



Queensland

Mineral and Energy Resources (Common Provisions) Act 2014

Mineral and Energy Resources (Common Provisions) Regulation 2016

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Mineral and Energy Resources (Common Provisions) Regulation 2016

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Chapter 1 Preliminary

1 Short title

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

2 Commencement

This regulation commences on 27 September 2016.

3 Definitions

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

Chapter 2 Dealings and caveats

Part 1 Dealings

4 Prescribed dealings—Act, s 17

- (1) For section 17(1) of the Act, each of the following is a prescribed dealing—
 - (a) a mortgage over the resource authority or over a share in the resource authority;

[s 4A]

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

4A Notifiable dealings—Act, s 17A

For section 17A(1) of the Act, each of the following is a notifiable dealing—

- (a) a change to the resource authority holder's name even if the holder continues to be the same person after the change;
- (b) a non-assessable transfer.

5 Prohibited dealings—Act, s 18

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

- (a) for resource authorities under the Mineral Resources Act—a dealing with a prospecting permit, other than a transfer of a prospecting permit under the Mineral Resources Act, section 334N;
- (b) for resource authorities under the P&G Act—
 - (i) a transfer of a data acquisition authority or of a share in a data acquisition authority, other than a transfer by operation of law under the P&G Act, section 182; and
 - (ii) a transfer of a water monitoring authority or of a share in a water monitoring authority, other than a transfer by operation of law under the P&G Act, section 201; and
 - (iii) a transfer of a survey licence; and
 - (iv) a transfer of a pipeline licence, unless the pipeline the subject of the licence and the pipeline land for the licence are also to be transferred to the transferee of the pipeline licence; and
 - (v) a transfer of a petroleum facility licence, unless the petroleum facility the subject of the licence and the petroleum facility land for the licence are also to be transferred to the transferee of the licence; and
 - (vi) a transfer of a pipeline authorised under the P&G Act, section 33 or 110;
- (c) for resource authorities under the Greenhouse Gas Act—
 - (i) a transfer of a GHG data acquisition authority or of a share in a GHG data acquisition authority, other than a transfer by operation of law under the Greenhouse Gas Act, section 240; and
 - (ii) a transfer of a pipeline authorised under the Greenhouse Gas Act, section 31 or 111.

6 Transmission by death—Act, s 19B

- (1) This section applies if a notifiable dealing with a resource authority is required to be executed because the holder of the resource authority has died.
- (2) For section 19B(2) of the Act, the executor, administrator or public trustee administering the holder's estate must give notice to the chief executive of the notifiable dealing to enable its registration.
- (3) The notice must be given after the grant of probate or letters of administration has been made.
- (4) However, if the chief executive is satisfied the value of the holder's estate is not sufficient to justify the expense of an application for the grant of probate or letters of administration, the notice must be given at least 6 months after the day the holder died.

7 Sale by mortgagee or holder of charge—Act, s 19B

- (1) This section applies if a notifiable dealing with a resource authority is required to be executed because of the exercise of a power of sale in relation to the resource authority by a mortgagee or the holder of a charge.
- (2) For section 19B(2) of the Act, the mortgagee or holder of the charge must give notice to the chief executive of the notifiable dealing to enable its registration.

8 Bankruptcy—Act, s 19B

- (1) This section applies if a notifiable dealing with a resource authority is required to be executed because the holder of the resource authority is declared bankrupt.
- (2) For section 19B(2) of the Act, the trustee administering the bankruptcy must give notice to the chief executive of the notifiable dealing to enable its registration.

9 Administration, receivership or liquidation—Act, s 19B

- (1) This section applies if a notifiable dealing with a resource authority is required to be executed because the holder of the resource authority is placed into administration, receivership or liquidation.
- (2) For section 19B(2) of the Act, the administrator, receiver or liquidator must give notice to the chief executive of the notifiable dealing to enable its registration.

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

- (1) This section prescribes, for sections 19(2) and 194(1) of the Act, the criteria for deciding an application to the Minister for approval to register a prescribed dealing that is an assessable transfer.
- (2) The Minister must consider—
 - (a) the application and any additional information accompanying the application; and
 - (b) for a transfer of a resource authority under the Mineral Resources Act that is an exploration permit, mineral development licence or mining lease—whether the proposed transferee has the human, technical and financial resources to comply with the conditions of the resource authority under section 141, 194 or 276 of the Mineral Resources Act; and
 - (c) for a transfer of a resource authority under the P&G Act—the relevant criteria that apply under the P&G Act, chapter 2 or 4 for obtaining the type of resource authority the subject of the transfer; and
 - (d) for a transfer of a resource authority under the 1923 Act—the capability criteria under the 1923 Act for the authority; and
 - (e) for a transfer of a resource authority under the Geothermal Act—the relevant criteria that apply under

- the Geothermal Act, chapter 2 or 3 for obtaining the type of resource authority the subject of the transfer; and
- (f) for a transfer of a resource authority under the Greenhouse Gas Act—the relevant criteria that apply under the Greenhouse Gas Act, chapter 2 or 3 for obtaining the type of resource authority the subject of the transfer; and
 - (g) for a transfer of a resource authority that authorises the carrying out of a resource activity under an environmental authority in relation to which an ERC decision has been made—whether the proposed transferee has the financial resources to fund the estimated rehabilitation cost for the resource activity as stated in the ERC decision; and
 - (h) the public interest.
- (3) However, subsection (2) does not apply if, under subsection (6), the approval is taken to have been given.
- (4) The approval may be given only if the proposed transferee is—
- (a) an eligible person; and
 - (b) for a resource authority other than a small scale mining tenure within the meaning of the Environmental Protection Act—a registered suitable operator under the Environmental Protection Act; and
 - (c) for a resource authority under the Geothermal Act—the holder of any authorisation under the *Water Act 2000* required for the purposes of the resource authority.
- (5) Also, the Minister may refuse to give the approval if the Minister is not satisfied the transferor has substantially complied with the conditions of the resource authority.
- (6) The approval is taken to have been given if—
- (a) under section 23(3) of the Act, an indicative approval has been given for the proposed prescribed dealing; and

(b) subsection (4) and section 23 of the Act do not prevent the giving of the approval.

(7) In this section—

ERC decision means a decision of the administering authority under the Environmental Protection Act, section 300 about the estimated rehabilitation cost for a resource activity.

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

- (1) This section prescribes, for sections 19(2) and 194(1) of the Act, the criteria for deciding an application to the Minister for approval to register a prescribed dealing other than an assessable transfer.
- (2) The Minister must consider the application and any additional information accompanying the application.

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

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

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

For section 23(4)(b) of the Act, the period within which a prescribed applicant must apply to the Minister under

section 19 of the Act for approval to register the proposed prescribed dealing is the period of 6 months starting on the day the indicative approval is given.

Part 2 Caveats

14 Prohibited caveats—Act, s 25

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

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

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

- (a) an application under section 23(2) of the Act for an indicative approval of a proposed prescribed dealing with the resource authority has been made;
 - (b) an indicative approval of a proposed prescribed dealing with the resource authority has been given under section 23(5) of the Act;
 - (c) an application under section 19(1) of the Act for registration of a prescribed dealing that is an assessable transfer has been made;
 - (d) an application under section 19(1) of the Act for registration of a prescribed dealing mentioned in section 4(1)(a), (b) or (c) has been made;
 - (e) a notice under section 19B of the Act to enable registration of a notifiable dealing has been given.
- (3) For section 26(3)(a) of the Act, lodgement of the caveat does not prevent registration of the following—
- (a) for subsection (2)(a) or (b)—the proposed prescribed dealing;
 - (b) for subsection (2)(c) or (d)—the prescribed dealing;
 - (c) for subsection (2)(e)—the notifiable dealing.

Chapter 3 Land access

Part 1 Land access code

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

- (1) This section makes, for section 36 of the Act, a land access code for all Resource Acts that—

[s 17]

- (a) states best practice guidelines for communication between the holders of resource authorities and owners and occupiers of private land; and
 - (b) imposes on resource authorities mandatory conditions concerning the conduct of authorised activities on private land.
- (2) The land access code consists of—
 - (a) the best practice guidelines for communication stated in parts 1 and 2 of the document called ‘Land Access Code’ dated June 2023 and published by the department on its website; and
 - (b) schedule 1.

Part 2 Private land

17 Entry notice—Act, s 39

- (1) This section prescribes, for section 39(2)(a) of the Act, the requirements for an entry notice.
- (2) The notice must state—
 - (a) a description of the land to be entered; and
 - (b) the period during which the land is to be entered; and
 - (c) the authorised activities proposed to be carried out on the land; and
 - (d) when and where the activities are to be carried out; and
 - (e) the contact details of—
 - (i) the resource authority holder; or
 - (ii) another person the resource authority holder has authorised to discuss the matters stated in the notice.

-
- (3) If the notice is the first entry notice for the land given by the resource authority holder to a particular owner or occupier of the land, the notice must be accompanied by a copy of—
- (a) the resource authority to which the entry relates; and
 - (b) any relevant environmental authority for the resource authority; and
 - (c) the land access code; and
 - (d) any code or code of practice made under a Resource Act applying to authorised activities for the resource authority; and
 - (e) the document called ‘A guide to land access in Queensland’ published on the department’s website or the Queensland Government business and industry portal.

- (4) In this section—

relevant environmental authority, for a resource authority, means the environmental authority required under the Environmental Protection Act issued for all of the authorised activities of the resource authority that are environmentally relevant activities under that Act.

18 Maximum period for entry—Act, s 39

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

- (c) if the owner or occupier of the land and the resource authority holder agree in writing to a longer period—the longer period.

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

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

20 Waiver of entry notice—Act, s 42

- (1) This section prescribes, for section 42(2)(a) of the Act, the requirements for a waiver of entry notice.
- (2) The notice must state—
 - (a) that the resource authority holder has told the owner or occupier of the land that the owner or occupier is not required to give a waiver of entry notice; and
 - (b) the authorised activities proposed to be carried out on the land; and

- (c) the period during which the land will be entered; and
- (d) when and where the activities are to be carried out.
- (3) The notice must be signed by the owner or occupier of the land, unless the notice is part of a conduct and compensation agreement.

21 Deferral agreement—Act, s 44

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

22 Opt-out agreement—Act, s 45

- (1) This section prescribes, for section 45(2) of the Act, the requirements for an opt-out agreement.
- (2) The agreement must be—
 - (a) in the approved form; and

- (b) signed by the resource authority holder and the owner or occupier of the land.

23 Report to owner or occupier—Act, s 54

- (1) This section prescribes—
 - (a) for section 54(2) of the Act, the period within which a report about entry to land must be given to an owner or occupier of the land; and
 - (b) for section 54(3) of the Act, the requirements for the report.
- (2) The period for giving the report is—
 - (a) for an owner or occupier of land who has been given an entry notice by a resource authority holder—within 3 months after the end of the entry period stated in the notice; or
 - (b) for an owner or occupier of land who has given a waiver of entry notice to a resource authority holder—
 - (i) for an entry for a purpose related to an exploration resource authority—within 6 months after the waiver of entry notice was given; or
 - (ii) for an entry for a purpose related to a production-related resource authority—within 1 year after the waiver of entry notice was given; or
 - (iii) if, within the period mentioned in subparagraph (i) or (ii), the owner or occupier of the land and the resource authority holder agree in writing to a longer period—within the longer period.
- (3) The report must state—
 - (a) whether or not any activities were carried out on the land; and
 - (b) if activities were carried out on the land—
 - (i) the nature and extent of the activities; and
 - (ii) where the activities were carried out.

Part 3 Public land

Division 1 Entry to public land

24 Periodic entry notice—Act, s 57

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

[s 25]

- (b) for an entry to carry out an authorised activity for a production-related resource authority—1 year starting on the first day of the entry; or
- (c) if the public land authority and the resource authority holder agree in writing to a longer period—the longer period.

25 Waiver of entry notice—Act, s 60

- (1) This section prescribes, for section 60(2)(a) of the Act, the requirements for a waiver of entry notice.
- (2) The notice must state—
 - (a) that the resource authority holder has told the public land authority that the authority was not required to give a waiver of entry notice; and
 - (b) the authorised activities proposed to be carried out on the land; and
 - (c) the period during which the land will be entered; and
 - (d) when and where the activities are to be carried out.
- (3) The notice must be signed by the public land authority.

Division 2 Notifiable road use

26 Notifiable road use—Act, s 62

- (1) For section 62 of the Act, a notifiable road use is—
 - (a) use of a public road, within an authorised area for a resource authority, for transport relating to a seismic survey or drilling activity; or
 - (b) use of a public road at more than the haulage threshold rate if the haulage relates to—
 - (i) transporting minerals that were mined, released by mining, or processed on land in an authorised area

for a resource authority under the Mineral Resources Act; or

Example of processed minerals—

minerals processed in a refinery to become another substance

- (ii) transporting petroleum produced or processed in an authorised area for a resource authority under the P&G Act or 1923 Act; or
- (iii) transporting GHG streams for a resource authority under the Greenhouse Gas Act; or
- (iv) constructing a pipeline for a relevant resource authority.

(2) Subsection (1)(b) applies even if the public road is not on land in the area of the resource authority.

(3) In this section—

haulage threshold rate means—

- (a) for a State-controlled road—50,000t a year; or
- (b) for another public road—10,000t a year.

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

27 Notice of notifiable road use—Act, s 63

- (1) This section prescribes, for section 63(1)(a) of the Act, the requirements for a notice that a resource authority holder proposes to carry out a notifiable road use.
- (2) The notice must state—
 - (a) the public road proposed to be used; and
 - (b) the type of vehicle proposed to be used; and
 - (c) the type of material proposed to be hauled; and
 - (d) the total weight of material proposed to be hauled, expressed—

[s 28]

- (i) as the total weight of material to be hauled in a year; or
 - (ii) in another way; and
- (e) the period during which the public road is proposed to be used; and
- (f) the frequency of vehicle movements on the public road; and
- (g) contact details for—
 - (i) the resource authority holder; or
 - (ii) another person the resource authority holder has authorised to discuss the matters stated in the notice.
- (3) The notice must be given—
 - (a) at least 10 business days before the notifiable road use is proposed to start; or
 - (b) if the public road authority agrees in writing to a shorter period—within the shorter period.

28 Exempted resource authority—Act, s 65

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

Part 4 Restricted land

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

- (1) This section prescribes, for section 67 of the Act, definition *prescribed activity*, paragraph (b)(v), activities that are not prescribed activities for a resource authority.

- (2) The activities are each of the following associated with the installation of an underground pipeline or cable as mentioned in section 67, definition *prescribed activity*, paragraph (b)(i) of the Act—
 - (a) preliminary surveying;
 - (b) rehabilitation including, for example, revegetation.

Part 5 Compensation and negotiated access

30 Conduct and compensation agreement—Act, s 83

- (1) This section prescribes, for section 83(4) of the Act, the requirements for a conduct and compensation agreement entered into by an eligible claimant and a resource authority holder.
- (2) The agreement must—
 - (a) provide for the matters mentioned in section 83(1) of the Act; and
 - (b) state whether the agreement is for all or part of the holder's compensation liability to the eligible claimant; and
 - (c) if the agreement is for only part of the compensation liability, state—
 - (i) details of each activity, or the effect of the activity, to which the agreement relates; and
 - (ii) the period for which the agreement has effect; and
 - (d) provide—
 - (i) to the extent the compensation liability is monetary—the amount of the compensation; and
 - (ii) for how and when the compensation liability will be met; and
 - (e) state that under section 92 of the Act—

[s 30A]

- (i) the resource authority holder is required to give notice of the agreement to the registrar; and
 - (ii) the registrar is required to record the agreement in the relevant register.
- (3) The agreement must be signed by—
 - (a) the eligible claimant; and
 - (b) the resource authority holder.
- (4) This section does not limit the matters that may be provided for in a conduct and compensation agreement.

30A Conference election notice—Act, s 83A

- (1) This section prescribes, for section 83A(3)(b) of the Act, other information for a conference election notice.
- (2) The other information is—
 - (a) a description of the land proposed to be entered; and
 - (b) the contact details for the party.

30B Conduct of conference—Act, s 83B

- (1) This section prescribes, for section 83B(2) of the Act, the requirements for conducting a conference to negotiate a resolution of the dispute.
- (2) The authorised officer conducting the conference must give the parties a written notice—
 - (a) requesting their attendance at the conference; and
 - (b) stating—
 - (i) when and where the conference will be held; and
 - (ii) the matters to be discussed at the conference.
- (3) A party given notice of the conference may attend and take part in the conference.

- (4) A party must not be represented by a lawyer at the conference unless—
 - (a) the other party agrees; and
 - (b) the authorised officer is satisfied there is no disadvantage to the other party.
- (5) A person, other than a party or a lawyer representing a party, may attend the conference to help a party only with the authorised officer's approval.
- (6) Other than as provided for under the Act and subsections (2) to (5), the conference must be conducted in the way decided by the authorised officer.

31 Negotiation notice—Act, s 84

- (1) This section prescribes, for section 84(2) of the Act, the requirements for a negotiation notice given to an eligible claimant.
- (2) The notice must state each of the following—
 - (a) if the resource authority holder wants to negotiate a conduct and compensation agreement—
 - (i) whether the holder wants to negotiate all or part of the holder's compensation liability; and
 - (ii) if the holder wants to negotiate only part of the compensation liability—which part of the liability the holder wants to negotiate;
 - (b) if the resource authority holder wants to negotiate a deferral agreement—that fact and the reasons for the holder wanting to negotiate the agreement;
 - (c) a description of the land proposed to be entered;
 - (d) the activities proposed to be carried out on the land;
 - (e) when and where the activities are to be carried out;
 - (f) the contact details for—
 - (i) the resource authority holder; or

[s 32]

- (ii) another person the resource authority holder has authorised to discuss the matters stated in the notice.
- (3) The notice must be accompanied by a copy of—
 - (a) the land access code, if any, applicable to the eligible claimant; and
 - (b) the document called ‘A guide to land access in Queensland’ published on the department’s website or the Queensland Government business and industry portal.

32 Minimum negotiation period—Act, s 85

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

34 Requirements for road compensation agreement—Act, s 94

- (1) This section prescribes, for section 94(2) of the Act, the requirements for a road compensation agreement.
- (2) The agreement must—
 - (a) state whether the agreement is for all or part of the compensation liability; and
 - (b) if the agreement is for part of the compensation liability, state—
 - (i) each part of the notifiable road use to which the agreement relates; and
 - (ii) the period for which the agreement has effect; and

- (c) provide for how and when the compensation liability will be met.
- (3) The agreement must be signed by—
 - (a) the resource authority holder; and
 - (b) the public road authority.

Part 6 Miscellaneous

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

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

- (3) Subsection (1)(b)(ii) applies whether or not the rates or charges relate to a notifiable road use.

35A Conduct of conference about concerns—Act, s 101F

- (1) This section prescribes, for section 101F(2) of the Act, the requirements for conducting a conference to discuss a concern relating to a resource authority.
- (2) The authorised officer conducting the conference must give the parties a written notice—
 - (a) requesting their attendance at the conference; and
 - (b) stating—
 - (i) when and where the conference will be held; and
 - (ii) the concern to be discussed at the conference.
- (3) A party given notice of the conference may attend and take part in the conference.
- (4) A party must not be represented by a lawyer at the conference unless—
 - (a) each other party agrees; and
 - (b) the authorised officer is satisfied there is no disadvantage to each other party.
- (5) A person, other than a party or a lawyer representing a party, may attend the conference to help a party only with the authorised officer's approval.
- (6) Other than as provided for under the Act and subsections (2) to (5), the conference must be conducted in the way decided by the authorised officer.

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

- (1) This section prescribes, for section 205(1) of the Act, the period within which a relevant entity must comply with a requirement of the chief executive to give the chief executive a

copy of a notice or consent given by or to the relevant entity under chapter 3 of the Act.

- (2) The period is 10 business days starting on the day the chief executive makes the requirement.

36B Prescribed ADR institutes—Act, sch 2, def *prescribed ADR institute*

For schedule 2 of the Act, definition *prescribed ADR institute*, the Resolution Institute ABN 69 008 651 232 is prescribed.

Chapter 4 Overlapping coal and petroleum resource authorities

Part 1 Preliminary

37 Definitions for chapter

In this chapter—

P50 petroleum reserves means petroleum reserves for which there is at least a 50 per cent probability that the quantities actually recovered will equal or exceed the best estimate of production within the meaning of the SPE code.

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

Part 2 Right of way for coal

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

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

39 Prescribed threshold for petroleum production—Act, s 127

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

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

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

- (a) a map that shows—
 - (i) each of the resource authorities, identified by their identifying number, to which the plan relates; and
 - (ii) each overlapping area to which the plan relates;
- (b) the statement in the agreed joint development plan, required under section 130(3)(f) of the Act, about the optimisation of the development and use of the State's coal and coal seam gas resources;
- (c) a statement about whether the agreed joint development plan has been prepared in accordance with section 130(3) of the Act.

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

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

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

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

- (a) the indicative volume, composition and production rate of the gas;
- (b) whether the gas is diluted incidental coal seam gas or undiluted incidental coal seam gas and the percentage of methane in each;
- (c) a single location at which the gas is proposed to be delivered;
- (d) the transportation requirements for the proposed delivery of the gas;
- (e) the proposed payment arrangements including, for example, arrangements for—
 - (i) payment by the petroleum resource authority holder of a reasonable contribution to production costs; and
 - (ii) payment by the petroleum resource authority holder of transportation costs; and
 - (iii) payment by the petroleum resource authority holder of costs incurred by the ML (coal) holder in the event that the petroleum resource authority holder does not take supply of the accepted gas.
- (f) the due date for acceptance of the offer.

Part 3 Subsequent petroleum production

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

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

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

Part 4 Compensation

44 Definition for part

In this part—

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

45 Lost production—Act, s 162

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

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

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of the Act—the new changed date, for the IMA or RMA, as mentioned in section 115(1)(c) of the Act; and

- (c) the volume of lost production is based on the PL holder's production forecast for P50 petroleum reserves for wells located in an IMA or RMA for the overlapping area;
- (d) the volume of lost production is based on the PL holder's demonstrated intention and capacity to produce the coal seam gas;
- (e) the value and volume of lost production is supported by documentary evidence;
- (f) if required by the ML (coal) holder—the volume of lost production is independently certified by an appropriately qualified person;
- (g) the value of lost production is based on the price of coal seam gas on the date the PL holder intended to produce the coal seam gas comprising the lost production;
- (h) the value of lost production excludes the PL holder's avoided costs.

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

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

- (a) the cost is limited to PL major gas infrastructure located in an IMA or RMA for the overlapping area;
- (b) the cost is based on the cost of PL major gas infrastructure that is of the same standard and specification as the PL major gas infrastructure required to be replaced as at the date the PL major gas infrastructure is required to be replaced;

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

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

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

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

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

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

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

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

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

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

- (b) the cost is based on the depreciated value of the infrastructure at the date the ATP holder is no longer able to use the infrastructure;
- (c) the cost is fair and reasonable;
- (d) the cost is supported by documentary evidence.

50 Minimising compensation liability—Act, s 170

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

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

Examples of co-operative arrangements—

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

51 Offsetting of compensation liability—Act, s 171

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

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

52 Reconciliation payment—Act, s 172

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

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

Part 5 Dispute resolution

53 Prescribed arbitration institutes—Act, sch 2, def *prescribed arbitration institute*

For schedule 2 of the Act, definition *prescribed arbitration institute*, the following entities are prescribed—

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

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

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

- (a) any evidence supplied to the arbitrator;
- (b) for making a decision under section 181(1) of the Act about the liability of the parties to pay the costs of the arbitration—
 - (i) whether a party has made a frivolous or vexatious claim in the arbitration; and
 - (ii) whether a party has complied with an order or direction of the arbitrator; and
 - (iii) whether a party has participated in the arbitration in good faith; and
 - (iv) the amount of any fees incurred because of the appointment of experts under section 179 of the Act.

55 Experts appointed by arbitrator—Act, s 179

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

[s 56]

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

Examples of particular fields of knowledge—

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

Chapter 5 Applications and other documents

56 Requirements for amending application—Act, s 191

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

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

57 Requirements for withdrawing application—Act, s 192

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

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

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

59 Prescribed place of lodging documents—Act, s 196

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

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

60 Prescribed way of lodging documents—Act, s 196

- (1) For section 196(2)(b) of the Act, the way in which a document must be lodged is—
 - (a) if the chief executive gives the entity lodging the document a written notice that provides for the document to be lodged in a stated way—in the stated way; or
 - (b) otherwise—
 - (i) by electronically lodging the document using the online system on the department’s website; or
 - (ii) by delivering the document personally; or

(iii) by sending the document by post.

- (2) A document that is electronically lodged after 4.30pm on a business day and before 8.30am on the next business day (the *later day*) is taken to have been lodged at 8.30am on the later day.

Chapter 6 Miscellaneous

Part 1 Arrangement for deferring payment of rent

Division 1 Preliminary

60A Purpose of part

For section 204B of the Act, this part provides for an arrangement for deferring the payment of rent payable for a resource authority because of hardship.

60B Application of part

This part does not apply in relation to the payment of rent that is required to be paid on the grant of a resource authority.

Example of rent required to be paid on grant of resource authority—

rental payable, under the Mineral Resources Act, section 290(1), on the grant of a mining lease for the first rental period for the lease

60C Definitions for part

In this part—

affected resource authority see section 60D(1).

deferral declaration see section 60D(2).

deferral period, for the payment of rent, means the period for which the payment of the rent is deferred under division 2.

deferred rent, for a resource authority, means rent payable for the authority the payment of which is deferred under division 2.

exceptional circumstances, affecting a resource authority, means exceptional circumstances that—

- (a) result in significant adverse economic impacts on the authority; and
- (b) are outside the control of the authority's holder.

Examples of exceptional circumstances that may satisfy paragraphs (a) and (b)—

a natural disaster, a pandemic

payment day means—

- (a) for deferred rent for a resource authority—the day on or before which the deferred rent must be paid; or
- (b) for an instalment of deferred rent for a resource authority—the day on or before which the instalment of the deferred rent must be paid.

Division 2 Arrangement

Subdivision 1 Making deferral declaration

60D Declaration of hardship area

- (1) This section applies if the Minister is satisfied a holder of a resource authority (an ***affected resource authority***) is suffering hardship because of exceptional circumstances affecting the authority.
- (2) The Minister may, by notice (a ***deferral declaration***) published on the department's website or the Queensland Government business and industry portal, declare an area

comprising, or including, the authorised area for an affected resource authority as a hardship area.

60E Content of deferral declaration

- (1) A deferral declaration must state—
 - (a) the affected resource authorities to which the declaration relates; and
 - (b) details of the hardship being suffered by the holders of the authorities, including—
 - (i) the exceptional circumstances affecting the authorities; and
 - (ii) when the circumstances started; and
 - (c) each area declared as a hardship area; and
 - (d) that the payment of all or part of the rent that, but for the declaration, would have been payable by the holder of each affected resource authority, is deferred; and
 - (e) if the payment of only part of the rent is deferred—the proportion of the rent that is deferred; and
 - (f) the period, of not more than 1 year, for which the payment of the rent is deferred; and
 - (g) the terms of payment of the deferred rent, including—
 - (i) whether the deferred rent is to be paid in instalments; and
 - (ii) the day on or before which the deferred rent must be paid or, if the deferred rent is to be paid in instalments, the day on or before which each instalment of the deferred rent must be paid.
- (2) For subsection (1)(a), the affected resource authorities may be stated by reference to either, or a combination of both, of the following—
 - (a) all resource authorities of a particular type;
 - (b) a list of stated resource authorities.

- (3) For subsection (1)(c), an area may be declared as a hardship area by reference to either, or a combination of both, of the following—
- (a) an area comprising or including the authorised area for an affected resource authority;
 - (b) an area in a local government area.

60F Instalments may only be annual

Instalments for the payment of deferred rent may only be annual instalments.

60G Different payment days

The payment day for deferred rent, or each instalment of deferred rent, may be different for holders of different types of affected resource authorities.

60H Time limit for payment day

The payment day for deferred rent, or each instalment of deferred rent, for a resource authority must be within 5 years after the last day of the deferral period for the payment of rent.

Subdivision 2 Amending deferral declaration

60I Application of subdivision

This subdivision applies if the Minister—

- (a) has made a deferral declaration; and
- (b) is satisfied an amendment of the deferral declaration, under this subdivision, is appropriate because the holders of the affected resource authorities to which the declaration relates continue to suffer hardship because of exceptional circumstances affecting the authorities.

60J Amending deferral declaration

- (1) The Minister may, by notice published on the department's website or the Queensland Government business and industry portal, amend a deferral declaration under either or both of sections 60K and 60L.
- (2) However, the Minister may amend a deferral declaration under this subdivision only before the day that is 20 business days before the last day of the current deferral period for the payment of rent.

60K Amendment to fix later payment day for deferred rent

- (1) The Minister may amend a deferral declaration to fix a later payment day for deferred rent.
- (2) However, the Minister may amend a deferral declaration under this section only once.
- (3) Also, the Minister may not amend a deferral declaration to fix a later payment day for an instalment of deferred rent.
- (4) Further, section 60H applies in relation to an amendment of a deferral declaration under this section.

60L Amendment to extend deferral period for payment of rent

- (1) The Minister may amend a deferral declaration to—
 - (a) extend a deferral period for payment of rent for a further period of not more than 1 year; and
 - (b) decide the terms of payment of the deferred rent for the further period, including—
 - (i) whether the deferred rent is to be paid in instalments; and
 - (ii) the day on or before which the deferred rent must be paid or, if the deferred rent is to be paid in instalments, the day on or before which each instalment of the deferred rent must be paid.

- (2) The Minister may amend a deferral declaration under this section even if the Minister has previously amended the deferral declaration under this section (whether once or more than once).
- (3) Also, sections 60F to 60H apply in relation to an amendment of a deferral declaration under this section.

Division 3 Ending of arrangement

60M References to deferral

In this division, a reference to the deferral of the payment of rent under division 2 includes a reference to the authorisation under that division of the payment of the deferred rent on or before a stated day.

60N Cessation of deferral on making of relevant application

- (1) This section applies if—
 - (a) the payment of rent for a resource authority is deferred under division 2; and
 - (b) a relevant application for the authority is made.
- (2) The deferral of the payment of the rent stops applying in relation to the resource authority from the day the relevant application for the authority is made.
- (3) In this section—

relevant application, for a resource authority, means each of the following applications—

- (a) an application to renew the authority;
- (b) an application for approval of a prescribed dealing, with the authority, that is an assessable transfer other than a transfer of a share in the authority;
- (c) an application, under a Resource Act, for another type of resource authority that, if granted—

- (i) would be over all or part of the authorised area for the authority (the ***original authority***); and
- (ii) would result in—
 - (A) the ending of the original authority; or
 - (B) the removal of part of the authorised area from the original authority;

Examples of applications for paragraph (c)—

- an application, for a mining tenement, mentioned in the Mineral Resources Act, section 177 or 226A
 - an ATP-related application under the P&G Act, section 117
 - a grant application under the P&G Act, section 908
 - an application for a geothermal lease under the Geothermal Act, section 77
 - a permit-related application under the Greenhouse Gas Act, section 113
- (d) if the authority is a petroleum tenure under the P&G Act—an application relating to the tenure under section 103, 107AA, 170A or 171 of that Act.

600 Cessation of deferral on making or giving of surrender instrument

- (1) This section applies if—
 - (a) the payment of rent for a resource authority is deferred under division 2; and
 - (b) a surrender instrument for the authority is made or given.
- (2) The deferral of the payment of the rent stops applying in relation to the resource authority from the day the surrender instrument for the authority is made or given.
- (3) In this section—

surrender instrument, for a resource authority, means any of the following made or given under the relevant Resource Act for the authority—

- (a) an application to surrender the authority;
- (b) an application to surrender all or part of the authorised area for the authority;
- (c) a notice to surrender the authority.

60P Cessation of deferral on ending of resource authority

- (1) This section applies if—
 - (a) the payment of rent for a resource authority is deferred under division 2; and
 - (b) the authority is cancelled or terminated, or otherwise ends, under a Resource Act.
- (2) The deferral of the payment of the rent stops applying in relation to the resource authority from the day the authority is cancelled or terminated or otherwise ends.

Part 2 Other provisions

61 Fees

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

61A Arbitration election notice—Act, s 196N

- (1) This section prescribes, for section 196N(e) of the Act, other information for an arbitration election notice.
- (2) The other information is—
 - (a) that the party who receives the notice must accept or refuse the request for arbitration within the period mentioned in section 91A(3) of the Act; and
 - (b) either party may be represented by a lawyer at the arbitration.

[s 62]

62 Surat Basin Transitional Area—Act, s 242

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

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

- (2) In this section, position is defined by reference to GDA94.
(3) In this section—

GDA94 means the Geocentric Datum of Australia, commonly called ‘GDA94’, notified in the Commonwealth of Australia Gazette No. GN 35 on 6 September 1995, at page 3369.

Chapter 7 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020

63 Application for registration of prescribed dealing that is assessable transfer made before commencement—ERC decision not relevant

- (1) This section applies if—
 - (a) before the commencement, an application to the Minister for approval to register a prescribed dealing that is an assessable transfer was made under section 19 of the Act; and
 - (b) immediately before the commencement, the application mentioned in paragraph (a) had not been finally dealt with.
- (2) The Minister must decide the application under section 10 as in force immediately before the commencement.

64 Particular prescribed dealings taken to be notifiable dealings

- (1) This section applies if, before the commencement, a prescribed dealing mentioned in section 4(1)(a) or (f) as in force before the commencement was registered.
- (2) The prescribed dealing is taken to be a notifiable dealing under section 4A.

Schedule 1 Mandatory conditions relating to land access

section 16

Part 1 Preliminary

1 What this schedule is about

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

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

2 Giving notice

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

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

Example of it being impractical to give oral notice—

The landholder has migrated to a place outside Queensland.

3 Definitions

In this schedule—

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

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

relevant person means—

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

Part 2 Mandatory conditions

4 Induction training

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

5 Access points, roads and tracks

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

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

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

6 Livestock and property

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

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

7 Obligations to prevent spread of declared pests

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

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

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

Notes—

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

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

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

Examples of reproductive material of an animal—

semen, egg, or part of an egg

Examples of reproductive material of a plant—

1 seed or part of a seed

2 bulb, rhizome, stolon, tuber or part of a bulb, rhizome, stolon or tuber

3 stem or leaf cutting

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

8 Camps

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

9 Items brought onto land

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

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

10 Gates, grids and fences

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

Schedule 2 Fees

section 61

	Fee units
1 Lodging a caveat over a resource authority or an application for a mining lease (Act, s 25(1)(c))	139.10
2 Application under section 33(1) of the Act to record associated agreement in the register	52.00
3 Application under section 19 of the Act for approval of a prescribed dealing, other than an assessable transfer—	
(a) for a mining claim under the Mineral Resources Act	52.00
(b) otherwise	139.10
4 Notifying chief executive under section 19B of the Act of notifiable dealing	52.00
5 Application under section 23 of the Act for an indicative approval for a proposed prescribed dealing that is an assessable transfer—	
(a) for a resource authority, or a share in a resource authority, under the Mineral Resources Act—	
(i) for a mining claim	52.00
(ii) for an exploration permit—	
(A) for coal	390.30
(B) for a mineral other than coal and only if the permit is for not more than 4 sub-blocks in restricted areas 256 to 265	97.60
(C) otherwise	292.80
(iii) for a mineral development licence	778.00
(iv) for a mining lease—	

	Fee units
(A) for coal	1,367.00
(B) for corundum, gemstones and other precious stones	238.50
(C) for eluvial, colluvial and alluvial gold and eluvial, colluvial and alluvial tin	238.50
(D) for any other mineral	476.80
(b) for a resource authority, or a share in a resource authority, under the P&G Act—	
(i) for an authority to prospect	778.00
(ii) for a petroleum lease, pipeline licence or petroleum facility licence	1,367.00
(iii) otherwise	585.00
(c) for a resource authority, or a share in a resource authority, under the 1923 Act—	
(i) for an authority to prospect	778.00
(ii) for a lease	1,367.00
(iii) for a water monitoring authority	585.00
(d) for a resource authority, or a share in a resource authority, under the Geothermal Act	393.40
(e) for a resource authority, or a share in a resource authority, under the Greenhouse Gas Act	418.00
6 Application under section 19 of the Act for approval of a prescribed dealing that is an assessable transfer—	
(a) for a resource authority, or a share in a resource authority, under the Mineral Resources Act—	
(i) for a mining claim	52.00
(ii) for an exploration permit if the Minister has given an indicative approval of the transfer	185.10

Schedule 2

	Fee units
(iii) for an exploration permit if the Minister has not given an indicative approval of the transfer—	
(A) for coal	575.40
(B) for a mineral other than coal and only if the permit is for not more than 4 sub-blocks in restricted areas 256 to 265	282.70
(C) otherwise	477.90
(iv) for a mineral development licence if the Minister has given an indicative approval of the transfer	185.10
(v) for a mineral development licence if the Minister has not given an indicative approval of the transfer	963.10
(vi) for a mining lease if the Minister has given an indicative approval of the transfer	185.10
(vii) for a mining lease if the Minister has not given an indicative approval of the transfer—	
(A) for coal	1,552.10
(B) for corundum, gemstones and other precious stones	423.60
(C) for eluvial, colluvial and alluvial gold and eluvial, colluvial and alluvial tin	423.60
(D) for any other mineral	661.90
(b) for a resource authority, or a share in a resource authority, under the P&G Act—	
(i) if the Minister has given an indicative approval of the transfer	185.10
(ii) otherwise—	
(A) for an authority to prospect	963.10

	Fee units
(B) for a petroleum lease, pipeline licence or petroleum facility licence	1,552.10
(C) for any other resource authority under the P&G Act	770.10
(c) for a resource authority, or a share in a resource authority, under the 1923 Act—	
(i) if the Minister has given an indicative approval of the transfer	185.10
(ii) otherwise—	
(A) for an authority to prospect	963.10
(B) for a lease	1,552.10
(C) for a water monitoring authority	770.10
(d) for a resource authority, or a share in a resource authority, under the Geothermal Act—	
(i) if the Minister has given an indicative approval of the transfer	185.10
(ii) otherwise	578.50
(e) for a resource authority, or a share in a resource authority, under the Greenhouse Gas Act—	
(i) if the Minister has given an indicative approval of the transfer	185.10
(ii) otherwise	603.10
7 Searching and taking extracts from, or obtaining a copy of all or part of a notice, document or information in, the register (Act, s 198(1)(b) and (c))—	
(a) relating to a resource authority under the Mineral Resources Act—	
(i) for a standard departmental public tenure enquiry report	54.20

Schedule 2

	Fee units
(ii) otherwise	54.20
(b) relating to a resource authority under the P&G Act, 1923 Act or Greenhouse Gas Act—	
(i) for a standard departmental public tenure enquiry report	54.20
(ii) otherwise	136.00
(c) relating to a resource authority under the Geothermal Act—	
(i) for a standard departmental public tenure enquiry report	12.65
(ii) otherwise	29.25

Schedule 3 Dictionary

section 3

affected resource authority, for chapter 6, part 1, see section 60D(1).

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

deferral declaration, for chapter 6, part 1, see section 60D(2).

deferral period, for the payment of rent, for chapter 6, part 1, see section 60C.

deferred rent, for a resource authority, for chapter 6, part 1, see section 60C.

exceptional circumstances, affecting a resource authority, for chapter 6, part 1, see section 60C.

exploration resource authority means—

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

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

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

lease means—

- (a) a mining lease under the Mineral Resources Act; or
- (b) a petroleum lease under the P&G Act; or

- (c) a lease under the 1923 Act; or
- (d) a geothermal production lease under the Geothermal Act; or
- (e) a GHG lease under the Greenhouse Gas Act.

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

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

payment day, for chapter 6, part 1, see section 60C.

production-related resource authority means—

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

Queensland Government business and industry portal means a website with a URL that contains 'qld.gov.au', other than the website of a local government, and that relates to business and industry.

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

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