencement.	14
	‘(2) Section 426A does not apply to the person—	15
	(a) within 12 months after the commencement; and	16
	(b) if, within the 12 months, the person applies for an	17
	environmental authority (chapter 5A activities) for the	18
	carrying out of the activity—until the application has	19
	been decided.	20
‘665	Deferral of requirement for environmental authority	21
	for Birdsville geothermal lease	22
	‘(1) This section applies for the geothermal lease that, under the	23
	Geothermal Act, section 382(1) Ergon Energy is taken to have	24
	been granted on the date of assent of that Act.	25
	‘(2) Section 426A does not apply to Ergon Energy or another	26
	person who, under the Geothermal Act, carries out an	27
	authorised activity for the lease—	28

[s 487]

-
- (a) within 12 months after the commencement of this section; and
- (b) if, within the 12 months, Ergon Energy applies for an environmental authority (chapter 5A activities) for authorised activities for the lease—until the application has been decided.
- ‘(3) In this section—
- Ergon Energy* means Ergon Energy Corporation Limited ACN 087 646 062 or anyone else who holds the lease mentioned in subsection (1).’

487 Amendment of sch 4 (Dictionary)

- (1) Schedule 4—
- insert—*
- ‘*Geothermal Act* means the *Geothermal Energy Act 2010*.
- geothermal activities* means—
- (a) activities that, under the Geothermal Act, are authorised activities for a geothermal tenure; or
- (b) rehabilitating or remediating environmental harm because of activities mentioned in paragraph (a); or
- (c) actions taken to prevent environmental harm because of activities mentioned in paragraph (a) or (b); or
- (d) activities required under a condition of an environmental authority for activities mentioned in paragraph (a), (b) or (c); or
- (e) activities required under a condition of an environmental authority for activities mentioned in paragraph (a), (b) or (c) that has ended or ceased to have effect, if the condition—
- (i) continues to apply after the authority has ended or ceased to have effect; and
- (ii) has not been complied with.

[s 488]

	<i>Note—</i>	1
	For conditions that continue to apply after the authority has ended, see sections 309Z and 310O (Conditions that may and must be imposed).’	2 3 4
(2)	Schedule 4, definition <i>greenhouse gas storage activities</i> , ‘an activity’—	5 6
	<i>omit, insert—</i>	7
	‘activities’.	8
(3)	Schedule 4, definition <i>greenhouse gas storage activities</i> , paragraph (c), ‘action’—	9 10
	<i>omit, insert—</i>	11
	‘actions’.	12
Division 3	Amendment of Greenhouse Gas Storage Act 2009	13 14
488	Act amended	15
	This division, part 1, division 3, part 2, division 1 and schedule 2, parts 1, 2 and 4 amend the <i>Greenhouse Gas Storage Act 2009</i> .	16 17 18
489	Amendment of s 183 (What is an <i>overlapping authority</i>)	19
(1)	Section 183, heading, ‘ <i>overlapping authority</i> ’—	20
	<i>omit, insert—</i>	21
	‘ <i>overlapping resource authority</i> ’.	22
(2)	Section 183(1)(b) and (c)—	23
	<i>omit, insert—</i>	24
	‘(b) a geothermal lease;	25

	(c) a mining lease;	1
	(d) a petroleum lease.’.	2
490	Amendment of s 187 (Other provisions about and effect of GHG coordination arrangement)	3 4
	Section 187(1)(c), after ‘coordination arrangement under the P&G Act’—	5 6
	<i>insert—</i>	7
	‘or a geothermal coordination arrangement under the Geothermal Act’.	8 9
491	Amendment of s 197 (Content requirements for GHG statement)	10 11
	(1) Section 197(1)(b)—	12
	<i>omit.</i>	13
	(2) Section 197(2), before paragraph (b)—	14
	<i>omit.</i>	15
492	Replacement of ch 4, pt 4 (Priority to particular mining or petroleum lease applications)	16 17
	Chapter 4, part 4—	18
	<i>omit, insert—</i>	19
‘Part 4	Priority to particular lease applications	20 21
‘214	Earlier geothermal, mining or petroleum lease application	22 23
	‘If—	24
	(a) a GHG lease application is made; and	25

[s 492]

- (b) before the making of that application, an application (the *other application*) was made for a geothermal lease, mining lease or petroleum lease (the *other proposed lease*); and
 - (c) the other application had not been decided before the making of the GHG lease application; and
 - (d) the other proposed lease is an overlapping resource authority for the proposed GHG lease;
- the GHG lease application must not be decided until the other lease application has been decided.

‘215 Proposed geothermal, mining or petroleum lease for which EIS approval given

- ‘(1) This section applies for a GHG lease application if—
 - (a) before the making of the application, an approval under the Environmental Protection Act, chapter 3, part 2 was granted for the voluntary preparation of an EIS; and
 - (b) the EIS is for a project that is or includes a proposed geothermal lease, mining lease or petroleum lease (the *other proposed lease*) for land the subject of the application.
- ‘(2) The application must not be decided until—
 - (a) if no application is made for the other proposed lease within 2 years after the granting of the approval—the end of the 2 years; or
 - (b) if an application is made for the other proposed lease within the 2 years—that application is decided.

‘216 Proposed geothermal, mining or petroleum lease declared a significant project

- ‘(1) This section applies for a GHG lease application if—

	(a) before the making of the application, a significant project was declared; and	1 2
	(b) the project is or includes a proposed geothermal lease, mining lease or petroleum lease (the <i>other proposed lease</i>) for land the subject of the application.	3 4 5
	‘(2) The application must not be decided until—	6
	(a) if no application is made for the other proposed lease within 1 year after the making of the declaration—the end of that year; or	7 8 9
	(b) if an application is made for the other proposed lease within that year—that application is decided.’.	10 11
493	Replacement of s 219 (Overlapping mining or petroleum lease)	12 13
	Section 219—	14
	<i>omit, insert—</i>	15
‘219	Overlapping geothermal, mining or petroleum lease	16 17
	‘(1) This section applies if land is in the area of both of the following—	18 19
	(a) a GHG permit or GHG data acquisition authority (the <i>GHG authority</i>);	20 21
	(b) a geothermal lease, mining lease or petroleum lease (a <i>relevant lease</i>).	22 23
	‘(2) However, this section does not apply if the same person holds the GHG authority and the relevant lease.	24 25
	‘(3) An authorised activity for the GHG authority may be carried out on the land only if—	26 27
	(a) the relevant lease holder has not, in the way required under subsection (4), objected to—	28 29
	(i) the carrying out of the activity; or	30

[s 494]

	(ii) if the P&G Act safety provisions require a safety management plan for the GHG authority holder—the safety management plan; or	1 2 3
	(b) if an objection under paragraph (a) has been made—the Minister has, under section 221, decided the authorised activity may be carried out.	4 5 6
	<i>Note—</i>	7
	For notice of authorised activities, see section 223.	8
	‘(4) The objection must be in the approved form and given to the Minister and the GHG authority holder.	9 10
	<i>Note—</i>	11
	See also the Mineral Resources Act, section 403 (Offences regarding land subject to mining claim or mining lease).’.	12 13
494	Amendment of s 228 (Consistency with overlapping authority’s development plan and with any relevant coordination arrangement)	14 15 16
	(1) Section 228, heading, ‘overlapping authority’s’—	17
	<i>omit, insert—</i>	18
	‘overlapping resource authority’s’.	19
	(2) Section 228(1), after ‘consistent with any’—	20
	<i>insert—</i>	21
	‘geothermal coordination arrangement or’.	22
495	Amendment of s 257 (Power to require information or reports about authorised activities to be kept or given)	23 24
	(1) Section 257(1)(b), after ‘notice’—	25
	<i>insert—</i>	26
	‘in the approved form’.	27
	(2) Section 257(3)—	28
	<i>omit, insert—</i>	29

‘(3)	A notice by the chief executive under subsection (1)(b) may state—	1 2
(a)	a format required for giving the information; and	3
(b)	a degree of precision required for the giving of the information.’.	4 5
496	Amendment of s 263 (Former petroleum wells assumed by GHG tenure holder)	6 7
	Section 263, ‘under the P&G Act, section 292(3)(c),’—	8
	<i>omit, insert—</i>	9
	‘, under the 1923 Act, section 75U or the P&G Act, section 292.’.	10 11
497	Amendment of s 265 (Application of div 2)	12
	Section 265(b), ‘under the P&G Act, section 292(3)(c),’—	13
	<i>omit, insert—</i>	14
	‘, under the 1923 Act, section 75U or the P&G Act, section 292.’.	15 16
498	Amendment of s 316 (Application of pt 9)	17
	Section 316(1)(e)—	18
	<i>omit, insert—</i>	19
	‘(e) a geothermal tenure.’.	20
499	Amendment of s 317 (Access to land in area of mining lease or petroleum lease)	21 22
(1)	Section 317, heading—	23
	<i>omit, insert—</i>	24
‘317	Access if second authority is a lease’.	25
(2)	Section 317, ‘is a mining lease or a petroleum lease’—	26

[s 500]

	<i>omit, insert—</i>	1
	‘is a lease’.	2
500	Amendment of s 318 (Access to land in area of another type of authority)	3 4
	(1) Section 318, heading—	5
	<i>omit, insert—</i>	6
‘318	Access if second authority is not a lease’.	7
	(2) Section 318(1), ‘is not a mining lease or a petroleum lease’—	8
	<i>omit, insert—</i>	9
	‘is not a lease’.	10
501	Amendment of s 386 (Restriction on GHG storage activities)	11 12
	Section 386(2)(a) and (b)—	13
	<i>omit, insert—</i>	14
	‘(a) was for the purpose of enhanced petroleum recovery and was authorised under the 1923 Act or the P&G Act; and	15 16
	(b) was for the purpose of production testing or geothermal production under the Geothermal Act and was authorised under that Act.’.	17 18 19
502	Amendment of s 413 (Additional information may be required about application)	20 21
	Section 413(3)—	22
	<i>omit, insert—</i>	23
	‘(3) For subsection (1)(b), the notice may require the statutory declaration—	24 25
	(a) to be made by an appropriately qualified independent person or by the applicant; or	26 27

- (b) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant.’ 1
2

503 Amendment of sch 2 (Dictionary) 3

- (1) Schedule 2, definitions *Geothermal Act* and *geothermal exploration permit*— 4
5
omit. 6
- (2) Schedule 2— 7
insert— 8
‘**1923 Act petroleum tenure** see the 1923 Act, section 2. 9
Geothermal Act means the *Geothermal Energy Act 2010*. 10
geothermal lease see the Geothermal Act, section 19(1)(b). 11
geothermal permit see the Geothermal Act, section 19(1)(a). 12
geothermal tenure see the Geothermal Act, section 19(2). 13
resource Act see section 26A.’. 14
- (3) Schedule 2, definition *dangerous situation*, ‘petroleum or fuel gas or a GHG stream’— 15
16
omit, insert— 17
‘geothermal activity under the Geothermal Act, a GHG stream or petroleum or fuel gas’. 18
19
- (4) Schedule 2, definition *dangerous situation*, after ‘inspector’— 20
insert— 21
‘under the P&G Act’. 22

Division 4 Amendment of Land Title Act 1994 23

504 Act amended 24

This division amends the *Land Title Act 1994*. 25

[s 505]

505	Amendment of s 185 (Exceptions to s 184)	1
(1)	Section 185(1)—	2
	<i>insert—</i>	3
	‘(j) the interest of a geothermal tenure holder under the <i>Geothermal Energy Act 2010</i> under an access agreement under that Act that—	4 5 6
	(i) was made before the registered proprietor became the registered proprietor of the lot; and	7 8
	(ii) under that Act, binds the registered proprietor.’	9
(2)	Section 185(1), note—	10
	<i>omit, insert—</i>	11
	‘Note—	12
	For when an access agreement mentioned in paragraph (h), (i) or (j) binds the registered proprietor, see the following—	13 14
	• for the <i>Petroleum and Gas (Production and Safety) Act 2004</i> —sections 507 and 509 of that Act	15 16
	• for the <i>Greenhouse Gas Storage Act 2009</i> —sections 292 and 294 of that Act	17 18
	• for the <i>Geothermal Energy Act 2010</i> —sections 224 and 225 of that Act.’	19 20
Division 5	Amendment of Mineral Resources Act 1989	21 22
506	Act amended	23
	This division, part 1, division 4, part 2, division 2 and schedule 2, part 2 amend the <i>Mineral Resources Act 1989</i> .	24 25
507	Replacement of s 3B (Relationship with Greenhouse Gas Storage Act 2009)	26 27
	Section 3B—	28

	<i>omit, insert—</i>	1
‘3B	Relationship with Geothermal Energy Act 2010 and Greenhouse Gas Storage Act 2009	2 3
	‘The relationship between this Act, the <i>Geothermal Energy Act 2010</i> (the <i>Geothermal Act</i>), the <i>Greenhouse Gas Storage Act 2009</i> (the <i>GHG storage Act</i>) and authorities under them is provided for under—	4 5 6 7
	(a) part 7AAC; and	8
	(b) the Geothermal Act, chapter 5; and	9
	(c) the GHG storage Act, chapter 4.’	10
508	Amendment of s 51 (Land for which mining claim not to be granted)	11 12
	Section 51(1)(f)—	13
	<i>omit.</i>	14
509	Amendment of s 248 (Applicant must obtain consent or views of existing authority holders)	15 16
(1)	Section 248(1), from ‘land—’—	17
	<i>omit, insert—</i>	18
	‘land in the area of an existing exploration permit, mineral development licence or mining lease (the <i>existing authority</i>) held by someone else.’	19 20 21
(2)	Section 248(3), from ‘application if—’—	22
	<i>omit, insert—</i>	23
	‘application if the lease applied for is for different minerals to those covered by the existing authority.’	24 25

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510	Amendment of s 249 (Later applicant must obtain consent or views of earlier applicant if same land affected)	1
		2
		3
(1)	Section 249(1)(a), ‘geothermal exploration permit,’— <i>omit.</i>	4 5
(2)	Section 249(3), from ‘application if—’— <i>omit, insert—</i> ‘application if the lease applied for in the later application is over land covered by the earlier application and for different minerals to those covered by the earlier application.’.	6 7 8 9 10
(3)	Section 249(6), from ‘unless—’— <i>omit, insert—</i> ‘unless the earlier applicant’s consent is lodged with the mining registrar.’.	11 12 13 14
(4)	Section 249(7)— <i>omit.</i>	15 16
511	Replacement of pt 7AAC (Provisions for GHG authorities)	17
	Part 7AAC— <i>omit, insert—</i>	18 19
‘Part 7AAC	Provisions for geothermal tenures and GHG authorities	20 21
‘Division 1	Preliminary	22
‘318ELAM Relationship with pts 3 to 7AAB		23
(1)	Requirements and restrictions under this part apply as well as any relevant requirements and restrictions under parts 3 to 7AAB.	24 25 26

‘(2) If this part imposes a requirement for or a restriction on the granting of a mining lease, the mining lease can not be granted if the restriction applies or if the requirement has not been complied with.	1 2 3 4
‘(3) If a provision of this part conflicts with a provision of any of parts 3 to 7AAB the provision of this part prevails to the extent of the inconsistency.	5 6 7
‘(4) This part does not otherwise limit or affect the requirements of parts 3 to 7AAB.	8 9
‘(5) Subsection (6) applies if this part imposes a requirement for or a restriction on the carrying out of an authorised activity for a mining tenement.	10 11 12
‘(6) Despite parts 3 and 7, the activity is not an authorised activity for the mining tenement while the restriction applies or if the requirement has not been complied with.	13 14 15
‘318ELAN What is an <i>overlapping authority (geothermal or GHG)</i>	16 17
‘(1) An <i>overlapping authority (geothermal or GHG)</i> , for a mining tenement, is any geothermal tenure or GHG authority all or part of the area of which is in the mining tenement’s area.	18 19 20
‘(2) An <i>overlapping authority (geothermal or GHG)</i> , for a proposed mining tenement, is any geothermal tenure or GHG authority all or part of the area of which will, if the proposed mining tenement is granted, be in the mining tenement’s area.	21 22 23 24
‘318ELAO General provision about mining tenements for land subject to geothermal tenure or GHG authority	25 26
‘Subject to the other provisions of this part and parts 3 to 7AAB, the Geothermal Act, GHG storage Act, a geothermal tenure or a GHG authority does not limit or otherwise affect—	27 28 29
(a) the power under this Act to grant a mining tenement over land in the area of an overlapping authority	30 31

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	(geothermal or GHG) for the proposed mining tenement; or	1 2
	(b) the carrying out of authorised activities for a mining tenement.	3 4
‘Division 2	Obtaining mining lease if overlapping tenure	5 6
‘Subdivision 1	Preliminary	7
‘318ELAP Application of div 2		8
	‘This division applies if—	9
	(a) a person (the <i>applicant</i>) wishes to make a mining lease application; and	10 11
	(b) there is an overlapping authority (geothermal or GHG) for the proposed mining lease; and	12 13
	(c) the overlapping authority (geothermal or GHG) is a geothermal tenure or GHG tenure (the <i>overlapping tenure</i>).	14 15 16
‘Subdivision 2	Requirements for application	17
‘318ELAQ Requirements for making application		18
	‘(1) The mining lease application must include—	19
	(a) a statement complying with section 318ELAR (an <i>information statement</i>); and	20 21
	(b) other information addressing the matters mentioned in subsection (2) (the <i>assessment criteria</i>).	22 23

<i>Note—</i>	1
Part 7AA, division 9 also imposes development plan requirements for a proposed coal mining lease or oil shale mining lease.	2 3
‘(2) The assessment criteria are—	4
(a) the potential for the parties to make the following for the proposed mining lease—	5 6
(i) for a geothermal tenure—a geothermal coordination arrangement;	7 8
(ii) for a GHG tenure—a GHG coordination arrangement; and	9 10
(b) the economic and technical viability of the concurrent or coordinated carrying out of authorised activities for the proposed mining lease and the overlapping tenure; and	11 12 13
(c) the public interest.	14
‘318ELAR Content requirements for information statement	15
‘The information statement must assess—	16
(a) the likely effect of proposed activities under the proposed mining lease on the future carrying out of authorised activities for the overlapping tenure; and	17 18 19
(b) the technical and commercial feasibility of coordinating the proposed activities and the future carrying out of the authorised activities.	20 21 22
‘Subdivision 3 Consultation provisions	23
‘318ELAS Applicant’s information obligation	24
‘(1) The applicant must within 10 business days after making the mining lease application give the overlapping tenure holder a copy of the application.	25 26 27

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- ‘(2) If the Minister is reasonably satisfied the applicant has not complied with subsection (1), the Minister may refuse the mining lease application. 1
2
3

‘318ELAT Submissions by overlapping tenure holder 4

- ‘(1) The overlapping tenure holder may lodge submissions about the mining lease application (*holder submissions*) at the relevant departmental office. 5
6
7
- ‘(2) However, holder submissions may be lodged only within 4 months after the holder is given a copy of the application. 8
9
- ‘(3) Holder submissions may do all or any of the following— 10
- (a) state that the holder does not object to the granting of the proposed mining lease; 11
12
 - (b) if the overlapping tenure is a geothermal permit or GHG permit— 13
14
 - (i) state that the holder does not wish any priority for the carrying out of authorised activities for any future lease that may arise from the permit (*overlapping authority priority*); or 15
16
17
18
 - (ii) include a proposal by the overlapping tenure holder for the authorised activities for which overlapping authority priority is sought; 19
20
21
 - (c) include information about authorised activities carried out under the overlapping tenure; 22
23
 - (d) include information relevant to the assessment criteria. 24
- ‘(4) The holder must give the applicant a copy of the holder submissions. 25
26

‘Subdivision 4	Resource management decision if overlapping permit	1 2
‘318ELAU Application of sdiv 4		3
‘(1)	This subdivision applies if—	4
(a)	the overlapping tenure is a geothermal permit or GHG permit (the <i>overlapping permit</i>); and	5 6
(b)	the overlapping permit holder has lodged holder submissions within 4 months after the holder was given a copy of the application; and	7 8 9
(c)	the submissions state that the holder wishes overlapping authority priority.	10 11
‘(2)	However, this subdivision does not apply if under the Geothermal Act, chapter 5 or the GHG storage Act, chapter 4, overlapping authority priority has been given for any of the relevant land.	12 13 14 15
	<i>Note—</i>	16
	If this subdivision does not apply, the mining lease application proceeds immediately to a decision under part 7 as affected by subdivision 7.	17 18
‘318ELAV Operation of sdiv 4		19
	‘This subdivision provides for the Minister to make a decision (the <i>resource management decision</i>) about whether to—	20 21
(a)	recommend, under section 271, the grant of the mining lease; or	22 23
(b)	give any overlapping authority priority for all or part of the relevant land; or	24 25
(c)	not to recommend the granting of the mining lease and not to give any overlapping authority priority for all or part of the relevant land.	26 27 28

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‘318ELAW Criteria for decision	1
‘The Minister must consider the following in making the resource management decision—	2 3
(a) the information statement;	4
(b) the assessment criteria;	5
(c) the holder submissions;	6
(d) the public interest.	7
‘318ELAX Restrictions on giving overlapping authority priority	8
‘Overlapping authority priority may be given only if the Minister considers—	9 10
(a) either—	11
(i) it is unlikely the applicant and the overlapping permit holder will enter into—	12 13
(A) for a geothermal permit—a geothermal coordination arrangement; or	14 15
(B) for a GHG permit—a GHG coordination arrangement; or	16 17
(ii) an arrangement mentioned in subparagraph (i) for the proposed mining lease is not commercially or technically feasible; and	18 19 20
(b) the public interest would be best served by not granting a mining lease to the applicant first.	21 22
‘Subdivision 5 Process if resource management decision is to give overlapping authority priority	23 24 25
‘318ELAY Application of sdiv 5	26
‘This subdivision applies only if under subdivision 4, a	27

resource management decision is required and the decision is 1
to give overlapping authority priority for all or part of the 2
relevant land. 3

‘318ELAZ Notice to applicant and overlapping permit holder 4

- ‘(1) The chief executive must give the applicant and the 5
overlapping permit holder written notice of the resource 6
management decision. 7
- ‘(2) The notice must invite the overlapping permit holder to, 8
within 6 months after the giving of the notice (the *overlapping* 9
authority application period), apply for a lease as follows (an 10
overlapping lease) for the land mentioned in subsection (3)— 11
- (a) if the overlapping permit is a geothermal permit—a 12
geothermal lease; 13
 - (b) if the overlapping permit is a GHG permit—a GHG 14
lease. 15
- ‘(3) For subsection (2), the land is— 16
- (a) if the overlapping authority priority is for all of the 17
land—for all of the land; or 18
 - (b) if the priority is for part of the land—for that part. 19

‘318ELBA Overlapping lease application for all of the land 20

- ‘(1) This section applies if— 21
- (a) the overlapping authority priority is for all of the land; 22
and 23
 - (b) within the overlapping authority application period the 24
overlapping permit holder applies for an overlapping 25
lease for all of the land. 26

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- ‘(2) A further step can not be taken to decide the mining lease application until after the overlapping lease application has been decided. 1
2
3
- Note—* 4
- The Geothermal Act, chapter 5, part 5 and the GHG storage Act, chapter 5
4, part 5 provide for refusal of the overlapping lease application if it is 6
not pursued in a timely manner. 7
- ‘(3) If the decision on the overlapping lease application is to grant an overlapping lease for all of the land, the mining lease application is taken to have lapsed. 8
9
10

‘318ELBB Overlapping lease application for part of the land 11

- ‘(1) This section applies if the overlapping permit holder applies for an overlapping lease for part of the land within the overlapping authority application period. 12
13
14
- ‘(2) The person who made the mining lease application may amend it so that a mining lease is only sought for all or part of the rest of the land. 15
16
17
- ‘(3) Unless the amendment is made, a further step can not be taken to decide the mining lease application until after the overlapping lease application has been decided. 18
19
20
- ‘(4) If— 21
- (a) the amendment has not been made; and 22
- (b) the decision on the overlapping lease application is to grant an overlapping lease for part of the land; 23
24
- the person who made the mining lease application may amend it so that a mining lease is only sought for all or part of the rest of the land. 25
26
27
- Note—* 28
- If the mining lease application is not amended, see section 318ELBF (Application may be refused if no reasonable prospects of future geothermal or GHG coordination arrangement). 29
30
31

‘318ELBC No overlapping lease application	1
‘If the overlapping permit holder does not apply for an overlapping lease for any of the land within the overlapping authority application period, the mining lease application may be decided.	2 3 4 5
‘Subdivision 6 Resource management decision not to recommend grant and not to give priority	6 7 8
‘318ELBD Lapsing of application	9
‘The mining lease application is taken to have lapsed if—	10
(a) under subdivision 4, a resource management decision is required; and	11 12
(b) the decision was not to recommend the granting of the mining lease and not to give any overlapping authority priority for any of the relevant land.	13 14 15
‘Subdivision 7 Deciding application	16
‘318ELBE Application of sdiv 7	17
‘This subdivision applies only if—	18
(a) the overlapping tenure holder has not lodged holder submissions within 4 months after the holder was given a copy of the application (the <i>submission period</i>) or at all; or	19 20 21 22
(b) the overlapping tenure holder has lodged holder submissions within the submission period stating that the holder does not wish any overlapping authority priority; or	23 24 25 26

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(c)	under subdivision 4, a resource management decision is required and—	1 2
(i)	the resource management decision is not to give overlapping authority priority for any of the relevant land; or	3 4 5
(ii)	the resource management decision is to give overlapping authority priority for all or part of the relevant land and after subdivision 5 has been complied with the Minister decides to recommend the granting of a mining lease for the land.	6 7 8 9 10
	‘318ELBF Application may be refused if no reasonable prospects of future geothermal or GHG coordination arrangement	11 12 13
(1)	This section applies if—	14
(a)	the Minister is satisfied the applicant and the overlapping tenure holder have made reasonable attempts to reach the following (a <i>relevant arrangement</i>)—	15 16 17 18
(i)	if the overlapping tenure is a geothermal permit—a proposed geothermal coordination arrangement;	19 20
(ii)	if the overlapping tenure is a GHG permit—a proposed GHG coordination arrangement; and	21 22
(b)	either—	23
(i)	the overlapping tenure holder has lodged a written notice at the relevant departmental office stating there are no reasonable prospects of a relevant arrangement being made; or	24 25 26 27
(ii)	a relevant arrangement has not been lodged for approval by the Minister and the Minister considers the applicant and the overlapping tenure holder have had a reasonable opportunity to make a relevant arrangement.	28 29 30 31 32

-
- ‘(2) The Minister may decide to refuse the application without 1
making any recommendation to the Governor in Council 2
about the application. 3

**‘318ELBG Additional criteria for deciding provisions of mining 4
lease 5**

- ‘(1) In making a recommendation as follows, regard must be had 6
to the prescribed criteria— 7
- (a) recommending conditions of the mining lease, to be 8
determined under section 276(1)(n); 9
 - (b) recommending, under section 284, the term of the 10
mining lease. 11
- ‘(2) In this section— 12
- prescribed criteria* means all of the following— 13
- (a) the information statement; 14
 - (b) the assessment criteria; 15
 - (c) any holder submissions; 16
 - (d) the effect of the mining lease on the safe and efficient 17
carrying out of authorised activities for the overlapping 18
tenure; 19
 - (e) for an overlapping permit—the effect of the mining 20
lease on the safe and efficient carrying out of authorised 21
activities for any future lease that may arise from the 22
permit. 23

‘318ELBH Publication of outcome of application 24

- ‘(1) After the Governor in Council decides whether or not to grant 25
the mining lease, the chief executive must publish a notice 26
about the outcome of the mining lease application in or on at 27
least 1 of the following— 28
- (a) the gazette; 29

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(b)	the department’s website;	1
(c)	another publication the chief executive considers appropriate.	2 3
‘(2)	The notice must state—	4
(a)	the decision; and	5
(b)	if the decision was to grant the mining lease—all conditions decided by the Governor in Council; and	6 7
(c)	if, under subdivision 4, a resource management decision is required and the decision is to give overlapping authority priority for all or part of the land—the decision and the reasons for it.	8 9 10 11
‘(3)	However, if the chief executive considers information in a condition is commercial-in-confidence, the chief executive may instead of publishing the condition publish a statement about its intent.	12 13 14 15
‘Division 3	Priority to particular geothermal or GHG lease applications	16 17
‘318ELBI Earlier geothermal or GHG lease application		18
‘If—		19
(a)	a mining lease application is made; and	20
(b)	before the making of that application, an application (the <i>other application</i>) was made for a geothermal lease or GHG lease (the <i>other proposed lease</i>) but not decided; and	21 22 23 24
(c)	the other application had not been decided before the making of the mining lease application; and	25 26
(d)	the other proposed lease would, if it were granted, be an overlapping authority (geothermal or GHG) for the proposed mining lease;	27 28 29

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the mining lease application must not be decided until the 1
other application has been decided. 2

**'318ELBJ Proposed geothermal or GHG lease for which EIS 3
approval given 4**

- '(1) This section applies for a mining lease application if— 5
- (a) before the making of the application, an approval under 6
the Environmental Protection Act, chapter 3, part 2 was 7
granted for the voluntary preparation of an EIS; and 8
 - (b) the EIS is for a project that is, or includes, a proposed 9
geothermal lease or GHG lease (the *proposed lease*) for 10
land the subject of the application. 11
- '(2) The application must not be decided until— 12
- (a) if no application is made for the proposed lease within 1
year after the granting of the approval—the end of that 13
year; or 14
15
 - (b) if an application is made for the proposed lease within 16
that year—that application is decided. 17

**'318ELBK Proposed GHG lease declared a significant 18
project 19**

- '(1) This section applies for a mining lease application if— 20
- (a) before the making of the mining lease application a 21
significant project was declared; and 22
 - (b) the project is, or includes, a proposed geothermal lease 23
or GHG lease (the *proposed lease*) for land the subject 24
of the application. 25
- '(2) The application must not be decided until— 26
- (a) if no application is made for the proposed lease within 1 27
year after the making of the declaration—the end of that 28
year; or 29

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(b)	if an application is made for the proposed lease within that year—that application is decided.	1 2
‘Division 4	Mining lease applications in response to invitation under Geothermal Act or GHG storage Act	3 4 5
‘318ELBL Application of div 4		6
	‘This division applies if—	7
(a)	a mining lease application is made in response to an invitation given because of a resource management decision under the Geothermal Act or the GHG storage Act; and	8 9 10 11
(b)	the application is made within 6 months after the giving of the invitation.	12 13
‘318ELBM Minister may refuse application		14
	‘The Minister may, without making any recommendation to the Governor in Council about the application, decide to refuse the application if satisfied the applicant has not in a timely manner—	15 16 17 18
(a)	taken any step for the application required of the applicant under part 7, part 7AA or this part; or	19 20
(b)	satisfied the Minister about a matter that, under part 7, part 7AA or this part, is required for the Minister to recommend the granting of the mining lease.	21 22 23

‘Division 5	Additional provisions for particular mining tenements	1 2
‘Subdivision 1	Restrictions on authorised activities for particular mining tenements	3 4
‘318ELBN Prospecting permit overlapping with geothermal or GHG lease		5 6
‘(1)	This section applies if—	7
(a)	land in the area of a prospecting permit is in the area of a geothermal lease or GHG lease; and	8 9
(b)	the prospecting permit and the geothermal lease or GHG lease are not held by the same person.	10 11
‘(2)	An authorised activity for the prospecting permit may be carried out on the land only if—	12 13
(a)	the geothermal lease or GHG lease holder has not, in the way required under subsection (3), objected to the carrying out of the activity; or	14 15 16
(b)	if an objection under paragraph (a) has been made—the Minister has, under section 318ELBP, decided the authorised activity may be carried out.	17 18 19
	<i>Note—</i>	20
	For notice of authorised activities, see section 318ELBS.	21
‘(3)	The objection must be written and given to the prospecting permit holder and lodged at the relevant departmental office.	22 23
‘318ELBO Other overlapping authorities		24
‘(1)	This section applies if land is in the area of a mining tenement and a geothermal tenure or GHG authority and section 318ELBN does not apply.	25 26 27

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- '(2) An authorised activity for the mining tenement can not be carried out on the land if—
 - (a) carrying out the activity adversely affects the carrying out of an authorised activity for the geothermal tenure or GHG authority; and
 - (b) the authorised activity for the geothermal tenure or GHG authority has already started.

'318ELBP Resolving disputes

- '(1) This section applies if, under section 318ELBN, a geothermal lease or GHG lease holder has objected to the carrying out of an authorised activity by a prospecting permit holder.
- '(2) This section also applies if—
 - (a) section 318ELBO applies to a mining tenement holder and a geothermal tenure or GHG authority holder; and
 - (b) there is a dispute between the holders about whether an authorised activity for the mining tenement can be carried out under that section.
- '(3) Either of the parties may, by a notice in the approved form, ask the Minister to decide—
 - (a) for section 318ELBN—whether the authorised activity may be carried out under that section; or
 - (b) for section 318ELBO—whether the authorised activity may be carried out under that section.
- '(4) Before making the decision, the Minister must give the parties a reasonable opportunity to make submissions about the request within a reasonable period.
- '(5) The Minister must, after complying with subsection (4) and considering any submission made under that subsection, decide the matter and give the parties notice of the decision.
- '(6) The Minister's decision binds the parties.

‘(7) If the request is about a matter mentioned in subsection (1), the Minister may impose conditions on any decision that the authorised activity may be carried out.	1 2 3
‘(8) In this section—	4
<i>parties</i> means—	5
(a) for a request about a matter mentioned in subsection (1)—the authority to prospect holder and the geothermal lease or GHG lease holder; or	6 7 8
(b) for a request about a matter mentioned in subsection (2)—the mining tenement holder and the geothermal tenure or GHG authority holder.	9 10 11
‘Subdivision 2 Provisions about conditions	12
‘318ELBQ Notice by particular mining tenement holders to particular geothermal tenure or GHG authority holders or applicants	13 14 15
‘(1) This section applies if—	16
(a) a mining tenement as follows is granted—	17
(i) a mining claim;	18
(ii) a mineral development licence;	19
(iii) an exploration permit; and	20
(b) land in the mining tenement’s area is in the area of, or in a proposed area under an application for, a geothermal tenure or GHG authority other than a geothermal lease or GHG lease.	21 22 23 24
‘(2) It is a condition of the mining tenement that its holder must within 20 business days after the holder receives notice of the grant of the tenement give the geothermal tenure or GHG authority holder or the applicant a written notice stating—	25 26 27 28
(a) the mining tenement has been granted; and	29

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(b)	the mining tenement holder’s name; and	1
(c)	the term of the mining tenement.	2
‘318ELBR	Restriction on recommendation to vary conditions	3
	of particular mining leases	4
	‘If there is an overlapping authority (geothermal or GHG) for	5
	a mining lease, a recommendation under section 294 for the	6
	variation of a condition of the mining lease must not be made	7
	unless the interests of the authority holder have been	8
	considered.	9
‘318ELBS	Condition to notify particular authority holders of	10
	proposed start of designated activities	11
‘(1)	This section applies to a mining tenement holder if there is	12
	either of the following (the <i>other authority</i>) for the mining	13
	tenement—	14
(a)	an overlapping authority (geothermal or GHG);	15
(b)	a geothermal tenure or GHG authority sharing a	16
	common boundary with the mining tenement.	17
‘(2)	Before the mining tenement holder first starts a designated	18
	activity in the other authority’s area, the mining tenement	19
	holder must give the other authority holder at least 30 business	20
	days notice of the activity.	21
‘(3)	A notice under subsection (2) must be written and state—	22
(a)	when the designated activity is to start; and	23
(b)	where the designated activity is to be carried out; and	24
(c)	the nature of the activity.	25
‘(4)	Before changing the land on which the designated activity is	26
	being carried out, the mining tenement tenure holder must	27
	give the other authority holder at least 30 business days notice	28
	in writing stating where the activity is to be carried out.	29

‘(5) Compliance with this section is a condition of the mining tenement.	1 2
‘(6) In this section—	3
<i>designated activity</i> means any authorised activity for the mining tenement, other than—	4 5
(a) an authorised activity for the mining tenement that is the same as or similar to an incidental activity under the Petroleum and Gas (Production and Safety) Act, section 33 or 112; or	6 7 8 9
(b) an activity only involving selecting places where other authorised activities for the mining tenement may be carried out.	10 11 12
‘318ELBT Requirement to continue geothermal or GHG coordination arrangement after renewal of or dealing with mining lease	13 14 15
‘(1) This section applies if—	16
(a) a mining lease has an overlapping authority (geothermal or GHG) that is a geothermal lease or GHG lease (the <i>other lease</i>); and	17 18 19
(b) a geothermal coordination arrangement or GHG coordination arrangement applies to the mining lease; and	20 21 22
(c) a renewal, assignment, consolidation or subletting takes place for the mining lease.	23 24
‘(2) It is a condition of the mining lease that its holder must continue to be a party to a GHG coordination arrangement for the mining lease while the other lease continues in force.’	25 26 27
512 Amendment of s 403 (Offences regarding land subject to mining claim or mining lease)	28 29
Section 403(1)(d), ‘ <i>Geothermal Exploration Act 2004</i> ’—	30

[s 513]

<i>omit, insert—</i>	1
‘Geothermal Act’.	2
513 Insertion of new pt 19, div 13, sdiv 3	3
Part 19, division 13, as inserted under this Act—	4
<i>insert—</i>	5
‘Subdivision 3 Provisions for enactment of Geothermal Energy Act 2010	6 7
‘780 Definitions for sdiv 3	8
‘In this subdivision—	9
<i>converted geothermal permit</i> means a geothermal exploration permit under the repealed <i>Geothermal Exploration Act 2004</i> that, under the Geothermal Act, chapter 9, part 2 becomes a geothermal permit.	10 11 12 13
<i>start day</i> means the day section 318ELAM commences.	14
‘781 Existing mining tenement applications	15
‘(1) This section applies to a mining tenement application if—	16
(a) it was made before the start day; and	17
(b) there is an overlapping geothermal tenure for the proposed mining tenement.	18 19
‘(2) The repealed coordination provisions cease to apply to the mining tenement application.	20 21
‘(3) Part 7AAC applies to the mining tenement application.	22
‘(4) If the mining tenement application is for a mining lease, subsections (5) to (9) apply for the application of part 7AAC under subsection (3).	23 24 25

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-
- ‘(5) The mining lease application is taken to have been validly made even though it was made without complying with the requirements under section 318ELAQ. 1
2
3
- ‘(6) However, the applicant must, as soon as practicable after the start day, lodge with the mining registrar documents for the mining lease application that comply with the requirements. 4
5
6
- ‘(7) A reference to a mining lease application is taken to be a reference to the mining lease application and the documents. 7
8
- ‘(8) A reference to the making of a mining lease application is taken to be a reference to the lodgement of the documents. 9
10
- ‘(9) In this section— 11
- converted geothermal permit application* means a tender under the repealed *Geothermal Exploration Act 2004* for a proposed geothermal exploration permit that, under the Geothermal Act, chapter 9, part 2 becomes an application for a geothermal permit. 12
13
14
15
16
- overlapping geothermal tenure* means a geothermal tenure that is an overlapping authority (geothermal or GHG) for the proposed mining tenement, as defined under section 318ELAN. 17
18
19
20
- repealed coordination provisions* means the following provisions as in force before the start day— 21
22
- (a) sections 51 and 248 to the extent they applied for a converted geothermal permit; 23
24
- (b) section 249 to the extent it applied for a converted geothermal permit application. 25
26
- ‘782 Existing mining claims consented to by geothermal permit holder 27
28**
- ‘(1) This section applies to a mining claim granted before the start day for land in the area of a converted geothermal permit. 29
30

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‘(2) Part 7AAC, division 5, subdivision 1 does not apply if the permit holder’s written consent to the grant was given under section 51(1)(f) as in force before the start day.

Editor’s note—

Part 7AAC, division 5, subdivision 1 (Restrictions on authorised activities for particular mining tenements).’.

514 Amendment of sch 2 (Dictionary)

(1) Schedule, definitions *applicant*, second mention, *geothermal exploration permit*, *GHG assessment criteria*, *GHG public interest*, *GHG statement*, *holder submissions*, *overlapping authority priority*, *overlapping GHG authority* and *overlapping GHG lease application period—*

omit.

(2) Schedule 2—

insert—

‘*applicant*, for part 7AAC, see section 318ELAP(a).

assessment criteria, for part 7AAC, see section 318ELAQ(1)(b).

Geothermal Act see section 3B.

geothermal coordination arrangement see the Geothermal Act, section 137(4).

geothermal lease see the Geothermal Act, section 19(1)(b).

geothermal permit see the Geothermal Act, section 19(1)(a).

geothermal tenure see the Geothermal Act, section 19(2).

holder submissions see section 318ELAT(1).

information statement, for part 7AAC, see section 318ELAQ(1)(a).

overlapping authority application period, for part 7AAC, see section 318ELAZ(2).

<i>overlapping authority (geothermal or GHG)</i>	see section 318ELAN.	1 2
<i>overlapping authority priority</i>	see section 318ELAT(3)(b)(i).	3
<i>overlapping lease</i> ,	for part 7AAC, see section 318ELAZ(2).	4
<i>overlapping permit</i> ,	for part 7AAC, see section 318ELAU(1)(a).’.	5 6
(3) Schedule, definition <i>authorised activity</i> —		7
<i>insert</i> —		8
‘4	An <i>authorised activity</i> , for a geothermal tenure, is an activity that its holder is, under the Geothermal Act or the tenure, entitled to carry out in relation to the tenure.’.	9 10 11
Division 6	Amendment of Pest Management Act 2001	12 13
515 Act amended		14
	This division amends the <i>Pest Management Act 2001</i> .	15
516 Amendment of s 7 (Non-application of Act)		16
	Section 7(f)—	17
	<i>omit, insert</i> —	18
	‘(f) a pest control activity that—	19
	(i) relates to using a chemical to treat timber for preservation on a commercial basis; and	20 21
	(ii) is an environmentally relevant activity under the <i>Environmental Protection Act 1994</i> ;	22 23
	<i>Note</i> —	24
	See also section 145 (Non-application of Act to use of timber preservative treatment under authorisation).’.	25 26

[s 517]

517	Amendment of pt 7 hdg (Savings and transitional provisions)	1 2
	Part 7, heading, after ‘provisions’—	3
	<i>insert</i> —	4
	‘for Act No. 103 of 2001’.	5
518	Insertion of new pt 8	6
	After section 144—	7
	<i>insert</i> —	8
‘Part 8	Transitional provision for repeal of Act No. 30 of 1987	9 10
‘145	Non-application of Act to use of timber preservative treatment under authorisation	11 12
	‘(1) This Act does not apply to the use by a person of a preservative treatment if—	13 14
	(a) an existing approval for the treatment is in force; and	15
	(b) the person uses the treatment under an existing authorisation that is in force.	16 17
	<i>Note</i> —	18
	Particular existing approvals and authorisations continue in force for a limited period under the <i>Land Protection (Pest and Stock Route)</i> <i>Management Act 2002</i> , chapter 11, part 3 (Savings and transitional provisions for repeal of Act No. 30 of 1987).	19 20 21 22
	‘(2) In this section—	23
	<i>existing approval</i> means an approval of a preservative treatment for timber under section 15 of the repealed Act, whether the approval was made on the TUMA chief executive’s own volition or because of an application under section 16 of that Act.	24 25 26 27 28

existing authorisation means an authorisation under section 22(1)(a)(i) of the repealed Act to use a preservative treatment for which there is an existing approval. 1
2
3

preservative treatment means treatment by a chemical substance to— 4
5

- (a) protect timber from attack by wood-destroying animals, bacteria or fungi; or 6
7
- (b) increase timber's— 8
 - (i) resistance to fire, moisture change, decomposition or degradation; or 9
10
 - (ii) dimensional stability. 11

repealed Act means the repealed *Timber Utilisation and Marketing Act 1987*. 12
13

Note— 14

The repealed Act was repealed under the *Geothermal Energy Act 2010*, section 380. 15
16

timber means the wood of any tree, shrub, palm, grass or vine, including, for example, hardboard, chipboard, particle board, fibre board, insulation board and similar materials and plywood. 17
18
19
20

TUMA chief executive means the chief executive of the department in which the repealed Act was administered.' 21
22

Division 7 Amendment of Petroleum Act 1923 23

519 Act amended 24

This division, part 1, division 5, part 2, division 3 and schedule 2, parts 2 and 4 amend the *Petroleum Act 1923*. 25
26

[s 520]

520	Amendment of s 2 (Definitions)	1
(1)	Section 2, definition <i>first tenure, overlapping GHG authority, second tenure</i> —	2
	<i>omit.</i>	3
		4
(2)	Section 2—	5
	<i>insert</i> —	6
	‘ <i>first authority</i> , for part 6J, see section 79M(1).	7
	<i>Geothermal Act</i> see section 4A.	8
	<i>geothermal activity</i> see the Geothermal Act, section 18.	9
	<i>geothermal coordination arrangement</i> see the Geothermal Act, section 137(4).	10
		11
	<i>geothermal lease</i> see the Geothermal Act, section 19(1)(b).	12
	<i>geothermal permit</i> see the Geothermal Act, section 19(1)(a).	13
	<i>geothermal tenure</i> see the Geothermal Act, section 19(2).	14
	<i>overlapping authority (geothermal or GHG)</i> , for part 6FA, see section 78CB.	15
		16
	<i>overlapping tenure</i> , for part 6FA, see section 78CH(b).	17
	<i>second authority</i> , for part 6J, see section 79M(1).’.	18
(3)	Section 2, definition <i>authorised activity</i> —	19
	<i>insert</i> —	20
	‘4 An <i>authorised activity</i> , for a geothermal tenure, is an activity that its holder is, under the Geothermal Act or the tenure, entitled to carry out or exercise in relation to the tenure.’.	21
		22
		23
		24
521	Replacement of s 4A (Relationship with Greenhouse Gas Storage Act 2009)	25
	Section 4A—	26
	<i>omit, insert</i> —	27
		28

‘4A	Relationship with Geothermal Act and Greenhouse Gas Storage Act 2009	1 2
	‘The relationship between this Act, the <i>Geothermal Energy Act 2010</i> (the <i>Geothermal Act</i>) and the <i>Greenhouse Gas Storage Act 2009</i> (the <i>GHG storage Act</i>) and authorities under them is provided for under—	3 4 5 6
	(a) section 40(1A) and part 6FA; and	7
	(b) the Geothermal Act, chapter 5; and	8
	(c) the GHG storage Act, chapter 4.’.	9
522	Omission of s 24A (Prohibition on carrying out activities prohibited under Geothermal Exploration Act 2003)	10 11
	Section 24A—	12
	<i>omit.</i>	13
523	Amendment of s 40 (Lease to holder of authority to prospect)	14 15
	Section 40(1A), ‘or a GHG storage activity’—	16
	<i>omit, insert—</i>	17
	‘, a GHG authority or a geothermal tenure’.	18
524	Replacement of s 75R (Transfer of well to holder of geothermal exploration permit or mining tenement)	19 20
	Section 75R—	21
	<i>omit, insert—</i>	22
‘75R	Transfer of well to holder of geothermal tenure or mining tenement	23 24
	‘A 1923 Act petroleum tenure holder may transfer a well in the 1923 Act petroleum tenure’s area to the holder of a geothermal tenure or mining tenement if—	25 26 27

[s 525]

(a)	the well is in the geothermal tenure's or mining tenement's area; and	1 2
(b)	a notice in the approved form and the transfer fee prescribed under a regulation have been lodged at—	3 4
(i)	the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or	5 6 7
(ii)	if no office is gazetted under subparagraph (i)—the office of the chief executive; and	8 9
(c)	the Minister approves the transfer.'.	10
525	Replacement of pt 6FA (Provisions for GHG authorities)	11
	Part 6FA—	12
	<i>omit, insert—</i>	13
'Part 6FA	Provisions for geothermal tenures and GHG authorities	14 15
'Division 1	Preliminary	16
'78CA	Relationship with other provisions	17
(1)	Requirements and restrictions under this part apply as well as any relevant requirements and restrictions under another provision of this Act.	18 19 20
(2)	This part does not otherwise limit or affect relevant requirements or restrictions under another provision of this Act.	21 22 23

‘78CB What is an <i>overlapping authority (geothermal or GHG)</i>	1 2
‘An <i>overlapping authority (geothermal or GHG)</i> , for a 1923 Act petroleum tenure, is any geothermal tenure or GHG authority all or part of the area of which is in the 1923 Act petroleum tenure’s area.	3 4 5 6
‘78CC General provision about 1923 Act petroleum tenures for land subject to geothermal tenure or GHG authority	7 8 9
‘Subject to the other provisions of this part, the Geothermal Act, GHG storage Act, a geothermal tenure or a GHG authority does not limit or otherwise affect the carrying out of authorised activities for a 1923 Act petroleum tenure.	10 11 12 13
‘Division 2 Restrictions on authorised activities for authorities to prospect	14 15
‘78CD Overlapping geothermal or GHG lease	16
‘(1) This section applies if—	17
(a) land in the area of an authority to prospect is in the area of a geothermal lease or GHG lease; and	18 19
(b) the authority to prospect and the GHG lease are not held by the same person.	20 21
‘(2) An authorised activity for the authority to prospect may be carried out on the land only if—	22 23
(a) the geothermal lease or GHG lease holder has not in the way required under subsection (3), objected to the carrying out of the activity; or	24 25 26
(b) if an objection under paragraph (a) has been made—the Minister has, under section 78CF, decided the authorised activity may be carried out.	27 28 29

[s 525]

<i>Note—</i>	1
For notice of authorised activities, see section 78CM.	2
‘(3) The objection must be written, given to the authority to prospect holder and lodged at the relevant departmental office.	3 4
‘78CE Overlaps with geothermal permit or particular GHG authorities	5 6
‘(1) This section applies if land is in the area of an authority to prospect and any of the following (the <i>other authority</i>)—	7 8
(a) a geothermal permit;	9
(b) a GHG authority other than a GHG lease.	10
‘(2) An authorised activity for the authority to prospect can not be carried out on the land if—	11 12
(a) carrying out the activity adversely affects the carrying out of an authorised activity for the other authority; and	13 14
(b) the authorised activity for the other authority has already started.	15 16
‘78CF Resolving disputes about the restrictions	17
‘(1) This section applies if, under section 78CD, a geothermal lease or GHG lease holder has objected to the carrying out of an authorised activity by an authority to prospect holder.	18 19 20
‘(2) This section also applies if there is a dispute between an authority to prospect holder and a geothermal permit or GHG authority holder about whether an authorised activity for the authority to prospect can be carried out under section 78CE.	21 22 23 24
‘(3) Either of the parties may by a notice in the approved form ask the Minister to decide—	25 26
(a) for section 78CD—whether the authorised activity may be carried out under that section; or	27 28
(b) for section 78CE—whether the authorised activity may be carried out under that section.	29 30

‘(4)	Before making the decision, the Minister must give the parties a reasonable opportunity to make submissions about the request within a reasonable period.	1 2 3
‘(5)	The Minister must after complying with subsection (4) and considering any submission made under that subsection, decide the matter and give the parties notice of the decision.	4 5 6
‘(6)	The Minister’s decision binds the parties.	7
‘(7)	If the request is about a matter mentioned in subsection (1), the Minister may impose conditions on any decision that the authorised activity may be carried out.	8 9 10
‘(8)	In this section—	11
	<i>parties</i> means—	12
	(a) for a request about a matter mentioned in subsection (1)—the authority to prospect holder and the geothermal lease or GHG lease holder; or	13 14 15
	(b) for a request about a matter mentioned in subsection (2)—the authority to prospect holder and the geothermal permit or GHG authority holder.	16 17 18
‘Division 3	Leases with overlapping geothermal tenure or GHG authority	19 20
‘Subdivision 1	Continuance of coordination arrangements after renewal or dealing	21 22 23
‘78CG Requirement to continue geothermal or GHG coordination arrangement		24 25
‘(1)	This section applies if—	26
	(a) a lease under this Act has an overlapping authority (geothermal or GHG) that is a geothermal lease or GHG lease (the <i>other lease</i>); and	27 28 29

[s 525]

- (b) a geothermal coordination arrangement or GHG coordination arrangement applies to the lease under this Act; and
 - (c) any of the following take place for the lease under this Act—
 - (i) a renewal;
 - (ii) a transfer;
 - (iii) a subletting of the lease or a share in the lease.
- ‘(2) It is a condition of the lease under this Act that its holder must continue to be a party to the following for the lease while the other lease continues in force—
- (a) if the other lease is a geothermal lease—a geothermal coordination arrangement;
 - (b) if the other lease is a GHG lease—a GHG coordination arrangement.

‘Subdivision 2 Later development plans

‘78CH Operation of sdiv 2

‘This subdivision imposes additional requirements for a proposed later development plan for a lease if—

- (a) there is an overlapping authority (geothermal or GHG) for the lease; and
- (b) the overlapping authority (geothermal or GHG) is a geothermal tenure or a GHG tenure (the *overlapping tenure*).

‘78CI Statement about interests of overlapping tenure holder

‘The proposed plan must include a statement of how the effects on and the interests of the overlapping tenure holder

-
- have or have not been considered having regard to the 1
following— 2
- (a) the provisions of the 2004 Act, chapter 9; 3
 - (b) the attempts made by the applicant to consult with the 4
overlapping tenure holder about the applicant’s 5
proposed development plan and proposed safety 6
management plan for the lease; 7
 - (c) any changes to the proposed plans to give effect to any 8
reasonable proposal by the overlapping tenure holder; 9
 - (d) the economic and technical viability of the concurrent or 10
coordinated carrying out of authorised activities for the 11
proposed lease and the overlapping tenure; 12
 - (e) the public interest. 13

**‘78CJ Consistency with overlapping tenure’s 14
development plan and with any relevant 15
coordination arrangement 16**

- ‘(1) To the extent the area of the lease and the overlapping tenure 17
will coincide, the proposed plan must be consistent with any 18
geothermal coordination arrangement or GHG coordination 19
arrangement for that area. 20
- ‘(2) Subsection (3) applies only if the overlapping tenure is a 21
geothermal lease or GHG lease. 22
- ‘(3) The proposed plan must to the extent the area of the lease and 23
the overlapping tenure coincide or will coincide, be consistent 24
with the overlapping tenure’s development plan. 25

[s 525]

‘Division 4	Provisions for all 1923 Act petroleum tenures	1 2
‘Subdivision 1	Safety management plans	3
‘78CK Requirements for consultation with particular overlapping tenure holders		4 5
‘(1) This section applies if—		6
(a) a person (an <i>operator</i>) proposes to be an operator of operating plant in the area of a 1923 Act petroleum tenure; and		7 8 9
(b) activities (<i>relevant activities</i>) carried out, or proposed to be carried out, at the plant may adversely affect the safe and efficient carrying out of authorised activities for an overlapping authority (geothermal or GHG) for the 1923 Act petroleum tenure; and		10 11 12 13 14
(c) the overlapping authority (geothermal or GHG) is an overlapping tenure.		15 16
‘(2) Before any operator may operate relevant operating plant, each operator must have made reasonable attempts to consult with the overlapping tenure holder about relevant activities for the plant.		17 18 19 20
‘(3) If there is more than 1 operator, the 1923 Act petroleum tenure holder may coordinate the consultation between the operators and the overlapping tenure holder.		21 22 23
‘(4) For subsection (2), an operator is taken to have made reasonable attempts to consult if—		24 25
(a) the operator gives the overlapping tenure holder a copy of the parts of the operator’s proposed safety management plan concerning any relevant operating plant the operator proposes to operate for the relevant activities; and		26 27 28 29 30

-
- (b) the overlapping tenure holder has not within 30 days after the giving of the copy made any proposal to the operator about provisions for the plan.
- ‘(5) An operator must, before making or remaking a safety management plan for any relevant operating plant the operator operates or proposes to operate, have regard to any reasonable provisions for the plan proposed by the overlapping tenure holder concerning relevant activities for the plant.
- ‘(6) However, the obligation under subsection (5) applies only to the extent the provisions are commercially and technically feasible for the operator or any relevant 1923 Act petroleum tenure holder.
- ‘(7) If an operator makes a safety management plan for relevant operating plant and the plan includes provisions proposed by the overlapping tenure holder, the operator must—
- (a) give the overlapping tenure holder a copy; and
- (b) lodge at the relevant departmental office a notice stating any provisions proposed under subsection (5) and whether they were included in the plan.
- ‘(8) In this section—
- remaking*, a safety management plan, includes an amendment or remaking of the plan of a type required under the 2004 Act, section 678.
- ‘78CL Application of 2004 Act provisions for resolving disputes about reasonableness of proposed provision**
- ‘(1) This section applies if a dispute exists between an operator to which section 78CK applies and an overlapping tenure holder about the reasonableness of a provision proposed by the overlapping tenure holder for the operator’s proposed safety management plan.
- ‘(2) The 2004 Act, section 387, chapter 12 and schedule 1 apply to the dispute as if it were a dispute to which that section applies.

[s 525]

<i>Editor's note—</i>	1
2004 Act, chapter 12 and schedule 1 (Reviews and appeals)	2
'Subdivision 2 Other provisions	3
'78CM Condition to notify particular authority holders of proposed start of designated activities	4
	5
'(1) This section applies to a 1923 Act petroleum tenure holder if there is either of the following (the <i>other authority</i>) for the 1923 Act petroleum tenure—	6
	7
	8
(a) an overlapping authority (geothermal or GHG);	9
(b) a geothermal tenure or GHG authority sharing a common boundary with the 1923 Act petroleum tenure.	10
	11
'(2) Before the 1923 Act petroleum tenure holder first starts a designated activity in the other authority's area, the 1923 Act petroleum tenure holder must give the other authority holder at least 30 business days notice of the activity.	12
	13
	14
	15
'(3) A notice under subsection (2) must state—	16
(a) when the designated activity is to start; and	17
(b) where the designated activity is to be carried out; and	18
(c) the nature of the activity.	19
'(4) Before changing the land on which the designated activity is being carried out, the 1923 Act petroleum tenure holder must give the other authority holder at least 30 business days notice stating where the activity is to be carried out.	20
	21
	22
	23
'(5) Compliance with this section is a condition of the 1923 Act petroleum tenure.	24
	25
'(6) In this section—	26
<i>designated activity</i> means any authorised activity for the 1923 Act petroleum tenure, other than—	27
	28

(a)	an authorised activity for the 1923 Act petroleum tenure that is the same as or similar to an incidental activity under the 2004 Act, section 33 or 112; or	1 2 3
(b)	an activity only involving selecting places where other authorised activities for the 1923 Act petroleum tenure may be carried out.	4 5 6
‘78CN	Restriction on power to amend	7
	‘If, for a 1923 Act petroleum tenure, there is an overlapping authority (geothermal or GHG) that is an overlapping tenure, the 1923 Act petroleum tenure may be amended under section 125 only if the interests of the overlapping tenure holder have been considered.’.	8 9 10 11 12
526	Replacement of pt 6J hdg (Access to land in area of another 1923 Act petroleum tenure, a 2004 Act petroleum authority or a mining tenement)	13 14 15
	Part 6J, heading—	16
	<i>omit, insert—</i>	17
‘Part 6J	Access to land in area of particular other authorities’.	18 19
527	Amendment of s 79M (Application of pt 6J)	20
(1)	Section 79M(1), ‘(the <i>first tenure</i>)’—	21
	<i>omit, insert—</i>	22
	‘(the <i>first authority</i>)’.	23
(2)	Section 79M(1), after ‘2004 Act petroleum authority’—	24
	<i>insert—</i>	25
	‘, a geothermal tenure’.	26
(3)	Section 79M(1), ‘(the <i>second tenure</i>)’—	27

[s 528]

	<i>omit, insert—</i>	1
	‘(the <i>second authority</i>)’.	2
528	Amendment of s 79N (Access to land in area of lease under this Act, a 2004 Act lease or a mining lease)	3 4
(1)	Section 79N, heading—	5
	<i>omit, insert—</i>	6
‘79N	Access if second authority is a lease’.	7
(2)	Section 79N, ‘second tenure’—	8
	<i>omit, insert—</i>	9
	‘second authority’.	10
(3)	Section 79N, ‘first tenure’—	11
	<i>omit, insert—</i>	12
	‘first authority’.	13
(4)	Section 79N, ‘is a lease under this Act, a 2004 Act lease or a mining lease’—	14 15
	<i>omit, insert—</i>	16
	‘is a lease’.	17
529	Amendment of s 79O (Access to land in area of another type of mining tenement or 1923 Act petroleum tenure)	18 19
(1)	Section 79O, heading—	20
	<i>omit, insert—</i>	21
‘79O	Access if second authority is not a lease’.	22
(2)	Section 79O, ‘second tenure’—	23
	<i>omit, insert—</i>	24
	‘second authority’.	25
(3)	Section 79O, ‘first tenure’—	26

<i>omit, insert—</i>	1
‘first authority’.	2
(4) Section 79O(1), ‘is not a mining lease, a 2004 Act lease or a petroleum lease’—	3 4
<i>omit, insert—</i>	5
‘is not a lease’.	6
Division 8	
Amendment of Petroleum and Gas (Production and Safety) Act 2004	7 8
530 Act amended	9
This division, part 1, division 6, part 2, division 4 and schedule 2, parts 1, 2 and 4 amend the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	10 11 12
531 Amendment of s 3A (Secondary purpose—facilitation of Geothermal Exploration Act 2004 and Greenhouse Gas Storage Act 2009)	13 14 15
(1) Section 3A, heading, ‘Geothermal Exploration Act 2004’—	16
<i>omit, insert—</i>	17
‘ Geothermal Energy Act 2010 ’.	18
(2) Section 3A(1), ‘ <i>Geothermal Exploration Act 2004</i> ’—	19
<i>omit, insert—</i>	20
‘ <i>Geothermal Energy Act 2010</i> (the <i>Geothermal Act</i>)’.	21
(3) Section 3A(2)—	22
<i>omit, insert—</i>	23
‘(2) The Geothermal Act is facilitated by—	24

[s 532]

	(a) applying provisions of this Act about safety to particular authorised activities for geothermal tenures under that Act; and	1 2 3
	(b) applying provisions of this Act about investigations and some of its provisions about enforcement for that Act.’.	4 5
532	Replacement of s 6B (Relationship with GHG storage Act)	6
	Section 6B—	7
	<i>omit, insert—</i>	8
‘6B	Relationship with Geothermal Act and GHG storage Act	9 10
	‘The relationship between this Act, the Geothermal Act and the GHG storage Act and authorities under them is provided for under—	11 12 13
	(a) chapter 3A; and	14
	(b) the Geothermal Act, chapter 5; and	15
	(c) the GHG storage Act, chapter 4.’.	16
533	Amendment of s 22 (What is an <i>authorised activity</i>)	17
	Section 22—	18
	<i>insert—</i>	19
	‘(4) An <i>authorised activity</i> , for a geothermal tenure, is an activity that its holder is, under the Geothermal Act or the tenure, entitled to carry out or exercise in relation to the tenure.’.	20 21 22
534	Replacement of s 289 (Transfer of petroleum well to holder of geothermal exploration permit or mining tenement)	23 24 25
	Section 289—	26
	<i>omit, insert—</i>	27

‘289	Transfer of petroleum well to holder of geothermal tenure or mining tenement	1 2
	‘A petroleum tenure holder may transfer a petroleum well in the petroleum tenure’s area to the holder of a geothermal tenure or mining tenement if—	3 4 5
	(a) the well is in the geothermal tenure’s or mining tenement’s area; and	6 7
	(b) a notice in the approved form and the transfer fee prescribed under a regulation have been lodged at—	8 9
	(i) the office of the department for lodging the notice, as stated in a gazette notice by the chief executive; or	10 11 12
	(ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.’.	13 14
535	Replacement of ch 3A (Provisions for GHG authorities)	15
	Chapter 3A—	16
	<i>omit, insert—</i>	17
‘Chapter 3A	Provisions for geothermal tenures and GHG authorities	18 19 20
‘Part 1	Preliminary	21
‘392AA	Relationship with chs 2 and 3	22
	‘(1) Requirements and restrictions under this chapter relating to the granting of a petroleum tenure apply as well as any relevant requirements under chapter 2 or 3.	23 24 25
	‘(2) If this chapter imposes a requirement for or a restriction on the granting of a petroleum tenure, it can not be granted if the	26 27

[s 535]

restriction applies or if the requirement has not been complied with.	1 2
‘(3) If a provision of this chapter conflicts with a provision of chapter 2 the provision of this chapter prevails to the extent of the inconsistency.	3 4 5
‘(4) This chapter does not otherwise limit or affect the requirements of chapter 2.	6 7
‘(5) Subsection (6) applies if this chapter imposes a requirement for or a restriction on the carrying out of an authorised activity for a petroleum tenure.	8 9 10
‘(6) Despite chapter 2, the activity is not an authorised activity for the petroleum tenure while the restriction applies or if the requirement has not been complied with.	11 12 13
‘392AB What is an <i>overlapping authority (geothermal or GHG)</i>	14 15
‘(1) An <i>overlapping authority (geothermal or GHG)</i> , for a petroleum authority, is any geothermal tenure or GHG authority all or part of the area of which is in the petroleum authority’s area.	16 17 18 19
‘(2) An <i>overlapping authority (geothermal or GHG)</i> , for a proposed petroleum authority, is a geothermal tenure or GHG authority (the <i>existing authority</i>) all or part of the area of which will, if the proposed petroleum authority is granted, be in the existing authority’s area.	20 21 22 23 24
‘392AC General provision about petroleum authorities for land subject to geothermal tenure or GHG authority	25 26
‘Subject to the other provisions of this chapter and chapters 2 and 3, the Geothermal Act, GHG storage Act, a geothermal tenure or a GHG authority does not limit or otherwise affect—	27 28 29
(a) the power under this Act to grant a petroleum authority; or	30 31

(b)	the carrying out of authorised activities for a petroleum authority.	1 2
‘Part 2	Obtaining petroleum lease if overlapping tenure	3 4
‘Division 1	Preliminary	5
‘392AD Application of pt 2		6
	‘This part applies if—	7
(a)	a person (the <i>applicant</i>) wishes to make a petroleum lease application; and	8 9
(b)	there is an overlapping authority (geothermal or GHG) for the proposed petroleum lease; and	10 11
(c)	the overlapping authority (geothermal or GHG) is a geothermal tenure or GHG tenure (the <i>overlapping tenure</i>).	12 13 14
‘Division 2	Requirements for application	15
‘392AE Requirements for making application		16
(1)	The petroleum lease application must include—	17
(a)	a statement complying with section 392AF (an <i>information statement</i>); and	18 19
(b)	other information addressing the matters mentioned in subsection (2) (the <i>assessment criteria</i>), other than about attempts to consult with the overlapping tenure holder.	20 21 22 23

[s 535]

‘(2) The assessment criteria are—	1
(a) compliance with the provisions of chapter 9; and	2
(b) the additional requirements under part 6 for proposed initial development plans; and	3 4
(c) the potential for the parties to make the following for the proposed petroleum lease—	5 6
(i) for a geothermal tenure—a geothermal coordination arrangement;	7 8
(ii) for a GHG tenure—a GHG coordination arrangement; and	9 10
(d) the economic and technical viability of the concurrent or coordinated carrying out of authorised activities for the proposed petroleum lease and the overlapping tenure; and	11 12 13 14
(e) the public interest.	15
‘392AF Content requirements for information statement	16
‘The information statement must—	17
(a) assess—	18
(i) the likely effect of proposed authorised activities for the proposed petroleum lease on the future carrying out of authorised activities for the overlapping tenure; and	19 20 21 22
(ii) the technical and commercial feasibility of coordinating the proposed authorised activities and the future carrying out of the authorised activities; and	23 24 25 26
(b) include proposals for the minimisation of potential adverse effects on possible future carrying out of authorised activities for the overlapping tenure.	27 28 29

‘Division 3	Consultation provisions	1
‘392AG Applicant’s information obligation		2
‘(1)	The applicant must within 10 business days after making the petroleum lease application give the overlapping tenure holder a copy of the application other than any part of the application relating to the capability criteria.	3 4 5 6
‘(2)	If the Minister is reasonably satisfied the applicant has not complied with an obligation under this division, the petroleum lease application may be refused.	7 8 9
‘392AH Submissions by overlapping tenure holder		10
‘(1)	The overlapping tenure holder may lodge submissions about the petroleum lease application (<i>holder submissions</i>) at the relevant departmental office.	11 12 13
‘(2)	However, holder submissions may be lodged only within 4 months after the holder is given a copy of the application.	14 15
‘(3)	Holder submissions may do all or any of the following—	16
(a)	state that the holder does not object to the granting of the proposed petroleum lease;	17 18
(b)	if the overlapping tenure is a geothermal permit or GHG permit—	19 20
(i)	state that the holder does not wish any priority for the carrying out of authorised activities for any future lease that may arise from the permit (<i>overlapping authority priority</i>); or	21 22 23 24
(ii)	include a proposal by the overlapping tenure holder for the activity for which overlapping authority priority is sought;	25 26 27
(c)	include information about authorised activities carried out under the overlapping tenure;	28 29
(d)	include information relevant to the assessment criteria;	30

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(e)	propose reasonable provisions for the safety management plan for the proposed petroleum lease.	1 2
‘(4)	The holder must give the applicant a copy of the holder submissions.	3 4
‘Division 4	Resource management decision if overlapping permit	5 6
‘392AI Application of div 4		7
‘(1)	This division applies if—	8
(a)	the overlapping tenure is a geothermal permit or GHG permit (the <i>overlapping permit</i>); and	9 10
(b)	the overlapping permit holder has lodged holder submissions within 4 months after the holder was given a copy of the application; and	11 12 13
(c)	the submissions state that the holder wishes overlapping authority priority.	14 15
‘(2)	However, this division does not apply if, under the Geothermal Act, chapter 5 or the GHG storage Act, chapter 4, overlapping authority priority has been given for any of the relevant land.	16 17 18 19
<i>Note—</i>		20
If this division does not apply, the petroleum lease application proceeds immediately to decision under chapter 2 as affected by division 7.		21 22
‘392AJ Resource management decision		23
‘The Minister must make a decision (the <i>resource management decision</i>) about whether to—		24 25
(a)	grant the petroleum lease application; or	26
(b)	give any overlapping authority priority for all or part of the relevant land; or	27 28

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- (c) not to grant the petroleum lease application and not to give any overlapping authority priority for any of the relevant land. 1
2
3

'392AK Criteria for decision 4

'The Minister must consider the following in making the resource management decision— 5
6

- (a) the information statement; 7
(b) the assessment criteria; 8
(c) the holder submissions; 9
(d) the public interest. 10

'392AL Restrictions on giving overlapping authority priority 11

'Overlapping authority priority may be recommended or given only if it is considered— 12
13

- (a) either— 14
(i) it is unlikely the applicant and the overlapping permit holder will enter into— 15
16
(A) for a geothermal permit—a geothermal coordination arrangement; or 17
18
(B) for a GHG permit—a GHG coordination arrangement; or 19
20
(ii) an arrangement mentioned in subparagraph (i) for the proposed petroleum lease is not commercially or technically feasible; and 21
22
23
(b) the public interest would be best served by not granting a petroleum lease to the applicant first. 24
25

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‘Division 5	Process if resource management decision is to give overlapping authority priority	1 2 3
‘392AM Application of div 5		4
	‘This division applies only if, under division 4, a resource management decision is required and the decision is to give overlapping authority priority for all or part of the relevant land.	5 6 7 8
‘392AN Notice to applicant and overlapping permit holder		9
	‘(1) The chief executive must give the applicant and the overlapping permit holder notice of the resource management decision.	10 11 12
	‘(2) The notice must invite the overlapping permit holder to, within 6 months after the giving of the notice (the <i>overlapping authority application period</i>), apply for a lease as follows (an <i>overlapping lease</i>) for the land mentioned in subsection (3)—	13 14 15 16
	(a) if the overlapping permit is a geothermal permit—a geothermal lease;	17 18
	(b) if the overlapping permit is a GHG permit—a GHG lease.	19 20
	‘(3) For subsection (2), the land is—	21
	(a) if the overlapping authority priority is for all of the land—for all of the land; or	22 23
	(b) if the priority is for part of the land—for that part.	24
‘392AO Overlapping lease application for all of the land		25
	‘(1) This section applies if—	26
	(a) the overlapping authority priority is for all of the land; and	27 28

(b)	within the overlapping authority application period the overlapping permit holder applies for an overlapping lease for all of the land.	1 2 3
‘(2)	A further step can not be taken to decide the petroleum lease application until after the overlapping lease application has been decided.	4 5 6
	<i>Note—</i>	7
	The Geothermal Act, chapter 5, part 5 and the GHG storage Act, chapter 4, part 5 provide for refusal of the overlapping lease application if it is not pursued in a timely manner.	8 9 10
‘(3)	If the decision on the overlapping lease application is to grant an overlapping lease for all of the land, the petroleum lease application is taken to have lapsed.	11 12 13
	‘392AP Overlapping lease application for part of the land	14
‘(1)	This section applies if the overlapping permit holder applies for an overlapping lease for part of the land within the overlapping authority application period.	15 16 17
‘(2)	The person who made the petroleum lease application may amend it so that a petroleum lease is only sought for all or part of the rest of the land.	18 19 20
‘(3)	Unless the amendment is made, a further step can not be taken to decide the petroleum lease application until after the overlapping lease application has been decided.	21 22 23
‘(4)	If—	24
	(a) the amendment has not been made; and	25
	(b) the decision on the overlapping lease application is to grant an overlapping lease for part of the land;	26 27
	the person who made the petroleum lease application may amend it so that a petroleum lease is only sought for all or part of the rest of the land.	28 29 30

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<i>Note—</i>	1
If the petroleum lease application is not amended, see section 392AT (Application may be refused if no reasonable prospects of future geothermal or GHG coordination arrangement).	2 3 4
‘392AQ No overlapping lease application	5
‘If the overlapping permit holder does not apply for an overlapping lease for any of the land within the overlapping authority application period, the petroleum lease application may be decided.	6 7 8 9
‘Division 6 Resource management decision not to grant and not to give priority	10 11
‘392AR Lapsing of application	12
‘The petroleum lease application is taken to have lapsed if—	13
(a) under division 4, a resource management decision is required; and	14 15
(b) the decision was not to grant the petroleum lease application and not to give any overlapping authority priority for any of the relevant land.	16 17 18
‘Division 7 Deciding application	19
‘392AS Application of div 7	20
‘This division applies if—	21
(a) the overlapping tenure holder has not lodged holder submissions within 4 months after the holder was given a copy of the application (the <i>submission period</i>) or at all; or	22 23 24 25

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- (b) the overlapping tenure holder has lodged holder 1
submissions within the submission period stating that 2
the holder does not wish any overlapping authority 3
priority; or 4
 - (c) under division 4, a resource management decision is 5
required and— 6
 - (i) the resource management decision is not to give 7
overlapping authority priority for any of the 8
relevant land; or 9
 - (ii) the resource management decision is to give 10
overlapping authority priority for all or part of the 11
relevant land and after division 5 has been 12
complied with the Minister decides to grant a 13
petroleum lease for the land. 14

**'392AT Application may be refused if no reasonable 15
prospects of future geothermal or GHG 16
coordination arrangement 17**

- 'The Minister may decide to refuse the petroleum lease 18
application if— 19
- (a) the Minister is satisfied the applicant and the 20
overlapping tenure holder have made reasonable 21
attempts to reach the following (a *relevant* 22
arrangement)— 23
 - (i) if the overlapping tenure is a geothermal permit—a 24
proposed geothermal coordination arrangement; 25
 - (ii) if the overlapping tenure is a GHG permit—a 26
proposed GHG coordination arrangement; and 27
 - (b) either— 28
 - (i) the overlapping tenure holder has lodged a notice 29
at the relevant departmental office stating there are 30
no reasonable prospects of a relevant arrangement 31
being made; or 32

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- (ii) a relevant arrangement has not been lodged for approval by the Minister and the Minister considers the applicant and the overlapping tenure holder have had a reasonable opportunity to make a relevant arrangement. 1
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**‘392AU Additional criteria for deciding provisions of petroleum lease 6
7**

‘In deciding the provisions of the petroleum lease the Minister must consider all of the following— 8
9

- (a) the information statement; 10
- (b) the assessment criteria; 11
- (c) any holder submissions; 12
- (d) the effect of the petroleum lease on the safe and efficient carrying out of authorised activities for the overlapping tenure; 13
14
15
- (e) for an overlapping permit—the effect of the petroleum lease on the safe and efficient carrying out of authorised activities for any future lease that may arise from the permit. 16
17
18
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‘392AV Publication of outcome of application 20

‘(1) After the Minister decides whether or not to grant the petroleum lease, the chief executive must publish a notice about the outcome of the petroleum lease application in or on at least 1 of the following— 21
22
23
24

- (a) the gazette; 25
- (b) the department’s website; 26
- (c) another publication the chief executive considers appropriate. 27
28

‘(2) The notice must state— 29

- (a) the decision; and 30

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‘392AX Proposed geothermal or GHG lease for which EIS approval given	1 2
‘(1) This section applies for a petroleum lease application if—	3
(a) before the making of the application, an approval under the Environmental Protection Act, chapter 3, part 2 was granted for the voluntary preparation of an EIS; and	4 5 6
(b) the EIS is for a project that is, or includes, a proposed geothermal lease or GHG lease (the <i>proposed lease</i>) for land the subject of the application.	7 8 9
‘(2) The application must not be decided until—	10
(a) if no application is made for the proposed lease within 1 year after the granting of the approval—the end of that year; or	11 12 13
(b) if an application is made for the proposed lease within that year—that application is decided.	14 15
‘392AY Proposed geothermal or GHG lease declared a significant project	16 17
‘(1) This section applies for a petroleum lease application if—	18
(a) before the making of the application, a significant project was declared; and	19 20
(b) the project is, or includes, a proposed geothermal lease or GHG lease (the <i>proposed lease</i>) for land the subject of the application.	21 22 23
‘(2) The application must not be decided until—	24
(a) if no application is made for the proposed lease within 1 year after the making of the declaration—the end of that year; or	25 26 27
(b) if an application is made for the proposed lease within that year—that application is decided.	28 29

‘Part 4	Petroleum lease applications in response to invitation under Geothermal Act or GHG storage Act	1 2 3 4
‘392AZ Application of pt 4		5
‘This part applies if—		6
(a) a petroleum lease application is made in response to an invitation given because of a resource management decision under the Geothermal Act or the GHG storage Act; and		7 8 9 10
(b) the application is made within 6 months after the giving of the invitation.		11 12
‘392BA Additional ground for refusing application		13
‘(1) The Minister may decide to refuse the application if satisfied the applicant has not in a timely manner—		14 15
(a) taken any step for the application required of the applicant under chapter 2 or 3 or this chapter; or		16 17
(b) satisfied the Minister about a matter that under chapter 2 or 3 or this chapter is required for the granting of the application.		18 19 20
‘(2) Subsection (1) does not limit section 843.		21
<i>Editor’s note—</i>		22
section 843 (Additional information may be required about application)		23

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‘Part 5	Additional provisions for petroleum authorities	1 2
‘Division 1	Restrictions on authorised activities for particular petroleum authorities	3 4
‘392BB Overlapping geothermal or GHG lease		5
‘(1)	This section applies if land in the area of any of the following petroleum authorities is in the area of a geothermal lease or GHG lease—	6 7 8
(a)	an authority to prospect;	9
(b)	a data acquisition authority;	10
(c)	a water monitoring authority.	11
‘(2)	However, this section does not apply if the same person holds the petroleum authority and the geothermal lease or GHG lease.	12 13 14
‘(3)	An authorised activity for the petroleum authority may be carried out on the land only if—	15 16
(a)	the geothermal lease or GHG lease holder has not, in the way required under subsection (4), objected to—	17 18
(i)	the carrying out of the activity; and	19
(ii)	if chapter 9 requires a safety management plan for the petroleum authority—the safety management plan; or	20 21 22
(b)	if an objection under paragraph (a) has been made—the Minister has, under section 392BD, decided the authorised activity may be carried out.	23 24 25
<i>Note—</i>		26
For notice of authorised activities, see section 392BF.		27

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- ‘(4) The objection must be written, given to the petroleum authority holder and lodged at the relevant departmental office. 1
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3

**‘392BC Overlapping geothermal permit or particular GHG authorities 4
5**

- ‘(1) This section applies if land in the area of any of the following petroleum authorities is in the area of a geothermal permit or a GHG authority other than a GHG lease— 6
7
8
- (a) an authority to prospect; 9
 - (b) a data acquisition authority; 10
 - (c) a water monitoring authority. 11
- ‘(2) An authorised activity for the petroleum authority can not be carried out on the land if— 12
13
- (a) carrying out the activity adversely affects the carrying out of an authorised activity for the geothermal permit or GHG authority; and 14
15
16
 - (b) the authorised activity for the geothermal permit or GHG authority has already started. 17
18

‘392BD Resolving disputes 19

- ‘(1) This section applies if, under section 392BB, a geothermal lease or GHG lease holder has objected to the carrying out of an authorised activity by a petroleum authority holder. 20
21
22
- ‘(2) This section also applies if there is a dispute between a petroleum authority holder and a geothermal permit or GHG authority holder about whether an authorised activity for the petroleum authority can be carried out under section 392BC. 23
24
25
26
- ‘(3) Either of the parties may, by a notice in the approved form, ask the Minister to decide— 27
28
- (a) for section 392BB—whether the authorised activity may be carried out under that section; or 29
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(b) for section 392BC—whether the authorised activity may be carried out under that section.	1 2
‘(4) Before making the decision, the Minister must give the parties a reasonable opportunity to make submissions about the request within a reasonable period.	3 4 5
‘(5) The Minister must, after complying with subsection (4) and considering any submission made under that subsection, decide the matter and give the parties notice of the decision.	6 7 8
‘(6) The Minister’s decision binds the parties.	9
‘(7) If the request is about a matter mentioned in subsection (1), the Minister may impose conditions on any decision that the authorised activity may be carried out.	10 11 12
‘(8) In this section— <i>parties</i> means—	13 14
(a) for a request about a matter mentioned in subsection (1)—the petroleum authority holder and the geothermal lease or GHG lease holder; or	15 16 17
(b) for a request about a matter mentioned in subsection (2)—the petroleum authority holder and the geothermal permit or GHG authority holder.	18 19 20
‘Division 2 Additional conditions	21
‘392BE Notice by authority to prospect holder to particular geothermal tenure or GHG authority holders or applicants	22 23 24
‘(1) This section applies if—	25
(a) an authority to prospect is granted (the <i>ATP</i>); and	26
(b) land in the authority to prospect’s area is in the area of, or in a proposed area under an application for any of the following (the <i>other authority</i>)—	27 28 29
(i) a geothermal permit;	30

(ii) a GHG permit;	1
(iii) a GHG data acquisition authority under the GHG storage Act.	2 3
‘(2) It is a condition of the authority to prospect that its holder must, within 20 business days after the holder receives notice of the grant of the ATP, give the holder of, or the applicant for, the other authority a notice stating—	4 5 6 7
(a) the ATP has been granted; and	8
(b) the ATP holder’s name; and	9
(c) the term of the ATP.	10
‘392BF Condition to notify particular geothermal tenure or GHG authority holders of proposed start of particular authorised activities	11 12 13
‘(1) This section applies to a petroleum authority holder if there is either of the following (the <i>other authority</i>) for the petroleum authority—	14 15 16
(a) an overlapping authority;	17
(b) a geothermal tenure or GHG authority sharing a common boundary with the petroleum authority.	18 19
‘(2) Before the petroleum authority holder first starts a designated activity in the other authority’s area, the petroleum authority holder must give the other authority holder at least 30 business days notice of the activity.	20 21 22 23
‘(3) A notice under subsection (2) must state—	24
(a) when the designated activity is to start; and	25
(b) where the designated activity is to be carried out; and	26
(c) the nature of the activity.	27
‘(4) Before changing the land on which the designated activity is being carried out, the petroleum authority holder must give the other authority holder at least 30 business days notice stating where the activity is to be carried out.	28 29 30 31

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- ‘(5) Compliance with this section is a condition of the petroleum authority. 1
2
- ‘(6) In this section— 3
designated activity means any authorised activity for the petroleum authority, other than— 4
5
- (a) an incidental activity under section 33 or 112; or 6
- (b) an activity only involving selecting places where other authorised activities for the petroleum authority may be carried out. 7
8
9
- ‘392BG Requirement to continue geothermal or GHG coordination arrangement after renewal of or dealing with petroleum lease 10
11
12**
- ‘(1) This section applies if— 13
- (a) a petroleum lease has an overlapping authority (geothermal or GHG) that is a geothermal lease or GHG lease (the *other lease*); and 14
15
16
- (b) a geothermal coordination arrangement or GHG coordination arrangement applies to the petroleum lease; and 17
18
19
- (c) any of the following take place for the petroleum lease— 20
21
- (i) a renewal; 22
- (ii) a transfer; 23
- (iii) a subletting of the lease or a share in the petroleum lease. 24
25
- ‘(2) It is a condition of the petroleum lease that its holder must continue to be a party to the following for the lease while the other lease continues in force— 26
27
28
- (a) if the other lease is a geothermal lease—a geothermal coordination arrangement; 29
30

(b)	if the other lease is a GHG lease—a GHG coordination arrangement.	1 2
‘Division 3	Restriction on Minister’s power to amend petroleum lease if overlapping tenure	3 4 5
‘392BH Interests of overlapping tenure holder to be considered		6 7
	‘If there is an overlapping tenure for a petroleum tenure, the petroleum tenure may be amended under section 848 only if the Minister has considered the interests of the overlapping tenure holder.	8 9 10 11
‘Part 6	Additional provisions for development plans if overlapping tenure	12 13 14
‘392BI Operation of pt 6		15
	‘This part imposes additional requirements for the following for which there is an overlapping authority (geothermal or GHG) that is an overlapping tenure—	16 17 18
(a)	a proposed initial development plan for a proposed initial development plan for a petroleum lease;	19 20
(b)	a proposed later development plan for a petroleum lease.	21
‘392BJ Statement about interests of overlapping tenure holder		22 23
	‘The proposed development plan or amendment must include a statement of how the effects on and the interests of the	24 25

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overlapping tenure holder have or have not been considered having regard to the assessment criteria.	1 2
‘392BK Consistency with overlapping tenure’s development plan and with any relevant coordination arrangement	3 4
‘(1) To the extent the area of the petroleum lease and the overlapping tenure coincide or will coincide, the proposed development plan must be consistent with any geothermal coordination arrangement or GHG coordination arrangement for that area.	5 6 7 8 9
‘(2) Subsection (3) applies only if the overlapping tenure is an overlapping lease.	10 11
‘(3) The proposed plan must, to the extent the area of the petroleum lease and the overlapping lease coincide, or will coincide, be consistent with the development plan for the overlapping lease.	12 13 14 15
‘392BL Additional criteria for approval	16
‘In deciding whether to approve the proposed development plan, the Minister must consider the assessment criteria.	17 18
‘Part 7 Additional provisions for safety management plans	19 20
‘392BM Grant of petroleum lease does not affect obligation to make plan	21 22
‘(1) This section applies if an information statement accompanies a petroleum lease application as required under this chapter.	23 24
‘(2) The deciding of the application or the grant of the petroleum lease—	25 26

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-
- (a) does not affect the obligation to make a safety management plan for any operating plant in the petroleum lease's area; and
 - (b) is not of itself evidence that a safety management plan or purported safety management plan for an operating plant on the petroleum lease's area complies with chapter 9.

'392BN Requirements for consultation with particular overlapping tenure holders

- '(1) This section applies if—
 - (a) a person (an *operator*) proposes to be an operator of operating plant in the area of a petroleum tenure; and
 - (b) activities (*relevant activities*) carried out, or proposed to be carried out, at the plant may adversely affect the safe and efficient carrying out of authorised activities for an overlapping authority (geothermal or GHG) for the petroleum tenure; and
 - (c) the overlapping authority (geothermal or GHG) is an overlapping tenure.
- '(2) Before any operator may operate relevant operating plant, each operator must have made reasonable attempts to consult with the overlapping tenure holder about relevant activities for the plant.
- '(3) If there is more than 1 operator, the petroleum tenure holder may coordinate the consultation between the operators and the overlapping tenure holder.
- '(4) For subsection (2), an operator is taken to have made reasonable attempts to consult if—
 - (a) the operator gives the overlapping tenure holder a copy of the relevant parts of the operator's proposed safety management plan concerning any relevant operating plant the operator proposes to operate for the relevant activities; and

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(b)	the overlapping tenure holder has not within 30 days after the giving of the copy made any proposal to the operator about provisions for the plan.	1 2 3
‘(5)	An operator must, before making or remaking a safety management plan for any relevant operating plant the operator operates or proposes to operate, have regard to any reasonable provisions for the plan proposed by the overlapping tenure holder concerning relevant activities for the plant.	4 5 6 7 8
‘(6)	However, the obligation under subsection (5) applies only to the extent the provisions are commercially and technically feasible for the operator or any relevant petroleum tenure holder.	9 10 11 12
‘(7)	If an operator makes a safety management plan for relevant operating plant and the plan includes provisions proposed by the overlapping tenure holder, the operator must—	13 14 15
(a)	give the overlapping tenure holder a copy; and	16
(b)	lodge at the relevant departmental office a notice stating any provisions proposed under subsection (5) and whether they were included in the plan.	17 18 19
‘(8)	In this section—	20
	<i>remaking</i> , a safety management plan, includes an amendment or remaking of the plan of a type required under section 678.	21 22
‘392BO	Application of provisions for resolving disputes about reasonableness of proposed provision	23 24
‘(1)	This section applies if a dispute exists between an operator to which section 392BN applies and an overlapping tenure holder about the reasonableness of a provision proposed by the tenure holder for the operator’s proposed safety management plan.	25 26 27 28 29
‘(2)	Section 387, chapter 12 and schedule 1 apply to the dispute as if it were a dispute to which those provisions apply.	30 31

<i>Editor's note—</i>	1
chapter 12 and schedule 1 (Reviews and appeals)'. 536 Amendment of s 400 (Restriction if there is an existing mining lease or GHG lease)	2 3 4
(1) Section 400, heading, 'mining lease or GHG lease'— <i>omit, insert—</i> 'geothermal, GHG or mining lease'.	5 6 7
(2) Section 400, 'mining lease or GHG lease'— <i>omit, insert—</i> 'geothermal lease, GHG lease or mining lease'.	8 9 10
 537 Amendment of s 528 (Application of pt 4)	 11
Section 528(1), after '1923 Act petroleum tenure'— <i>insert—</i> ' , a geothermal tenure'.	12 13 14
 538 Amendment of s 529 (Access to land in area of mining lease, a 1923 Act lease or a petroleum lease)	 15 16
(1) Section 529, heading— <i>omit, insert—</i>	17 18
'529 Access if second authority is a lease'.	19
(2) Section 529, 'is a mining lease, a 1923 Act lease or a petroleum lease'— <i>omit, insert—</i> 'is a lease'.	20 21 22 23

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539	Amendment of s 530 (Access to land in area of another type of mining tenement or petroleum authority)	1
		2
(1)	Section 530, heading—	3
	<i>omit, insert—</i>	4
'530	Access if second authority is not a lease'.	5
(2)	Section 530(1), 'is not a mining lease, a 1923 Act lease or a petroleum lease'—	6
	<i>omit, insert—</i>	7
	'is not a lease'.	8
		9
540	Amendment of s 669 (Making safety requirement)	10
	Section 669—	11
	<i>insert—</i>	12
	'(d) about geothermal activities, other than wet geothermal production.'	13
		14
541	Amendment of s 670 (What is an operating plant)	15
(1)	Section 670(2)(b) to (h)—	16
	<i>renumber</i> as section 670(2)(c) to (i).	17
(2)	Section 670(2)—	18
	<i>insert—</i>	19
	'(b) a facility that—	20
	(i) is related to the exploration, production or processing of petroleum; and	21
		22
	(ii) is used to take, interfere with or treat associated water;'	23
		24
(3)	Section 670(2)(h) and (i), as renumbered—	25
	<i>omit, insert—</i>	26

‘(h) a facility that is in the area of a geothermal tenure and is used for—	1 2
(i) geothermal exploration other than for wet geothermal production; or	3 4
(ii) geothermal production other than wet geothermal production;	5 6
<i>Examples—</i>	7
the following facilities if they are not used for wet geothermal production—	8 9
• a drilling rig for a geothermal well	10
• equipment used for injecting into, maintaining or repairing a geothermal well	11 12
• pipes and associated valves used in the geothermal production process	13 14
(i) a facility that is in the area of a GHG authority and is—	15
(i) used for GHG storage exploration or GHG stream storage; or	16 17
(ii) involved in GHG storage injection testing;	18
(j) a GHG stream pipeline under the GHG storage Act.’.	19
(4) Section 670(5)(d)—	20
<i>omit, insert—</i>	21
‘(d) an authorised activity under an authority if the activity is a geophysical survey for data acquisition;’.	22 23
(5) Section 670(6)—	24
<i>omit.</i>	25
(6) Section 670(7)—	26
<i>renumber as section 670(9).</i>	27
(7) Section 670—	28
<i>insert—</i>	29
‘(6) An <i>operating plant</i> is also—	30

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- (a) all of the authorised activities for a petroleum authority, geothermal tenure or GHG authority; or 1
2
- (b) all of the authorised activities for a mineral hydrocarbon mining lease that are not a coal mining operation or an on-site activity under the Coal Mining Safety and Health Act. 3
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5
6
- ‘(7) For subsection (6)(a) and (b)— 7
- (a) the operating plant is all of the authorised activities jointly; and 8
9
- (b) the authorised activities are an operating plant severally only if they are an operating plant under subsection (2) or (5). 10
11
12
- ‘(8) To remove any doubt, for subsection (2) it is declared that the following are not an operating plant— 13
14
- (a) a facility relating to geothermal energy to the extent any part of its processes happen after an isolation valve or distribution point where the pipeline transporting the energy ends at the entry to the facility; 15
16
17
18
- (b) a facility that produces a GHG stream at its source before the stream enters a GHG pipeline that transports the stream, or the stream is otherwise transported, to a GHG storage site under the GHG storage Act. 19
20
21
22
- ‘(10) In this section— 23
- geothermal exploration* see the Geothermal Act, section 13. 24
- geothermal well* see the Geothermal Act, schedule 3. 25
- GHG storage exploration* see the GHG storage Act, section 15. 26
27
- GHG storage injection testing* see the GHG storage Act, section 16.’. 28
29

542	Amendment of s 672 (What is a <i>stage</i> of an operating plant)	1
		2
	Section 672—	3
	<i>insert—</i>	4
	‘(2) A <i>stage</i> , of an operating plant, also includes construction work for an operating plant or proposed operating plant if—	5
		6
	(a) the work is within or part of an existing operating plant;	7
	or	8
	(b) the work is adjacent to existing operating plant and the safety management plan for the plant provides that the plan applies to the work.’.	9
		10
		11
543	Amendment of s 675 (Content requirements for safety management plans)	12
		13
	Section 675(1)(f), after ‘the same petroleum tenure’—	14
	<i>insert—</i>	15
	‘, geothermal tenure’.	16
544	Amendment of s 687 (Who is the <i>executive safety manager</i> of an operating plant)	17
		18
	(1) Section 687(2) to (4)—	19
	<i>renumber</i> as section 687(3) to (5).	20
	(2) Section 687—	21
	<i>insert—</i>	22
	‘(2) For authorised activities for a petroleum authority, geothermal tenure or GHG authority that, under section 670(6)(a) and (7), are jointly an operating plant, the executive safety manager is—	23
		24
		25
		26
	(a) if the holder of the authority or tenure is an individual—the holder; or	27
		28

[s 545]

- (b) the senior managing officer of the corporation or organisation responsible for the management and safe operation of the authorised activities for the authority or tenure.’. 1
2
3
4

545 Insertion of new s 687A 5

After section 687— 6

insert— 7

‘687A Requirement of joint holders to give information about executive safety manager 8
9

‘(1) This section applies if— 10

- (a) there is more than 1 holder of a petroleum authority, geothermal tenure or GHG tenure; and 11
12

- (b) 1 or more of the holders is a corporation; and 13

- (c) operating plant is being operated or is proposed to be operated in the authority’s or tenure’s area. 14
15

‘(2) The holders must ensure the chief inspector is given a notice stating which corporation or organisation is responsible for the management and safe operation of operating plant in the area. 16
17
18
19

Maximum penalty—500 penalty units. 20

‘(3) In a proceeding under or in relation to this Act, the notice is evidence of which corporation or organisation is the responsible for the management and safe operation of operating plant in the area.’. 21
22
23
24

546 Amendment of s 690 (Content requirements for safety reports) 25
26

(1) Section 690(1)(h)— 27

omit. 28

(2)	Section 690(1)(i)—	1
	<i>renumber</i> as section 690(1)(h).	2
547	Replacement of s 691 (Obligation to give information to particular authority holders)	3
		4
	Section 691—	5
	<i>omit, insert</i> —	6
‘691	Obligation to give information to coal or oil shale exploration tenement holder	7
		8
‘(1)	This section applies if an executive safety manager for an operating plant gives a safety report containing information mentioned in section 690(1)(g).	9
		10
		11
‘(2)	The executive safety manager must, as soon as practicable, give the relevant tenement holder the information in the report mentioned in section 690(1)(g).	12
		13
		14
	Maximum penalty—500 penalty units.	15
‘(3)	Chapter 3, part 8, applies to any information given under this section as if the information were given for the purposes of chapter 3.	16
		17
		18
	<i>Editor’s note</i> —	19
	chapter 3 (Provisions for coal seam gas), part 8 (Confidentiality of information)	20
		21
‘(4)	In this section—	22
	<i>relevant tenement holder</i> means the holder of any coal or oil shale exploration tenement if the safe and efficient mining of coal or oil shale under the tenement may have been affected by the operation of the operating plant.’	23
		24
		25
		26
548	Amendment of s 699A (Operator’s obligation for particular adjacent or overlapping authorities)	27
		28
	Section 699A(b), after ‘petroleum tenure’—	29

[s 549]

<i>insert—</i>	1
‘, geothermal tenure’.	2
549 Amendment of s 705 (Application of sdiv 1)	3
(1) Section 705(a)(i) to (iii)—	4
<i>omit, insert—</i>	5
(i) in the area of a coal or oil shale mining lease; or	6
(ii) in an area adjacent to the area of a coal or oil shale mining lease; and’.	7
(2) Section 705(b), ‘or GHG storage activities under the GHG lease’—	9
<i>omit.</i>	10
550 Amendment of s 705A (Requirement to have principal hazard management plan)	11
(1) Section 705A, ‘mining lease or GHG lease holder’—	12
<i>omit, insert—</i>	13
‘mining lease holder’.	14
(2) Section 705A(3), ‘or GHG tenure holder’—	15
<i>omit.</i>	16
551 Amendment of s 705B (Content requirements for principal hazard management plan)	17
(1) Section 705B(b)(ii), examples, item 2, ‘a mining lease holder’—	19
<i>omit, insert—</i>	20
‘the mining lease holder’.	21
	22
	23
	24

(2)	Section 705B(c), ‘or GHG wells under the GHG storage Act’—	1 2
	<i>omit.</i>	3
552	Amendment of s 705C (Resolving disputes about provision proposed by mining lease or GHG lease holder)	4 5
	Section 705C, ‘or GHG lease’—	6
	<i>omit.</i>	7
553	Amendment of s 708B (Chief inspector may issue safety alerts and instructions)	8 9
(1)	Section 708B(3), after ‘petroleum or fuel gas industry’—	10
	<i>insert</i> —	11
	‘, to geothermal activities’.	12
(2)	Section 708B(4)(a), ‘the petroleum or fuel gas industry’—	13
	<i>omit, insert</i> —	14
	‘a matter mentioned in subsection (3)’.	15
554	Amendment of s 736 (Functions)	16
(1)	Section 736, ‘ <i>Geothermal Exploration Act 2004</i> ’—	17
	<i>omit, insert</i> —	18
	‘Geothermal Act’.	19
(2)	Section 736(1)(c), ‘geothermal energy activity or GHG streams’—	20 21
	<i>omit, insert</i> —	22
	‘geothermal activity or GHG storage activity’.	23

[s 555]

555	Amendment of s 744 (Inspector’s additional entry power for emergency or incident)	1 2
	Section 744(1), ‘geothermal energy activity or a GHG stream’—	3 4
	<i>omit, insert</i> —	5
	‘geothermal activity or a GHG storage activity’.	6
556	Amendment of s 746 (Authorised officer’s additional entry power for petroleum authority, geothermal exploration permit or GHG authority)	7 8 9
	Section 746, ‘geothermal exploration permit’—	10
	<i>omit, insert</i> —	11
	‘geothermal tenure’.	12
557	Amendment of s 769 (Testing seized things)	13
(1)	Section 769(2)(a), after ‘petroleum or fuel gas’—	14
	<i>insert</i> —	15
	‘, geothermal energy’.	16
(2)	Section 769—	17
	<i>insert</i> —	18
‘(7)	In this section—	19
	<i>geothermal energy</i> means energy in the form of heat produced from beneath the surface of solid earth.’.	20 21
558	Amendment of s 780 (Power to give compliance direction)	22 23
(1)	Section 780(1)(a)(ii) and (iii)—	24
	<i>renumber</i> as section 780(1)(a)(iii) and (iv).	25
(2)	Section 780(1)(a)—	26

<i>insert—</i>	1
‘(ii) the Geothermal Act;’.	2
559 Amendment of s 781 (Requirements for giving compliance direction)	3 4
Section 781(1)(a), ‘ <i>Geothermal Exploration Act 2004</i> ’—	5
<i>omit, insert—</i>	6
‘Geothermal Act’.	7
560 Amendment of sch 2 (Dictionary)	8
(1) Schedule 2, definitions <i>applicant, geothermal energy activity, geothermal exploration permit, GHG assessment criteria, GHG public interest, GHG statement, holder submissions, overlapping authority priority, overlapping GHG authority, overlapping GHG lease application period and the public interest—</i>	9 10 11 12 13 14
<i>omit.</i>	15
(2) Schedule 2—	16
<i>insert—</i>	17
‘ <i>applicant</i> , for chapter 3A, part 2, see section 392AD(a).	18
<i>assessment criteria</i> , for chapter 3A, see section 392AE(1)(b).	19
<i>Geothermal Act</i> see section 3A(1).	20
<i>geothermal activity</i> see the Geothermal Act, section 18.	21
<i>geothermal coordination arrangement</i> see the Geothermal Act, section 137(4).	22 23
<i>geothermal lease</i> see the Geothermal Act, section 19(1)(b).	24
<i>geothermal permit</i> see the Geothermal Act, section 19(1)(a).	25
<i>geothermal production</i> see the Geothermal Act, section 14.	26
<i>geothermal tenure</i> see the Geothermal Act, section 19(2).	27

[s 560]

<i>holder submissions</i> , for chapter 3A, see section 392AH(1).	1
<i>information statement</i> , for chapter 3A, see section 392AE(1)(a).	2 3
<i>operate</i> , for operating plant that, under section 670(6) and (7), consists of joint authorised activities, means to carry out all or any of the activities.	4 5 6
<i>overlapping authority application period</i> , for chapter 3A, part 2, division 5, see section 392AN(2).	7 8
<i>overlapping authority (geothermal or GHG)</i> , for chapter 3A, see section 392AB.	9 10
<i>overlapping authority priority</i> , for chapter 3A, see section 392AH(3)(b)(i).	11 12
<i>overlapping lease</i> , for chapter 3A, see section 392AN(2).	13
<i>overlapping permit</i> , for chapter 3A, see section 392AI(1)(a).	14
<i>overlapping tenure</i> , for chapter 3A, see section 392AD(c).	15
<i>wet geothermal production</i> means geothermal production by the extraction of hot water from a subartesian basin.’.	16 17
(3) Schedule 2, definition <i>dangerous situation</i> , ‘geothermal energy activity’—	18 19
<i>omit, insert</i> —	20
‘geothermal activity’.	21
(4) Schedule 2, definition <i>occupier</i> , paragraph 1(i)—	22
<i>omit, insert</i> —	23
‘(i) the person has a right to occupy the place, other than under a mining interest, petroleum authority, 1923 Act petroleum tenure, GHG authority or geothermal tenure; or’.	24 25 26 27

Division 9	Amendment of Torres Strait Islander Land Act 1991	1 2
561	Act amended	3
	This division and schedule 2, part 4 amend the <i>Torres Strait Islander Land Act 1991</i> .	4 5
562	Replacement of s 39 (Reservations of minerals and petroleum)	6 7
	Section 39—	8
	<i>omit, insert—</i>	9
‘39	Resource reservations under other Acts	10
	‘A deed of grant of transferred land must contain the reservations to the State taken to be contained in the grant under the following—	11 12 13
	• the <i>Geothermal Energy Act 2010</i> , section 29	14
	• the <i>Greenhouse Gas Storage Act 2009</i> , section 28	15
	• the <i>Mineral Resources Act 1989</i> , section 8	16
	• the <i>Petroleum Act 1923</i> , section 10	17
	• the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 27.’.	18 19
563	Replacement of s 77 (Reservations of minerals and petroleum)	20 21
	Section 77—	22
	<i>omit, insert—</i>	23
‘77	Resource reservations under other Acts	24
	‘A deed of grant of granted land and a Torres Strait Islander lease must contain the reservations to the State taken to be contained in the grant under the following—	25 26 27

[s 564]

•	the <i>Geothermal Energy Act 2010</i> , section 29	1
•	the <i>Greenhouse Gas Storage Act 2009</i> , section 28	2
•	the <i>Mineral Resources Act 1989</i> , section 8	3
•	the <i>Petroleum Act 1923</i> , section 10	4
•	the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 27.’.	5 6
Division 10	Amendment of Valuation of Land Act 1944	7 8
564	Act amended	9
	This division and schedule 2, part 4 amend the <i>Valuation of Land Act 1944</i> .	10 11
565	Replacement of s 16 (Exclusion of timber and minerals)	12
	Section 16—	13
	<i>omit, insert—</i>	14
‘16	Exclusion of particular resources	15
	‘A valuation of the unimproved value of land is not to include the value of any of the following on or in the land—	16 17
	(a) geothermal energy as defined under the <i>Geothermal Energy Act 2010</i> ;	18 19
	(b) GHG storage reservoirs as defined under the <i>Greenhouse Gas Storage Act 2009</i> ;	20 21
	(c) minerals;	22
	(d) petroleum as defined under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> ;	23 24
	(e) timber.’.	25

Division 11	Amendment of Water Act 2000	1
566	Act amended	2
	This division amends the <i>Water Act 2000</i> .	3
567	Amendment of s 203 (Definitions for pt 6)	4
	Section 203, definition <i>owner</i> , paragraph (e)—	5
	<i>omit, insert—</i>	6
	‘(e) the holder of a geothermal tenure under the <i>Geothermal Energy Act 2010</i> relating to the land;	7
		8
	(ea) the holder of a GHG tenure under the <i>Greenhouse Gas Storage Act 2009</i> relating to the land.’.	9
		10
568	Amendment of sch 4 (Dictionary)	11
(1)	Schedule 4, definition <i>owner</i> , paragraphs (a)(v) and (vi)—	12
	<i>renumber</i> as paragraphs (a)(ix) and (x).	13
(2)	Schedule 4, definition <i>owner</i> , paragraph (a)—	14
	<i>insert—</i>	15
	‘(v) the holder of a geothermal tenure under the <i>Geothermal Energy Act 2010</i> relating to the land;	16
		17
	(vi) the holder of a GHG tenure under the <i>Greenhouse Gas Storage Act 2009</i> relating to the land;	18
		19
	(vii) the holder of a 1923 Act petroleum tenure under the <i>Petroleum Act 1923</i> relating to the land;	20
		21
	(viii) the holder of a petroleum tenure under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> relating to the land;’.	22
		23
		24

[s 569]

Division 12	Amendment of Workplace Health and Safety Act 1995	1 2
569 Act amended		3
	This division amends the <i>Workplace Health and Safety Act 1995</i> .	4 5
570 Amendment of s 3 (Application of Act)		6
(1) Section 3(1)(c) and (d)—		7
	<i>omit, insert—</i>	8
	‘(c) operating plant under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> (the P&G Act), other than operating plant under section 670(6)(a) and (7) of that Act, for any of the following—	9 10 11 12
	(i) a 1923 Act petroleum tenure under the <i>Petroleum Act 1923</i> ;	13 14
	(ii) a petroleum authority under the P&G Act;	15
	(iii) a GHG authority under the <i>Greenhouse Gas Storage Act 2009</i> ;	16 17
	(iv) a geothermal tenure under the <i>Geothermal Energy Act 2010</i> ;	18 19
	(v) a mining tenement under the <i>Mineral Resources Act 1989</i> .’.	20 21
(2) Section 3(2) and (3)—		22
	<i>renumber</i> as section 3(3) and (4).	23
(3) Section 3—		24
	<i>insert—</i>	25
‘(2) Despite subsection (1)(c)—		26
	(a) this Act applies to construction work for operating plant under the P&G Act, unless the work is—	27 28

[s 571]

(i)	the commissioning of an operating plant; or	1
(ii)	the moving of a drill rig; or	2
(iii)	the process called ‘rigging up and down’ of a drill rig; and	3 4
(b)	both this Act and the P&G Act apply to construction work for a stage of operating plant or proposed operating plant mentioned in section 672(2) of that Act, unless the work is work mentioned in paragraph (a)(i), (ii) or (iii).’.	5 6 7 8 9
Division 13	Amendment of other Acts	10
571	Acts amended in sch 2	11
(1)	Schedule 2 amends the Acts it mentions.	12
(2)	However, subsection (1) does not apply in relation to a particular Act if another provision of this Act states that schedule 2 amends the particular Act.	13 14 15

Schedule 1 **Decisions subject to appeal** 1

section 329(1) 2

**Section
reference**

Description of decision

Geothermal permits

- 57 refusal to approve proposed later work program
- 62 refusal to approve work program amendment
- 66 refusal of application for declaration of potential
geothermal commercial area
- 73 decision to take proposed action under section 72
for geothermal permit
- 120 refusal to approve proposed test plan for production
testing
- 120 imposition of condition on approval of proposed test plan,
other than a condition agreed to or requested by the
relevant geothermal permit holder

Geothermal leases

- 80 decision not to grant a geothermal lease
- 97 refusal to approve proposed later development plan
- 102 refusal to approve development plan amendment

Geothermal coordination arrangements

- 143 cancellation of geothermal coordination arrangement

Section reference	Description of decision
Decisions under chapter 6	
203	decision to require security for geothermal tenure other than security in the form and amount prescribed under section 203(2)
204	decision to require increase in total security required to more than the prescribed amount under section 203(2) when the requirement is made
232	decision to give direction to ease concerns of owner or occupier
236	decision to give road use direction
241	imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant geothermal tenure holder
281	refusal to approve and register third party transfer or sublease
288	refusal to renew geothermal tenure
297	refusal to approve surrender of geothermal tenure
297	decision to approve partial surrender of geothermal tenure subject to the applicant's written agreement to the Minister amending the conditions applying to the rest of the tenure in a stated way, if the applicant has not agreed in writing to the amendment
346	decision to take action to ensure compliance with a requirement under this Act of a geothermal tenure holder other than action to which the holder has agreed
348	refusal to replace instrument for geothermal tenure

**Section
reference**

Description of decision

Miscellaneous

318

decision to take noncompliance action for geothermal
tenure

Schedule 2	Minor and consequential amendments of Acts	1 2
	sections 401, 413, 417, 419, 429, 440, 457, 466, 479, 482, 488, 506, 519, 530 561, 564 and 571	3 4
Part 1	Amendments commencing on date of assent	5 6
	Greenhouse Gas Storage Act 2009	7
1	Long title, from ‘and to amend’— <i>omit.</i>	8 9
2	Section 72(3)(b), ‘lodgement under paragraph (a)’— <i>omit, insert—</i> ‘the notice is given’.	10 11 12
3	Sections 101, 104(3)(b), 245, 246 and 247(1) ‘GHG viability report’— <i>omit, insert—</i> ‘GHG storage viability report’.	13 14 15 16
4	Section 102(1), ‘a part’— <i>omit, insert—</i> ‘an area’.	17 18 19

5	Section 157(1), ‘to for’—	1
	<i>omit, insert—</i>	2
	‘for’.	3
6	Section 172(6), definition <i>relevant fee</i>, ‘lodgement’—	4
	<i>omit, insert—</i>	5
	‘giving’.	6
7	Section 184(b)(iii), ‘or’—	7
	<i>omit, insert—</i>	8
	‘; or’.	9
8	Section 189(3)(c), ‘GHG tenure’—	10
	<i>omit, insert—</i>	11
	‘GHG lease’.	12
9	Section 189(4), ‘GHG tenure’—	13
	<i>omit, insert—</i>	14
	‘GHG lease’.	15
10	Section 212, ‘affect’—	16
	<i>omit, insert—</i>	17
	‘effect’.	18
11	Section 267(3)(c), ‘responsible person’—	19
	<i>omit, insert—</i>	20
	‘GHG tenure holder’.	21

12	Section 290(3), ‘the Minister must consider the following’— <i>omit, insert—</i> ‘the following must be considered’.	1 2 3 4
13	Section 294(3), ‘Subsection (4)’— <i>omit, insert—</i> ‘Subsection (2)’.	5 6 7
14	Section 381, heading, ‘other than immediate suspension’— <i>omit.</i>	8 9 10
15	Section 381(2)(c)— <i>omit.</i>	11 12
16	Section 381(3)— <i>omit.</i>	13 14
17	Section 384(3), ‘or suspend’— <i>omit.</i>	15 16
18	Section 402— <i>omit.</i>	17 18
19	Section 406(e)(iii), ‘or suspended’— <i>omit.</i>	19 20

Schedule 2

20	Section 420, heading, ‘authority-related’—	1
	<i>omit, insert—</i>	2
	‘GHG storage’.	3
21	Schedule 2, definition <i>GHG viability report</i>—	4
	<i>omit.</i>	5
22	Schedule 2—	6
	<i>insert—</i>	7
	‘<i>GHG storage viability report</i> see section 245(1).	8
	<i>relinquishment notice</i> see section 72(3)(a).’.	9
	 Petroleum and Gas (Production and Safety) Act 2004	10
1	Section 90(1), ‘a part’—	11
	<i>omit, insert—</i>	12
	‘an area’.	13

Part 2	Amendments relating to land access and owners and occupiers	1 2 3
	Greenhouse Gas Storage Act 2009	4
1	Section 268(3), ‘Parts 7, 8 and 10’— <i>omit, insert—</i> ‘Parts 7 and 8 and part 10, division 1’.	5 6 7
2	Chapter 5, part 7, divisions 4 to 7— <i>renumber</i> as chapter 5, part 7, divisions 2 to 5.	8 9
3	Section 286, heading, ‘div 4’— <i>omit, insert—</i> ‘div 2’.	10 11 12
4	Chapter 5, part 8, division 1, subdivision 3, heading— <i>omit.</i>	13 14
5	Sections 305 to 311— <i>relocate</i> and <i>renumber</i> in chapter 5, part 10, division 2 as inserted under this Act, as sections 325F to 325L.	15 16 17
6	Section 325F(3)(b), as relocated and renumbered, ‘section 311’— <i>omit, insert—</i> ‘section 325L’.	18 19 20 21

7	Section 325J(3), as relocated and renumbered, ‘Sections 307 and 308’—	1
	<i>omit, insert—</i>	2
	‘Sections 325H and 325I’.	3
		4
8	Section 325J(5)(c), as relocated and renumbered, ‘section 308(1)’—	5
	<i>omit, insert—</i>	6
	‘section 325I(1)’.	7
		8
9	Section 325L(2), as relocated and renumbered, ‘section 309’—	9
	<i>omit, insert—</i>	10
	‘section 325J’.	11
		12
10	Section 393(5), definition <i>designated provision</i>, first dot point, ‘, 285’—	13
	<i>omit.</i>	14
		15
11	Chapter 8, after heading—	16
	<i>insert—</i>	17
‘Part 1	Transitional provisions for Act No. 3 of 2009’.	18
		19
12	Section 430, heading, ‘ch 8’—	20
	<i>omit, insert—</i>	21
	‘pt 1’.	22

13	Sections 430, 433(1) and 436, ‘chapter’—	1
	<i>omit, insert—</i>	2
	‘part’.	3
14	Schedule 2, definition <i>mining lease</i>, ‘schedule’—	4
	<i>omit, insert—</i>	5
	‘schedule 2’.	6
 Mineral Resources Act 1989		7
1	Sections 5 and 423, ‘the schedule’—	8
	<i>omit, insert—</i>	9
	‘schedule 2’.	10
2	Section 491(2), ‘Sections 169 to 174 apply’—	11
	<i>omit, insert—</i>	12
	‘Part 10, division 1B applies’.	13
3	Section 491(2), ‘section 169(1)(a)’—	14
	<i>omit, insert—</i>	15
	‘section 335F(b)’.	16
4	Section 491(3), ‘section 170(3)’—	17
	<i>omit, insert—</i>	18
	‘section 335H(3)’.	19

5	Section 491(4), ‘section 174’—	1
	<i>omit, insert—</i>	2
	‘section 335I’.	3
6	Section 547(2), ‘Sections 217 to 222 apply’—	4
	<i>omit, insert—</i>	5
	‘Part 10, division 1B applies’.	6
7	Section 547(2), ‘section 217(1)(a)’—	7
	<i>omit, insert—</i>	8
	‘section 335F(b)’.	9
8	Section 547(3), ‘section 218(3)’—	10
	<i>omit, insert—</i>	11
	‘section 335H(3)’.	12
9	Section 547(4), ‘section 222’—	13
	<i>omit, insert—</i>	14
	‘section 335I’.	15
	Petroleum Act 1923	16
1	Section 2, definition <i>mining lease</i>, ‘schedule’—	17
	<i>omit, insert—</i>	18
	‘schedule 2’.	19

2	Sections 75IZC(2) and 75IZG(4), ‘part 6K’—	1
	<i>omit, insert—</i>	2
	‘part 6K, division 1’.	3
3	Part 6H, divisions 4 to 6—	4
	<i>renumber</i> as part 6H, divisions 2 to 4.	5
4	Part 6I, division 1, subdivision 3, heading—	6
	<i>omit.</i>	7
5	Sections 79B to 79H—	8
	<i>relocate</i> and <i>renumber</i> in part 6K, division 2 as inserted under this Act, as sections 79VF to 79VL.	9 10
6	Section 79VF(3)(b), as relocated and renumbered, ‘section 79H’—	11 12
	<i>omit, insert—</i>	13
	‘section 79VL’.	14
7	Section 79VJ(3) as relocated and renumbered, ‘Sections 79D and 79E’—	15 16
	<i>omit, insert—</i>	17
	‘Sections 79VH and 79VI’.	18
8	Section 79VJ(5)(c) as relocated and renumbered, ‘section 79E(1)’—	19 20
	<i>omit, insert—</i>	21
	‘section 79VI(1)’.	22

9	Section 79VL(2) as relocated and renumbered, ‘section 79F’—	1
	<i>omit, insert—</i>	2
	<i>‘section 79VJ’.</i>	3
		4
	Petroleum and Gas (Production and Safety) Act 2004	5
1	Sections 272(2) and 276(4), ‘chapter 5, part 5’—	6
	<i>omit, insert—</i>	7
	<i>‘chapter 5, part 5, division 1’.</i>	8
2	Sections 279(3) and 293(3), ‘Chapter 5, parts 2, 3 and 5’—	9
	<i>omit, insert—</i>	10
	<i>‘Chapter 5, part 5, division 1 and parts 2 and 3’.</i>	11
3	Chapter 5, part 2, divisions 3 to 6—	12
	<i>renumber as divisions 2 to 5.</i>	13
4	Chapter 5, part 3, division 1, subdivision 3, heading—	14
	<i>omit.</i>	15
5	Sections 519 to 525—	16
	<i>relocate and renumber in chapter 5, part 5, division 2 as</i>	17
	<i>inserted under this Act, as sections 537F to 537L.</i>	18
6	Section 537F(3)(b), as relocated and renumbered, ‘section 525’—	19
	<i>omit, insert—</i>	20
	<i>‘section 537L’.</i>	21
		22

7	Section 537J(3), as relocated and renumbered, ‘Sections 521 and 522’—	1 2
	<i>omit, insert—</i>	3
	‘Sections 537H and 537I’.	4
8	Section 537J(5)(c), as relocated and renumbered, ‘section 522(1)’—	5 6
	<i>omit, insert—</i>	7
	‘section 537I(1)’.	8
9	Section 537L(2), as relocated and renumbered, ‘section 523’—	9 10
	<i>omit, insert—</i>	11
	‘section 537J’.	12
10	Schedule 2, definition <i>mining lease</i>, ‘schedule’—	13
	<i>omit, insert—</i>	14
	‘schedule 2’.	15
Wild Rivers Act 2005		16
1	Section 31(3), definition <i>mining claim</i>, ‘schedule’—	17
	<i>omit, insert—</i>	18
	‘schedule 2’.	19

Part 3	Amendments of this Act	1
1	Long title, from ‘, to amend this Act,’— <i>omit.</i>	2 3
2	Section 10, ‘schedule 3’— <i>omit, insert—</i> ‘schedule 2’.	4 5 6
3	Schedule 3— <i>renumber</i> as schedule 2.	7 8
Part 4	Other amendments	9
	Aboriginal Land Act 1991	10
1	Section 41(5), definition <i>relevant purpose</i>— <i>insert—</i> ‘(d) the <i>Geothermal Energy Act 2010</i> .’.	11 12 13
2	Section 78(5), definition <i>relevant purpose</i>— <i>insert—</i> ‘(d) the <i>Geothermal Energy Act 2010</i> .’.	14 15 16
3	Section 88(1), ‘or the <i>Petroleum and Gas (Production and Safety) Act 2004</i>’— <i>omit, insert—</i>	17 18 19

	‘, the <i>Petroleum and Gas (Production and Safety) Act 2004</i> or the <i>Geothermal Energy Act 2010</i> ’.	1 2
4	Section 131(1)(a) and (4)(a)—	3
	<i>omit, insert—</i>	4
	‘(a) the interest is a—	5
	(i) mining interest; or	6
	(ii) geothermal tenure under the <i>Geothermal Energy Act 2010</i> ; or	7 8
	(iii) GHG authority under the <i>Greenhouse Gas Storage Act 2009</i> ; or’.	9 10
5	Schedule, definition <i>interest</i>, paragraph (e)—	11
	<i>omit, insert—</i>	12
	‘(e) a geothermal tenure under the <i>Geothermal Energy Act 2010</i> ; and	13 14
	(f) a GHG authority under the <i>Greenhouse Gas Storage Act 2009</i> .’.	15 16
	 Coastal Protection and Management Act 1995	 17
1	Schedule, definition <i>interest</i>—	18
	<i>insert—</i>	19
	‘(d) a geothermal production lease granted under the <i>Geothermal Energy Act 2010</i> .’.	20 21

	Dangerous Goods Safety Management Act 2001	1
1	Section 3(1)—	2
	<i>insert—</i>	3
	‘(g) land that, under the <i>Geothermal Energy Act 2010</i> , is used to carry out geothermal production.’.	4 5
	Environmental Protection Act 1994	6
1	Chapter 5A, part 5, division 5, heading, ‘petroleum activities’—	7 8
	<i>omit, insert—</i>	9
	‘other chapter 5A activities’.	10
2	Section 311Z, ‘petroleum activities’—	11
	<i>omit, insert—</i>	12
	‘geothermal activities or petroleum activities’.	13
3	Section 579(4)—	14
	<i>insert—</i>	15
	‘(e) the Geothermal Act, section 253.’.	16

Fire and Rescue Service Act 1990		1
1	Section 95(1)(c), after entry for <i>Petroleum and Gas (Production and Safety) Act 2004</i>—	2
	<i>insert—</i>	3
	<i>‘• Geothermal Energy Act 2010’.</i>	4
		5
Foreign Ownership of Land Register Act 1988		6
1	Section 4(1), definition <i>interest in land</i>, paragraph (o), after ‘<i>Coal Mining Safety and Health Act 1999</i>,’—	7
	<i>insert—</i>	8
	<i>‘the Geothermal Energy Act 2010.’.</i>	9
		10
Forestry Act 1959		11
1	Section 37(1), after ‘Mining Acts’—	12
	<i>insert—</i>	13
	<i>‘, a geothermal tenure under the Geothermal Act’.</i>	14
2	Section 37(3) and (4), after ‘Mining Acts’—	15
	<i>insert—</i>	16
	<i>‘, the Geothermal Act’.</i>	17
3	Section 39(1)(a), after ‘Mining Acts’—	18
	<i>insert—</i>	19
	<i>‘, the Geothermal Act’.</i>	20

4	Section 44(2), after ‘Mining Acts’—	1
	<i>insert—</i>	2
	‘, the Geothermal Act’.	3
5	Section 45(1)(f), after ‘Mining Acts’—	4
	<i>insert—</i>	5
	‘, the Geothermal Act’.	6
6	Section 47, heading, ‘forests’—	7
	<i>omit, insert—</i>	8
	‘forest’.	9
7	Section 47(b), after ‘Mining Acts’—	10
	<i>insert—</i>	11
	‘, the Geothermal Act’.	12
8	Section 53(1), after ‘Mining Acts’—	13
	<i>insert—</i>	14
	‘, the Geothermal Act’.	15
9	Section 102(1)(f)—	16
	<i>omit.</i>	17
10	Schedule 3—	18
	<i>insert—</i>	19
	‘ <i>Geothermal Act</i> means the <i>Geothermal Energy Act 2010</i> .’.	20

Greenhouse Gas Storage Act 2009	1
1 Chapter 1, part 3—	2
<i>insert—</i>	3
‘26A What is a <i>resource Act</i>	4
A <i>resource Act</i> is any of the following—	5
• this Act;	6
• the Geothermal Act;	7
• the Mineral Resources Act;	8
• the 1923 Act;	9
• the P&G Act.’.	10
2 Chapter 4, heading—	11
<i>omit, insert—</i>	12
‘Chapter 4 Coordination with particular authorities under other resource Acts’.	13 14 15
3 Section 184(c)—	16
<i>omit, insert—</i>	17
‘(c) a geothermal permit.’.	18
4 Section 185, heading—	19
<i>omit, insert—</i>	20
‘185 Relationship with other resource Acts and overlapping resource authorities’.	21 22
5 Section 185, from ‘another Act’ to ‘that Act’—	23
<i>omit, insert—</i>	24

	‘another resource Act or an authority, tenement or tenure under a resource Act’.	1 2
6	Section 199, heading, ‘overlapping authority’— <i>omit, insert—</i> ‘overlapping resource authority’.	3 4 5
7	Chapter 4, part 3, division 4, heading— <i>omit, insert—</i> ‘Division 4 Resource management decision’.	6 7 8
8	Section 200(1)(a), ‘other than a geothermal exploration permit’— <i>omit.</i>	9 10 11
9	Section 200(2), ‘under another Act about the overlapping authority’— <i>omit, insert—</i> ‘, under another resource Act’.	12 13 14 15
10	Section 212(d)— <i>omit, insert—</i> ‘(d) the effect of the GHG lease on safe and efficient use of resources under any overlapping resource authority for the GHG lease if the overlapping resource authority is a lease;’.	16 17 18 19 20 21
11	Chapter 4, part 5, heading, ‘another Act’— <i>omit, insert—</i> ‘resource Act’.	22 23 24

12	Sections 217(a) and 339(2), ‘another Act’—	1
	<i>omit, insert—</i>	2
	‘a resource Act’.	3
13	Section 221(1), ‘, a mining lease or petroleum lease holder’—	4
	<i>omit, insert—</i>	5
	‘a relevant lease holder’.	6
14	Section 221, ‘GHG permit’—	8
	<i>omit, insert—</i>	9
	‘GHG authority’.	10
15	Section 221(8), definition <i>parties</i>, paragraph (a), ‘lease’—	11
	<i>omit, insert—</i>	12
	‘relevant lease’.	13
16	Section 223(1)(a)(ii), ‘geothermal exploration permit’—	14
	<i>omit, insert—</i>	15
	‘geothermal permit’.	16
17	Section 231, heading, ‘overlapping authority’—	17
	<i>omit, insert—</i>	18
	‘overlapping resource authority’.	19
18	Section 231(4)(a), editor’s note—	20
	<i>omit.</i>	21

19	Section 347(a)(i), ‘to’—	1
	<i>omit, insert—</i>	2
	‘as’.	3
20	Section 380(2)(d)(i)(A), ‘chapter 4, part 5’—	4
	<i>omit, insert—</i>	5
	‘chapter 5, part 5’.	6
21	Schedule 2, definition <i>area</i>, paragraph 2, from ‘an authority’ to ‘the authority’—	7 8
	<i>omit, insert—</i>	9
	‘an authority, tenement or tenure granted under another resource Act is its area as defined under that Act or the area to which the authority, tenement or tenure’.	10 11 12
Land Act 1994		13
1	Section 20, heading, after ‘mining interests’—	14
	<i>insert—</i>	15
	‘, geothermal tenures’.	16
2	Section 20(1) and (2), after ‘mining interest’—	17
	<i>insert—</i>	18
	‘, geothermal tenure’.	19
3	Section 20(2)(b), after ‘<i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	20 21
	<i>insert—</i>	22
	‘, the <i>Geothermal Energy Act 2010</i> ’.	23

4	Section 20(3)—	1
	<i>insert—</i>	2
	<i>‘geothermal tenure means a geothermal tenure under the Geothermal Energy Act 2010.’.</i>	3
		4
5	Section 43(8), definition <i>relevant purpose</i>—	5
	<i>insert—</i>	6
	<i>‘(d) the Geothermal Energy Act 2010.’.</i>	7
	Land Court Act 2000	8
1	Section 32J(1)(b), entry for <i>Geothermal Exploration Act 2004</i>—	9
	<i>omit.</i>	10
		11
2	Section 32J(1)(b)—	12
	<i>insert—</i>	13
	<i>‘• Geothermal Energy Act 2010</i>	14
	<i>• Greenhouse Gas Storage Act 2009’.</i>	15
	Land Protection (Pest and Stock Route Management) Act 2002	16
		17
1	Section 17(1)(b)—	18
	<i>omit.</i>	19

2	Section 17(1)(c) and (d)—	1
	<i>renumber</i> as section 17(1)(b) and (c).	2
3	Chapter 11, part 2, heading, after ‘provisions’—	3
	<i>insert—</i>	4
	‘for Act No. 12 of 2002’.	5
4	Chapter 11, after section 328—	6
	<i>insert—</i>	7
‘Part 3	Savings and transitional provisions for repeal of Act No. 30 of 1987	8
		9
		10
‘Division 1	Saving provision	11
‘329	Saving of operation of particular provisions	12
	‘Each of the following provisions is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies—	13
		14
	(a) the <i>Timber Utilisation and Marketing Act 1987</i> , section 43;	15
		16
	<i>Editor’s note—</i>	17
	section 43 (Damage upon seizure or removal) of that Act	18
	(b) division 2.	19
‘Division 2	Transitional provisions	20
‘330	Definitions for div 2	21
	‘In this division—	22
	<i>associated brand</i> , for an existing authorisation, means a brand registered under section 22(1)(a)(ii) of the repealed Act for	23
		24

use by a person to brand timber that is chemically treated under the authorisation.	1 2
existing approval means an approval of a preservative treatment for timber under section 15 of the repealed Act, whether the approval was given on the TUMA chief executive's own volition or because of an application under section 16 of that Act.	3 4 5 6 7
existing authorisation means an authorisation under section 22(1)(a)(i) of the repealed Act to chemically treat timber using a preservative treatment for which there is an existing approval.	8 9 10 11
preservative treatment means a preservative treatment under section 6 of the repealed Act.	12 13
repealed Act means the repealed <i>Timber Utilisation and Marketing Act 1987</i> .	14 15
<i>Note—</i>	16
The repealed Act was repealed under the <i>Geothermal Energy Act 2010</i> , section 380.	17 18
TUMA chief executive means the chief executive of the department in which the repealed Act was administered.	19 20

'331 Application of div 2	21
'This division applies if—	22
(a) an existing approval for a preservative treatment was in force immediately before the repeal of the repealed Act; and	23 24 25
(b) an existing authorisation had been granted to a person to use the preservative treatment; and	26 27
(c) the existing authorisation and registration of the associated brand were in force immediately before the repeal of the repealed Act; and	28 29 30
(d) the person to whom the existing authorisation was granted is not—	31 32

(i)	a registered operator under the <i>Environmental Protection Act 1994</i> for carrying out chemical treatment of timber to which the authorisation relates; or	1 2 3 4
(ii)	acting under a registration certificate under that Act for carrying out the treatment.	5 6
‘332	Existing approval continues	7
‘(1)	The existing approval continues in force until 31 July 2011 unless it is sooner cancelled.	8 9
‘(2)	For this section, sections 17(1) and 18(a) and (b) of the repealed Act continue to apply as if the repealed Act had not been repealed.	10 11 12
	<i>Editor’s note—</i>	13
	sections 17 (Cancellation of approval) and 18 (Notice of cancellation to be given) of the repealed Act	14 15
‘333	Existing authorisation and registration continue	16
‘(1)	The existing authorisation and registration of the associated brand continue in force until 31 July 2011 unless—	17 18
(a)	the authorisation and registration are sooner cancelled; or	19 20
(b)	the existing approval for the preservative treatment to which the authorisation relates is sooner cancelled.	21 22
‘(2)	However, if registration of an associated brand is suspended under section 24 of the repealed Act as applied under subsection (3)(a)(i), the registration is suspended during the period of the suspension under the applied section.	23 24 25 26
‘(3)	For this section, the following provisions continue to apply as if the repealed Act had not been repealed—	27 28
(a)	the following provisions of the repealed Act—	29
(i)	section 24, other than subsection (1)(b);	30
(ii)	section 28(a) and (d), to the extent it relates to a brand registered under section 22(1)(a) of that Act;	31 32

	(iii) section 29, other than subsection (1)(e) and (f);	1
	(iv) sections 30 and 32;	2
	(v) section 36(2), (5), (6), (6A), (7), (8), (9) and (12);	3
	(vi) sections 38, 39, 40, 41, 44(1), 49 and 53(1) and (3);	4
	(vii) section 6, to the extent it contains definitions relevant to the provisions mentioned in subparagraphs (i) to (vi);	5 6 7
	(b) the repealed <i>Timber Utilisation and Marketing Regulation 1998</i> , section 10 and schedule 4.	8 9
	<i>Editor's note—</i>	10
	• section 24 (Cancellation of authorisation and cancellation or suspension of registration) of the repealed Act	11 12
	• sections 28 (Use of registered brands), 29 (Sale of preservative-treated timber), 30 (Certain timber not to be removed from preservative treatment plant) and 32 (Exceptions to the provisions of ss 30 and 31) of the repealed Act	13 14 15 16
	• sections 36 (Implied conditions), 38 (Powers of forest officers), 39 (Entry into dwelling house), 40 (Forest officer may require name and address), 41 (Obstruction of forest officer etc.), 44 (Offences), 49 (Sale of untreated timber branded with H level) and 53 (Regulation making power) of the repealed Act	17 18 19 20 21
	• repealed <i>Timber Utilisation and Marketing Regulation 1998</i> , section 10 (Assignable H levels and conditions—Act, s 53(3)) and schedule 4 (H levels and conditions)'.	22 23 24
5	Schedule 3, definition <i>owner</i>, paragraph (a)(vi) to (viii)— <i>renumber</i> as paragraph (a)(vii) to (ix).	25 26
6	Schedule 3, definition <i>owner</i>, paragraph (a)— <i>insert—</i>	27 28
	‘(vii)for land subject to a geothermal production lease under the <i>Geothermal Energy Act 2010</i> —the holder of the lease; or’.	29 30 31

Local Government Act 2009	1
1 Schedule 4, definition <i>owner</i>, paragraph (a)(viii)—	2
<i>omit, insert—</i>	3
‘(viii)a lessee of land under any of the following Acts—	4
• the <i>Geothermal Energy Act 2010</i>	5
• the <i>Greenhouse Gas Storage Act 2009</i>	6
• the <i>Petroleum Act 1923</i>	7
• the <i>Petroleum and Gas (Production and Safety) Act 2004</i> ; or’.	8 9
Nature Conservation Act 1992	10
1 Section 27, heading, after ‘mining’—	11
<i>insert—</i>	12
‘, geothermal activities’.	13
2 Section 27(1), after ‘mining interest’—	14
<i>insert—</i>	15
‘, geothermal tenure’.	16
3 Section 45(2)(a), after ‘mining interest’—	17
<i>insert—</i>	18
‘, geothermal tenure’.	19
4 Section 45(2)(a), ‘or GHG authority holder’—	20
<i>omit, insert—</i>	21
‘or authority holder’.	22

5	Section 70QA, heading, after ‘mining’—	1
	<i>insert—</i>	2
	‘, geothermal activities’.	3
6	Section 70QA, after ‘section 27’—	4
	<i>insert—</i>	5
	‘, a geothermal tenure’.	6
7	Schedule—	7
	<i>insert—</i>	8
	‘ <i>geothermal tenure</i> see the <i>Geothermal Energy Act 2010</i> , section 19(2).’.	9
		10
8	Schedule, definition <i>interest</i>, after ‘mining interest’—	11
	<i>insert—</i>	12
	‘, geothermal tenure’.	13
9	Schedule, definition <i>State land</i>, paragraph (d), after ‘mining interest’—	14
	<i>insert—</i>	15
	‘, geothermal tenure’.	16
		17
	 Petroleum Act 1923	 18
1	Section 75W(6)(a)(ii), ‘geothermal exploration permit’—	19
	<i>omit, insert—</i>	20
	‘geothermal tenure’.	21

2	Section 80U(2)(e)(i)—	1
	<i>omit, insert—</i>	2
	‘(i) is not an authorised activity for the tenure or that, under any of the following, can not be carried out on the land—	3
		4
		5
	(A) the Geothermal Act, chapter 5;	6
	(B) the GHG storage Act, chapter 4;	7
	(C) the Mineral Resources Act, section 3A or part 7AAC; and’.	8
		9
	Petroleum and Gas (Production and Safety) Act 2004	10
1	Section 24A(2), definition <i>resource Acts</i>, dot points for <i>Geothermal Exploration Act 2004</i> and <i>Geothermal Energy Act 2010</i>—	11
		12
		13
	<i>omit, insert—</i>	14
	‘• Geothermal Act’.	15
2	Section 294(6)(a)(ii), ‘geothermal exploration permit’—	16
	<i>omit, insert—</i>	17
	‘geothermal tenure’.	18
3	Section 791(2)(d)(i)—	19
	<i>omit, insert—</i>	20
	‘(i) is not an authorised activity for the authority or that, under any of the following, can not be carried out on the land—	21
		22
		23
	(A) the Geothermal Act, chapter 5;	24
	(B) the GHG storage Act, chapter 4;	25

	(C) the Mineral Resources Act, section 3A or part 7AAC; and’.	1 2
Queensland Heritage Act 1992		3
1	Schedule, definition <i>owner</i>, paragraph 1, after second occurring paragraph (d)—	4 5
	<i>insert—</i>	6
	‘(da) for land in the area of a geothermal tenure under the <i>Geothermal Energy Act 2010</i> —the person who holds the tenure; or’.	7 8 9
2	Schedule, definition <i>owner</i>, paragraph 1(d), first occurring, to paragraph (g)—	10 11
	<i>renumber</i> as paragraphs (c) to (h).	12
3	Schedule, definition <i>owner</i>, paragraph 1(c) as renumbered, ‘:’—	13 14
	<i>omit, insert—</i>	15
	‘; or’.	16
State Development and Public Works Organisation Act 1971		17 18
1	Section 26(7)—	19
	<i>omit, insert—</i>	20
	‘(7) If the project involves a proposed geothermal production lease under the <i>Geothermal Energy Act 2010</i> , the coordinator-general must also give a copy of the gazette	21 22 23

	notice to the Minister for the time being administering that Act.’.	1 2
2	Section 35(4)(b), ‘or 49E’— <i>omit, insert—</i> ‘, 49E or 49G’.	3 4 5
3	Section 35I(2)(a), ‘or 49E’— <i>omit, insert—</i> ‘, 49E or 49G’.	6 7 8
4	Part 4— <i>insert—</i>	9 10
‘Division 6C	Relationship with Geothermal Energy Act 2010	11 12
‘49F	Application of div 6C ‘This division applies if the project involves a proposed geothermal production lease under the <i>Geothermal Energy Act 2010</i> .’	13 14 15 16
‘49G	Application of coordinator-general’s report to proposed lease (1) The coordinator-general’s report for the EIS for the project may state conditions for the proposed lease. (2) If conditions under subsection (1) are included in the report, the coordinator-general must give the Minister of the department in which the <i>Geothermal Energy Act 2010</i> is administered a copy of the report.’.	17 18 19 20 21 22 23 24

Survey and Mapping Infrastructure Act 2003		1
1	Section 21(2)(b)—	2
	<i>insert—</i>	3
	‘(vi) a geothermal tenure under the <i>Geothermal Energy Act 2010</i> .’	4
		5
 Sustainable Planning Act 2009		6
1	Section 632(4), after ‘<i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	7
	<i>insert—</i>	8
	‘, the <i>Geothermal Energy Act 2010</i> ’.	9
		10
2	Section 642(2), after ‘<i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	11
	<i>insert—</i>	12
	‘, the <i>Geothermal Energy Act 2010</i> ’.	13
		14
 Torres Strait Islander Land Act 1991		15
1	Section 3, definition <i>interest</i>, paragraph (e)—	16
	<i>omit, insert—</i>	17
	‘(e) a geothermal tenure under the <i>Geothermal Energy Act 2010</i> ; and’.	18
		19

2	Section 38(5), definition <i>relevant purpose</i>—	1
	<i>insert—</i>	2
	‘(c) the <i>Greenhouse Gas Storage Act 2009</i> ; or	3
	(d) the <i>Geothermal Energy Act 2010</i> .’.	4
3	Section 85(1), ‘or the <i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	5
	<i>omit, insert—</i>	6
	‘, the <i>Petroleum and Gas (Production and Safety) Act 2004</i> or	7
	the <i>Geothermal Energy Act 2010</i> ’.	8
4	Section 128(1)(a)(ii) and (3)(a)(ii)—	10
	<i>omit, insert—</i>	11
	‘(ii) geothermal tenure under the <i>Geothermal Energy Act 2010</i> ; or’.	12
		13
	Valuation of Land Act 1944	14
1	Section 2—	15
	<i>insert—</i>	16
	‘ <i>geothermal lease</i> means a geothermal production lease under	17
	the <i>Geothermal Energy Act 2010</i> .’.	18
2	Section 7(2)(d), after ‘occupier of a’—	19
	<i>insert—</i>	20
	‘geothermal lease,’.	21

3	Section 26, heading—	1
	<i>omit, insert—</i>	2
‘26	Valuation of geothermal, GHG and petroleum leases’.	3
4	Section 26(1), ‘comprised in a petroleum lease or GHG lease shall be’—	4
	<i>omit, insert—</i>	5
	‘in the area of a geothermal lease, GHG lease or petroleum lease is’.	6
		7
		8
5	Section 26(2), definition <i>yearly rent</i>—	9
	<i>omit, insert—</i>	10
	‘ <i>yearly rent</i> , for a geothermal lease, GHG lease or petroleum lease is the annual rent under the Act under which the lease is granted on the date at which all lands in the lease’s area are required to be valued.’.	11
		12
		13
		14
	Whistleblowers Protection Act 1994	15
1	Schedule 2—	16
	<i>insert—</i>	17
	Geothermal Energy Act 2010	18
	• All provisions for which a contravention is an offence’.	19
		20

Schedule 3	Dictionary	1
	section 10	2
	<i>1923 Act</i> see section 8(c).	3
	<i>1923 Act petroleum tenure</i> see the 1923 Act, section 2.	4
	<i>access agreement</i> see section 220(2).	5
	<i>access land</i> , for a geothermal tenure, see section 219(3).	6
	<i>access rights</i> see section 219(2).	7
	<i>advanced activity</i> , for a provision about a geothermal tenure, means an authorised activity for the tenure other than a preliminary activity for the tenure.	8 9 10
	<i>Examples—</i>	11
	• levelling of drilling pads and digging sumps	12
	• earthworks associated with pipeline installation	13
	• vegetation clear-felling	14
	• constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump	15 16
	• geophysical surveying with physical clearing	17
	• carrying out a seismic survey using explosives	18
	• constructing a track or access road	19
	• changing a fence line	20
	<i>appeal period</i> , for a decision, means the period provided for under section 330 for starting an appeal against the decision.	21 22
	<i>applicant</i> , for chapter 5, part 3, see section 145(a).	23
	<i>application period</i> , for a released area, see section 34(4).	24
	<i>appropriately qualified</i> , for the performance of a function or exercise of a power, includes having the qualifications, experience and competence to perform the function or exercise the power.	25 26 27 28
	<i>approved form</i> means the form approved under section 377.	29

<i>area</i> —	1
1 The <i>area</i> , of a geothermal tenure, is the land to which the tenure is subject as recorded in the geothermal register.	2 3 4
2 The <i>area</i> of an authority, tenement or tenure granted under another resource Act is its area as defined under that Act or the area to which the authority, tenement or tenure is subject under that Act.	5 6 7 8
<i>authorised activity</i> , for a geothermal tenure, see section 22.	9
<i>authorised person</i> , for chapter 6, part 14, see section 299(2).	10
<i>authorised officer</i> means an authorised officer under the P&G Act.	11 12
<i>authority to prospect</i> means an authority to prospect under the 1923 Act or the P&G Act.	13 14
<i>block</i> see section 26(1).	15
<i>capability criteria</i> —	16
(a) for a geothermal permit or proposed geothermal permit—see section 41(b); or	17 18
(b) for a geothermal lease or proposed geothermal lease—see section 81(j).	19 20
<i>compensation agreement</i> , for chapter 6, part 8, division 2, see section 258(1).	21 22
<i>compensation application</i> , for chapter 6, part 8, division 2, means an application made under section 259(1).	23 24
<i>compensation liability</i> —	25
(a) for chapter 6, part 8, division 1—see section 246(2); or	26
(b) for chapter 6, part 8, division 2—see section 257(2).	27
<i>conditions</i> , of a geothermal tenure, see section 20.	28
<i>conduct and compensation agreement</i> see section 247(1).	29
<i>conduct and compensation agreement requirement</i> see section 215(2).	30 31
<i>construct</i> , a structure, includes placing the structure.	32

<i>conviction</i> includes a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.	1 2 3
<i>costs</i> , incurred by the State, includes the cost of services the State provides for itself.	4 5
<i>dangerous situation</i> means a situation relating to a geothermal activity, a GHG stream or petroleum or fuel gas in which an inspector reasonably believes an imminent risk of material harm to persons or property is likely if action is not taken to avoid, eliminate or minimise the risk.	6 7 8 9 10
<i>dealing</i> , with a geothermal tenure, see section 272.	11
<i>deferral agreement</i> see section 216(c)(i).	12
<i>development plan</i> , for a geothermal lease, see section 25(1).	13
<i>development plan criteria</i> see section 91(2).	14
<i>drill</i> includes to bore.	15
<i>eligible claimant</i> , for compensation, see section 246(1).	16
<i>eligible person</i> see section 23.	17
<i>enter</i> , a place, includes to exercise, in relation to the place, access rights or the rights under section 372.	18 19
<i>entry notice</i> —	20
(a) for chapter 6, part 5—see section 210(1); or	21
(b) for chapter 6, part 6—see section 238(2)(b).	22
<i>Environmental Protection Act</i> means the <i>Environmental Protection Act 1994</i> .	23 24
<i>excluded land</i> —	25
(a) for a particular geothermal tenure—means excluded land for the tenure decided under section 185; or	26 27
(b) generally—means any excluded land mentioned in paragraph (a).	28 29
<i>executive officer</i> , of a corporation, means a person who is concerned with or takes part in its management, whether or	30 31

not the person is a director or the person's position is given	1
the name of executive officer.	2
<i>exempt heat pump production</i> see section 15.	3
<i>exploration authority (non-geothermal)</i> see section 135.	4
<i>fee</i> includes tax.	5
<i>first authority</i> , for chapter 6, part 7, see section 242(1).	6
<i>geothermal activity</i> see section 18.	7
<i>geothermal assessment criteria</i> see section 146(1)(b).	8
<i>geothermal coordination arrangement</i> see section 137(4).	9
<i>geothermal energy</i> see section 11.	10
<i>geothermal exploration</i> see section 13.	11
<i>geothermal exploration permit</i> (also called a <i>geothermal permit</i>) see section 19(1)(a).	12 13
<i>geothermal heat pump</i> means a system for central heating or	14
air conditioning that actively pumps heat to or from below	15
ground of no more than 200m, using a fluid circulation	16
medium.	17
<i>Example of a fluid circulation medium—</i>	18
water	19
<i>Note—</i>	20
Geothermal heat pumps are known by a variety of other names,	21
including geexchange heat pumps, earth-coupled heat pumps, earth	22
energy heart pumps, ground-source heat pumps and water-source heat	23
pumps.	24
<i>geothermal lease</i> means a geothermal production lease.	25
<i>geothermal permit</i> means a geothermal exploration permit.	26
<i>geothermal producer</i> see section 104(1).	27
<i>geothermal production</i> see section 14.	28
<i>geothermal production lease</i> (also called a <i>geothermal lease</i>)	29
see section 19(1)(b).	30
<i>geothermal register</i> means the register the chief executive	31
keeps under section 266.	32

<i>geothermal resources</i>	see section 12.	1
<i>geothermal royalty</i>	means the geothermal royalty mentioned in section 104(1).	2 3
<i>geothermal statement</i>	see section 146(1)(a).	4
<i>geothermal tenure</i>	see section 19(2).	5
<i>geothermal viability report</i>	see section 378(2)(a)(i).	6
<i>geothermal well</i> —		7
1	A <i>geothermal well</i> is a hole in the ground made or being made by drilling or any other means to carry out geothermal exploration or geothermal production.	8 9 10
2	A <i>geothermal well</i> includes the casing for the well and any of the following attached to the well—	11 12
	• the casing head	13
	• a casing hanger or spool or tubing hanger	14
	• flow control equipment up to and including the wing valves.	15 16
3	To remove any doubt, it is declared that a <i>geothermal well</i> does not include a seismic shot hole or shallow hole drilled to work out a geological structure.	17 18 19
<i>GHG</i>	means greenhouse gas.	20
<i>GHG authority</i>	see the GHG storage Act, section 18(3).	21
<i>GHG lease</i>	see the GHG storage Act, section 18(1)(b).	22
<i>GHG permit</i>	see the GHG storage Act, section 18(1)(a).	23
<i>GHG storage</i>	see the GHG storage Act, section 3(2).	24
<i>GHG storage Act</i>	see section 8(a).	25
<i>GHG stream</i>	see the GHG storage Act, section 12.	26
<i>holder</i> , of a geothermal tenure,	means each person recorded as its holder in the geothermal register.	27 28
<i>holder submissions</i>	see section 149(1).	29
<i>independent viability assessment</i>	see section 378(2)(a)(ii).	30

<i>information notice</i> , for a decision, means a notice stating the following—	1
	2
(a) the decision, and the reasons for it;	3
(b) the rights of appeal under this Act;	4
(c) the period in which any appeal under this Act must be started;	5
	6
(d) how rights of appeal under this Act are to be exercised;	7
(e) that a stay of a decision the subject of an appeal under this Act may be applied for under this Act.	8
	9
<i>initial development plan requirements</i> see section 87.	10
<i>initial work program requirements</i> see section 45.	11
<i>inspector</i> means an inspector under the P&G Act.	12
<i>land</i> includes—	13
(a) land covered by Queensland waters; and	14
(b) subterranean land.	15
<i>land access code</i> see the P&G Act, section 24A.	16
<i>large-scale</i> , for geothermal production, means geothermal production that is of a large-scale as that term is affected by section 16.	17
	18
	19
<i>later development plan requirements</i> see section 93.	20
<i>later work program requirements</i> see section 51.	21
<i>made</i> , for an application, means made at the place provided for under section 356.	22
	23
<i>mandatory condition</i> , of a geothermal tenure, see section 20(2).	24
	25
<i>mandatory provision</i> , of the land access code, means a provision of that code that the code requires compliance with.	26
	27
<i>Mineral Resources Act</i> see section 8(b).	28
<i>minimum negotiation period</i> see section 250(2)(a).	29
<i>mining interest</i> means—	30
(a) a mining tenement under the Mineral Resources Act; or	31

- (b) a tenure held from the State under another Act about mining under which tenure the holder is authorised to carry out mining under the Mineral Resources Act or a related mineral or energy resources activity. 1
2
3
4
- mining lease** see the Mineral Resources Act, schedule 2. 5
- negotiation notice** see section 249(1). 6
- noncompliance action** means action of a type mentioned in section 314. 7
8
- notice** means a written notice. 9
- notifiable road use**, for a geothermal tenure, see section 234(1). 10
11
- occupier**, of a place, means— 12
- (a) a person who has a right to occupy the place other than under a mining interest, petroleum authority, 1923 Act petroleum tenure, GHG authority or geothermal tenure; 13
14
15
or 16
- (b) a person who has been given a right to occupy the place by a person mentioned in paragraph (a). 17
18
- on**, land or another place, includes across, attached to, in, under or over the land or place. 19
20
- operating plant** see the P&G Act, section 670. 21
- operator**, of an operating plant, see the P&G Act, section 673. 22
- overlapping authority application period** see section 155(2). 23
- overlapping authority priority** see section 149(3)(b). 24
- overlapping resource authority** see section 134. 25
- owner**— 26
- 1 An *owner*, of land, means each person as follows in relation to the land— 27
28
- (a) for freehold land—a registered owner; 29
- (b) for land for which a person is, or will be on performing conditions, entitled to a deed of grant in fee simple—the person; 30
31
32

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|-----|--|----------------------|
| (c) | if an estate in fee simple of land is being purchased from the State—the purchaser; | 1
2 |
| (d) | for a public road—the public road authority for the road; | 3
4 |
| (e) | for land that is busway land, light rail land, rail corridor land or a cane railway or other railway—the public land authority for the land; | 5
6
7 |
| (f) | for required land under the <i>Transport Infrastructure Act 1994</i> , section 436—the chief executive of the department in which that Act is administered; | 8
9
10
11 |
| (g) | for a forest entitlement area, State forest or timber reserve under the <i>Forestry Act 1959</i> —the chief executive of the department in which that Act is administered; | 12
13
14
15 |
| (h) | for a conservation park or resources reserve under the <i>Nature Conservation Act 1992</i> (the <i>NCA</i>) for which there are trustees— | 16
17
18 |
| | (i) if, under the <i>NCA</i> , the park or reserve has trustees whose powers are not restricted—the trustees; or | 19
20
21 |
| | (ii) otherwise—the chief executive of the department in which the <i>NCA</i> is administered; | 22
23
24 |
| (i) | for DOGIT land under the <i>Aboriginal Land Act 1991</i> or the <i>Torres Strait Islander Land Act 1991</i> —a trustee for the land; | 25
26
27 |
| (j) | for land held under a lease under the <i>Local Government (Aboriginal Lands) Act 1978</i> , section 3—a local government in whose area the land is situated; | 28
29
30
31 |
| (k) | for Torres Strait Islander land under the <i>Torres Strait Islander Land Act 1991</i> that is taken to be a reserve because of section 84(2) or 84(4)(b) of that Act—each grantee of the land; | 32
33
34
35 |
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Schedule 3

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|-------|--|----------------------------|
| (l) | for land under the <i>Land Act 1994</i> for which there are trustees—a trustee; | 1
2 |
| (m) | for transport land under the <i>Transport Planning and Coordination Act 1994</i> —the chief executive of the department in which that Act is administered; | 3
4
5 |
| (n) | for land vested in the Minister administering the <i>Education (General Provisions) Act 2006</i> —that Minister; | 6
7
8 |
| (o) | for land vested in the Queensland Housing Commission or another Minister or a chief executive responsible for constructing public buildings—the Minister administering the relevant Act; | 9
10
11
12
13 |
| (p) | for land held from the State under another Act under an interest that is less than fee simple (other than occupation rights under a permit under the <i>Land Act 1994</i>)—the person who holds the interest; | 14
15
16
17
18 |
| (q) | for any of the following land under the NCA—the State— | 19
20 |
| (i) | a national park; | 21 |
| (ii) | a national park (Aboriginal land); | 22 |
| (iii) | a national park (scientific); | 23 |
| (iv) | a national park (Torres Strait Islander land); | 24 |
| (v) | a national park (recovery); | 25 |
| (vi) | a forest reserve. | 26 |
| 2 | Also, a mortgagee of land is the <i>owner</i> of land if— | 27 |
| (a) | the mortgagee is acting as mortgagee in possession of the land and has the exclusive management and control of the land; or | 28
29
30 |
| (b) | the mortgagee or a person appointed by the mortgagee is in possession of the land and has the exclusive management and control of the land. | 31
32
33 |

- 3 If land or another thing has more than 1 owner, a 1
reference in this Act to the owner of the land or thing is 2
a reference to each of its owners. 3
- P&G Act*** see section 4. 4
- P&G Act safety provisions*** see section 4(a). 5
- parties***— 6
- (a) for chapter 6, part 8, division 1, subdivision 4, see 7
section 250(1); or 8
- (b) for chapter 7, part 1, see section 307. 9
- penalty relinquishment*** means a relinquishment that is— 10
- (a) made under a requirement under section 314(1)(b); and 11
- (b) more than the blocks or sub-blocks required to be 12
relinquished under the relinquishment condition. 13
- petroleum authority*** see the P&G Act, section 18(2). 14
- petroleum lease*** means a petroleum lease under the P&G Act 15
or a lease under the 1923 Act. 16
- petroleum tenure*** means any authority to prospect or any 17
petroleum lease. 18
- pipeline licence*** see the P&G Act, section 18(1)(f). 19
- place*** includes land. 20
- plan period***, for a development plan, means the period for 21
which the plan applies. 22
- potential geothermal commercial area***, for a geothermal 23
permit, means an area declared under section 66 to be a 24
potential geothermal commercial area for the permit. 25
- preliminary activity***— 26
- 1 Subject to paragraphs 2 to 4, a *preliminary activity*, for a 27
provision about a geothermal tenure, means an 28
authorised activity for the tenure that will have no 29
impact, or only a minor impact, on the business 30
activities of any owner or occupier of the land on which 31
the activity is to be carried out. 32
- Examples***— 33

Schedule 3

	• walking the area of the permit or licence	1
	• driving along an existing road or track in the area	2
	• taking soil or water samples	3
	• drilling without constructing earthworks	4
	• geophysical surveying without physical clearing	5
	• aerial, electrical or environmental surveying	6
	• seismic surveying without using explosives	7
	• survey pegging	8
2	An authorised activity for the geothermal tenure mentioned in paragraph 1 ceases to be a preliminary activity if it is carried out by or for the tenure holder for a continuous period of 6 months.	9 10 11 12
3	However, if after the 6 month period mentioned in paragraph 2 the authorised activity ceases and is resumed, on the resumption it becomes a preliminary activity.	13 14 15 16
4	The following are not preliminary activities—	17
	(a) an authorised activity carried out on land that—	18
	(i) is less than 100ha; and	19
	(ii) is being used for intensive farming or broadacre agriculture;	20 21
	<i>Examples—</i>	22
	• land used for dryland or irrigated cropping, plantation forestry or horticulture	23 24
	• a dairy, cattle or sheep feedlot, piggery or poultry farm	25 26
	(b) an authorised activity carried out within 600m of a school or an occupied residence;	27 28
	(c) an authorised activity that affects the lawful carrying out of an organic or bio-organic farming system.	29 30 31
	<i>private land—</i>	32
1	<i>Private land</i> is—	33

-
- | | | |
|-----|---|----------|
| (a) | freehold land; or | 1 |
| (b) | an interest in land less than fee simple held from the State under another Act. | 2
3 |
| 2 | However, land is not private land to the extent of an interest in any of the following relating to the land— | 4
5 |
| (a) | a mining interest; | 6 |
| (b) | a petroleum authority or 1923 Act petroleum tenure; | 7
8 |
| (c) | a GHG authority; | 9 |
| (d) | a geothermal tenure; | 10 |
| (e) | an occupation right under a permit under the <i>Land Act 1994</i> . | 11
12 |
| 3 | Also, land owned by a public land authority is not private land. | 13
14 |
| | <i>production commencement day</i> , for a geothermal lease, see section 82(5)(c). | 15
16 |
| | <i>production testing</i> see section 17. | 17 |
| | <i>program period</i> , for a work program, means the period for which the program applies. | 18
19 |
| | <i>proposed action</i> see section 72(1)(a). | 20 |
| | <i>proposed activities</i> for— | 21 |
| (a) | a proposed initial work program—see section 47(1)(b); or | 22
23 |
| (b) | a proposed initial development program—see section 89(1)(a). | 24
25 |
| | <i>provision</i> , of a geothermal tenure, means a provision of the tenure as that term is affected by section 21. | 26
27 |
| | <i>public land</i> means land other than— | 28 |
| (a) | private land; or | 29 |
| (b) | to the extent an interest in any of the following relates to the land— | 30
31 |
-

(i)	a mining interest;	1
(ii)	a petroleum authority or 1923 Act petroleum tenure;	2 3
(iii)	a GHG authority;	4
(iv)	a geothermal tenure;	5
(v)	an occupation right under a permit under the <i>Land Act 1994</i> .	6 7
	<i>public land authority</i> means—	8
(a)	for a public road—the public road authority for the road; or	9 10
(b)	if a local government or other authority is, under an Act, charged with the control of the land—the local government or other authority; or	11 12 13
(c)	otherwise—the chief executive of the department administering the Act under which entry to the land is administered.	14 15 16
	<i>public road</i> means an area of land that—	17
(a)	is open to or used by the public; and	18
(b)	is developed for or has as one of its main uses—	19
(i)	the driving or riding of motor vehicles; or	20
(ii)	pedestrian traffic; and	21
(c)	is controlled by a public road authority.	22
	<i>Examples of an area of land that may be included in a road—</i>	23
•	a bridge, culvert, ford, tunnel or viaduct	24
•	a pedestrian or bicycle path	25
	<i>public road authority</i> , for a public road, means—	26
(a)	for a State-controlled road—the chief executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered; or	27 28 29
(b)	for another public road—the local government having the control of the road.	30 31

<i>publish</i> , a notice, means to publish it in any of the following ways—	1 2
(a) in a journal published by the department or under the Minister's authority;	3 4
(b) in another publication the Minister considers appropriate;	5 6
(c) on the department's website;	7
(d) by placing it on a public notice board, established and maintained by the department at—	8 9
(i) the department's head office; and	10
(ii) other places the chief executive considers appropriate.	11 12
<i>reasonably believes</i> means to believe on grounds that are reasonable in the circumstances.	13 14
<i>reasonably considers</i> means to consider on grounds that are reasonable in the circumstances.	15 16
<i>reasonably satisfied</i> means to be satisfied on grounds that are reasonable in the circumstances.	17 18
<i>registration</i> , for a dealing, means recorded in the geothermal register.	19 20
<i>released area</i> see section 34(3).	21
<i>relevant authority</i> , for a geothermal coordination arrangement, see section 137(2).	22 23
<i>relevant environmental authority</i> , for a geothermal tenure or proposed geothermal tenure, means the environmental authority required under the Environmental Protection Act issued for all of the authorised activities for the tenure or proposed tenure that are environmentally relevant activities under that Act.	24 25 26 27 28 29
<i>relevant environmental condition</i> , for a provision about a geothermal tenure or proposed geothermal tenure, means a condition of the relevant environmental authority for the tenure or proposed tenure.	30 31 32 33

<i>relevant land</i> , for a geothermal lease application, means the land the subject of the application.	1 2
<i>relevant lease</i> , for a geothermal lease application, see section 155(2).	3 4
<i>relevant owner or occupier</i> , for a provision about entry notices, means the owner or occupier to whom the entry notice is to be given, or would be given, other than for an exemption from the requirement to give an entry notice.	5 6 7 8
<i>relevant Water Act authorisation</i> , for a provision about a geothermal tenure or proposed geothermal tenure, means any authorisation required under the Water Act to take or interfere with water needed for activities carried out or proposed to be carried out under the tenure.	9 10 11 12 13
<i>relinquishment condition</i> , for a geothermal permit, is the relinquishment condition under section 109(1).	14 15
<i>relinquishment notice</i> see section 109(2)(a).	16
<i>remedial powers</i> see section 299(2).	17
<i>report</i> means a written report.	18
<i>required information</i> , for chapter 6, part 2, division 3, see section 194.	19 20
<i>required way</i> , for giving reports to the chief executive, see section 189(5).	21 22
<i>resource Act</i> see section 27.	23
<i>resource management decision</i> see section 151.	24
<i>restricted area</i> see section 33(1).	25
<i>road use direction</i> see section 236(1).	26
<i>safety management plan</i> see the P&G Act, schedule 2.	27
<i>second authority</i> , for chapter 6, part 7, see section 242(1).	28
<i>security</i> includes a bond, deposit of an amount as security, guarantee, indemnity or other surety, insurance, mortgage and undertaking.	29 30 31

<i>services of the State</i> has the same meaning that the term has in relation to the State of Queensland under the <i>Copyright Act 1968</i> (Cwlth), section 183(1).	1 2 3
<i>share</i> , of a geothermal tenure, means any interest held by a person as a holder of the tenure in all of the tenure's area.	4 5
<i>significant project</i> means a project declared under the <i>State Development and Public Works Organisation Act 1971</i> , section 26, to be a significant project.	6 7 8
<i>State-controlled road</i> see <i>Transport Infrastructure Act 1994</i> , schedule 6.	9 10
<i>structure</i> means anything built or constructed, whether or not attached to land.	11 12
<i>sub-block</i> see section 26(2).	13
<i>sublease</i> , for chapter 6, part 11, means a sublease of a geothermal lease.	14 15
<i>submission</i> means a written submission.	16
<i>surrender</i> , for chapter 6, part 13, see section 295(2).	17
<i>surrender application</i> see section 295(1)(a).	18
<i>third party transfer</i> , of a geothermal tenure, see section 274.	19
<i>waiver of entry notice</i> —	20
(a) for chapter 6, part 5—means a waiver of entry notice mentioned in section 212 that complies with section 213(1); or	21 22 23
(b) for chapter 6, part 6—see section 238(3).	24
<i>Water Act</i> means the <i>Water Act 2000</i> .	25
<i>wet geothermal production</i> means geothermal production by the extraction of hot water from a subartesian basin.	26 27
<i>work program</i> , for a geothermal permit, see section 24.	28
<i>work program criteria</i> see section 49(2).	29