

Queensland

Mineral and Energy Resources (Common Provisions) Act 2014

Current as at 29 June 2026

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Mineral and Energy Resources (Common Provisions) Act 2014

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Mineral and Energy Resources (Common Provisions) Act 2014

An Act to provide for the first step in creating a simplified common framework for managing resource authorities in order to optimise development and use of Queensland's mineral and energy resources and to manage overlapping coal and petroleum resource authorities for coal seam gas

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This Act may be cited as the *Mineral and Energy Resources (Common Provisions) Act 2014*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Purposes and application of Act

3 Main purposes

The main purposes of this Act are—

(a) to consolidate particular provisions common to each of the Resource Acts; and

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(b) to provide for particular common processes that apply to resource authorities; and

(c) to manage overlapping coal and petroleum resource authorities for coal seam gas; and

(d) to provide for the disqualification of persons from grant or transfer of particular resource authorities; and

(e) to assist in achieving the purposes of each of the Resource Acts.

4 How main purposes are achieved

(1) The main purposes are achieved by providing for the following matters mainly in this Act, rather than in each of the Resource Acts—

(a) dealings, caveats and associated agreements;

(b) land access;

(c) the framework for overlapping coal and petroleum resource authorities for coal seam gas;

(d) the disqualification from grant or transfer of particular resource authorities;

(e) the resource authority register;

(f) other miscellaneous matters.

(2) It is the intention of Parliament that this Act lead towards the replacement of the Resource Acts with a simplified common framework that will apply to all resource authorities.

5 Act binds all persons

(1) This Act binds all persons, including the State and as far as the legislative power of the Parliament permits, the Commonwealth and the other States.

(2) Nothing in this Act makes the State, the Commonwealth or another State liable to be prosecuted for an offence against this Act.

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6 Relationship with Resource Acts

(1) This Act is to be read and construed with, and as if it formed part of, each Resource Act.

(2) Without limiting subsection (1), the following principles apply—

(a) this Act is not intended to exclude, limit or otherwise affect the operation of a Resource Act unless this Act otherwise expressly provides;

(b) a reference to 'this Act' in a provision of a Resource Act relating to any of the following matters includes a reference to this Act—

(i) the functions or powers of an authorised officer under a Resource Act, including, for example, the power to give a compliance direction;

(ii) the functions or powers of a Minister under a Resource Act, including, for example, the power to take noncompliance action;

(iii) proceedings for an offence against a provision of a Resource Act;

(c) if the context permits, a reference to 'this Act' in a provision of a Resource Act, other than a provision mentioned in paragraph (b), includes a reference to this Act.

(3) Without limiting subsection (2)(a), this Act is not intended to exclude, limit or otherwise affect the following unless this Act otherwise expressly provides—

(a) the power under a Resource Act to grant a resource authority;

(b) the carrying out of authorised activities for a resource authority;

(c) the duties, obligations, requirements or restrictions imposed on a resource authority holder.

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(4) Despite subsections (2)(a) and (3), if this Act is inconsistent with a Resource Act, this Act prevails to the extent of the inconsistency.

(5) Without limiting subsection (1), (2), (3) or (4)—

(a) if a provision of this Act deals with a particular matter and a provision of a Resource Act deals with the same matter and it is impossible to comply with both provisions, a person must comply with the provision of this Act and is excused from complying with the provision of the Resource Act, to the extent that it can not be complied with; and

(b) if a provision of this Act deals with a particular matter and a provision of a Resource Act deals with the same matter and it is possible to comply with both provisions, a person must comply with both provisions.

7 Reference to a Resource Act includes reference to this Act

If the context permits, a reference in another Act or document to a Resource Act is taken to include a reference to this Act.

Part 3 Interpretation

Division 1 Dictionary

8 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

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Division 2 Key definitions

9 What is a *Resource Act*

Each of the following is a ***Resource Act***—

(a) the Mineral Resources Act;

(b) the P&G Act;

(c) the 1923 Act;

(d) the Geothermal Act;

(e) the Greenhouse Gas Act.

10 What is a *resource authority*

Each of the following is a ***resource authority***—

(a) any of the following under the Mineral Resources Act—

- a prospecting permit;
- a mining claim;
- an exploration permit;
- a mineral development licence;
- a mining lease;
- a water monitoring authority;

(b) any of the following under the P&G Act—

- an authority to prospect;
- a petroleum lease;
- a data acquisition authority;
- a water monitoring authority;
- a survey licence;
- a pipeline licence;
- a petroleum facility licence;

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(c) any of the following under the 1923 Act—

- an authority to prospect;
- a lease;
- a water monitoring authority;

(d) any of the following under the Geothermal Act—

- a geothermal exploration permit;
- a geothermal production lease;

(e) any of the following under the Greenhouse Gas Act—

- a GHG exploration permit;
- a GHG injection and storage lease;
- a GHG injection and storage data acquisition authority.

11 What is the *authorised area*

The ***authorised area***, for a resource authority, means the area to which the resource authority relates.

11A Graticulation of earth's surface into *blocks* and *sub-blocks*

(1) A ***block*** is the land resulting from a notional division of the earth's surface, each block being bounded—

(a) by 2 parallels of latitude 5 minutes apart, each parallel being a multiple of 5 minutes of latitude from the equator; and

(b) by 2 meridians of longitude 5 minutes apart, each meridian being a multiple of 5 minutes of longitude from the prime meridian.

(2) A ***sub-block*** is the land resulting from a notional division of a block into 25 areas, each sub-block being bounded by 2 parallels of latitude 1 minute apart and 2 meridians of longitude 1 minute of longitude apart.

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(3) For subsections (1) and (2), latitude and longitude are defined by reference to the Australian Geodetic Datum 1966.

(4) Each block and sub-block must be identified in the way approved by the chief executive.

(5) Nothing in this section prevents the chief executive from representing blocks and sub-blocks in a spatial database by reference to a datum other than the Australian Geodetic Datum 1966.

(6) In this section—

Australian Geodetic Datum 1966 means the reference frame with—

(a) a reference spheroid with a major (equatorial) radius of 6,378,160m and a flattening of 100/29825; and

(b) its origin at the Johnston Geodetic Station in the Northern Territory, taken to be at 133º12'30.0771" east longitude and 25º56'54.5515" south latitude and to have a ground level of 571.2m above the reference spheroid.

Editor's note—

The Australian Geodetic Datum 1966 was notified in the Commonwealth Gazette No. 84 on 6 October 1966 at page 4984.

12 Who is an *owner* of land and other things

(1) An ***owner***, of land, means each person as stated in schedule 1 for the land.

(2) Also, a mortgagee of land is the ***owner*** of land if—

(a) the mortgagee is acting as mortgagee in possession of the land and has the exclusive management and control of the land; or

(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.

(3) If land or another thing has more than 1 owner, a reference in this Act to the owner of the land or thing is a reference to each of its owners.

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13 What is *private land*

(1) ***Private land*** is—

(a) freehold land; or

(b) an interest in land less than fee simple held from the State under another Act.

(2) However, land is not private land to the extent of an interest in any of the following relating to the land—

(a) a mining interest under the Mineral Resources Act;

(b) a petroleum authority under the P&G Act or 1923 Act petroleum tenure under the 1923 Act;

(c) a geothermal tenure under the Geothermal Act;

(d) a GHG authority under the Greenhouse Gas Act;

(e) an occupation right under a permit under the *Land Act 1994*.

(3) Also, land owned by a public land authority is not private land.

14 What is *public land*

(1) ***Public land*** is any land other than—

(a) private land; or

(b) to the extent an interest in any of the following relates to the land—

(i) a mining interest under the Mineral Resources Act;

(ii) a petroleum authority under the P&G Act or 1923 Act petroleum tenure under the 1923 Act;

(iii) a GHG authority under the Greenhouse Gas Act;

(iv) a geothermal tenure under the Geothermal Act;

(v) an occupation right under a permit under the *Land Act 1994*.

(2) ***Public land*** includes a public road.

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15 What is a *public road*

A ***public road*** is an area of land that—

(a) is open to or used by the public; and

(b) is developed for or has as 1 of its main uses—

(i) the driving or riding of motor vehicles; or

(ii) pedestrian traffic; and

(c) is controlled by a public road authority.

Examples of an area of land that may be included in a road—

- a bridge, culvert, ford, tunnel or viaduct
- a pedestrian or bicycle path

15A What is an *advanced activity*

An ***advanced activity***, for a resource authority, is an authorised activity for the resource authority other than a preliminary activity for the resource authority.

Examples—

- levelling of drilling pads and digging sumps
- earthworks associated with pipeline installation
- bulk sampling
- open trenching or costeaning with an excavator
- vegetation clear-felling
- constructing an exploration camp, concrete pad, sewage or water treatment facility or fuel dump
- geophysical surveying with physical clearing
- carrying out a seismic survey using explosives
- constructing a track or access road
- changing a fence line

15B What is a *preliminary activity*

(1) A ***preliminary activity***, for a resource authority, is an authorised activity for the authority that will have no impact, or only a minor impact, on the business or land use activities

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of any owner or occupier of the land on which the activity is to be carried out.

Examples—

- walking the area of the authority
- driving along an existing road or track in the area
- taking soil or water samples
- geophysical surveying not involving site preparation
- aerial, electrical or environmental surveying
- survey pegging

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

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

(a) is carried out on land that—

(i) is less than 100ha; and

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

Examples for subparagraph (ii)—

- land used for dryland or irrigated cropping, plantation forestry or horticulture
- land used for a dairy, cattle or sheep feedlot, a piggery or a poultry farm

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

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Chapter 2 Dealings, caveats and associated agreements

Part 1 Dealings

16 What is a *dealing*

A ***dealing***, in relation to a resource authority, is—

(a) any transaction or arrangement that causes the creation, variation, transfer or extinguishment of an interest in the resource authority; or

(b) another transaction, arrangement or circumstance, prescribed by regulation, that affects the resource authority.

17 Prescribed dealings require approval of Minister and registration

(1) A regulation may prescribe the dealings with a resource authority (each a ***prescribed dealing***) that must be approved by the Minister under this part, and registered, to have effect.

(2) A prescribed dealing has no effect unless, and until, it is approved by the Minister under this part and registered.

17A Notifiable dealings require notice to chief executive and registration

(1) A regulation may prescribe the dealings with a resource authority (each a ***notifiable dealing***) that must be notified to the chief executive under this part, and registered, to have effect.

(2) A notifiable dealing has no effect unless, and until, it is notified to the chief executive under this part and registered.

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18 Prohibited dealings have no effect

(1) The following dealings with a resource authority are prohibited—

(a) a dealing with a resource authority that transfers a divided part of the authorised area for the resource authority, unless the dealing is—

(i) a sublease of a resource authority that is a lease; or

(ii) a transfer of a sublease mentioned in subparagraph (i) or of a share in the sublease;

(b) a dealing with a resource authority prescribed by regulation as prohibited.

(2) A dealing with a resource authority prohibited under subsection (1) must not be registered under this part and has no effect.

19 Application for Minister's approval of prescribed dealing

(1) The following entities may apply to the Minister for approval of a prescribed dealing—

(a) the affected resource authority holder;

(b) any other entity with the affected resource authority holder's consent.

(2) Chapter 6, part 1 applies for processing the application, and the Minister must decide to either refuse to give the approval or give the approval with or without conditions.

Note—

See section 23 if the approval relates to a prescribed dealing for which an indicative approval has been given under that section.

(3) If the Minister decides to give the approval, the chief executive must register the prescribed dealing as soon as possible after the approval is given.

(4) To remove any doubt, it is declared that registration under subsection (3) is subject to sections 20 and 21.

(5) In this section—

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affected resource authority holder means—

(a) for a prescribed dealing affecting the whole of a resource authority—the holder of the resource authority; or

(b) for a prescribed dealing affecting a share in a resource authority—the holder of the share.

19A Rejection of application if intended transferee disqualified

(1) The Minister must reject an application for approval of a prescribed dealing that is a transfer of a resource authority or a share in a resource authority if the Minister decides the intended transferee of the resource authority or share is disqualified under section 196C from being transferred the resource authority or share.

(2) However, subsection (1) does not apply to a transfer of a share in a resource authority if—

(a) the share is being transferred to a person who already holds a share in the resource authority; and

(b) the person transferring the share continues, after the transfer, to hold a share in the resource authority.

19B Notice to chief executive to register notifiable dealing

(1) The ***ordinary rule*** is that the following entities may give notice to the chief executive of a notifiable dealing to enable its registration—

(a) the affected resource authority holder;

(b) any other entity with the affected resource authority holder's consent.

(2) However, if a notifiable dealing is required to be executed because of the operation of a law, a regulation may change the ordinary rule by prescribing the following—

(a) who may or must give notice to the chief executive;

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(b) the period within which the notice must be given.

Example of dealing required to be executed because of the operation of a law—

the transfer of an interest in a resource authority because of the death of the resource authority holder

(3) The notice must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed by regulation.

(4) The chief executive must register the notifiable dealing as soon as possible after the notice is given.

(5) Subsection (6) applies if the notifiable dealing is—

(a) a transmission by death of a resource authority or a share in a resource authority; or

(b) a transfer of a resource authority or a share in a resource authority by operation of law.

(6) The chief executive may register the notifiable dealing 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.

(7) To remove any doubt, it is declared that registration under subsection (4) or (6) is subject to sections 20 and 21.

(8) In this section—

affected resource authority holder means—

(a) for a notifiable dealing affecting the whole of a resource authority—the holder of the resource authority; or

(b) for a notifiable dealing affecting a share in a resource authority—the holder of the share.

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20 Unpaid royalties prevent registration of dealing

(1) This section applies if a prescribed dealing or notifiable dealing is a transfer of a resource authority or a share in a resource authority.

(2) However, this section does not apply to a transfer of a share in a resource authority if—

(a) the share is being transferred to a person who already holds a share in the resource authority; and

(b) the person transferring the share continues, after the transfer, to hold a share in the resource authority.

(3) The prescribed dealing or notifiable dealing must not be registered, and can not take effect, under this part while any royalty payable by the holder of the resource authority remains unpaid.

21 Failure to pay contribution to scheme fund or give surety prevents registration of dealing

(1) This section applies if—

(a) the Minister approves a prescribed dealing, or the chief executive is given notice of a notifiable dealing, that is either of the following—

(i) a changed holder event under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* for a resource authority that authorises the carrying out of a resource activity for an environmental authority;

(ii) a transfer of a small scale mining tenure mentioned in the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, section 53(i); and

(b) a contribution to the scheme fund is required to be paid, or a surety required to be given, for the environmental authority or small scale mining tenure, under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.

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(2) The prescribed dealing or notifiable dealing must not be registered unless the entity that will be the holder of the resource authority, or small scale mining tenure, on registration of the prescribed dealing or notifiable dealing has paid the contribution to the scheme fund, or given the surety, under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.

22 Security may be required

(1) This section applies if a prescribed dealing is a transfer of a resource authority or of a share in a resource authority.

(2) As a condition of deciding to give an approval under section 19, the Minister may require the proposed transferee to give the State security for the resource authority.

(3) The provisions of the relevant Resource Act for giving security for the type of resource authority are taken to apply to the proposed transferee and the security as if the security were given under those provisions.

Examples of the provisions of the relevant Resource Act—

- For the Geothermal Act, see chapter 6, part 4.
- For the Greenhouse Gas Act, see chapter 5, part 6.
- For the Mineral Resources Act, see sections 83, 144, 190 and 277.
- For the 1923 Act, see part 6G.
- For the P&G Act, see chapter 5, part 1.

23 Indication of Minister's approval to register

(1) This section applies for a proposed prescribed dealing.

(2) The prescribed applicant for the proposed prescribed dealing may apply to the Minister for an indication of (an ***indicative approval***)—

(a) whether the Minister is likely to approve the proposed prescribed dealing; and

(b) what, if any, conditions are likely to be imposed by the Minister.

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(3) Chapter 6, part 1 applies for processing the application, and the Minister must decide to either refuse to give the indicative approval or give the indicative approval with or without conditions.

(4) Subsection (5) applies if—

(a) the indicative approval indicates the Minister will approve the proposed prescribed dealing; and

(b) within the prescribed period, the prescribed applicant applies to the Minister under section 19 for approval of the proposed prescribed dealing.

(5) The Minister must grant the approval in accordance with the indicative approval unless—

(a) the proposed prescribed dealing is a transfer of the resource authority, or a share in the resource authority, and the proposed transferee is not eligible to be a resource authority holder under this Act or the relevant Resource Act; or

(b) the application for the indicative approval contained incorrect material information or omitted material information and, had the Minister been aware of the discrepancy, the Minister would not have given the indicative approval; or

(c) preconditions for the indicative approval have not been complied with.

(6) To remove any doubt, it is declared that granting of the approval is subject to sections 20, 21 and 22.

(7) In this section—

preconditions, for an indicative approval, means conditions imposed on the approval under this section that must be complied with before a related application is made for approval under section 19.

prescribed applicant, for a proposed prescribed dealing, means the entity that may, under section 19(1), apply for approval of the dealing.

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23A Effect of registration and Minister's approval

The registration of a prescribed dealing or notifiable dealing under this part, or an approval of the Minister under section 19, allows the dealing to have effect according to its terms but does not of itself give the dealing any more effect or validity than it would otherwise have.

Part 2 Caveats

24 Application of part

This part applies in relation to—

(a) a resource authority; or

(b) an application for a mining lease under the Mineral Resources Act.

25 Lodging of caveat

(1) A person claiming an interest in the resource authority or the application for a mining lease may lodge a caveat over the authority or application if the caveat—

(a) complies with the prescribed requirements for the caveat; and

(b) is not a prohibited caveat; and

(c) is accompanied by the fee prescribed by regulation.

(2) On receipt of the caveat, the chief executive must—

(a) record the existence of the caveat in the register; and

(b) notify the following persons of the receipt of the caveat—

(i) each holder of the resource authority or applicant for the application;

(ii) each person who has a registered interest in the resource authority or application;

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(iii) any caveator for a prior caveat over the resource authority or application if the prior caveat is in effect.

(3) The caveat has no effect if the caveat—

(a) does not comply with the prescribed requirements for the caveat; or

(b) is a prohibited caveat.

(4) In this section—

prohibited caveat means a caveat of a type prescribed by regulation to be a prohibited caveat.

registered interest, in the resource authority or the application for a mining lease, means an interest in the authority or application recorded in the register.

26 Effect of lodging caveat

(1) This section applies if a caveat is lodged over the resource authority or the application for a mining lease under this part.

(2) From the date and time of lodgement of the caveat until the caveat lapses or is withdrawn or removed, the caveat prevents the following—

(a) the registration of a dealing in relation to the resource authority;

(b) the registration under the Mineral Resources Act of a transfer of the application or a transfer of an interest in the application.

(3) However—

(a) the lodgement of the caveat does not prevent the registration of an instrument of a type prescribed by regulation; and

(b) if the caveat is lodged over only a share in the resource authority, the lodgement of the caveat does not prevent the registration of a dealing in relation to other shares in the resource authority.

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(4) The caveat does not create an interest in the resource authority or the application.

(5) For this section, the date and time of lodgement of the caveat is the date and time endorsed by the chief executive on the caveat as the caveat's date and time of lodgement.

27 Lapsing of caveat

(1) A caveat lodged under this part lapses—

(a) for a caveat for which there is consent—at the end of the term stated in the caveat; or

(b) for a caveat for which there is no consent—

(i) if an order of the Land Court is in effect in relation to the caveat—when the order stops having effect; or

(ii) otherwise—on the day that is 3 months after the date of lodgement of the caveat or on an earlier day stated in the caveat.

(2) If there is consent to the caveat and the caveat does not state the term of the caveat, the caveat continues in effect until it is withdrawn or removed.

(3) For this section—

(a) there is consent to a caveat over the resource authority only if each holder of the authority consented to the lodgement of the caveat and the consent was lodged with the caveat; and

(b) there is consent to a caveat over the application for a mining lease only if each applicant consented to the lodgement of the caveat and the consent was lodged with the caveat; and

(c) the date of lodgement of a caveat is the date endorsed by the chief executive on the caveat as the caveat's date of lodgement.

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28 Withdrawal or removal of caveat

(1) The caveator for a caveat lodged under this part may withdraw the caveat by written notice given to the chief executive.

(2) Either of the following persons may apply to the Land Court for an order that a caveat lodged under this part be removed—

(a) a person who has a present or prospective right or interest in the resource authority, or the application for a mining lease, over which the caveat is lodged;

(b) a person whose present or prospective right to deal with the resource authority, or the application for a mining lease, over which the caveat is lodged is affected by the caveat.

(3) The Land Court may make the order—

(a) whether or not the caveator has been served with the application for the order; and

(b) on the terms the Land Court considers appropriate.

29 Recording of lapsing, withdrawal or removal of caveat

As soon as practicable after a caveat lodged under this part lapses, is withdrawn or is ordered to be removed, the chief executive must record the lapse, withdrawal or removal in the register.

30 Further caveat not available to same person

(1) This section applies if a caveat is lodged over an interest in the resource authority or the application for a mining lease under this part (the ***original caveat***).

(2) A further caveat with the same caveator can not be lodged over the resource authority or the application on the same, or substantially the same, grounds as those stated in the original caveat unless—

(a) each holder of the authority, or each applicant for the application, has consented to the lodgement of the

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further caveat and the consent is lodged with the further caveat; or

(b) a court of competent jurisdiction has given leave to lodge the further caveat.

31 Compensation for lodging caveat without reasonable cause

The caveator for a caveat lodged under this part without reasonable cause is liable to compensate anyone else who suffers loss or damage because of the caveat.

Part 3 Associated agreements

32 What is an *associated agreement*

(1) An ***associated agreement***, for a resource authority, means an agreement relating to the resource authority.

(2) However, neither of the following agreements is an ***associated agreement***—

(a) a prescribed dealing;

(b) a notifiable dealing;

(c) another agreement prescribed by regulation.

33 Recording associated agreements

(1) The holder of a resource authority to which an associated agreement relates may apply to the chief executive to have the agreement recorded in the register against the resource authority.

(2) The application may include the date on which the associated agreement expires and it is to be removed from the register.

(3) Chapter 6, part 1 applies for processing the application.

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(4) After lodgement of a valid application, the chief executive must record the associated agreement in the register against the resource authority to which the agreement relates.

(5) The chief executive is not required to examine, or to determine the validity of, an associated agreement.

34 Effect of recording associated agreements

The recording of an associated agreement in the register does not of itself—

(a) give the agreement any more effect or validity than it would otherwise have; or

(b) create an interest in the resource authority against which it is recorded.

35 Removing associated agreements from register

(1) The holder of a resource authority to which an associated agreement relates may apply to the chief executive to have the agreement removed from the register.

(2) Chapter 6, part 1 applies for processing the application.

(3) After lodgement of a valid application, the chief executive must remove the associated agreement from the register.

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Chapter 3 Land access and impact on land

Part 1 Land access codes

36 Making of land access codes

A regulation may make 1 or more codes for all Resource Acts (each a ***land access code***) that—

(a) states best practice guidelines for communication between the holders of resource authorities and owners and occupiers of land, public land authorities and public road authorities; and

(b) imposes on resource authorities mandatory conditions concerning the conduct of authorised activities on land.

Part 2 Private land

Division 1 Application of part

37 Application of part

This part does not apply in relation to the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

Note—

See also part 9 for other provisions that apply to private land in the Condamine Alluvium CSG area.

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Division 2 Entry for authorised activities and access requires entry notice

38 Application of division

This division applies to an entry to private land for the purpose of—

(a) carrying out an authorised activity for a resource authority; or

(b) crossing access land for the resource authority; or

(c) gaining entry to access land for the resource authority.

39 Obligation to give entry notice to owners and occupiers

(1) A person must not enter private land for a purpose mentioned in section 38 unless the resource authority holder has given each owner and occupier of the land an entry notice about the entry.

Maximum penalty—500 penalty units.

(2) An entry notice is invalid if—

(a) it does not comply with the prescribed requirements for the notice; or

(b) it states a period for entry that is longer than the maximum period for entry; or

(c) it is not given to an owner or occupier at least 10 business days before the entry.

(3) However, an entry notice is not invalid if—

(a) given to an owner or occupier less than 10 business days before the entry; and

(b) the owner or occupier has agreed in writing to the shorter period.

(4) In this section—

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give includes to give by publication if the resource authority holder has been given an approval to do so under section 41 and complies with the approval.

maximum period for entry means the maximum period, prescribed by regulation, that access to land is to be allowed for a particular entry to the land.

40 Exemptions from obligations

(1) An obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 does not apply if—

(a) the resource authority holder owns the land; or

(b) the resource authority holder has an independent legal right to enter the land for the purpose; or

(c) the entry is to preserve life or property or because of an emergency that exists or may exist; or

(d) the entry is authorised under the relevant Resource Act for the resource authority; or

(e) the entry is of a type prescribed by regulation.

(2) An obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 also does not apply if the resource authority holder has 1 of the following with each owner and occupier of the land—

(a) a waiver of entry notice for the entry that is in effect;

Note—

An owner or occupier of land may give a waiver of entry notice for an entry to the land. See section 42.

(b) a conduct and compensation agreement for the land and—

(i) the agreement provides for alternative obligations for the entry; and

(ii) the holder complies with the alternative obligations for the entry;

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(c) an opt-out agreement.

(3) Further, an obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 does not apply if the entry is for the purpose of carrying out an authorised activity for the resource authority that is aerial surveying carried out at 1,000ft or more above land.

(4) In this section—

independent legal right, to enter land, means a right to enter the land that is enforceable under any law, including a common law right, but does not include a right to enter the land under this Act or a Resource Act.

Example of an independent legal right to enter land—

a contractual arrangement allowing a party to the contract to enter particular land

41 Approval to give entry notices by publication

(1) A resource authority holder may apply to the chief executive for approval to give an entry notice by publishing it in a stated way.

(2) The application may relate to more than 1 entry notice or a particular type of entry.

(3) The chief executive may give the approval only if satisfied—

(a) the publication will happen at least 20 business days before the entry; and

(b) for an owner or occupier who is an individual—it is impracticable to give the owner or occupier the notice personally.

(4) Chapter 6, part 1 applies for processing the application, and the chief executive must decide to either refuse to give the approval or give the approval with or without conditions.

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42 Right to give waiver of entry notice

(1) An owner or occupier of land may give a waiver of entry notice for an entry made to the land for a purpose mentioned in section 38.

(2) A waiver of an entry notice—

(a) is invalid if it does not comply with the prescribed requirements for the notice; and

(b) can not be withdrawn during the notified period; and

(c) ceases to have effect at the end of the notified period.

(3) In this section—

notified period, for a waiver of entry notice, means the period stated in the notice as the period during which the land may be entered.

Division 3 Entry for advanced activities requires agreement

43 Carrying out advanced activities on private land requires agreement

(1) A person must not enter private land to carry out an advanced activity for a resource authority unless each owner and occupier of the land—

(a) is a party to a conduct and compensation agreement about the advanced activity and its effects; or

(b) is a party to a deferral agreement; or

(c) has elected to opt out from entering into a conduct and compensation agreement or deferral agreement under section 45; or

(d) is a party to—

(i) an arbitration under part 7, division 2, subdivision 3A; or

(ii) an application to the Land Court under section 96.

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Maximum penalty—500 penalty units.

Note—

See also section 101I for the application of this section in relation to drilling a directional well in the Condamine Alluvium CSG area.

(2) This section does not apply for an entry to private land to carry out an advanced activity for a resource authority if—

(a) the resource authority holder owns the land; or

(b) the resource authority holder has an independent legal right to enter the land to carry out the activity; or

(c) the entry is to preserve life or property or because of an emergency that exists or may exist; or

(d) the entry is authorised under the relevant Resource Act for the resource authority; or

(e) the entry is of a type prescribed by regulation.

(3) This section does not limit the requirement under section 39 for a person to give an entry notice about the entry to private land for a purpose mentioned in section 38.

(4) In this section—

independent legal right, to enter land, means a right to enter the land that is enforceable under any law, including a common law right, but does not include a right to enter the land under this Act or a Resource Act.

44 Deferral agreements

(1) An owner or occupier of land may enter into an agreement (a ***deferral agreement***) with a resource authority holder that a conduct and compensation agreement can be entered into after entry to the land.

(2) A deferral agreement is invalid if it does not comply with the prescribed requirements for the agreement.

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45 Right to elect to opt out

(1) An owner or occupier of land may elect to opt out of entering into a conduct and compensation agreement or a deferral agreement with a resource authority holder.

(2) The election to opt out is an ***opt-out agreement*** and is invalid if it does not comply with the prescribed requirements for the agreement.

(3) Despite any term of the opt-out agreement, either party to the agreement may, by giving written notice to the other parties to the agreement, unilaterally terminate the agreement within 10 business days of a signed copy of the agreement being given to the owner or occupier of land.

(4) An opt-out agreement for land ends—

(a) according to its terms; or

(b) if the resource authority ends; or

(c) if it is terminated by a party under subsection (3); or

(d) if the parties enter into any of the following agreements—

(i) a deferral agreement;

(ii) a conduct and compensation agreement:

(iii) another opt-out agreement for the land.

Note—

An opt-out agreement does not negate a resource authority holder's liability to compensate an eligible claimant. See sections 81 and 101J.

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Division 4 Access to private land outside authorised area

Subdivision 1 Application

46 Application of division

This division does not apply in relation to mineral development licences under the Mineral Resources Act.

Subdivision 2 Access rights and access agreements

47 Limited access to private land outside authorised area

(1) A resource authority holder may exercise an access right over access land if—

(a) the following have agreed orally or in writing to the exercise of the rights—

(i) if exercising the rights is likely to have a permanent impact on access land—each owner and occupier of the land;

(ii) if exercising the rights is unlikely to have a permanent impact on access land—each occupier of the land; or

(b) the exercise of the rights is needed to preserve life or property or because of an emergency that exists or may exist.

(2) An agreement about the exercise of the rights mentioned in subsection (1)(a) is an ***access agreement***.

(3) In this section—

access land, for a resource authority, means land, outside the authorised area for the resource authority, that it is reasonably

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necessary to allow the holder to cross in order to enter the authorised area.

Note—

See section 49 for the criteria for deciding whether access is reasonable.

access rights, over access land for a resource authority, means the right to—

(a) cross the access land if it is reasonably necessary to allow the holder to enter the authorised area; and

(b) carry out activities on the access land that are reasonably necessary to allow the crossing of the land.

Example for paragraph (b)—

opening a gate or fence

permanent impact, on 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.

Example of an exercise of access rights that is likely to have a permanent impact—

building a road

Example of an exercise of access rights that is unlikely to have a permanent impact—

opening or closing a gate

48 Owner or occupier must not unreasonably refuse to make access agreement

(1) An owner or occupier of access land must not, if asked by a resource authority holder, unreasonably refuse to make an access agreement with the holder.

(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.

(3) If an owner or occupier has not made an access agreement within 20 business days after being asked to make the

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agreement by a resource authority holder, the owner or occupier is taken to have refused to make the agreement.

49 Criteria for deciding whether access is reasonable

(1) This section provides for matters to be considered in deciding whether—

(a) it is reasonably necessary for a resource authority holder to cross access land to allow the holder to enter the authorised area for the resource authority; or

(b) it is reasonably necessary for a resource authority holder to carry out activities on access land to allow the crossing of the land; or

(c) an owner or occupier of access land has unreasonably refused to make an access agreement.

(2) The resource authority holder must first show it is not possible or reasonable to exercise the access rights by using a formed road.

(3) After subsection (2) has been satisfied, the following must be considered—

(a) the nature and extent of any impact the exercise of the access rights will have on access land and the owner or occupier's use and enjoyment of it;

(b) how, when and where, and the period during which, the resource authority holder proposes to exercise the access rights.

(4) In this section—

formed road 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.

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50 Additional topics for access agreements

(1) This section applies if a resource authority holder and an owner or occupier of access land make an access agreement for the exercise of access rights over the access land.

(2) The access agreement may provide for alternative obligations, for entry to the access land, to the entry notice obligations under section 39.

(3) If the access agreement is in writing, it may include a conduct and compensation agreement for the exercise or future exercise of access rights by the resource authority holder.

51 Other rights to grant entry not affected

This subdivision does not limit or otherwise affect the ability of an owner or occupier to grant a resource authority holder a right of access to land, including, for example, by the grant of an easement.

Subdivision 2A ADR

51A Party may seek ADR

(1) This section applies if a dispute arises between a resource authority holder and an owner or occupier of land (the ***parties***) about—

(a) deciding a matter mentioned in section 49(1)(a), (b) or (c); or

(b) whether an access agreement between the parties should be varied because of a material change in circumstances.

(2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.

(3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.

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(4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.

(5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR.

(6) Chapter 7A, part 1, division 2 applies to the ADR.

Subdivision 3 Land Court resolution

52 Power of Land Court to decide access agreement

(1) If a dispute arises between a resource authority holder and an owner or occupier of land (the ***parties***) about a matter mentioned in section 49(1), either party may apply to the Land Court for it to decide the matter.

(2) In deciding the matter, the Land Court—

(a) must have regard to section 49(2) and (3); and

(b) may impose conditions it considers appropriate for the exercise of the access rights.

(3) Conditions imposed under subsection (2)(b) are taken to be—

(a) if there is already an access agreement between the parties—conditions of that agreement; or

(b) if there is no access agreement between the parties—an access agreement between the parties.

53 Power of Land Court to vary access agreement

(1) A resource authority holder, or an owner or occupier of land, may apply to the Land Court to vary an access agreement between them.

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(2) In deciding the application, the Land Court must have regard to section 49(2) and (3).

(3) The Land Court may vary the access agreement only if it considers the change is appropriate because of a material change in circumstances.

(4) This section does not prevent the owner or occupier and the resource authority holder from agreeing to vary the access agreement.

(5) The power of the Land Court to vary an access agreement is not limited by part 6.

53A Power of Land Court to decide alleged breach of access agreement

(1) If a party to an access agreement believes the other party has breached the agreement, the party may apply to the Land Court for an order about the alleged breach.

(2) An application may be made during the term, or after the end, of the agreement.

(3) The Land Court may make any order it considers appropriate on an application under this section.

(4) In this section—

party, to an access agreement, means—

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

(i) the resource authority holder;

(ii) the owner or occupier of private land; or

(b) the successors and assigns of a party mentioned in paragraph (a) that are bound by the agreement under section 79.

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Division 5 Periodic report after entry of land

54 Report to owners and occupiers

(1) This section applies if—

(a) private land has been entered to carry out authorised activities for a resource authority; or

(b) access land for a resource authority has been entered in the exercise of the access rights over the land.

(2) The holder of the resource authority must, within the prescribed period, give each owner and occupier of the land a report about the entry.

(3) The report must comply with the prescribed requirements for the report.

(4) This section does not apply if the entry to the land is for the purpose of carrying out an authorised activity for the resource authority that is aerial surveying carried out at 1,000ft or more above land.

Part 3 Public land

Division 1 Entry to public lands and particular uses of public roads

56 Application of division

(1) This division applies for—

(a) an entry to public land; and

(b) the use of a public road, other than a notifiable road use.

Note—

For the obligations of a resource authority holder for a notifiable road use, see division 2.

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(2) However, this division does not apply in relation to the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

57 What is a *periodic entry notice*

(1) A ***periodic entry notice*** is the first notice about an entry, or series of entries, to public land to carry out an authorised activity for a resource authority.

(2) A periodic entry notice must—

(a) state the period (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; and

(b) be given to the public land authority no less than the prescribed period before the start of the entry period; and

(c) otherwise comply with the prescribed requirements for the notice.

(3) An entry period can not be longer than the prescribed period applying for the entry unless the public land authority agrees in writing to a longer period.

(4) A periodic entry notice that does not comply with this section is invalid.

58 Entry to public land to carry out authorised activity is conditional

(1) A person must not enter public land to carry out an authorised activity for a resource authority unless—

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(a) the activity is an activity that may be carried out by a member of the public without requiring specific approval of the public land authority for the land; or

Example—

travelling on a public road in the area of the resource authority

(b) the public land authority for the land has given a waiver of entry notice for the entry; or

(c) the entry is made in compliance with a periodic entry notice given by the resource authority holder to the public land authority for the land under section 57; or

(d) the entry is needed to preserve life or property or because of an emergency that exists, or may exist.

Maximum penalty—100 penalty units.

(2) A person may comply with subsection (1)(b) or (c) despite merely being an applicant for the resource authority at the time of giving the notice.

59 Conditions public land authority may impose

(1) This section applies if a resource authority holder gives a public land authority a periodic entry notice about an entry to public land to carry out an authorised activity for the resource authority.

(2) The public land authority may, for the entry period stated in the notice, impose reasonable and relevant conditions on the resource authority holder about the entry to the public land or the carrying out of the authorised activity.

(3) The conditions may, for example, be about—

(a) giving the public land authority, at stated intervals, notice of particular activities being carried out on the land by or for the holder; or

(b) affecting other owners and occupiers of the public land.

(4) However, if the public land authority imposes a condition about giving the authority further notice of subsequent entries

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made during the entry period, the condition must require the notice be given—

(a) generally—at least 2 business days before the entry; or

(b) if the holder and the public land authority have agreed to a longer or shorter period for giving the notice—within the agreed period.

(5) The public land authority can not impose a condition for a resource authority or its relevant environmental authority that is—

(a) the same as a condition already applying to the authority; or

(b) substantially the same as a condition already applying to the authority; or

(c) inconsistent with a condition already applying to the authority.

(6) However, if the public land authority is the chief executive of the department in which the *Nature Conservation Act 1992* is administered, that chief executive may impose a condition more stringent than the environmental authority's conditions.

(7) The public land authority may vary any condition it imposes if the condition would otherwise be inconsistent with the requirements under subsection (5).

(8) If the public land authority decides—

(a) to impose a condition, other than a condition agreed to or requested by the resource authority holder; or

(b) to vary a condition, other than a variation agreed to or requested by the resource authority holder;

it must give the holder an information notice about the decision.

(9) The resource authority holder must comply with the conditions imposed by the public land authority.

Maximum penalty for subsection (9)—100 penalty units.

(10) In this section—

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entry period, for a periodic entry notice, see section 57(2).

60 Right to give waiver of entry notice

(1) A public land authority for land may give a waiver of entry notice for an entry made to the land to carry out an authorised activity for a resource authority.

(2) A waiver of an entry notice—

(a) is invalid if it does not comply with the prescribed requirements for the notice; and

(b) can not be withdrawn during the notified period; and

(c) ceases to have effect at the end of the notified period.

(3) In this section—

notified period, for a waiver of entry notice, means the period stated in the notice as the period during which the land may be entered.

Division 2 Notifiable road use

61 Application of division

This division applies to the use of a public road if the use is a notifiable road use.

62 What is a *notifiable road use*

A ***notifiable road use***, of a public road, is the use of the road as prescribed by regulation.

63 Use of public roads for notifiable road use

(1) A resource authority holder must not use a public road for a notifiable road use unless—

(a) the holder has given the public road authority for the road a notice, complying with the prescribed

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requirements, that the holder proposes to carry out the use; and

(b) 1 of the following applies—

(i) the holder and the relevant public road authority have signed a compensation agreement for the use;

(ii) the public road authority has given written consent to the carrying out of the use;

(iii) an application has been made under section 100 to decide the holder's compensation liability to the public road authority relating to the road.

(2) A requirement of a resource authority holder under subsection (1) is taken to be a condition of the resource authority.

64 Directions about notifiable road use

(1) The public road authority for a public road may, by written notice, give a resource authority holder a reasonable direction (a ***road use direction***) about the way the holder may use the road for a notifiable road use.

Examples of what a direction may be about—

- when the road may be used
- the route for the movement of heavy vehicles
- safety precautions the holder must take

(2) The road use direction may also require the holder to—

(a) carry out an assessment of the impacts likely to arise from a notifiable road use the subject of the notice; and

(b) consult with the public road authority in carrying out the assessment.

(3) However—

(a) an assessment can not be required if the notifiable road use is transport relating to a seismic survey or drilling activity; and

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(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.

(4) A road use direction is invalid—

(a) to the extent it is about more than the following matters—

(i) preserving the condition of the road;

(ii) the safety of road users or the public; and

(b) if it is not accompanied by, or does not include, an information notice about the decision to give the direction.

(5) Compliance with a road use direction given to a resource authority holder is taken to be a condition of the resource authority.

65 Exemptions from div 2

(1) A resource authority or a project may be prescribed by regulation as being exempt from some or all of the provisions of this division.

(2) An exemption prescribed under subsection (1) may include conditions that must be complied with for the exemption to apply.

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Part 4 Restricted land

Division 1 Preliminary

Subdivision 1 Application

66 Application of part

This part is additional to, and does not limit, parts 2 and 3.

Subdivision 2 Interpretation

67 Definitions for part

In this part—

prescribed activity, for a resource authority—

(a) means an authorised activity for the resource authority that is carried out—

(i) on the surface of land; or

(ii) below the surface of land in a way that is likely to cause an impact on the surface of the land, including, for example, subsidence of the land; and

(b) does not include—

(i) the installation of an underground pipeline or cable if the installation, including the placing of backfill, is completed within 30 days after the start of the installation; or

(ii) the operation, maintenance or decommissioning of an underground pipeline or cable; or

(iii) an activity that may be carried out on land by a member of the public without requiring specific approval of an entity; or

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Example—

travelling on a public road in the area of a resource authority

(iv) crossing land in order to enter the area of the resource authority if the only entry to the area is through the land and—

(A) each owner and occupier of the land has agreed in writing to the resource authority holder crossing the land; or

(B) if an owner or occupier of the land has refused to agree to the resource authority holder crossing the land—the refusal is unreasonable having regard to the matters mentioned in section 49(2) and (3); or

(v) an activity prescribed by regulation.

relevant owner or occupier, for restricted land for a resource authority, see section 69.

restricted land, for a resource authority, see section 68.

68 What is *restricted land*

(1) ***Restricted land***, for a production resource authority or exploration resource authority, means—

(a) land within 200m laterally of any of the following—

(i) a permanent building used for any of the following purposes—

(A) a residence;

(B) a childcare centre, hospital or library;

(C) a community, sporting or recreational purpose or as a place of worship;

(D) a business;

(ii) an area used for any of the following purposes—

(A) a school;

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(B) a prescribed ERA, under the Environmental Protection Act, that is aquaculture, intensive animal feedlotting, pig keeping or poultry farming;

(iii) an area, building or structure prescribed by regulation; or

(b) land within 50m laterally of any of the following—

(i) an area used for any of the following purposes—

(A) an artesian well, bore, dam or water storage facility;

(B) a principal stockyard;

(C) a cemetery or burial place;

(ii) an area, building or structure prescribed by regulation.

(2) ***Restricted land***, for a resource authority other than a production resource authority or exploration resource authority, means land within 50m laterally of any area, building or structure mentioned in subsection (1).

(3) However, despite subsection (1), land is only restricted land for a production resource authority if the use of the area, building or structure mentioned in the subsection started before the application for the resource authority was made.

(4) In this section—

exploration resource authority means a resource authority that is—

(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

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(e) a GHG exploration permit under the Greenhouse Gas Act.

place of worship means a place used for the public religious activities of a religious association, including, for example, the charitable, educational and social activities of the association.

production resource authority means a resource authority that is—

(a) any of the following under the Mineral Resources Act—

- a mining claim;
- a mining lease; or

(b) any of the following under the P&G Act—

- a petroleum lease;
- a pipeline licence;
- a petroleum facility licence; or

(c) a lease under the 1923 Act; or

(d) a geothermal production lease under the Geothermal Act; or

(e) a GHG injection and storage lease under the Greenhouse Gas Act.

water storage facility—

(a) means an artificially constructed water storage facility that is connected to a water supply; and

(b) does not include an interconnecting water pipeline.

69 Who is a *relevant owner or occupier*

A ***relevant owner or occupier***, for restricted land for a resource authority, is—

(a) for restricted land mentioned in section 68(1)(a)(i)—an owner or occupier of the permanent building; or

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(b) for restricted land mentioned in section 68(1)(a)(ii)—an owner or occupier of the area; or

(c) for restricted land mentioned in section 68(1)(a)(iii), (1)(b) or (2)—an owner or occupier of the area, building or structure.

Division 2 Entry for particular authorised activities requires consent

70 Consent required for entry on restricted land

(1) A person must not enter restricted land for a resource authority, to carry out a prescribed activity for the resource authority, unless each relevant owner or occupier for the restricted land has given written consent to the resource authority holder to carry out the activity.

(2) The consent may be given on conditions.

(3) The conditions of the consent are taken to be conditions of the resource authority.

(4) The consent can not be withdrawn during the period stated in the consent as the period during which the holder may enter the land.

(5) This section does not apply to restricted land for a mining claim or mining lease under the Mineral Resources Act.

Division 3 Land court declarations

72 Application to Land Court for declaration

(1) A prescribed person may apply to the Land Court for an order declaring the following—

(a) whether particular land is restricted land for a resource authority or the Mineral Resources Act, schedule 1, section 2;

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(b) whether a particular activity is a prescribed activity for a resource authority.

(2) The Land Court must—

(a) if an application is made under subsection (1)(a)—make an order declaring whether the land is restricted land for the resource authority or the Mineral Resources Act, schedule 1, section 2; or

(b) if an application is made under subsection (1)(b)—make an order declaring whether the activity is a prescribed activity.

(3) The Court may make the other orders the Court considers appropriate.

(4) In this section—

prescribed person, for land, means—

(a) an owner or occupier of the land; or

(b) a holder of a resource authority for an area including the land; or

(c) a person carrying out, or intending to carry out, an activity on the land under the Mineral Resources Act, section 386V.

Part 4A Rehabilitation and environmental management

72A Application of part

This part applies in relation to all resource authorities.

72B Right of access for authorised activities includes access for rehabilitation and environmental management

(1) This section applies if—

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(a) under part 2 or 3, the holder of a resource authority has the right to enter private land or public land to carry out authorised activities for the resource authority; or

(b) under the Mineral Resources Act, the holder of a prospecting permit, mining claim or mining lease has the right to enter land to carry out authorised activities for the resource authority.

(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.

Part 5 Other resource authorities' authorised areas

73 Application of part

(1) This part applies for a resource authority (the ***first resource authority***) in relation to entry to land that is—

(a) outside its authorised area; and

(b) in the authorised area of another resource authority (the ***second resource authority***).

(2) However, this part does not apply if the first resource authority is any of the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

(3) If the land is also private land or public land (including restricted land), this part applies in addition to any obligations under part 2, 3 or 4.

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74 Definitions for part

In this part—

first resource authority, for chapter 3 part 5, see section 73(1).

second resource authority, for chapter 3, part 5, see section 73(1)(b).

75 Access if second resource authority is a lease

If the second resource authority is a lease, the first resource authority holder may enter the land only if the second resource authority holder has consented in writing to the entry.

76 Access if second resource authority is not a lease

(1) If the second resource authority is not a lease, the first resource authority holder may do the following without the second resource authority holder's consent—

(a) cross the land if it is reasonably necessary to allow the first resource authority holder to enter the first resource authority's authorised area;

(b) carry out activities on the land that are reasonably necessary to allow the crossing of the land.

(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 resource authority.

(3) Subsection (2) applies whether or not the authorised activity has already started.

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Part 6 Enduring effect of particular agreements, notices and waivers

77 Access agreements, entry notices and waivers not affected by dealing

A dealing in relation to a resource authority does not affect any of the following—

(a) an access agreement made in relation to the resource authority;

(b) an entry notice given for the resource authority;

(c) a waiver of entry notice made for the resource authority.

78 Entry notice and waivers not affected by change in ownership or occupancy

(1) If, after the giving of an entry notice under section 39, the ownership or occupancy of the affected land changes, the resource authority holder for which the entry notice was given is taken to have given that notice to each new owner or occupier of the land.

(2) If, after the giving of a waiver of entry notice, the ownership or occupancy of the affected land changes, each new owner or occupier of the land is taken to have given that waiver of entry notice.

(3) However, subsections (1) and (2) cease to apply for an entry notice or waiver of entry notice if the resource authority holder becomes aware of a new owner or occupier for the affected land and the holder does not give the new owner or occupier a copy of the notice or waiver within 15 business days.

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79 Written access agreement binds successors and assigns

A written access agreement binds the parties to the agreement, and each of their successors and assigns.

Part 7 Compensation and negotiated access

Division 1 Compensation relating to private and public land

80 Application of division

This division does not apply in relation to the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

81 General liability to compensate

(1) A resource authority holder is liable to compensate the following persons (each an ***eligible claimant***) for each compensatable effect suffered by the eligible claimant because of the holder—

(a) an owner or occupier of private land that is—

(i) in the authorised area of the resource authority; or

(ii) access land for the resource authority;

(b) an owner or occupier of public land that is—

(i) in the authorised area of the resource authority; or

(ii) access land for the resource authority.

(2) The resource authority holder's liability to compensate an eligible claimant under subsection (1) is the resource

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authority holder's ***compensation liability*** to the eligible claimant.

Note—

See also part 9, division 3 in relation to compensation liability relating to CSG-induced subsidence on private land in the Condamine Alluvium CSG area.

(3) This section does not apply to a public road authority for a notifiable road use.

(4) In this section—

compensatable effect, suffered by an eligible claimant because of a resource authority holder, means—

(a) any of the following caused by the holder, or a person authorised by the holder, carrying out authorised activities on the eligible claimant's land—

(i) deprivation of possession of the land's surface;

(ii) diminution of the land's value;

(iii) diminution of the use made, or that may be made, of the land or any improvement on it;

(iv) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;

(v) any cost, damage or loss arising from the carrying out of activities under the resource authority on the land; and

(b) consequential loss incurred by the eligible claimant arising out of a matter mentioned in paragraph (a).

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Division 2 Conduct and compensation agreements

Subdivision 1 Application of division

82 Application of division

This division does not apply in relation to the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

Subdivision 2 Making of conduct and compensation agreement

83 Conduct and compensation agreement

(1) An eligible claimant and a resource authority holder may enter into an agreement (a ***conduct and compensation agreement***) about—

(a) how and when the holder may enter the land for which the eligible claimant is an eligible claimant; and

(b) how authorised activities, 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, the relevant Resource Act, a condition of the resource authority or a mandatory provision of the relevant land access code, and is unenforceable to the extent of the inconsistency.

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(3) A conduct and compensation agreement—

(a) may relate to all or part of the liability or future liability; and

(b) may be incorporated into another agreement.

Example for paragraph (b)—

an easement

(4) A conduct and compensation agreement is invalid if it does not comply with the prescribed requirements for the agreement.

Subdivision 2A Conferences with an authorised officer

83A Party may request conference

(1) This section applies if a dispute arises about a matter mentioned in section 83(1)(a), (b) or (c).

(2) Either the resource authority holder or eligible claimant (each a ***party***) may give a notice (a ***conference election notice***) to the other party requesting the other party to participate in a conference conducted by an authorised officer to seek to negotiate a resolution of the dispute.

(3) The conference election notice must state—

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

(b) any other information prescribed by regulation.

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

83B Conduct of conference

(1) This section applies if a conference election notice is given under section 83A.

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

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

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

(5) If the parties agree to a longer period, and the authorised officer consents to the longer period, the longer period applies instead of the usual period.

(6) If a party gives the other party an ADR election notice, or arbitration election notice, about a matter mentioned in section 83A(3)(a), the conference ends.

(7) Nothing said by a person at the conference is admissible in evidence in a proceeding without the person's consent.

Subdivision 3 Negotiation and ADR

84 Notice of intent to negotiate

(1) A resource authority holder may give an eligible claimant to whom the holder has a compensation liability a notice (the ***negotiation notice***) that the holder wishes to negotiate a conduct and compensation agreement or a deferral agreement with the eligible claimant.

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

85 Negotiations

(1) On the giving of the negotiation notice, the resource authority holder and the eligible claimant (the ***parties***) must use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement.

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(2) The period of the negotiations—

(a) must be at least for the prescribed period (the ***minimum negotiation period***); and

(b) may continue for a longer period agreed to by the parties.

(3) If the parties agree to a longer period, the agreed longer period is the minimum negotiation period.

(4) The negotiations under this subdivision end if the parties enter into an opt-out agreement.

86 No entry to land during minimum negotiation period

(1) If, during the minimum negotiation period, the parties enter into a conduct and compensation agreement or a deferral agreement, the resource authority holder can not enter the relevant land to carry out advanced activities for the resource authority until the period ends.

(2) Subsection (1) applies despite the terms of the agreement.

87 Cooling-off during minimum negotiation period

(1) This section applies if the parties enter into a conduct and compensation agreement or a deferral agreement during the minimum negotiation period.

(2) Either party may, within the minimum negotiation period, terminate the agreement by giving notice to the other party.

(3) On the giving of a notice under subsection (2), the terminated agreement is taken never to have had any effect.

(4) To remove any doubt, it is declared that subsection (3) does not change the time when the negotiation notice was given.

88 Party may require ADR

(1) This section applies if, at the end of the minimum negotiation period, the parties have not entered into a conduct and

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compensation agreement relating to a dispute about a matter mentioned in section 83(1).

(2) Either party may give an ADR election notice requiring the other party to participate in ADR to seek to negotiate a resolution of the dispute.

(3) For subsection (2), the dispute is resolved by the parties entering into a conduct and compensation agreement.

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

(5) If the party given an ADR election notice does not accept, under subsection (4), the type of ADR or ADR facilitator proposed in the notice, the party giving the notice may make another proposal, or obtain a decision from the Land Court or a prescribed ADR institute, about the matter not accepted.

(6) If a party obtains a decision under subsection (5) from the Land Court or a prescribed ADR institute, the party must give the other party notice of the decision.

(7) Chapter 7A, part 1, division 2 applies to the ADR.

91 Recovery of negotiation and preparation costs

(1) This section applies if an eligible claimant necessarily and reasonably incurs negotiation and preparation costs in entering or seeking to enter into a conduct and compensation agreement or deferral agreement with a resource authority holder.

(2) The resource authority holder is liable to pay to the eligible claimant the negotiation and preparation costs necessarily and reasonably incurred.

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Subdivision 3A Arbitration

91A Party may request arbitration

(1) This section applies if—

(a) a party has given a negotiation notice under section 84 to another party seeking to negotiate the resolution of a dispute and at the end of the minimum negotiation period, the parties have not negotiated a conduct and compensation agreement or deferral agreement; or

(b) a party has given an ADR election notice under section 88 to another party seeking to negotiate the resolution of a dispute and at the end of the ADR period for the ADR, the parties have not entered into a conduct and compensation agreement.

(2) Either party may give an arbitration election notice to the other party requesting the other party to participate in an arbitration to decide the dispute.

(3) A party given an arbitration election notice must, within 15 business days after the notice is given, accept or refuse the request for arbitration.

(4) If a party given an arbitration election notice does not accept the request for arbitration within 15 business days after the notice is given, the party is taken to refuse the request.

(5) If the request for arbitration is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the arbitrator proposed in the arbitration election notice, or another arbitrator, to conduct the arbitration.

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

(7) A prescribed arbitration institute does not incur any civil monetary liability for an act or omission in the performance,

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or purported performance, of a function under subsection (6) unless the act or omission is done or made in bad faith or through negligence.

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

91F Effect of arbitrator's decision

(1) The arbitrator's decision is final.

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

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

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

Subdivision 4 Recording particular agreements

92 Particular agreements to be recorded on titles

(1) A resource authority holder that is a party to either of the following agreements must, within 28 days after entering into the agreement, give the registrar notice of the agreement in the appropriate form—

(a) a conduct and compensation agreement;

(b) an opt-out agreement.

(2) If given a notice under subsection (1), the registrar must record in the relevant register the existence of the agreement.

(3) Subsection (4) applies if—

(a) the agreement ends; or

(b) the land the subject of the agreement is subdivided, in whole or part, and the agreement does not apply to land

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within a new lot that is created as a result of the subdivision.

(4) The resource authority holder that is a party to the agreement must give the registrar notice of the matter in the appropriate form within 28 days after—

(a) if subsection (3)(a) applies—the agreement ends; or

(b) if subsection (3)(b) applies—the day the resource authority holder becomes aware the land has been subdivided.

(5) If the registrar is given a notice under subsection (4) in relation to an agreement that has ended, the registrar must, if satisfied the agreement has ended or is no longer relevant for the land, remove the particulars of the agreement from the relevant register.

(6) If the registrar is given a notice under subsection (4) in relation to the subdivision of land, the registrar must, if satisfied the agreement is not relevant for a new lot created by the subdivision, remove the particulars of the agreement from the relevant register to the extent it relates to the new lot.

(7) The registrar must also remove the particulars of the agreement from the relevant register if—

(a) requested to do so, in the appropriate form, by a party to the agreement; and

(b) the registrar is satisfied the agreement has ended or is no longer relevant for the land.

(8) A resource authority holder complying with subsection (1) or (4) is liable for the costs of recording the agreement in, or removing the agreement from, the relevant register.

(9) A notice given under this section is invalid if it does not comply with the prescribed requirements for the notice.

(10) A requirement of a resource authority holder under subsection (1) or (4) is a condition of the resource authority.

(11) In this section—

***appropriate form*—**

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(a) if the agreement relates to land to which the *Land Title Act 1994* applies—see schedule 2 of that Act;

(b) if the agreement relates to land to which the *Land Act 1994* applies—see schedule 6 of that Act.

party, to a conduct and compensation agreement or opt-out agreement, includes the successors and assigns of the party that are bound by the agreement under division 5.

registrar means the registrar of titles under the *Land Title Act 1994*.

relevant register means—

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

(b) for any other land—the registry under section 275 of the *Land Act 1994*.

Subdivision 5 ADR about particular costs and material changes in circumstances

92A Party may seek ADR

(1) This section applies if a dispute arises between a resource authority holder and an eligible claimant (the ***parties***) about—

(a) the payment of negotiation and preparation costs under section 91; or

(b) whether the compensation liability or future compensation liability of the resource authority holder to the eligible claimant, agreed to under a conduct and compensation agreement or decided by the Land Court, has been affected by a material change in circumstances since the agreement or decision.

(2) Either party may give an ADR election notice to the other party asking the other party to participate in ADR to seek to negotiate a resolution of the dispute.

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(3) A party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the request for ADR.

(4) If a party given an ADR election notice does not accept the request for ADR within 10 business days after the notice is given, the party is taken to refuse the request.

(5) If the request for ADR is accepted under subsection (3), the parties may, within 10 business days after the acceptance, jointly appoint the ADR facilitator proposed in the ADR election notice, or another ADR facilitator, to conduct the ADR.

(6) Chapter 7A, part 1, division 2 applies to the ADR.

Division 3 Compensation for notifiable road uses

93 Liability to compensate public road authority

(1) A resource authority holder is liable to compensate the public road authority for a public road for any cost, damage or loss the authority incurs or will incur that is or will be caused by notifiable road uses carried out by the holder that relate to the road.

Examples of a possible cost for subsection (1)—

- repair costs to rectify damage to the road caused or that will be caused by any of the uses
- capital costs for unplanned upgrades of the road incurred or that will be incurred because of any of the uses
- 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

(2) The resource authority holder's liability under subsection (1) is the holder's ***compensation liability*** to the public road authority.

(3) The compensation liability—

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(a) applies whether or not the holder has given notice of the use; and

(b) 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.

94 Road compensation agreement

(1) A resource authority holder and the public road authority for a public road may enter into an agreement (a ***road compensation agreement***) about the holder's compensation liability to the public road authority.

(2) A road compensation agreement is invalid if it does not comply with the prescribed requirements for the agreement.

Division 4 Land Court jurisdiction

Subdivision 1 Conduct and compensation

96 Party may apply to Land Court

(1) This section applies if—

(a) a party has given an ADR election notice under section 88 to another party seeking to negotiate the resolution of a dispute; and

(b) at the end of the ADR period for the ADR, the parties have not entered into a conduct and compensation agreement; and

(c) the dispute is not the subject of arbitration under chapter 7A, part 2, division 2.

(2) Either party may apply to the Land Court to decide the dispute.

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(3) 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 between the parties.

96A Applications may be heard together

(1) This section applies if an eligible claimant has brought a proceeding in the Land Court for the payment by a resource authority holder of compensation under the Environmental Protection Act.

(2) The Land Court may hear together the application and an application under section 96 by the eligible claimant or resource authority holder if the Land Court considers it desirable in the interests of justice.

96B Negotiation and preparation costs

(1) A party may apply to the Land Court for—

(a) a declaration that all or part of stated costs are payable under section 91; or

(b) if the party is an eligible claimant—an order requiring the payment of negotiation and preparation costs under section 91.

(2) The Land Court may, in a proceeding mentioned in subsection (1) or a proceeding brought under section 96, make a declaration about, or an order for the payment of, negotiation and preparation costs under section 91.

(3) However, if the costs are the costs of an agronomist, the Land Court can not make an order or declaration in relation to the costs unless the agronomist is appropriately qualified to perform the function for which the costs are incurred.

97 Orders Land Court may make

(1) The Land Court may make any order it considers appropriate to enable or enforce its decision on an application under this part.

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(2) Without limiting subsection (1), the Land Court may order—

(a) non-monetary compensation as well as monetary compensation; or

(b) that a party not engage in particular conduct; or

(c) that the parties engage in further ADR.

(3) In considering whether to make an order under subsection (2)(c), the Land Court may have regard to the behaviour of the parties in the process leading to the application.

Subdivision 2 Additional jurisdiction

98 Additional jurisdiction for compensation, conduct and related matters

(1) This section applies to a resource authority holder and an eligible claimant (the ***parties***) if any of the following apply—

(a) the holder has carried out a preliminary activity;

(b) there is a conduct and compensation agreement or deferral agreement between the parties.

(2) The Land Court may do all or any of the following—

(a) assess all or part of the relevant resource authority holder's compensation liability to the eligible claimant;

(b) decide a matter related to the compensation liability;

(c) declare whether or not a proposed authorised activity for the relevant resource authority would, if carried out, interfere with the carrying out of lawful activities by the eligible claimant;

(d) make any order it considers necessary or desirable for a matter mentioned in paragraph (a), (b) or (c).

Example—

The Land Court declares that a particular proposed authorised activity interferes with the carrying out of lawful activities by the

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eligible claimant. It may also order that a stated modification of, or reduction in, the activity would remove the interference.

99 Jurisdiction to impose or vary conditions

(1) In deciding a matter mentioned in section 98(2), the Land Court may—

(a) impose any condition it considers appropriate for the exercise of the parties' rights; or

(b) vary any existing condition under an agreement between the parties.

(2) The variation may be made on any ground the Land Court considers appropriate.

(3) The imposed or varied condition is taken to be—

(a) if there is an agreement between the parties—a condition of the agreement; or

(b) if there is no agreement between the parties—an agreement between the parties.

(4) In this section—

agreement means a conduct and compensation agreement.

condition means a condition of or for a conduct and compensation agreement.

99A Jurisdiction to decide alleged breach of conduct and compensation agreement

(1) Subsection (2) applies if a party to a conduct and compensation agreement believes the other party has breached a condition of the agreement.

(2) The party may apply to the Land Court for an order about the alleged breach.

(3) An application may be made during the term, or after the end, of the agreement.

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(4) The Land Court may make any order it considers appropriate on an application under this section.

(5) In this section—

conduct and compensation agreement means a conduct and compensation agreement for which the minimum negotiation period has ended.

party, to a conduct and compensation agreement, means—

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

(i) the resource authority holder;

(ii) the owner or occupier of private land; or

(b) the successors and assigns of a party mentioned in paragraph (a) that are bound by the agreement under division 5.

Subdivision 3 Compensation for notifiable road use

100 Deciding compensation by Land Court

(1) Either of the following entities may apply to the Land Court for the Court to decide a resource authority holder's compensation liability to a public road authority—

(a) the public road authority;

(b) the resource authority holder.

(2) However, the Land Court may decide the compensation liability only to the extent it is not subject to a road compensation agreement.

(3) In making the decision, the Land Court may have regard to—

(a) all prescribed criteria relating to the public road authority, resource authority and notifiable road use; and

(b) whether the applicant has attempted to mediate or negotiate the compensation liability; and

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

Subdivision 4 Later review of compensation by Land Court

101 Review of compensation by Land Court

(1) This section applies if—

(a) the compensation liability or future compensation liability of a resource authority holder to either of the following has been agreed to under a compensation agreement or decided by the Land Court (the ***original compensation***)—

(i) an eligible claimant;

(ii) a public road authority; and

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

(2) The following may apply to the Land Court for a review of the original compensation—

(a) the resource authority holder;

(b) the eligible claimant;

(c) the public road authority.

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

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

(b) whether the applicant has attempted to mediate or negotiate the compensation liability; and

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

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

(8) In this section—

compensation agreement means—

(a) a conduct and compensation agreement; or

(b) a road compensation agreement.

Division 5 Successors and assigns

101A Agreement binding on successors and assigns

(1) This section applies to each of the following agreements—

(a) a conduct and compensation agreement;

(b) an opt-out agreement;

(c) a road compensation agreement.

(2) The agreement binds the parties to the agreement, and each of their successors and assigns.

101B Land Court decision binding on successors and assigns

(1) This section applies to a decision of the Land Court under division 4.

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

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101C Arbitrator's decision binding on successors and assigns

(1) This section applies to a decision of an arbitrator under division 2, subdivision 3A.

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

Part 8 Conferences held by authorised officer

101D Notice of concern may be given to authorised officer

(1) An owner or occupier of land that may be affected by a resource authority may give notice to an authorised officer of any of the following concerns relating to the resource authority—

(a) a concern about the authority of the resource authority holder to enter or be on the land;

(b) a concern about activities of the resource authority holder that may affect the land;

(c) a concern about the conduct of the resource authority holder.

(2) A resource authority holder may give notice to an authorised officer of a concern involving the holder and an owner or occupier of land.

(3) For subsection (1), a resource authority holder includes a person acting, or purporting to act, for a resource authority holder or for a purpose relating to a resource authority.

101E Authorised officer may call conference

(1) This section applies if an authorised officer—

(a) receives under section 101D notice of a concern relating to a resource authority; or

(b) is aware of a concern about a resource authority.

(2) The authorised officer may ask any of the following persons (each a ***party***) to participate in a conference conducted by the authorised officer to discuss the concern—

(a) the resource authority holder;

(b) an owner or occupier of land that may be affected by the resource authority;

(c) another person interested in the concern.

101F Conduct of conference

(1) This section applies if an authorised officer asks a party to participate in a conference under section 101E(2).

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

(3) In conducting the conference, the authorised officer must endeavour to help the parties reach an early and inexpensive settlement of the concern the subject of the conference.

(4) If a party does not attend the conference—

(a) the authorised officer may continue to conduct the conference; and

(b) a party who attends the conference may apply to the Land Court for an order requiring a party who did not attend the conference to pay the attending party's reasonable costs of attending.

(5) The Land Court must not order a party to pay costs under subsection (4)(b) if the party had a reasonable excuse for not attending the conference.

(6) If the Land Court makes an order under subsection (4)(b), the Land Court must decide the amount of the costs.

(7) Nothing said by a person at the conference is admissible in evidence in a proceeding without the person's consent.

(8) If parties asked to participate in the conference make an agreement about the concern the subject of the conference, the agreement must be written and signed by the parties.

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(9) In this section—

party see section 101E(2).

Part 9 Condamine Alluvium CSG area

Division 1 Preliminary

101G Purpose of part

The purpose of this part is to provide additional protection to owners or occupiers of private land in the Condamine Alluvium CSG area (***affected land***) who may be affected by the carrying out of CSG activities.

101H Definitions for part

In this part—

affected land see section 101G.

CSG activity means an activity involving exploring for or producing coal seam gas.

CSG-induced subsidence means sinking of the ground resulting from CSG activities.

CSG resource authority means a resource authority—

(a) that is—

(i) an authority to prospect under the P&G Act that authorises exploring and testing for coal seam gas; or

(ii) a petroleum lease under the P&G Act that authorises the production of coal seam gas; and

(b) whose authorised area is wholly or partly in the Condamine Alluvium CSG area.

eligible subsidence claimant means an eligible subsidence claimant under section 101J(2) or 101K(2).

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subsidence compensatable effect, suffered by an owner or occupier of affected land because of a CSG resource authority, means an effect suffered by the owner or occupier—

(a) resulting from the impact of CSG-induced subsidence that—

(i) is caused by authorised activities carried out under the CSG resource authority, whether or not the activities were carried out on the owner's or occupier's land; and

(ii) affects the ability to carry out agricultural activities, or the productivity of agricultural activities carried out, on the owner's or occupier's land; and

(b) that—

(i) is of a kind mentioned in section 81(4), definition *compensatable effect*, paragraph (a)(i) to (v) or (b); or

(ii) would be of a kind mentioned in section 81(4), definition *compensatable effect*, paragraph (a)(i) to (v) or (b) if the authorised activities mentioned in paragraph (a)(i) were carried out on the owner's or occupier's land.

subsidence compensation liability, to an eligible subsidence claimant, see section 101J(3)(a) or 101K(3).

Division 2 Drilling directional well requires agreement

101I Application of s 43 in relation to drilling directional well

(1) This section applies in relation to drilling a directional well in the authorised area, or a part of the authorised area, of a CSG resource authority to the extent the area or part of the area is affected land.

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(2) For section 43, drilling the directional well is an advanced activity for the CSG resource authority.

(3) Subsection (2) applies—

(a) whether or not the drilling would otherwise be an advanced activity under section 15A; and

(b) whether or not another advanced activity is carried out on the affected land under the CSG resource authority.

Division 3 Liability to compensate for CSG-induced subsidence

Subdivision 1 Subsidence compensation liability

101J Liability for land in authorised area or access land

(1) This section applies to a CSG resource authority holder in relation to affected land that is—

(a) in the authorised area of the CSG resource authority; or

(b) access land for the CSG resource authority.

(2) The CSG resource authority holder is liable to compensate the owner or occupier of the affected land (each an ***eligible subsidence claimant***) for each subsidence compensatable effect suffered by the eligible subsidence claimant because of the CSG resource authority.

(3) The CSG resource authority holder's liability to compensate an eligible subsidence claimant under subsection (2)—

(a) is the holder's ***subsidence compensation liability*** to the claimant; and

(b) is also—

(i) the holder's compensation liability to the claimant under section 81; or

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(ii) if the holder has other compensation liability to the claimant under section 81—a part of the holder's compensation liability to the claimant under section 81.

(4) To remove any doubt, it is declared that, for applying subsection (3)(b) under part 7, the eligible subsidence claimant is an eligible claimant under section 81.

(5) This section does not limit the circumstances in which a resource authority holder's compensation liability to an eligible claimant under section 81 may be or include liability for an effect resulting from subsidence suffered by the claimant.

101K Liability for particular other land

(1) This section applies to a CSG resource authority holder in relation to affected land—

(a) that is—

(i) within the prescribed distance outside the authorised area of the CSG resource authority; and

(ii) not access land for the CSG resource authority; and

(b) whether or not the land is in the authorised area of, or access land for, another CSG resource authority.

(2) The CSG resource authority holder is liable to compensate the owner or occupier of the affected land (each an ***eligible subsidence claimant***) for each subsidence compensatable effect suffered by the eligible subsidence claimant because of the CSG resource authority.

(3) The CSG resource authority holder's liability to compensate an eligible subsidence claimant under subsection (2) is the holder's ***subsidence compensation liability*** to the eligible subsidence claimant.

(4) In this section—

prescribed distance means—

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(a) if a regulation prescribes a distance for this definition—the distance prescribed; or

(b) otherwise—5 km.

Subdivision 2 Disputes about subsidence compensation liability

101L Application of subdivision

(1) This subdivision applies in relation to a CSG resource authority holder's subsidence compensation liability to an eligible subsidence claimant.

(2) However, this subdivision does not apply if—

(a) under part 7—

(i) the CSG resource authority holder and eligible subsidence claimant have entered into a conduct and compensation agreement relating to the holder's compensation liability to the claimant; or

(ii) a dispute resolution process involving the CSG resource authority holder's compensation liability to the eligible subsidence claimant has been started or decided, including by a decision of the Land Court; or

(b) under the CSG resource authority, the CSG resource authority holder, or a person authorised by the holder, is carrying out or proposing to carry out on the eligible subsidence claimant's land authorised activities that are advanced activities.

101M References to subsidence compensation liability

A reference in this subdivision to subsidence compensation liability is taken to include a reference to future subsidence compensation liability.

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101N Land Court may hear dispute

(1) This section applies if a dispute about subsidence compensation liability arises between the following persons (each a ***party***)—

(a) the holder of a CSG resource authority;

(b) an eligible subsidence claimant.

(2) Either party may apply to the Land Court to decide the dispute.

(3) The Land Court may make any order it considers appropriate to enable or enforce its decision on an application under subsection (2).

(4) Without limiting subsection (3), the Land Court may do any or all of the following—

(a) assess all or part of the subsidence compensation liability;

(b) decide a matter related to the subsidence compensation liability;

(c) make any order it considers necessary or desirable for a matter mentioned in paragraph (a) or (b);

(d) order non-monetary compensation as well as monetary compensation.

101O Review of subsidence compensation by Land Court

(1) This section applies if—

(a) the subsidence compensation liability of a CSG resource authority holder to an eligible subsidence claimant (the ***original compensation***) has been decided by the Land Court under section 101N; and

(b) there has been a material change in circumstances (the ***change***) since the decision was made.

(2) Either the CSG resource authority holder or eligible subsidence claimant may apply to the Land Court for a review of the original compensation.

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(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.

101P Land Court decision binding on successors and assigns

(1) This section applies to a decision of the Land Court under section 101N or 101O.

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

Chapter 4 Overlapping coal and petroleum resource authorities

Part 1 Preliminary

Division 1 Purposes of chapter

102 Main purposes of chapter

(1) The main purposes of this chapter are to—

(a) facilitate the co-existence of the State's coal and coal seam gas industries; and

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(b) ensure that participants in each of the industries co-operate to optimise the development and use of the State's coal and coal seam gas resources to maximise the benefit for all Queenslanders; and

(c) establish a statutory framework that applies if the participants do not otherwise agree.

(2) The main purposes are achieved by—

(a) removing barriers to the grant of resource authorities for coal and coal seam gas production; and

(b) allowing a right of way for coal production subject to notice and compensation requirements; and

(c) imposing ongoing obligations on participants in each of the industries to exchange relevant information; and

(d) providing for participants in each of the industries to negotiate arrangements as an alternative to particular legislative requirements.

Division 2 Interpretation

103 Definitions for chapter

In this chapter—

18 months notice, for an ML (coal), see section 122.

abandonment date see section 129(2)(b).

acceleration notice see section 128(2).

advance notice, for an ML (coal), see section 121.

agreed joint development plan means—

(a) an agreed joint development plan for which a notice has been given to the chief executive under section 130 or 142; or

(b) if an agreed joint development plan is amended by the resource authority holders under section 133 or 146—the agreed joint development plan as amended; or

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(c) if an agreed joint development plan is required to be amended by the Minister under section 174C—the agreed joint development plan as required to be amended by the Minister; or

(d) if an agreed joint development plan is arbitrated as an agreed joint development plan under chapter 5, part 3—the agreed joint development plan as arbitrated.

arbitration, of a dispute, means arbitration of the dispute under chapter 5, part 3.

area means—

(a) of a coal resource authority—the area of the coal resource authority under the Mineral Resources Act; or

(b) of a petroleum resource authority—the area of the petroleum resource authority under the P&G Act.

ATP means authority to prospect (csg).

ATP major gas infrastructure, for an ATP, see section 166.

authority to prospect (csg) means an authority to prospect granted under the P&G Act, if the intention of the holder is to explore and test for coal seam gas.

coal mine see the *Coal Mining Safety and Health Act 1999*.

coal mining operations see the *Coal Mining Safety and Health Act 1999*.

coal resource authority means—

(a) an exploration permit (coal); or

(b) a mineral development licence (coal); or

(c) a mining lease (coal).

column 1 resource authority means a coal resource authority or petroleum resource authority listed in column 1 of a table in this chapter.

column 2 resource authority means a coal resource authority or petroleum resource authority listed in column 2 of a table in this chapter.

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compensation liability—

(a) of an ML (coal) holder to a PL holder—see section 167(3); or

(b) of an ML (coal) holder to an ATP holder—see section 168(3).

concurrent notice see section 149(2).

confirmation notice, for an ML (coal), see section 123.

corresponding column 1 resource authority, for a column 2 resource authority, means the column 1 resource authority opposite the column 2 resource authority in a table in this chapter.

corresponding column 2 resource authority, for a column 1 resource authority, means a column 2 resource authority opposite the column 1 resource authority in a table in this chapter.

diluted incidental coal seam gas see section 136.

EP (coal), for part 3, see section 139.

exceptional circumstances notice see section 127.

exploration permit (coal) means an exploration permit for coal granted under the Mineral Resources Act.

FMA see section 110.

future mining area see section 110.

holder, of a coal resource authority or petroleum resource authority, means—

(a) for a coal resource authority—the person who is the holder of the resource authority under the Mineral Resources Act; or

(b) for a petroleum resource authority—the person who is the holder of the resource authority under the P&G Act.

IMA see section 109.

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incidental coal seam gas means coal seam gas able to be mined by an ML (coal) holder under the Mineral Resources Act.

initial mining area see section 109.

joint development plan means a proposed joint development plan or an agreed joint development plan.

joint occupancy, of a SOZ for an IMA or RMA, see section 114.

lost production see section 162.

MDL (coal), for part 3, see section 139.

mineral development licence (coal) means a mineral development licence for coal granted under the Mineral Resources Act.

mining commencement date, for an IMA or RMA, see section 115.

mining lease (coal) means a mining lease for coal granted under the Mineral Resources Act.

ML (coal)—

(a) generally—means a mining lease (coal); or

(b) for part 3—see section 139.

ML (coal) holder—

(a) generally—see section 105; or

(b) for part 3—see section 139.

overlapping area see section 104.

petroleum see the P&G Act.

petroleum lease (csg) means a petroleum lease granted under the P&G Act if coal seam gas is proposed to be produced under the lease.

petroleum production notice see section 141(1).

petroleum resource authority—

(a) generally, means—

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(i) an authority to prospect (csg); or

(ii) a petroleum lease (csg); or

(b) for part 2, see section 118.

petroleum well has the meaning given by the P&G Act.

PL—

(a) generally—means a petroleum lease (csg); or

(b) for part 3—see section 139.

PL connecting infrastructure, for a PL, see section 165.

PL holder—

(a) generally—see section 106; or

(b) for part 3—see section 139.

PL major gas infrastructure, for a PL, see section 163.

PL minor gas infrastructure, for a PL, see section 164.

proposed joint development plan means—

(a) for part 2, division 2—a proposed plan for development of an overlapping area that includes the matters mentioned in section 130(3); or

(b) for part 3—a proposed plan for development of an overlapping area that includes the matters mentioned in section 142(3).

reconciliation payment see section 172(2)(a) and (c)(i).

relevant matter, in relation to a joint development plan, means—

(a) for a joint development plan under part 2, division 3—a matter mentioned in section 130(3); or

(b) for a joint development plan under part 3—a matter mentioned in section 142(3).

replace, for part 6, division 2, see section 161.

replacement gas see section 172(2)(b) and (c)(ii).

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resource authority means a coal resource authority or a petroleum resource authority.

RMA see section 111.

RMA notice, for an ML (coal), see section 125.

rolling mining area see section 111.

simultaneous operations zone, for an IMA or RMA, see section 112.

site senior executive, for a coal mine, see the *Coal Mining Safety and Health Act 1999*.

sole occupancy, of an IMA or RMA, see section 113.

SOZ see section 112.

surface mine see the *Coal Mining Safety and Health Act 1999*.

underground mine see the *Coal Mining Safety and Health Act 1999*.

undiluted incidental coal seam gas see section 136.

104 What is an *overlapping area*

(1) An ***overlapping area*** is land that is the subject of both a column 1 resource authority and a corresponding column 2 resource authority for the column 1 resource authority.

(2) However, land is an ***overlapping area*** only if the column 1 resource authority was granted after the corresponding column 2 resource authority was granted.

(3) A reference to an overlapping area includes, if the circumstances permit, an area that will become an overlapping area when a column 1 resource authority that has been applied for is granted.

(4) Even if subsections (1) to (3) do not apply to make land an overlapping area, land is an ***overlapping area*** if it is the subject of both a coal resource authority and a petroleum resource authority.

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105 What is an *ML (coal) holder*

(1) An ***ML (coal) holder*** is the holder of an ML (coal).

(2) A reference to an ML (coal) holder includes, if the circumstances permit, an EP (coal) holder or MDL (coal) holder who is an applicant for an ML (coal).

106 What is a *PL holder*

(1) A ***PL holder*** is the holder of a PL.

(2) A reference to a PL holder includes, if the circumstances permit, an applicant for a PL.

107 Extended meaning of ML (coal) and PL

For this chapter, a reference to an ML (coal) or a PL includes, if the circumstances permit, a reference to an ML (coal) or PL that has been applied for but has not been granted.

Division 3 Other key provisions

108 Purpose of division

This division contains definitions and other provisions relevant to the operation of this chapter.

109 What is an *initial mining area* or *IMA*

(1) An ***initial mining area***, or ***IMA***, is an area in an overlapping area, identified by an ML (coal) holder, for which the ML (coal) holder requires sole occupancy to carry out authorised activities for the ML (coal).

(2) The total area that may be identified as an IMA is the minimum area that is reasonably considered to be required for 10 years of safe mining.

(3) An IMA may be a single area, or a number of separate areas, each of which is an IMA.

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110 What is a *future mining area* or *FMA*

(1) A ***future mining area***, or ***FMA***, is an area in an overlapping area, identified by an ML (coal) holder, in which the ML (coal) holder intends to carry out authorised activities for the ML (coal) as mining operations advance outside the IMA.

(2) An FMA must be contiguous with an IMA.

111 What is a *rolling mining area* or *RMA*

(1) A ***rolling mining area***, or ***RMA***, is an area in an overlapping area, identified by an ML (coal) holder, for which the ML (coal) holder requires sole occupancy to carry out authorised activities for the ML (coal).

(2) The total area that may be identified as an RMA is the minimum area that is reasonably considered to be required for 1 year of safe mining.

(3) An RMA must be within an FMA.

(4) Each RMA must be considered on a sequential, year by year basis.

(5) An RMA for a particular year must not be more than 10% of the total of the areas that are an IMA or FMA in the overlapping area.

112 What is a *simultaneous operations zone* or *SOZ*

The ***simultaneous operations zone***, or ***SOZ***, for an IMA or RMA, is an area in an overlapping area, contiguous with an IMA or RMA, in relation to which safety and health arrangements for the co-existence of an ML (coal) and a petroleum resource authority are reasonably considered to be required.

113 What is *sole occupancy*

(1) If an ML (coal) holder has ***sole occupancy*** of an IMA or RMA, to the extent the ML (coal) is for a surface mine—

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(a) the ML (coal) holder may carry out any authorised activity for the ML (coal) in the IMA or RMA; and

(b) the holder of a corresponding column 2 resource authority for the ML (coal) may not carry out any authorised activity for the authority in the IMA or RMA.

(2) If an ML (coal) holder has ***sole occupancy*** of an IMA or RMA, to the extent the ML (coal) is for an underground mine—

(a) the ML (coal) holder may carry out any authorised activity for the ML (coal) in the IMA or RMA; and

(b) the holder of a corresponding column 2 resource authority for the ML (coal) may carry out an authorised activity for the authority in the IMA or RMA unless the site senior executive for the underground mine directs the holder not to carry out the authorised activity for the purpose of facilitating safety and health arrangements for the co-existence of an ML (coal) and a petroleum resource authority that are reasonably considered to be required.

(3) The ML (coal) holder's sole occupancy of an IMA or RMA does not limit the right of the corresponding column 2 resource authority holder to carry out authorised activities for the authority within the overlapping area but outside the IMA or RMA.

(4) If the corresponding column 2 resource authority is a PL, and it is necessary for PL major gas infrastructure for the PL on an IMA or RMA to be replaced, the PL holder is not required to abandon the use of the infrastructure on the IMA or RMA until replacement PL major gas infrastructure has been constructed and commissioned, and is in operation.

114 What is *joint occupancy*

If an ML (coal) holder and the holder of a corresponding column 2 resource authority for the ML (coal) have ***joint occupancy*** of a SOZ for an IMA or RMA—

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(a) the ML (coal) holder may carry out authorised activities for the ML (coal) in the SOZ subject to any safety and health arrangements for the co-existence of an ML (coal) and a petroleum resource authority that are reasonably considered to be required; and

(b) the holder of the corresponding column 2 resource authority for the ML (coal) may carry out authorised activities for the authority subject to any safety and health arrangements for the co-existence of an ML (coal) and a petroleum resource authority that are reasonably considered to be required.

115 What is the *mining commencement date*

(1) The ***mining commencement date***, for an IMA or RMA in an overlapping area, is—

(a) the date, identified by a coal resource authority holder for the overlapping area, for starting to carry out authorised activities for the coal resource authority in the IMA or RMA; or

(b) if the resource authority holders for the overlapping area agree in writing to change the date mentioned in paragraph (a) for an IMA or RMA—the new agreed date; or

(c) if the date mentioned in paragraph (a) or (b) for an IMA or RMA is changed under section 127, 128, 142A, 241A or by arbitration—the new changed date.

(2) For subsection (1)(a), the date identified by an ML (coal) holder for an IMA must be—

(a) if the corresponding column 2 resource authority for the ML (coal) is an ATP—at least 18 months after the date on which the advance notice for the ML (coal) is given; or

(b) if the corresponding column 2 resource authority for the ML (coal) is a PL—at least 11 years after the date on which the advance notice for the ML (coal) is given.

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(3) For subsection (1)(a), the date identified by an ML (coal) holder for an RMA must be—

(a) for the first RMA in an overlapping area—at least 10 years after the mining commencement date for the IMA to which the RMA is contiguous; and

(b) for each subsequent RMA in the overlapping area—at least 1 year after the mining commencement date for the immediately preceding RMA.

Division 4 Mandatory requirements

117 Mandatory requirements for participants

(1) The following provisions apply for all overlapping areas—

(a) section 121;

(b) section 127(8)(b);

(c) part 2, division 3;

(d) parts 3 and 4;

(e) part 5, other than section 153;

(f) part 6, division 1;

(g) chapter 5, part 2.

(2) The resource authority holders for an overlapping area may agree that provisions of this chapter, other than the provisions mentioned in subsection (1), do not apply for the overlapping area.

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Part 2 Right of way for coal

Division 1 Preliminary

118 Definitions for part

In this part—

petroleum resource authority means a corresponding column 2 resource authority, for a column 1 resource authority, mentioned in the table for part 2.

petroleum resource authority holder means the holder of a petroleum resource authority.

119 Table for part

The following table applies for this part—

Column 1	Column 2
mining lease (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)

Division 2 Sole occupancy

120 Sole occupancy of IMA

(1) An ML (coal) holder has sole occupancy of an IMA for an overlapping area the subject of the ML (coal) from the mining commencement date for the IMA, but only if the ML (coal) holder has given each petroleum resource authority holder the notices mentioned in subsection (2) or (3) as required under this division.

(2) If the petroleum resource authority is an ATP, the notices are—

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(a) an advance notice for the ML (coal); and

(b) an 18 months notice for the ML (coal).

(3) If the petroleum resource authority is a PL, the notices are—

(a) an advance notice for the ML (coal); and

(b) a confirmation notice for the ML (coal).

121 Advance notice

(1) An ***advance notice***, for an ML (coal), is a notice that—

(a) states that the ML (coal) holder has applied for the grant of the ML (coal); and

(b) includes a copy of the application for the ML (coal), other than any statement detailing the applicant's financial and technical resources; and

(c) if the petroleum resource authority is an ATP—identifies any IMA or RMA in the overlapping area, and the mining commencement date for the IMA or RMA; and

(d) if the petroleum resource authority is a PL—includes a joint development plan for the overlapping area the subject of the ML (coal); and

(e) includes any other information prescribed by regulation.

(2) An advance notice must be given to a petroleum resource authority holder within 10 business days after the day the ML (coal) holder applies for the grant of the ML (coal).

122 18 months notice

(1) An ***18 months notice***, for an ML (coal), is a notice that—

(a) states that the ML (coal) holder has applied for the grant of the ML (coal) and intends to start carrying out authorised activities for the ML (coal) in an IMA in an overlapping area the subject of the ML (coal); and

(b) states the mining commencement date for the IMA; and

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(c) includes any other information prescribed by regulation.

(2) An 18 months notice must be given to an ATP holder at least 18 months before the mining commencement date for the IMA.

(3) Subject to subsection (2)—

(a) an 18 months notice may be given at the same time as an advance notice; or

(b) an 18 months notice and an advance notice may be given as a combined notice.

123 Confirmation notice

(1) A ***confirmation notice***, for an ML (coal), is a notice that—

(a) states that the ML (coal) holder intends to start carrying out authorised activities for the ML (coal) in an IMA in an overlapping area the subject of the ML (coal); and

(b) states the mining commencement date for the IMA; and

(c) confirms the ML (coal) holder will start coal mining operations in the IMA on the date stated under paragraph (b) for the IMA; and

(d) includes any other information prescribed by regulation.

(2) A confirmation notice must be given to a PL holder at least 18 months, but no more than 2 years, before the date stated under subsection (1)(b) for the IMA.

124 Sole occupancy of RMA

An ML (coal) holder has sole occupancy of each RMA for an overlapping area the subject of the ML (coal) from the mining commencement date for the RMA, but only if the ML (coal) holder has given each petroleum resource authority holder an RMA notice for the ML (coal) as required under this division.

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125 RMA notice

(1) An ***RMA notice***, for an ML (coal), is a notice that—

(a) states that the ML (coal) holder intends to start carrying out authorised activities for the ML (coal) in an RMA in an overlapping area the subject of the ML (coal); and

(b) states the mining commencement date for the RMA; and

(c) confirms the ML (coal) holder will start coal mining operations in the RMA on the date stated under paragraph (b) for the RMA; and

(d) includes any other information prescribed by regulation.

(2) An RMA notice must be given to a petroleum resource authority holder at least 18 months before the date stated under subsection (1)(b) for the RMA.

126 Joint occupancy of SOZ

An ML (coal) holder and a petroleum resource authority holder have ***joint occupancy*** of a SOZ for an IMA or RMA for an overlapping area from the mining commencement date for the IMA or RMA.

127 Exceptional circumstances notice may be given by petroleum resource authority holder

(1) This section applies if—

(a) a petroleum resource authority holder—

(i) has received an advance notice for an ML (coal); or

(ii) has received a proposal, under section 133 or 146, to amend an agreed joint development plan to change the size or location of, or the mining commencement date for, an IMA or RMA, but has not yet agreed to the proposal; and

(b) the holder considers an extension of the period (the ***relevant period***) before the ML (coal) holder may carry out authorised activities for the ML (coal) in the IMA or

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RMA is justified because of the following exceptional circumstances—

(i) there are high performing petroleum wells or fields in the IMA or RMA;

(ii) the relevant period is not sufficient to allow for production of petroleum from the high performing wells or fields at the prescribed threshold.

(2) The petroleum resource authority holder may give the ML (coal) holder a notice (an ***exceptional circumstances notice***) stating—

(a) the exceptional circumstances justifying the extension mentioned in subsection (1)(b); and

(b) the petroleum resource authority holder's preferred mining commencement date, which must not be more than 5 years after the mining commencement date for the IMA or RMA; and

(c) any other information prescribed by regulation.

(3) However, if subsection (1)(a)(i) applies, the exceptional circumstances notice must be given within 3 months after the petroleum resource authority holder receives the advance notice.

(4) The exceptional circumstances notice must be accompanied by technical data, including, for example, data about production modelling, justifying the preferred mining commencement date.

(5) The ML (coal) holder must, within 3 months after receiving the exceptional circumstances notice, give the petroleum resource authority holder a notice stating whether the ML (coal) holder accepts the petroleum resource authority holder's preferred mining commencement date.

(6) If the ML (coal) holder does not accept the petroleum resource authority holder's preferred mining commencement date under subsection (5), or claims that exceptional circumstances justifying the extension do not exist, the

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petroleum resource authority holder may apply for arbitration of the dispute.

(7) Despite subsection (6), the petroleum resource authority holder and the ML (coal) holder may jointly apply for arbitration of the dispute at any time.

(8) If an ML (coal) holder accepts an ATP holder's preferred mining commencement date for an IMA or RMA under subsection (5) (the ***new date***), or a new mining commencement date for an IMA or RMA is established by arbitration (also the ***new date***)—

(a) the new date applies as the mining commencement date for the IMA or RMA, including if a PL is granted in relation to the ATP; and

(b) within 20 business days after the new date is accepted or established, the ML (coal) holder must give the chief executive a written notice stating—

(i) that exceptional circumstances justifying a new mining commencement date have been accepted by the ML (coal) holder or established by arbitration; and

(ii) the new mining commencement date; and

(iii) any other information prescribed by regulation.

(9) In this section—

prescribed threshold means the threshold for production of petroleum that is prescribed by regulation.

128 Acceleration notice may be given by ML (coal) holder

(1) This section applies if an ML (coal) holder considers a mining commencement date for an IMA or RMA should be an earlier date.

(2) The ML (coal) holder may give the PL holder a notice (an ***acceleration notice***) that—

(a) states the earlier date; and

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(b) includes any other information prescribed by regulation.

(3) The acceleration notice may be given only in the period—

(a) starting on the day an advance notice is given to the PL holder; and

(b) ending on the day that is 18 months before the mining commencement date for the IMA or RMA.

(4) The ML (coal) holder must amend any joint development plan that applies to the ML (coal) holder to ensure it is consistent with the acceleration notice.

(5) The acceleration notice has effect to change a mining commencement date whether or not the PL holder agrees to the change.

Note—

See section 167(1)(a) for the liability of an ML (coal) holder who gives an acceleration notice to a PL holder to compensate the PL holder.

129 Abandonment of sole occupancy of IMA or RMA

(1) This section applies if an ML (coal) holder no longer requires sole occupancy of the whole or a part of an IMA or RMA for an overlapping area.

(2) The ML (coal) holder must give each petroleum resource authority holder for the overlapping area a notice (an ***abandonment notice***) that—

(a) identifies the area of the IMA or RMA for which the ML (coal) holder proposes to abandon sole occupancy; and

(b) states the date (the ***abandonment date***) on which the ML (coal) holder proposes to abandon sole occupancy; and

(c) includes any other information prescribed by regulation.

(3) The site senior executive for the coal mine must facilitate the petroleum resource authority holder's access to the area mentioned in subsection (2)(a) from the abandonment date.

(4) An abandonment of sole occupancy does not limit—

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(a) any obligation of the ML (coal) holder to carry out rehabilitation or environmental management required of the holder under the Environmental Protection Act; or

(b) the ML (coal) holder's right to occupy the IMA or RMA to comply with an obligation mentioned in paragraph (a).

Division 3 Joint development plan

130 Requirement for agreed joint development plan

(1) This section applies if an ML (coal) holder gives an advance notice to a PL holder.

(2) The ML (coal) holder must ensure—

(a) within 12 months after giving the advance notice to the PL holder or, if an application for arbitration of a dispute is made under section 131(2) or (3), within 9 months after the appointment of the arbitrator—there is in place—

(i) a joint development plan that has been agreed with the PL holder; or

(ii) an agreed joint development plan as arbitrated; and

(b) within 20 business days after the agreed joint development plan is in place—written notice is given to the chief executive stating the following—

(i) that the plan is in place;

(ii) the period for which the plan has effect;

(iii) other information prescribed by regulation.

(3) The agreed joint development plan must—

(a) identify the ML (coal) holder and PL holder under the plan; and

(b) set out an overview of the activities proposed to be carried out in the overlapping area by the ML (coal)

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holder, including the location of the activities and when they will start; and

(c) set out an overview of the activities proposed to be carried out in the overlapping area by the PL holder, including the location of the activities and when they will start; and

(d) identify any IMA and RMA for the overlapping area, and any SOZ proposed for any IMA or RMA for the overlapping area; and

(e) state the mining commencement date for any IMA or RMA; and

(f) state how the activities mentioned in paragraphs (b) and (c) optimise the development and use of the State's coal and coal seam gas resources; and

(g) state the period for which the agreed joint development plan is to have effect; and

(h) include any other information prescribed by regulation.

(4) For 2 or more overlapping areas in the area the subject of the ML (coal)—

(a) to the extent practicable, there may be in place a single agreed joint development plan for 2 or more of the overlapping areas; and

(b) if there are 2 or more agreed joint development plans in place for the overlapping areas, the ML (coal) holder may give the chief executive a single notice as mentioned in subsection (2)(b) for all the agreed joint development plans.

131 Negotiation of agreed joint development plan

(1) A PL holder who receives an advance notice must negotiate in good faith with the ML (coal) holder to enable the ML (coal) holder to give a notice under section 130(2)(b).

(2) If a PL holder and the ML (coal) holder can not agree on a joint development plan to the extent it relates to a relevant

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matter within 6 months after the PL holder receives the advance notice, the ML (coal) holder must apply for arbitration of the dispute.

(3) Despite subsection (2), the PL holder and the ML (coal) holder may jointly apply for arbitration of the dispute, to the extent it relates to a relevant matter, at any time.

132 Consistency with development plans

(1) The ML (coal) holder must ensure any development plan under the Mineral Resources Act for the ML (coal) is consistent to the greatest practicable extent with each agreed joint development plan that applies to the ML (coal) holder.

(2) The PL holder must ensure any development plan under the P&G Act for the PL is consistent to the greatest practicable extent with each agreed joint development plan that applies to the PL holder.

(3) This section applies even if any of the following takes place for the ML (coal) or the PL—

(a) a renewal;

(b) a transfer;

(c) a complete or partial subletting.

133 Amendment of agreed joint development plan

(1) An agreed joint development plan may be amended by agreement at any time.

(2) A resource authority holder mentioned in this division who receives a proposal for an amendment of an agreed joint development plan must negotiate in good faith about the amendment.

(3) A resource authority holder who can not obtain a proposed amendment of an agreed joint development plan under this section may apply for arbitration of the dispute to the extent it relates to a relevant matter.

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(4) Subsection (5) applies if an amendment of an agreed joint development plan, whether by agreement under this section or by arbitration, provides for a cessation, or significant reduction or increase, of—

(a) mining under the ML (coal); or

(b) production under the PL.

(5) Within 20 business days after making the amendment, the resource authority holders must jointly give the chief executive a written notice that—

(a) states the agreed joint development plan has been amended; and

(b) if there is a cessation or significant reduction of an authorised activity for a resource authority—includes, or is accompanied by, a statement about—

(i) whether the cessation or reduction is reasonable in the circumstances; and

(ii) whether the resource authority holders have taken all reasonable steps to prevent the cessation or reduction.

134 Authorised activities allowed only if consistent with agreed joint development plan

(1) This section applies if an agreed joint development plan applies to an ML (coal) holder and a PL holder.

(2) The ML (coal) holder may carry out an authorised activity for the ML (coal) in an overlapping area the subject of the ML (coal) only if carrying out the activity is consistent with the agreed joint development plan.

(3) The PL holder may carry out an authorised activity for the PL in an overlapping area the subject of the PL only if carrying out the activity is consistent with the agreed joint development plan.

(4) To remove any doubt, it is declared that if an ML (coal) holder has given an advance notice to a PL holder and there is no

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agreed joint development plan that applies to the ML (coal) holder and the PL holder, the PL holder may carry out an authorised activity for the PL in the overlapping area the subject of the PL and ML (coal) if carrying out the activity is consistent with each development plan under the P&G Act that applies to the PL holder.

135 Condition of authorities

It is a condition of both an ML (coal) and a PL that the holder must comply with each agreed joint development plan that applies to the holder.

Division 4 Incidental coal seam gas

136 Definitions for division

In this division—

diluted incidental coal seam gas means incidental coal seam gas that is subject to air contamination.

Note—

Diluted incidental coal seam gas will generally result from using underground in-seam and goaf drainage techniques for gas production.

undiluted incidental coal seam gas means incidental coal seam gas that is free of air contamination.

Note—

Undiluted incidental coal seam gas will generally result from using surface to in-seam techniques for gas production.

137 Resource optimisation

An ML (coal) holder must, in relation to incidental coal seam gas in an overlapping area that is subject to the ML (coal), use reasonable endeavours to—

(a) minimise unnecessary contamination or dilution of the incidental coal seam gas; and

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(b) maximise production of undiluted incidental coal seam gas.

138 Right of first refusal

(1) An ML (coal) holder must offer to supply, on reasonable terms, any incidental coal seam gas in an overlapping area that is subject to the ML (coal), to which the ML (coal) holder is otherwise entitled under the Mineral Resources Act, section 318CN, to a petroleum resource authority holder in the overlapping area.

(2) The ML (coal) holder must make the offer by giving the petroleum resource authority holder written notice of the offer—

(a) for undiluted incidental coal seam gas in an IMA in the overlapping area—as early as practicable; or

(b) for diluted incidental coal seam gas in an IMA in the overlapping area—when the ML (coal) holder gives the petroleum resource authority holder—

(i) if the petroleum resource authority is a PL holder—a confirmation notice; or

(ii) if the petroleum resource authority is an ATP holder—an 18 months notice; or

(c) for undiluted or diluted incidental coal seam gas in an RMA in the overlapping area—when the ML (coal) holder gives the petroleum resource authority holder the RMA notice.

(3) The petroleum resource authority holder may accept the offer—

(a) for an offer made under subsection (2)(a) or (b)—within 12 months after receiving the notice, or a later period agreed to by the ML (coal) holder; or

(b) for an offer made under subsection (2)(c)—within 3 months after receiving the notice, or a later period agreed to by the ML (coal) holder.

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(4) If the petroleum resource authority holder accepts the offer, the petroleum resource authority holder must—

(a) enter into a contract with the ML (coal) holder for delivery of the gas; and

(b) take supply of the gas within 2 years after accepting the offer, or a later period agreed to by the ML (coal) holder; and

(c) pay the ML (coal) holder the amount of royalty that is payable for the gas under the Mineral Resources Act, section 320.

(5) A contract mentioned in subsection (4)(a) must include the matters prescribed by regulation.

(6) If the petroleum resource authority holder does not accept the offer under subsection (3), or take supply of the gas under subsection (4), the ML (coal) holder may use the gas under the Mineral Resources Act, section 318CN.

(7) However, if the ML (coal) holder has not, under the Mineral Resources Act, section 318CN, used gas offered to a petroleum resource authority holder under subsection (2)(a) within 12 months after becoming entitled to use the gas under subsection (6), the ML (coal) holder must not use the gas under the Mineral Resources Act, section 318CN until—

(a) the ML (coal) holder re-offers to supply the gas to the petroleum resource authority holder; and

(b) either—

(i) the petroleum resource authority holder rejects the re-offer; or

(ii) 3 months, or a longer period agreed to by the ML (coal) holder, elapses after the re-offer is made without the petroleum resource authority holder accepting the re-offer.

(8) A notice of offer under subsection (2), or a notice of re-offer under subsection (7), must include the matters prescribed by regulation.

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(9) This section does not limit or otherwise affect the obligations imposed on a petroleum resource authority holder under the P&G Act.

Part 3 Subsequent petroleum production

139 Definitions for part

In this part—

EP (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is an exploration permit (coal).

EP (coal) holder means the holder of an EP (coal).

MDL (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is an MDL (coal).

MDL (coal) holder means the holder of an MDL (coal).

ML (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is a mining lease (coal).

ML (coal) holder means the holder of an ML (coal).

PL means a column 1 resource authority, mentioned in the table for this part, that is a petroleum lease (csg).

PL holder means the holder of a PL.

Note—

The PL holder may or may not hold an ATP for the overlapping area that is the subject of the PL.

140 Table for part

The following table applies for this part—

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Column 1	Column 2
petroleum lease (csg)	any of the following— (a) exploration permit (coal); (b) mineral development licence (coal); (c) mining lease (coal)

141 Petroleum production notice

(1) A PL holder must give a coal resource authority holder a notice (a ***petroleum production notice***) that—

(a) states that the PL holder has applied for the grant of the PL; and

(b) includes a copy of the application for the PL, other than any statement detailing the applicant's financial and technical resources; and

(c) if the coal resource authority is an ML (coal)—includes a proposed joint development plan; and

(d) includes any other information prescribed by regulation.

(2) A petroleum production notice must be given to a coal resource authority holder within 10 business days after the day the PL holder applies for the grant of the PL.

142 Requirement for agreed joint development plan

(1) This section applies if a PL holder gives a petroleum production notice to an ML (coal) holder.

(2) The PL holder must ensure—

(a) within 12 months after giving the petroleum production notice to the ML (coal) holder or, if an application for arbitration of a dispute is made under section 144(2) or (3), within 9 months after the appointment of the arbitrator—there is in place—

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(i) a joint development plan that has been agreed with the ML (coal) holder; or

(ii) an agreed joint development plan as arbitrated; and

(b) within 20 business days after the agreed joint development plan is in place—written notice is given to the chief executive stating the following—

(i) that the plan is in place;

(ii) the period for which the plan has effect;

(iii) other information prescribed by regulation.

(3) The agreed joint development plan must—

(a) identify the ML (coal) holder and PL holder under the plan; and

(b) set out an overview of the activities proposed to be carried out in the overlapping area by the ML (coal) holder and PL holder, including the location of the activities and when they will start; and

(c) identify any IMA and RMA for the overlapping area, and any SOZ for any IMA or RMA for the overlapping area; and

(d) state the mining commencement date for any IMA or RMA; and

(e) state how the activities mentioned in paragraph (b) optimise the development and use of the State's coal and coal seam gas resources; and

(f) state the period for which the agreed joint development plan is to have effect; and

(g) include any other information prescribed by regulation.

142A Petroleum production notice given more than 6 months after advance notice

(1) This section applies if—

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(a) an EP (coal) holder or MDL (coal) holder gave an advance notice for an ML (coal) to an ATP holder under part 2 in relation to an overlapping area; and

(b) a petroleum production notice in relation to the overlapping area was given under this part more than 6 months after the giving of the advance notice; and

(c) the PL is granted, but the ML (coal) has not yet been granted.

(2) The mining commencement date for an IMA in the overlapping area must be taken to be the date that is the earlier of the following—

(a) the end of 9 years after the giving of the advance notice;

(b) the end of 11 years after the giving of the advance notice, less the period between the giving of the advance notice and the giving of the petroleum production notice.

(3) This section does not limit—

(a) the changing of the mining commencement date for the IMA in the way mentioned in section 115(1)(b) or (c); or

(b) the power of the petroleum resource authority holder to give an exceptional circumstances notice under section 127; or

(c) the power of the ML (coal) holder to give an acceleration notice under section 128.

144 Negotiation of agreed joint development plan

(1) An ML (coal) holder who receives a petroleum production notice that includes a proposed joint development plan must negotiate in good faith with the PL holder to enable the PL holder to give a notice under section 142(2)(b).

(2) If an ML (coal) holder and the PL holder can not agree on a joint development plan to the extent it relates to a relevant matter within 6 months after the ML (coal) holder receives the

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petroleum production notice, the PL holder must apply for arbitration of the dispute.

(3) Despite subsection (2), the ML (coal) holder and the PL holder may jointly apply for arbitration of the dispute, to the extent it relates to a relevant matter, at any time.

145 Consistency of development plans

(1) This section applies if the PL holder is granted a PL for the overlapping area.

(2) The PL holder must ensure any development plan under the P&G Act for the PL is consistent to the greatest practicable extent with each agreed joint development plan that applies to the PL holder.

(3) The ML (coal) holder must ensure any development plan under the Mineral Resources Act for the ML (coal) is consistent to the greatest practicable extent with each agreed joint development plan that applies to the ML (coal) holder.

(4) This section applies even if any of the following takes place for the PL or the ML (coal)—

(a) a renewal;

(b) a transfer;

(c) a complete or partial subletting.

146 Amendment of agreed joint development plan

(1) An agreed joint development plan may be amended by agreement at any time.

(2) A resource authority holder mentioned in this part who receives a proposal for an amendment of an agreed joint development plan must negotiate in good faith about the amendment.

(3) A resource authority holder who can not obtain a proposed amendment of an agreed joint development plan under this

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section may apply for arbitration of the dispute to the extent it relates to a relevant matter.

(4) Subsection (5) applies if an amendment of an agreed joint development plan, whether by agreement under this section or by arbitration, provides for a cessation, or significant reduction or increase, of—

(a) mining under the ML (coal); or

(b) production under the PL.

(5) Within 20 business days after making the amendment, the resource authority holders must jointly give the chief executive a written notice that—

(a) states that the joint development plan has been amended; and

(b) if there is a cessation or significant reduction of mining under the ML (coal) or production under the PL—includes, or is accompanied by, a statement about—

(i) whether the cessation or reduction is reasonable in the circumstances; and

(ii) whether the resource authority holders have taken all reasonable steps to prevent the cessation or reduction.

147 Authorised activities allowed only if consistent with agreed joint development plan

(1) This section applies if an agreed joint development plan applies to a PL holder and an ML (coal) holder.

(2) The PL holder may carry out an authorised activity for the PL in an overlapping area the subject of the PL only if carrying out the activity is consistent with the agreed joint development plan.

(3) The ML (coal) holder may carry out an authorised activity for the ML (coal) in an overlapping area the subject of the ML

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(coal) only if carrying out the activity is consistent with the agreed joint development plan.

(4) To remove any doubt, it is declared that if a PL holder has given a petroleum production notice to an ML (coal) holder and there is no agreed joint development plan that applies to the PL holder and the ML (coal) holder, the ML (coal) holder may carry out an authorised activity for the ML (coal) in the overlapping area the subject of the ML (coal) and PL if carrying out the activity is consistent with each development plan under the Mineral Resources Act that applies to the ML (coal) holder.

148 Condition of authorities

It is a condition of both a PL and an ML (coal) that the holder must comply with each agreed joint development plan that applies to the holder.

148A Modification of particular provisions if preferred tenderer appointed

(1) This section applies if—

(a) the Minister publishes a call for tenders for a petroleum lease under the P&G Act, section 127; and

(b) the Minister appoints a preferred tenderer on the tenders made in response to the call.

(2) For applying the requirements under this chapter—

(a) the only PL holder required to give a petroleum production notice to a coal resource authority holder under section 141(1) is the PL holder appointed under the P&G Act, chapter 2, part 2, division 3, subdivision 3 as the preferred tenderer; and

(b) despite section 141(1)(c), a petroleum production notice given by a PL holder mentioned in paragraph (a) is not required to include a proposed joint development plan; and

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(c) a PL holder mentioned in paragraph (a) complies with section 141(2) if the PL holder gives the petroleum production notice to the coal resource authority holder within 10 business days after the PL holder is appointed as preferred tenderer; and

(d) a PL holder mentioned in paragraph (a) is not required to comply with section 142; and

(e) the coal resource authority holder given a petroleum production notice by a PL holder under paragraph (c) complies with section 121(2) if the coal resource authority holder gives an advance notice to the PL holder within 30 business days after the petroleum production notice is given to the coal resource authority holder; and

(f) an advance notice mentioned in paragraph (e) complies with section 121(1) if the notice—

(i) states that the ML (coal) holder has applied for the grant of the ML (coal); and

(ii) includes a copy of the application for the ML (coal), other than any statement detailing the applicant's financial and technical resources; and

(iii) includes a proposed joint development plan for the overlapping area the subject of the ML (coal); and

(g) if a proposed joint development plan mentioned in paragraph (f)(iii) identifies an IMA for the overlapping area, the mining commencement date for the identified IMA must be at least 11 years after the date on which the ML (coal) holder applied for the grant of the ML (coal); and

(h) a PL holder mentioned in paragraph (a) complies with section 154(3)(a) if the PL holder gives the information required to be given under section 154 within 20 business days after the PL holder gives the petroleum production notice to the coal resource authority holder; and

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(i) a coal resource authority holder given a petroleum production notice under paragraph (c) complies with section 154(3)(a) if the coal resource authority holder gives the information required to be given under section 154 within 20 business days after the coal resource authority holder is given the petroleum production notice.

(3) To remove any doubt, it is declared that—

(a) this section does not limit the changing of the mining commencement date for the IMA mentioned in subsection (2)(g) in the way mentioned in section 115(1)(b) or (c); and

(b) section 156 applies in relation to information—

(i) given by a PL holder mentioned in this section to a coal resource authority holder mentioned in this section; or

(ii) given by a coal resource authority holder mentioned in this section to a PL holder mentioned in this section.

(4) This section applies whether the preferred tenderer mentioned in subsection (1)(b) was appointed before or after the commencement of this section.

Part 4 Concurrent applications

149 Concurrent notice may be given by ATP holder

(1) This section applies if an ATP holder—

(a) receives an advance notice under part 2 in relation to an overlapping area from the holder of an EP (coal) or MDL (coal) that includes the overlapping area; and

Note—

Under part 2, an advance notice for an ML (coal) is given by the applicant for the ML (coal).

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(b) intends to apply for a PL, that will include the overlapping area, within 6 months after the ATP holder receives the advance notice.

(2) The ATP holder may give the holder of the EP (coal) or MDL (coal) a written notice (a ***concurrent notice***) stating the information mentioned in subsection (1)(b).

(3) The concurrent notice must be given within 3 months after the ATP holder receives the advance notice.

(4) If the concurrent notice is given and the application for the PL is made within the 6 months mentioned in subsection (1)(b), this chapter must, to the greatest practicable extent, be applied as if the ATP holder was already a PL holder when the advance notice was given to the ATP holder.

(5) Without limiting subsection (4)—

(a) the mining commencement date for an IMA in the overlapping area, for the purposes of the advance notice, is taken to be at least 11 years after the date on which the advance notice was given; and

(b) the mining commencement date for the IMA may be changed in the way mentioned in section 115(1)(b) or (c); and

(c) the ATP holder may give an exceptional circumstances notice under section 127, including at the same time as the concurrent notice is given.

(6) However, despite subsection (4), the ML (coal) holder must ensure the agreed joint development plan mentioned in section 130(2) is in place within 12 months after receiving from the ATP holder a petroleum production notice or, if an application for arbitration of a dispute is made under section 131(2) or (3), within 9 months after the appointment of the arbitrator, instead of within the period mentioned in section 130(2).

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150 Requirements for holder of EP (coal) or MDL (coal) if concurrent PL application

(1) This section applies if the holder of an EP (coal) or MDL (coal)—

(a) receives a petroleum production notice under part 3 in relation to an overlapping area from the holder of an ATP that includes the overlapping area; and

(b) lodges an application for an ML (coal) before the PL the subject of the petroleum production notice is granted.

Note—

Under part 3, a petroleum production notice is given by the applicant for a PL.

(2) The holder of the EP (coal) or MDL (coal) must give the ATP holder an advance notice as required under part 2.

(3) The mining commencement date for an IMA in the overlapping area, for the purposes of the advance notice, must be at least 11 years after the date on which the advance notice is given.

(4) Without otherwise limiting the application of part 2—

(a) the requirement under section 130(2)(a) for an agreed joint development plan to be in place within the period mentioned in section 130(2)(a) applies; and

(b) the mining commencement date for the IMA may be changed in the way mentioned in section 115(1)(b) or (c).

Part 5 Adverse effects test

151 Table for part

The following table applies for this part—

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Column 1	Column 2
exploration permit (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)
mineral development licence (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)
authority to prospect (csg)	any of the following— (a) exploration permit (coal); (b) mineral development licence (coal); (c) mining lease (coal)

152 Authorised activities allowed only if no adverse effects

An authorised activity for a column 1 resource authority may be carried out in an overlapping area the subject of the resource authority only if—

(a) it does not adversely affect carrying out in the overlapping area an activity that is an authorised activity for a corresponding column 2 resource authority for the column 1 resource authority; and

(b) carrying out the authorised activity for the corresponding column 2 resource authority has already started in the overlapping area.

153 Expedited land access for petroleum resource authority holders

(1) This section applies if—

(a) a petroleum resource authority holder gives an ML (coal) holder a negotiation notice under section 84; and

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(b) the petroleum resource authority holder and ML (coal) holder have not entered into any of the following before the end of the minimum negotiation period under section 85—

(i) a conduct and compensation agreement;

(ii) a deferral agreement;

(iii) an opt-out agreement.

(2) Despite a requirement under chapter 3 to give an entry notice, the petroleum resource authority holder may enter an overlapping area the subject of the petroleum resource authority, other than an IMA or SOZ in the overlapping area, to carry out an authorised activity for the authority if—

(a) the petroleum resource authority holder gives the ML (coal) holder an expedited entry notice; and

(b) the first day the petroleum resource authority holder enters the overlapping area is at least 10 business days after the day the petroleum resource authority holder gives the ML (coal) holder the expedited entry notice.

(3) Nothing in this section limits any other provision of chapter 3, including, for example, a provision requiring the petroleum resource authority holder and the ML (coal) holder to enter into an agreement mentioned in subsection (1)(b).

(4) In this section—

expedited entry notice means a notice that—

(a) states the petroleum resource authority holder intends to enter an overlapping area on a stated date; and

(b) includes any other information prescribed by regulation.

ML (coal) holder means the holder of an ML (coal).

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Part 6 General provisions

Division 1 Information exchange

154 Resource authority holders must exchange information

(1) The resource authority holders for an overlapping area must give each other all information reasonably necessary to allow them to optimise the development and use of coal and coal seam gas resources in the overlapping area.

(2) Without limiting subsection (1), the information that must be given includes the following—

(a) operational and development plans;

(b) location of gas and mining infrastructure;

(c) development and production goals;

(d) scheduling of authorised activities;

(e) rehabilitation and environmental management;

(f) safety and health arrangements;

(g) information about any application relating to the overlapping area made by the resource authority holder under a Resource Act;

(h) any amendment of a mine plan required to be kept by the resource authority holder under a Resource Act;

(i) any other information prescribed by regulation.

(3) The information must be given—

(a) within 20 business days after the overlapping area comes into existence; and

(b) at least once during each year that the resource authorities for the overlapping area are in force.

(4) Subsections (1) to (3) do not require the giving of information that is only in the form of a draft.

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(5) In this section—

draft includes a preliminary or working draft.

155 Annual meetings

(1) The resource authority holders for an overlapping area must convene at least 1 meeting during each year the resource authorities are in force.

(2) The purpose of the meeting is to facilitate compliance with section 154.

156 Confidentiality

(1) This section applies if a resource authority holder (the ***information-giver***) gives another resource authority holder (the ***recipient***) information that this chapter requires or permits the information-giver to give to the recipient.

(2) The recipient must not disclose the information to another person unless—

(a) the information is publicly available; or

(b) the disclosure is—

(i) to a person (a ***secondary recipient***) whom the recipient has authorised to carry out authorised activities for the recipient's resource authority; or

(ii) made with the information-giver's consent; or

(iii) expressly permitted or required under this or another Act; or

(iv) to the Minister.

(3) Subject to subsection (2), the recipient must not use the information for a purpose other than for which it is given.

(4) If the recipient does not comply with subsection (2) or (3), the recipient is liable to pay the information-giver—

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(a) compensation for any loss the information-giver incurs because of the failure to comply with the subsection; and

(b) the amount of any commercial gain the recipient makes because of the failure to comply with the subsection.

(5) A secondary recipient must not use the information for a purpose other than for which it is given.

(6) If a secondary recipient does not comply with subsection (5), the secondary recipient is liable to pay the information-giver—

(a) compensation for any loss the information-giver incurs because of the failure to comply with the subsection; and

(b) the amount of any commercial gain the secondary recipient makes because of the failure to comply with the subsection.

Division 2 Compensation

Subdivision 1 Preliminary

161 Definitions for division

In this division—

ATP major gas infrastructure, for an ATP, see section 166.

lost production see section 162.

PL connecting infrastructure see section 165.

PL major gas infrastructure, for a PL, see section 163.

PL minor gas infrastructure, for a PL, see section 164.

reconciliation payment see section 172(2)(a) and (c)(i).

replacement gas see section 172(2)(b) and (c)(ii).

replace includes remove and relocate.

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162 What is *lost production*

(1) ***Lost production*** means coal seam gas production foregone by a PL holder.

(2) Lost production must be calculated in the way, and consistent with the principles, prescribed by regulation.

163 What is *PL major gas infrastructure*

(1) ***PL major gas infrastructure***, for a PL, means a gas facility for the PL that is—

(a) a pipeline within the meaning of the P&G Act; or

(b) a petroleum facility within the meaning of the P&G Act; or

(c) a water observation bore within the meaning of the P&G Act; or

(d) significant infrastructure necessarily associated with a gas facility mentioned in paragraph (a), (b) or (c), including, for example, accommodation camps, major roads, communication facilities, workshops, stores and offices; or

(e) equipment or facilities used by the PL holder to carry or transmit gas, water or other substances, telecommunications or electricity, other than gathering lines upstream of field or nodal compressor stations; or

(f) another gas facility prescribed by regulation.

(2) The cost of replacement of PL major gas infrastructure must be assessed in the way, and consistent with the principles, prescribed by regulation.

(3) In this section—

gas facility, for a PL, means equipment and other major facilities included in infrastructure established or used by the PL holder, its contractors or other persons authorised by the PL holder to carry out an authorised activity under the PL.

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164 What is *PL minor gas infrastructure*

(1) ***PL minor gas infrastructure***, for a PL, means a field asset for the PL, other than PL major gas infrastructure for the PL, that is—

(a) a pilot or producing petroleum well; or

(b) a sub-nodal collection network; or

(c) a minor access road or track; or

(d) minor facilities and infrastructure associated with, or servicing, anything mentioned in paragraph (a), (b) or (c); or

(e) minor facilities associated with, and servicing, major gas infrastructure, if the major gas infrastructure does not need to be relocated; or

(f) another field asset prescribed by regulation.

(2) The cost of replacement of PL minor gas infrastructure must be assessed in the way, and consistent with the principles, prescribed by regulation.

(3) In this section—

field asset, for a PL, means equipment and other minor facilities included in infrastructure established or used by the PL holder, its contractors or other persons authorised by the PL holder to carry out an authorised activity under the PL.

165 What is *PL connecting infrastructure*

(1) ***PL connecting infrastructure***, for a PL, means infrastructure that connects PL major gas infrastructure for the PL to a petroleum well.

(2) The cost of replacement of PL connecting infrastructure must be assessed in the way, and consistent with the principles, prescribed by regulation.

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166 What is *ATP major gas infrastructure*

(1) ***ATP major gas infrastructure***, for an ATP, means—

(a) a pilot well for the ATP, if—

(i) the pilot well was drilled or constructed under the authority of the ATP; and

(ii) when the ATP holder was given an 18 months notice by an ML (coal) holder from whom the ATP holder seeks compensation under this division, the pilot well—

(A) was being used, or being held, for future production; and

(B) was not planned to be abandoned; and

(b) other infrastructure prescribed by regulation.

(2) The cost of abandonment of ATP major gas infrastructure must be assessed in the way, and consistent with the principles, prescribed by regulation.

(3) In this section—

pilot well includes any item of infrastructure associated with a pilot well.

Subdivision 2 Liability to compensate

167 Liability of ML (coal) holder to compensate PL holder

(1) This section applies if—

(a) an ML (coal) holder gives an acceleration notice to a PL holder and, because of the acceleration notice, the PL holder—

(i) suffers, or will suffer, lost production; or

(ii) is, or will be, required to replace PL minor gas infrastructure for the PL; or

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(b) an ML (coal) holder carries out, or proposes to carry out, authorised activities in an IMA or RMA for an overlapping area and, because of the authorised activities—

(i) PL connecting infrastructure for a PL is or will be physically severed and the PL holder is or will be required to replace the PL connecting infrastructure; or

(ii) the PL holder is or will be required to replace PL major gas infrastructure for the PL.

(2) The ML (coal) holder is liable to compensate the PL holder for—

(a) if subsection (1)(a)(i) applies—the lost production; or

(b) if subsection (1)(a)(ii) applies—the cost of replacement of the PL minor gas infrastructure; or

(c) if subsection (1)(b)(i) applies—the cost of replacement of the PL connecting infrastructure; or

(d) if subsection (1)(b)(ii) applies—the cost of replacement of the PL major gas infrastructure; or

(e) if subsection (1)(a) applies, but the mining commencement date for an IMA or RMA identified in the acceleration notice is changed by the ML (coal) holder to a later date—additional costs incurred by the PL holder because of the delay in the mining commencement date, other than to the extent the liability to compensate is reduced under subsection (4).

(3) The ML (coal) holder's liability under subsection (2) to compensate the PL holder is the ML (coal) holder's ***compensation liability*** to the PL holder.

(4) The ML (coal) holder's compensation liability for the PL holder's additional costs as mentioned in subsection (2)(e) is reduced to the extent the delay is caused by any event beyond the control of the ML (coal) holder, but only if the ML (coal) holder—

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(a) as soon as practicable gives written notice to the PL holder of—

(i) the event; and

(ii) the details of any cause of the event; and

(b) takes all reasonable steps to minimise the effect of the event on the mining commencement date.

168 Liability of ML (coal) holder to compensate ATP holder

(1) This section applies if—

(a) an ML (coal) holder carries out, or proposes to carry out, authorised activities in an IMA or RMA; and

(b) because of the authorised activities, an ATP holder is or will be required to abandon ATP major gas infrastructure.

(2) The ML (coal) holder is liable to compensate the ATP holder for the cost of abandonment of the ATP major gas infrastructure.

(3) The ML (coal) holder's liability under subsection (2) to compensate the ATP holder is the ML (coal) holder's ***compensation liability*** to the ATP holder.

169 Meeting compensation liability

(1) Unless otherwise agreed, a petroleum resource authority holder is entitled to receive an amount to meet a compensation liability only if the petroleum resource authority holder is able to give information that shows the value of any lost production, replacement costs or cost of abandonment for which compensation is claimed.

(2) A petroleum resource authority holder is not entitled to receive an amount of compensation on more than one occasion to meet any compensation liability that may at any time apply to a particular IMA or RMA.

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(3) An ML (coal) holder is not required to pay an amount to meet a compensation liability arising from lost production until when the production would otherwise have happened.

170 Minimising compensation liability

(1) An ML (coal) holder and a petroleum resource authority holder must both take all reasonable steps to minimise compensation liability in the way, and consistent with the principles, prescribed by regulation.

(2) If, after complying with subsection (1), the ML (coal) holder continues to have a compensation liability to the petroleum resource authority holder, the ML (coal) holder must, to the extent reasonable, offer the petroleum resource authority holder an amount of natural gas that is equal to the amount of the compensation liability.

(3) If, after complying with subsection (2), the ML (coal) holder continues to have a compensation liability to the petroleum resource authority holder, the ML (coal) holder must give the petroleum resource authority holder a payment equal to the amount of the compensation liability.

171 Offsetting of compensation liability

(1) An ML (coal) holder's compensation liability to a petroleum resource authority holder is reduced to the extent of the value of the following—

(a) incidental coal seam gas supplied to the petroleum resource authority holder on the acceptance of an offer made under section 138;

(b) undiluted incidental coal seam gas offered to the petroleum resource authority holder under section 138 but not supplied to the petroleum resource authority holder because the offer is not accepted.

(2) However, subsection (1)(b) applies only to the extent it was reasonably practicable for the petroleum resource authority

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holder to take supply of the undiluted incidental coal seam gas when the offer was made under section 138.

(3) The value of the incidental coal seam gas mentioned in subsection (1) must be calculated in the way, and consistent with the principles, prescribed by regulation.

172 Reconciliation payments and replacement gas

(1) This section applies if—

(a) under this division, a PL holder receives a payment or an amount of natural gas from an ML (coal) holder to meet a compensation liability for lost production; and

(b) the PL holder subsequently recovers coal seam gas that was the subject of the compensation liability.

(2) The PL holder is liable to give the ML (coal) holder—

(a) a payment (a ***reconciliation payment***) for the coal seam gas recovered; or

(b) an amount of natural gas (***replacement gas***) that is equal to the amount of coal seam gas recovered; or

(c) both of the following—

(i) a payment (also a ***reconciliation payment***) for part of the coal seam gas recovered;

(ii) an amount of natural gas (also ***replacement gas***) that is equal to the amount of coal seam gas recovered that is not the subject of the reconciliation payment under subparagraph (i).

(3) The amount of a reconciliation payment—

(a) must be calculated in the way, and consistent with the principles, prescribed by regulation; and

(b) must not be more than the amount received to meet the compensation liability.

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173 Claiming compensation

(1) If a petroleum resource authority holder considers an ML (coal) holder has a compensation liability to the petroleum resource authority holder, the petroleum resource authority holder must—

(a) advise the ML (coal) holder of the liability as soon as reasonably practicable; and

(b) include with the advice a written proposal for calculating the amount of compensation payable.

(2) The ML (coal) holder may either—

(a) accept the proposal; or

(b) respond with a written counter proposal.

174 Availability of dispute resolution

(1) This section applies if—

(a) either of the following applies—

(i) a petroleum resource authority holder is entitled to receive a payment of an amount to meet a compensation liability;

(ii) an ML (coal) holder is entitled to receive a reconciliation payment or replacement gas; and

(b) the petroleum resource authority holder and ML (coal) holder can not agree on 1 or more of the following—

(i) the amount of the payment to meet the compensation liability the petroleum resource authority holder is entitled to receive;

(ii) when the payment of the amount to meet the compensation liability must be made;

(iii) the amount of the reconciliation payment the ML (coal) holder is entitled to receive;

(iv) when the reconciliation payment must be made;

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(v) the amount of replacement gas the ML (coal) holder is entitled to receive;

(vi) when the replacement gas must be given.

(2) The petroleum resource authority holder or the ML (coal) holder may apply for arbitration of the dispute.

Chapter 5 General provisions for overlapping and co-existing resource authorities

Part 1 Preliminary

174A Definitions for chapter

In this chapter—

agreed co-existence plan means an agreed co-existence plan under—

(a) the Mineral Resources Act, section 271AB; or

(b) the P&G Act, section 400 or 440.

agreed joint development plan see section 103.

agreed plan means—

(a) an agreed joint development plan; or

(b) an agreed co-existence plan.

co-existing area means land that is the subject of—

(a) a later mining lease and an existing authority as mentioned in the Mineral Resources Act, section 271AB; or

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(b) a pipeline licence and an existing geothermal lease, GHG lease or mining lease as mentioned in the P&G Act, section 400; or

(c) a petroleum facility licence and an existing mining lease as mentioned in the P&G Act, section 440.

overlapping area see section 104.

Part 2 Ministerial powers

174B Requirement to give copy of agreed plan

(1) The Minister may, by written notice, require a resource authority holder to whom an agreed plan applies to give the Minister a copy of the agreed plan.

(2) The resource authority holder must give the copy to the Minister within 30 business days after the notice is given under subsection (1).

(3) This section does not apply if the agreed plan has stopped having effect.

174C Amendment of agreed plan

(1) The Minister may, by written notice, require a resource authority holder to whom an agreed plan applies to amend the agreed plan.

(2) The matters the Minister must consider in deciding whether to require an amendment include each of the following—

(a) the potential of each of the resource authority holders to whom the plan applies—

(i) for an agreed joint development plan—to develop coal and coal seam gas resources to optimise the development and use of the State's coal and coal seam gas resources; or

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(ii) for an agreed co-existence plan—to optimise the development and use of the State's resources;

(b) the extent to which each of the resource authority holders to whom the plan applies have complied with the plan;

(c) whether, if the amendment was made, compliance with the plan would continue to be commercially and technically feasible for the resource authority holders to whom the plan applies;

(d) the content of any development plan under the Mineral Resources Act or P&G Act for each of the resource authorities to which the agreed plan applies.

(3) A notice given under subsection (1) must include an information notice about the Minister's decision to require the amendment.

174D Request for information

The Minister may, by written notice, ask a resource authority holder to give the Minister any information the Minister considers appropriate to—

(a) for an overlapping area—

(i) optimise the development and use of the State's coal and coal seam gas resources; or

(ii) ensure safe mining in the overlapping area; or

(b) for a co-existing area—

(i) optimise the development and use of the State's resources; or

(ii) ensure safe operations in the co-existing area.

174E Right of appeal

(1) This section applies if the Minister decides to exercise a power under section 174C(1).

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(2) The P&G Act, chapter 12, part 2 applies, with necessary changes, to the decision as if—

(a) the decision were mentioned in the P&G Act, schedule 1, table 2; and

(b) the P&G Act, schedule 1, table 2 stated the Land Court as the appeal body for the decision; and

(c) a reference in the P&G Act, chapter 12, part 2 to an information notice included a reference to an information notice under section 174C(3).

Part 3 Dispute resolution

175 Application of part

(1) This division applies to the following disputes (each an ***overlap dispute***) between persons (each a ***party***)—

(a) a dispute mentioned in section 127 about an exceptional circumstances notice;

(b) a dispute mentioned in section 131, 133, 144 or 146 about a joint development plan to the extent it relates to a relevant matter;

(c) a dispute mentioned in section 174;

(d) a dispute mentioned in the *Coal Mining Safety and Health Act 1999*, section 64E(3) or (4) or 64H(7);

(e) a dispute mentioned in the P&G Act, section 705B(3) or (4) or 705CB(7);

(f) a dispute mentioned in the *Mineral Resources Regulation 2013*, section 25(3) or (4) or 28(7).

(2) This division also applies to the following disputes (each a ***co-existence dispute***) between persons (each a ***party***)—

(a) a dispute mentioned in the Mineral Resources Act, section 271AB(9);

(b) a dispute mentioned in the P&G Act, section 400(7);

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(c) a dispute mentioned in the P&G Act, section 440(7).

176 Definitions for part

In this division—

co-existence dispute see section 175(2).

dispute means—

(a) an overlap dispute; or

(b) a co-existence dispute.

overlap dispute see section 175(1).

party—

(a) for an overlap dispute—see section 175(1); or

(b) for a co-existence dispute—see section 175(2).

177 Nomination of arbitrator

(1) A party applies, or parties jointly apply, for arbitration of the dispute by asking a prescribed arbitration institute to nominate an arbitrator.

(2) The prescribed arbitration institute must nominate an arbitrator to decide the dispute.

(3) A prescribed arbitration institute does not incur any civil monetary liability for an act or omission in the performance, or purported performance, of a function under subsection (2) unless the act or omission is done or made in bad faith or through negligence.

178 Arbitrator's functions

(1) The arbitrator has authority to decide the dispute by the issuance of an award.

(2) The award must be consistent with—

(a) for an overlap dispute—

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(i) optimising the development and use of the State's coal and coal seam gas resources; and

(ii) safety and health requirements under mining safety legislation; or

(b) for a co-existence dispute—

(i) optimising the development and use of the State's resources; and

(ii) safety and health requirements under mining safety legislation.

(3) The award must be made—

(a) within 6 months after the appointment of the arbitrator; or

(b) if the arbitrator decides—within 9 months after the appointment of the arbitrator.

(4) A regulation may prescribe matters an arbitrator must consider in deciding an award.

(5) A regulation made under subsection (4) does not limit the matters an arbitrator may consider.

179 Expert appointed by arbitrator

(1) The arbitrator—

(a) for an overlap dispute—

(i) must appoint at least 1 qualified person with expertise in coal mining, and 1 qualified person with expertise in coal seam gas exploration and production (each an ***appointed expert***), to report to the arbitrator on specific issues decided by the arbitrator; and

(ii) may appoint another appropriately qualified person (also an ***appointed expert***) to report to the arbitrator on specific issues decided by the arbitrator; and

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(b) for a co-existence dispute—may appoint an appropriately qualified person (also an ***appointed expert***) to report to the arbitrator on specific issues decided by the arbitrator; and

(c) may require a party to the arbitration to give an appointed expert any relevant information or to produce, or to provide access to, any relevant documents or other property for the appointed expert's inspection.

(2) If a party to the arbitration requests, or if the arbitrator considers it necessary, the appointed expert must, after delivery of the appointed expert's written or oral report, participate in a hearing where the parties to the arbitration have the opportunity to put questions to the appointed expert and present persons with relevant expertise to give evidence on the points at issue.

(3) In this section—

qualified person means a person with the experience or qualifications prescribed by regulation.

180 Application of Commercial Arbitration Act 2013

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

181 Costs of arbitration

(1) The parties to the arbitration are liable to pay the costs of the arbitration in equal shares, unless the arbitrator decides otherwise.

(2) In this section—

costs, of the arbitration, includes the fees and expenses of the arbitrator.

182 Effect of arbitrator's decision

(1) The arbitrator's decision is final.

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

(3) The arbitrator's decision does not limit or otherwise affect—

(a) a power of the Minister under chapter 5, part 2; or

(b) a power of an inspector under mining safety legislation; or

(c) a power of the Supreme Court to decide a decision of the arbitrator is affected by jurisdictional error.

(4) The arbitrator's decision on a matter in dispute between the parties to the arbitration has the same effect as if the parties had entered into a binding and enforceable agreement to the same effect as the decision.

183 Copy of award and reasons for award

The parties to the arbitration must give the chief executive a copy of the award and the arbitrator's reasons for the issuance of the award.

Chapter 6 Applications and other documents

Part 1 Processing applications

Division 1 Preliminary

186 Definitions for part

In this part—

application means an application to which this part applies.

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authorising provision, for an application, means the provision of this Act that authorises the making of the application.

deciding authority, for an application—

(a) means the entity that is to decide the application under the authorising provision for the application; and

(b) includes an entity to which the power to decide the application has been delegated.

invalid application see section 189(2).

187 Application of part

This part applies for processing an application made under this Act if, and to the extent, the authorising provision for the application applies this part to the application.

Division 2 Making, amending and withdrawing applications

188 Requirements for applications

(1) An application must—

(a) comply with all requirements stated for it in the authorising provision for the application; and

(b) comply with all prescribed requirements for it; and

(c) be accompanied by all fees, information or other things prescribed by regulation for it; and

(d) if a practice manual applies to the application, comply with the manual to the extent it applies to the application.

(2) Also, if there is an approved form for the application, the application must be made in the approved form.

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189 Invalid applications

(1) An application has no effect if—

(a) it does not comply with section 188; or

(b) it is of a type prescribed by regulation as an application that can not be made.

(2) An application that has no effect is an ***invalid application*** unless the deciding authority allows the application to proceed under section 190.

(3) The deciding authority must ensure each of following happens in relation to an invalid application—

(a) the application is returned to the entity that lodged it together with a written notice about why the application is being returned;

(b) any fee accompanying the application is refunded to the person who paid the fee.

(4) A person responsible for accepting applications for lodgement may refuse to accept an application if it is incomplete or is not accompanied by the fees, information or other things as mentioned in section 188(1)(c).

190 Substantial compliance

The deciding authority may give effect to an application that does not comply with section 188 and allow it to proceed if reasonably satisfied—

(a) the application complies with the requirements stated for it in its authorising provision; and

(b) the application substantially complies with the requirements mentioned in section 188(1)(b) to (d); and

(c) the application is accompanied by all fees prescribed by regulation for it.

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191 Amending applications

An applicant may amend the application or a document accompanying the application only if—

(a) the application has not been decided; and

(b) the applicant has complied with the prescribed requirements for amending the application.

192 Withdrawing applications

(1) An applicant may lodge a written notice withdrawing the application at any time before a decision about the application takes effect.

(2) A regulation may prescribe the way in which the written notice must be lodged.

(3) The withdrawal takes effect when the written notice is lodged.

(4) If an application is withdrawn, the deciding authority may refund all or part of any fee paid for the application.

Division 3 Directions about applications

193 Deciding authority may make directions about applications

(1) The deciding authority may, by written notice, direct an applicant to do all or any of the following within a stated period—

(a) complete or correct the application if it appears to the deciding authority to be incorrect, incomplete or defective;

(b) do any thing required of the applicant under this Act or another Act to allow the application to be decided;

(c) give the deciding authority or another stated entity additional information about, or relevant to, the application;

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(d) give the deciding authority or another stated entity an independent report, statement or statutory declaration verifying all or any of the following—

(i) any information included in the application;

(ii) any additional information required under paragraph (c);

(iii) that the applicant meets any eligibility or capability criteria relevant for the application.

(2) The deciding authority may—

(a) require the independent report, statement or statutory declaration required by the direction—

(i) to be made by an appropriately qualified independent person or by the applicant; and

(ii) if the applicant is a corporation—to be made for the applicant by an executive officer of the applicant; or

(b) act under this section more than once in relation to a particular application; or

(c) extend the period for complying with the direction.

(3) A regulation may prescribe—

(a) examples of additional information about, or relevant to, an application; and

(b) the minimum period for the stated period mentioned in subsection (1).

(4) The applicant must bear the costs incurred in complying with the direction.

(5) The applicant is taken to have withdrawn the application if the applicant does not comply with the direction within the stated period in the direction.

(6) In this section—

executive officer, of a corporation, means a person who is concerned with or takes part in its management, whether or

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not the person is a director or the person's position is given the name of executive officer.

information includes a document.

Division 4 Deciding applications

194 Criteria for considering applications

(1) In deciding an application, the deciding authority must consider the criteria prescribed by regulation for the authorising provision for the application.

(2) Unless the authorising provision for an application states the criteria are exhaustive, the deciding authority may also consider any other criteria or matter the authority considers relevant to deciding the application.

195 Notice of decisions

(1) This section applies if a deciding authority makes a decision about an application.

(2) If the decision is the decision sought under the application, the deciding authority must give the applicant written notice of the decision.

(3) If the decision is not the decision sought under the application, or the decision includes conditions, the deciding authority must give the applicant an information notice about the decision.

(4) A regulation may prescribe other entities a deciding authority is required to notify of its decision.

(5) To remove any doubt, it is declared that a lawful refusal to accept an invalid application is not a decision about the application.

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Part 2 Lodging documents

196 Lodging documents

(1) This section applies if an entity is to give a document to any of the following authorities under this Act—

(a) the Minister;

(b) the chief executive;

(c) another entity prescribed by regulation.

(2) A regulation may prescribe—

(a) the places at which the document may, or must, be lodged; and

(b) the way in which the document may, or must, be lodged.

(3) If the document is an application, an obligation prescribed under subsection (2) for the document is taken to be part of the prescribed requirements for the document.

Note—

Failure to comply with the prescribed requirements for a document may result in the document having no effect. See section 189.

Chapter 7 Disqualification of applicants

196A Definitions for chapter

In this chapter—

***applicant*—**

(a) for an application for the grant of a prescribed resource authority—see section 196C(1)(a); or

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(b) for a tender for a prescribed resource authority—see section 196C(1)(b); or

(c) for an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority—see section 196C(1)(c).

associate, of an applicant for a prescribed matter, means either—

(a) an entity the decision-maker for the prescribed matter considers is in a position to control or substantially influence the applicant's affairs in connection with the prescribed resource authority the subject of the prescribed matter; or

(b) if the applicant is a body corporate—

(i) a director of the applicant; or

(ii) if the applicant is a subsidiary of another body corporate (the ***parent company***)—

(A) the parent company; or

(B) a director of the parent company.

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

decision-maker, for a prescribed matter, means the Minister.

director, of a body corporate, has the meaning given by the Corporations Act, section 9.

prescribed matter see section 196B.

prescribed resource authority means—

(a) any of the following under the Mineral Resources Act—

(i) a mining claim;

(ii) an exploration permit;

(iii) a mineral development licence;

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(iv) a mining lease; or

(b) any of the following under the P&G Act—

(i) an authority to prospect;

(ii) a petroleum lease;

(iii) a pipeline licence;

(iv) a petroleum facility licence; or

(c) a lease under the 1923 Act; or

(d) any of the following under the Geothermal Act—

(i) a geothermal exploration permit;

(ii) a geothermal production lease; or

(e) any of the following under the Greenhouse Gas Act—

(i) a GHG exploration permit;

(ii) a GHG injection and storage lease.

196B Application of chapter

This chapter applies in relation to each of the following (each a ***prescribed matter***)—

(a) an application for the grant of a prescribed resource authority;

(b) a tender for a prescribed resource authority;

(c) an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority.

196C Disqualification from grant or transfer of resource authority

(1) The decision-maker for the prescribed matter may decide—

(a) for an application for the grant of a prescribed resource authority—the entity making the application (the

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applicant) is disqualified from being granted the authority; or

(b) for a tender for a prescribed resource authority—the entity making the tender (also the ***applicant***) is disqualified from being granted the authority; or

(c) for an application for approval of a prescribed dealing that is a transfer of a prescribed resource authority or a share in a prescribed resource authority—the intended transferee (also the ***applicant***) is disqualified from being transferred the authority.

(2) In making a decision under subsection (1), the decision-maker may consider the following matters—

(a) whether the applicant, or an associate of the applicant, has contravened this Act or a Resource Act, other than the P&G Act, chapter 9;

(b) whether the applicant, or an associate of the applicant, has been convicted of an offence against—

(i) this Act or a Resource Act; or

(ii) the *Coal Mining Safety and Health Act 1999*; or

(iii) the *Environmental Protection Act 1994*; or

(iv) the *Mining and Quarrying Safety and Health Act 1999*; or

(v) the *Water Act 2000*;

(c) whether the applicant, or an associate of the applicant, has been convicted of an offence against a corresponding law;

(d) whether the applicant, or an associate of the applicant, has, within 10 years before the application or tender was made, been convicted of an offence involving fraud or dishonesty;

(e) whether the applicant, or an associate of the applicant, is an insolvent under administration;

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(f) whether the applicant, or an associate of the applicant, is or was, within 10 years before the application or tender was made, a director of a body corporate that is or was the subject of a winding-up order or for which a controller or administrator is or was appointed;

(g) whether the applicant, or an associate of the applicant, is disqualified from managing corporations because of the Corporations Act, part 2D.6;

(h) submissions, if any, made under section 196G;

(i) any other matter the decision-maker considers relevant to making the decision.

(3) However, the decision-maker may disregard a contravention, or conviction for an offence, mentioned in subsection (2) having regard to—

(a) the degree of seriousness of the contravention or offence; and

(b) the degree of harm caused by the contravention or offence; and

(c) the length of time that has elapsed from the commission of the contravention or offence; and

(d) the extent to which the applicant or associate was involved in the commission of the contravention or offence; and

(e) any other matter the decision-maker considers relevant.

(4) In this section—

corresponding law means a law of the Commonwealth or another State that—

(a) provides for the same, or substantially the same, matter as an Act mentioned in subsection (2)(b); or

(b) is prescribed by regulation for this definition.

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196D Requirement for further information

(1) The decision-maker for a prescribed matter may, before deciding an applicant for the matter is disqualified under section 196C, require the applicant to give the decision-maker further information or a document the decision-maker requires to make the decision.

(2) The requirement must—

(a) be made by notice given to the applicant; and

(b) state a period of at least 10 business days within which the applicant must comply with the requirement.

(3) The decision-maker may extend the period mentioned in subsection (2)(b) by notice given to the applicant.

(4) If the applicant does not comply with the requirement, the decision-maker may make a decision under section 196C without the further information or document.

196E Criminal history check

(1) To help decide whether an applicant for a prescribed matter is disqualified under section 196C, the decision-maker for the matter may ask the police commissioner for a report about the criminal history of the applicant or an associate of the applicant.

(2) However, the decision-maker may make the request only if the applicant, or associate of the applicant, has given the decision-maker written consent for the request.

(3) The police commissioner must comply with the request.

(4) However, subsection (3) applies only to information in the police commissioner's possession or to which the commissioner has access.

(5) If the criminal history of the person includes a conviction recorded against the person, the police commissioner's report must be written.

(6) The decision-maker must destroy the report as soon as practicable after the decision under section 196C is made.

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196F Costs of criminal history report

(1) The decision-maker for a prescribed matter may require an applicant for the matter to pay the reasonable, but no more than actual, costs of obtaining a report under section 196E about the applicant or an associate of the applicant.

(2) The decision-maker for a prescribed matter must refund to the applicant an amount paid under subsection (1) if—

(a) the decision-maker refuses the application without asking for the report; or

(b) the applicant withdraws the application before the decision-maker asks for the report.

196G Notice of intended disqualification

(1) The decision-maker for a prescribed matter must, before deciding an applicant for the matter is disqualified under section 196C, give the applicant a notice stating—

(a) the proposed decision; and

(b) the reasons for the proposed decision; and

(c) that the applicant may, within 20 business days after the notice is given, make submissions to the decision-maker about the proposed decision.

(2) The decision-maker may extend the period mentioned in subsection (1)(c) by notice given to the applicant.

196H Notice of disqualification

(1) This section applies if a decision-maker for a prescribed matter decides an applicant for the matter is disqualified under section 196C.

(2) The decision-maker must, as soon as practicable after making the decision, give the applicant a notice stating the decision and the reasons for the decision.

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Chapter 7A Dispute resolution

Part 1 ADR

Division 1 ADR election notice

196I Contents of ADR election notice

An ADR election notice for ADR for the resolution of a dispute must state—

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

(b) the type of ADR proposed; and

(c) the name of an ADR facilitator, who is independent of both parties to the dispute, proposed to conduct the ADR; and

(d) who is liable for the costs of the ADR facilitator; and

(e) any other information prescribed by regulation.

Division 2 Provisions about ADR

196J Application of division

This division applies in relation to ADR for the resolution of a dispute between parties mentioned in any of the following provisions that is conducted in response to an ADR election notice for the ADR—

(a) section 51A(1);

(b) section 88(1);

(c) section 92A(1).

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196K Conduct of ADR

(1) The parties must use all reasonable endeavours to negotiate a resolution of the dispute within 30 business days after the ADR facilitator is appointed (the ***usual period***).

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

(3) If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the longer period applies instead of the usual period.

(4) The party who is the resource authority holder is liable for the costs of the ADR facilitator.

196L Non-attendance at ADR

(1) This section applies if—

(a) a party (the ***non-attending party***) does not attend the ADR; and

(b) another party (the ***attending party***) attends the ADR.

(2) The non-attending party is liable to pay the attending party's reasonable costs of attending.

(3) The attending party may apply to the Land Court for an order requiring the payment of the costs.

(4) The Land Court may order the payment of the costs only if the Court is satisfied the non-attending party did not have a reasonable excuse for not attending.

196M Protection, immunity and confidentiality

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

(a) a reference to an ADR process included a reference to the ADR; and

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(b) a reference to an ADR convenor included a reference to the ADR facilitator.

Note—

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

Part 2 Arbitration

Division 1 Arbitration election notice

196N Contents of arbitration election notice

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

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

(b) the name of an arbitrator, who is independent of both parties to the dispute, proposed to conduct the arbitration; and

(c) that, if the request for arbitration is accepted, an application to the Land Court for a decision about the dispute can not be made; and

(d) that the costs of the arbitration are payable by the parties as mentioned in section 196R; and

(e) any other information prescribed by regulation.

Division 2 Provisions about arbitration

196O Application of division

This division applies in relation to an arbitration of a dispute between parties mentioned in section 91A(2) that is conducted in response to an arbitration election notice for the arbitration.

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196P Arbitrator's functions

(1) The arbitrator has authority to decide the dispute by the issuance of an award.

(2) However, the arbitrator may decide a matter the subject of the dispute only to the extent it is not subject to a conduct and compensation agreement between the parties.

(3) The award must be made within 6 months after the appointment of the arbitrator.

196Q Application of Commercial Arbitration Act 2013

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

196R Costs of arbitration

(1) If, before the appointment of the arbitrator, the parties have not participated in ADR about the dispute, the party who is the resource authority holder is liable to pay the fees and expenses of the arbitrator.

(2) If, before the appointment of the arbitrator, the parties have participated in ADR about the dispute, the parties are liable to pay the fees and expenses of the arbitrator in equal shares unless the parties agree, or the arbitrator decides, otherwise.

(3) Other than as provided under subsection (1) or (2), each party to an arbitration must bear the party's own costs for the arbitration unless the parties agree, or the arbitrator decides, otherwise.

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Chapter 8 Miscellaneous

Part 1 Resource authority register

197 Register to be kept

(1) The chief executive must keep a register of details about—

(a) resource authorities; and

(b) applications for the grant of resource authorities other than an excluded application; and

(c) dealings with resource authorities; and

(d) application transfers under the Mineral Resources Act, chapter 7; and

(e) caveats; and

(f) acquired land; and

(g) trigger thresholds in relation to the make good obligation for 1923 Act petroleum tenures under the 1923 Act; and

(h) coordination arrangements under the P&G Act and 1923 Act; and

(i) geothermal coordination arrangements under the Geothermal Act; and

(j) GHG coordination arrangements under the Greenhouse Gas Act; and

(k) any other relevant matters prescribed by regulation.

(2) The chief executive may decide the form in which the register is kept.

(3) The chief executive may also keep in the register information that the chief executive considers appropriate about matters relating to this Act or another Act.

(4) In this section—

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excluded application means an application for the grant of an exploration permit for an EP tender under the Mineral Resources Act.

make good obligation has the meaning of make good obligation under the 1923 Act, section 2 as in force immediately before the commencement of the *Water and Other Legislation Amendment Act 2010*.

trigger threshold has the meaning of trigger threshold under the 1923 Act, section 2 as in force immediately before the commencement of the *Water and Other Legislation Amendment Act 2010*.

198 Access to register

(1) The chief executive must—

(a) keep the register open for inspection by the public during office hours on business days at the places the chief executive considers appropriate; and

(b) allow a person, on payment of the fee prescribed by regulation, to search and take extracts from the register; and

(c) give a person who asks for it a copy of all or part of a notice, document or information held in the register on payment of the fee prescribed by regulation.

(2) Subsection (1) is subject to section 199.

199 Arrangements with other departments for copies from register

(1) 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 register, without payment of the fees prescribed under section 198.

(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably

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satisfied the information obtained from the search, extract or copy will not be—

(a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or

(b) included in another database of information, in any form, other than with the chief executive's approval.

200 Supply of statistical data from register

(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the register.

(2) If the chief executive supplies statistical data under subsection (1)—

(a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and

(b) without limiting paragraph (a), the agreement may also state—

(i) how the fees and charges are to be calculated; and

(ii) how payment of the fees and charges is to be made.

(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.

(4) An agreement for the supply of statistical data must include—

(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

(b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.

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(5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under a search of the register permitted under section 198.

(6) The chief executive must exclude resource authority particulars and personal information from data supplied under the agreement.

(7) Subsection (6) applies despite anything in the agreement.

(8) In this section—

personal information means a particular 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.

resource authority particulars means particulars from any instrument or information kept by the chief executive that may allow a person to identify a resource authority to which the instrument or information relates.

201 Chief executive may correct register

(1) The chief executive may correct the register if satisfied—

(a) the register is incorrect; and

(b) the correction will not prejudice any rights recorded in the register of a resource authority holder, a person who holds an interest in a resource authority, a person who has lodged a caveat, or a party to a coordination arrangement.

(2) The power to correct includes power to correct information in the register or a document forming part of the register.

(3) If the register is corrected, the chief executive must record in it—

(a) the state of the register before the correction; and

(b) the time, date and circumstances of the correction.

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(4) A correction under this section has the same effect as if the relevant error had not been made.

(5) For subsection (1)(b), a right is not prejudiced if the relevant person acquired or has dealt with the right with actual or constructive knowledge that the register was incorrect and how it was incorrect.

Part 2 Other provisions

202 Practice manual

(1) The chief executive may keep, in the way the chief executive considers appropriate, a manual (however called) about resource authority administration practice to guide and inform persons dealing with the department.

(2) The manual may include—

(a) directions about—

(i) what information, documents or instruments (***material***) a person must or may give in response to a requirement or permission under this Act or a Resource Act; and

(ii) how or when the material must or may be given; and

(iii) the format of the material; and

(iv) the degree of precision required for information contained in the material; and

(b) practices to ensure there is consistency and efficiency in resource authority administration processes; and

(c) guidelines about ways to define the boundary of the area of a mining tenement or proposed mining tenement under the Mineral Resources Act.

(3) If—

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(a) a person is required or permitted to give the Minister or the chief executive (the ***official***) information for a particular purpose relating to this Act or a Resource Act; and

(b) the person gives the information—

(i) as required or permitted under the manual; or

(ii) as would be required or permitted to be given under a regulation if the information were a document;

the person is taken to have given the official the information for the purpose.

(4) 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.

(5) Without limiting subsection (4), 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 made.

203 Fees—payment methods

(1) A regulation may fix the methods to be used for the payment of fees payable under this Act.

(2) A method to be used for the payment of fees fixed by either of the following is an ***approved payment method*** for the fee—

(a) a regulation under subsection (1);

(b) the chief executive in an approved form under section 207(2).

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(3) However, if a regulation and the chief executive inconsistently fix the methods to be used for the payment of a fee, the approved payment method for the fee is the method fixed by the regulation.

204 Fees—evidence and timing of payment

(1) This section applies if—

(a) a document must be accompanied by a fee when lodged under this Act; and

(b) an approved payment method is used to pay the fee; and

(c) the fee is received by the entity to which the fee must be paid within the prescribed period for receiving the fee using the approved payment method.

(2) The fee is taken to accompany the document if the document is accompanied by evidence of the payment of the fee using the approved payment method.

Example—

a receipt for an electronic funds transfer

(3) If the document is accompanied by evidence of the fee having been paid using the approved payment method, the fee is taken to have been paid at the time the person lodged the document under this Act.

204A Alternative calculation of rent for resource authorities

(1) A regulation may provide for the Minister to apply an alternative way of calculating the rent payable for a resource authority, so that a lesser amount of rent is payable, in the circumstances prescribed by regulation.

(2) Subsection (3) applies if, under a regulation made under subsection (1)—

(a) the Minister applies an alternative way of calculating the rent payable for a resource authority for a particular period; and

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(b) the calculated amount is less than the amount of rent that would otherwise be payable for the period under the relevant Resource Act for the authority or a condition of the authority.

(3) Despite the relevant Resource Act for the resource authority or a condition of the authority, the rental payable for the authority for the period is the lesser amount.

204B Deferral of payment of rent for resource authorities

(1) A regulation may provide for an arrangement for deferring the payment of rent payable for a resource authority because of hardship, including providing for when the arrangement ends.

(2) Subsection (3) applies if—

(a) the holder of a relevant authority is required, under a relevant Resource Act for the authority or a condition of the authority, to pay the rent payable for the authority—

(i) within a particular period; or

(ii) on, before or by a particular day; and

(b) under an arrangement mentioned in subsection (1), the payment of the rent is deferred to a later day.

(3) The requirement is taken to require the holder to pay the rent on or before the later day.

205 Chief executive may require particular information

(1) The chief executive may require a relevant entity to give the chief executive, within the prescribed period, a copy of a notice or consent given by or to the relevant entity under chapter 3.

(2) In this section—

relevant entity means—

(a) a resource authority holder; or

(b) an owner or occupier of land; or

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(c) a public land authority; or

(d) a public road authority.

206 References to right to enter

A right under this Act to enter a place includes the right to—

(a) leave and re-enter the place from time to time; and

(b) remain on the place for the time necessary to achieve the purpose of the entry; and

(c) take on the place equipment, materials, vehicles or other things reasonably necessary to exercise a power under this Act.

207 Delegation of functions or powers

(1) The Minister may delegate the Minister's functions or powers under this Act to an appropriately qualified public service employee.

(2) The chief executive may delegate the chief executive's functions or powers under this Act to an appropriately qualified public service employee.

208 Functions or powers carried out through agents

(1) This section applies to the following persons—

(a) the Minister;

(b) the chief executive;

(c) a person delegated a function or power under section 207.

(2) Unless this Act requires the person to carry out a function or power personally, the person may act through a public service employee, as agent, to carry out the function or power.

(3) This section does not limit the *Acts Interpretation Act 1954*, section 27A.

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209 Approved forms

(1) The chief executive may approve forms for use under this Act.

(2) The chief executive may fix in an approved form a method to be used for the payment of a fee under this Act.

210 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may—

(a) prescribe fees payable under the Act; or

(b) provide for a maximum penalty of 20 penalty units for a contravention of a regulation.

Chapter 9 Savings and transitional provisions for Act No. 47 of 2014

Part 1 Preliminary

212 Definitions for ch 7

In this chapter—

commencement means the commencement of this section.

new register means the register kept under this Act.

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Part 2 Provisions for dealings

213 Incomplete registration of dealings

(1) This section applies if, before the commencement—

(a) a person gave the chief executive notice of a dealing under a Resource Act with the intention of registering the dealing but, at the commencement, the dealing had not been registered; or

(b) a person applied to the Minister under a Resource Act for an indication of whether the Minister would approve an assessable transfer under that Act but, at the commencement, the application had not been decided; or

(c) a person applied to the Minister under a Resource Act for approval of an assessable transfer under that Act but, at the commencement, the application had not been decided.

(2) The provisions of the Resource Act relating to the notice or application (the ***former provisions***) continue to apply for the notice or application despite any repeal of the provisions by this Act.

(3) However, a reference to a register in the former provisions is taken to be a reference to the new register.

(4) To remove any doubt, it is declared that the dealing mentioned in subsection (1)(a) may be registered if it is able to be registered under the former provisions.

(5) In this section—

assessable transfer, under a Resource Act—

(a) means an assessable transfer as defined under the Resource Act immediately before the commencement; but

(b) does not include an application transfer under the Mineral Resources Act.

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dealing, under a Resource Act, means a dealing as defined under the Resource Act immediately before the commencement.

214 Continuing effect of indicative approval

(1) This section applies if, under a Resource Act, the Minister gave a resource authority holder an indicative approval that the Minister was likely to approve an assessable transfer under that Act and the indicative approval was given—

(a) before the commencement; or

(b) after the commencement under section 213.

(2) The indicative approval remains binding on the Minister in relation to registering the transfer of the resource authority under this Act if, under the former provisions of the relevant Resource Act for the resource authority, the approval to register the transfer would be taken to have been given.

Example—

For a resource authority under the *Petroleum and Gas (Production and Safety) Act 2004*, see sections 573C and 573D as in force before repeal under this Act.

(3) In this section—

assessable transfer, under a Resource Act—

(a) means an assessable transfer as defined under the Resource Act immediately before the commencement; but

(b) does not include an application transfer under the Mineral Resources Act.

former provisions, of a Resource Act, means the provisions of the Resource Act that, immediately before the commencement, related to the Minister deciding whether or not to give an approval of an assessable transfer.

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215 Unrecorded associated agreements

(1) This section applies if, before the commencement, notice of an associated agreement had been given to the chief executive in accordance with a Resource Act but the agreement had not been recorded before the commencement.

(2) The associated agreement may be included in the new register if the agreement would have been recorded in a register under the Resource Act as in force immediately before the commencement.

216 Transfer of matters to new register

(1) A matter recorded in a register under a Resource Act is to be recorded in the new register.

(2) A caveat (a ***previous caveat***) recorded in a register under a Resource Act continues in effect in relation to the new register to the extent it would have effect under the relevant provisions of the Resource Act despite any repeal of the provisions by this Act.

(3) However, a previous caveat has no effect, and is taken to never have had effect, to prevent a change of name of an entity holding an interest in a resource authority.

(4) A caveat lodged, but not recorded in a register, under a Resource Act before the commencement must be registered in the new register if it would have been registered under the relevant provisions of the Resource Act.

(5) To remove any doubt, it is declared that a caveat registered in the new register under this section is taken to be an original caveat for section 30.

Part 3 Provisions for land access

217 Definitions for pt 3

In this part—

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new restricted land entry provisions means chapter 3, part 4.

pre-amended, in relation to a Resource Act, means the Resource Act as in force immediately before the commencement.

218 Existing land access code

The land access code made under the pre-amended P&G Act, section 24A continues in force, despite the repeal of that section, until a new land access code is made under section 36.

219 Existing conduct and compensation agreement requirements—carrying out authorised activity within 600m of school or occupied residence

(1) This section applies if—

(a) a resource authority was applied for before the commencement, whether the resource authority was granted before or after the commencement; and

(b) at the date of the application for the resource authority, if the authority were granted on that date, a conduct and compensation agreement requirement would apply to the entry to private land in the resource authority's area for the purpose of carrying out an authorised activity within 600m of a school or an occupied residence.

(2) The authorised activity mentioned in subsection (1)(b) is taken to be an advanced activity for the resource authority for the application of the new land access provisions in relation to the entry to the private land.

(3) In this section—

conduct and compensation agreement requirement means a requirement under—

(a) the Mineral Resources Act, schedule 1, section 10(1); or

(b) the P&G Act, section 500(1); or

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(c) the 1923 Act, section 78Q(1); or

(d) the Geothermal Act, section 216(1); or

(e) the Greenhouse Gas Act, section 283(1).

new land access provisions means chapter 3, parts 1, 2 and 7.

220 Existing entry notices

(1) This section applies to an entry notice given under a pre-amended Resource Act to an owner or occupier of land or a public land authority, and in force immediately before the commencement.

(2) The notice continues in force after the commencement and is taken to be—

(a) if the notice is given in relation to entry to private land—an entry notice given under section 39; or

(b) if the notice is given in relation to entry to public land—a periodic entry notice given under section 57.

(3) The notice is valid even if the notice does not comply with section 39(2) or 57(2).

221 Existing waiver of entry notices

(1) This section applies to a waiver of entry notice given to a resource authority holder under a pre-amended Resource Act and in force immediately before the commencement.

(2) The notice continues in force after the commencement and is taken to be—

(a) if the notice is given in relation to entry to private land—a waiver of entry notice given under section 42; or

(b) if the notice is given in relation to entry to public land—a waiver of entry notice given under section 60.

(3) The notice is valid even if the notice does not comply with a prescribed requirement under section 42(2)(a) or 60(2)(a).

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222 Existing deferral agreements

(1) This section applies to a deferral agreement entered into under a pre-amended Resource Act and in force immediately before the commencement.

(2) The agreement continues in force after the commencement and is taken to be a deferral agreement entered into under section 44(1).

(3) The agreement is valid even if the agreement does not comply with a prescribed requirement under section 44(2).

223 Existing access agreements

(1) This section applies to an access agreement entered into under a pre-amended Resource Act and in force immediately before the commencement.

(2) The agreement continues in force after the commencement and is taken to be an access agreement entered into under section 47(1)(a).

223A Existing consent given by reserve owner to exploration permit holder or mineral development licence holder

(1) This section applies if—

(a) the owner of any part of the area of an exploration permit that is the surface area of a reserve (the ***reserve owner***) has given consent, under the pre-amended Mineral Resources Act, section 129(1)(a)(ii), to the holder of an exploration permit or any person who acts for the purpose of carrying out any activity authorised by the exploration permit (the ***resource authority holder***); or

(b) the owner of any part of the area of a mineral development licence that is the surface area of a reserve (also the ***reserve owner***) has given consent, under the pre-amended Mineral Resources Act, section 181(4)(b)(ii), to the holder of a mineral development licence or any person who acts for the

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purpose of carrying out any activity authorised by the licence (also the ***resource authority holder***).

(2) For section 58(1), the resource authority holder is taken to have given the reserve owner, as a public land authority, a periodic entry notice under section 57.

(3) Subsection (2) applies even if the consent, as a periodic entry notice, does not comply with section 57.

(4) For the purpose of dealing with the consent as a periodic entry notice, the entry period under section 57(2)(a) is taken to be the period for entry under the consent.

(5) Subsection (4) applies even if the period for entry under the consent, as an entry period, does not comply with section 57.

(6) Any conditions of the consent are taken to be conditions imposed by the reserve owner, as a public land authority, under section 59(2).

(7) However, section 59(8)(a) does not apply to a condition of the consent.

(8) In this section—

exploration permit see the Mineral Resources Act, schedule 2.

mineral development licence means a mineral development licence under the Mineral Resources Act, chapter 5, part 1 or 2.

reserve see the Mineral Resources Act, schedule 2.

224 Existing conditions imposed by public land authority for entry to public land

(1) This section applies if—

(a) a public land authority, in response to a resource authority holder's entry notice under a pre-amended Resource Act about entering public land, imposed under the pre-amended Resource Act a condition relating to the entry or the carrying out of an authorised activity; and

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(b) the condition is in force immediately before the commencement.

(2) The condition continues in force after the commencement and is taken to be a condition imposed under section 59(2) by the public land authority.

(3) However, the public land authority is not required to comply with section 59(8) in relation to imposing the condition.

224A Continuing notifiable road use

(1) This section applies if—

(a) before the commencement, a resource authority holder used a road for a notifiable road use within the meaning of a Resource Act, as in force before the commencement; and

(b) after the commencement, the resource authority holder continues to use the road for the same use.

(2) If, before the commencement, the resource authority holder gave notice of the notifiable road use to a road authority for the road under the provisions of a Resource Act that applied to the notice at that time—

(a) the resource authority holder is taken to have given the public road authority for the road a notice about the use under section 63(1)(a); and

(b) the notice has effect for section 63(1)(a) even if the notice does not comply with the prescribed requirements for it under section 63(1)(a).

(3) A written consent to carry out the use of the road given before the commencement to the resource authority holder by the road authority is taken to be written consent given to the resource authority holder by the public road authority for the road under section 63(1)(b)(ii).

(4) If, before the commencement—

(a) the road authority applied under a Resource Act to the Land Court for the Court to decide the resource

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authority holder's compensation liability to the road authority for the road; and

(b) the application had not lapsed, been decided, been withdrawn or been otherwise finally dealt with;

the application is taken to be an application to the Land Court for the Court to decide the resource authority holder's compensation liability to the public road authority for the road under section 100(1).

(5) In this section—

commencement means the commencement of chapter 3.

road authority means—

(a) a road authority under the pre-amended Mineral Resources Act, section 318EN; or

(b) a public road authority under any of the following provisions as in force immediately before the commencement—

- the P&G Act, schedule 2
- the 1923 Act, section 2
- the Geothermal Act, schedule 2
- the Greenhouse Gas Act, schedule 2.

225 Existing road use directions

(1) This section applies if—

(a) a public land authority, under a pre-amended Resource Act, gave a road use direction to a resource authority holder; and

(b) the direction is in force immediately before the commencement.

(2) The direction continues in force after the commencement and is taken to be a road use direction given under section 64(1) by the authority.

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(3) The direction is valid even if the direction does not comply with section 64(4)(b).

226 Existing written consent to enter land given by second resource authority holder

(1) This section applies if—

(a) a second resource authority holder under a pre-amended Resource Act has given written consent to a first resource authority holder under a pre-amended Resource Act to enter land; and

(b) the consent is in force immediately before the commencement.

(2) The written consent continues in force and is taken to be written consent to enter land given under section 75 by the second resource authority holder to the first resource authority holder.

(3) In this section—

written consent means—

(a) for the pre-amended P&G Act—written consent given under the pre-amended P&G Act, section 529; or

(b) for the pre-amended 1923 Act—written consent given under the pre-amended 1923 Act, section 79N; or

(c) for the pre-amended Geothermal Act—written consent given under the pre-amended Geothermal Act, section 244; or

(d) for the pre-amended Greenhouse Gas Act—written consent given under the pre-amended Greenhouse Gas Act, section 317.

227 Existing conduct and compensation agreements

(1) This section applies to a conduct and compensation agreement entered into under a pre-amended Resource Act and in force immediately before the commencement.

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(2) The agreement continues in force after the commencement and is taken to be a conduct and compensation agreement entered into under section 83(1).

(3) The agreement is valid even if the agreement does not comply with a prescribed requirement under section 83(4).

(4) However—

(a) a resource authority holder that is a party to a conduct and compensation agreement must comply with section 92(1) in relation to the agreement within 6 months after the commencement, instead of within 28 days as mentioned in that section; and

(b) a special agreement can not be the subject of an application under section 101 to the Land Court for a review of the original compensation.

(5) A requirement of a resource authority holder under subsection (4)(a) is a condition of the resource authority.

(6) In this section—

special agreement means a compensation agreement under the P&G Act, section 923.

228 Existing negotiations for conduct and compensation agreement or deferral agreement

(1) This section applies if—

(a) before the commencement, a resource authority holder gave an eligible claimant a negotiation notice, under the old land access provisions, that the holder wished to negotiate a conduct and compensation agreement or a deferral agreement with the claimant; and

(b) the resource authority holder and the eligible claimant had not entered into a conduct and compensation agreement or deferral agreement before the commencement.

(2) The negotiations for the conduct and compensation agreement or the deferral agreement are to continue under the old land

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access provisions that, before the commencement, applied in relation to the negotiation notice.

(3) Subsection (2) applies despite the repeal of the old land access provisions.

(4) If the negotiations under the old land access provisions result in the making of a conduct and compensation agreement after the commencement, the agreement is taken to be a conduct and compensation agreement entered into under section 83(1).

(5) If the negotiations under the old land access provisions result in the making of a deferral agreement after the commencement, the agreement is taken to be a deferral agreement entered into under section 44(2).

(6) If the negotiations under the old land access provisions result in a decision of the Land Court under the old land access provisions, the decision is taken to be a decision of the Land Court under the new land access provisions.

(7) In this section—

new land access provisions means chapter 3.

old land access provisions means—

(a) the Mineral Resources Act, schedule 1; or

(b) the P&G Act, chapter 5, parts 2 and 5; or

(c) the 1923 Act, parts 6H and 6K; or

(d) the Geothermal Act, chapter 5, parts 5 and 8; or

(e) the Greenhouse Gas Act, chapter 5, parts 7 and 10.

228A Existing road compensation agreements

(1) This section applies to a road compensation agreement entered into under a pre-amended Resource Act and in force immediately before the commencement.

(2) The agreement continues in force after the commencement and is taken to be a road compensation agreement entered into under section 94(1).

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(3) The agreement is valid even if the agreement does not comply with a prescribed requirement under section 94(2).

228B Existing requirements under Mineral Resources Act to obtain written consent of owner to enter restricted land

(1) This section applies if, before the commencement—

(a) a prospecting permit holder under the pre-amended Mineral Resources Act was permitted, under the pre-amended Mineral Resources Act, section 19(4), to enter restricted land only with the written consent of the owner of the land where the relevant permanent building, or relevant feature, was situated; or

(b) an exploration permit holder under the pre-amended Mineral Resources Act was permitted, under the pre-amended Mineral Resources Act, section 129(3), to enter the surface of restricted land only with the written consent of the owner of the land where the relevant permanent building, or relevant feature, was situated; or

(c) a mineral development licence holder under the pre-amended Mineral Resources Act was permitted, under the pre-amended Mineral Resources Act, section 181(8), to enter the surface of restricted land only with the written consent of the owner of the land where the relevant permanent building, or relevant feature, was situated.

(2) The pre-amended Mineral Resources Act continues to apply in relation to entry to the restricted land as if—

(a) the new restricted land entry provisions had not commenced; and

(b) the Mineral Resources Act, sections 19, 20, 129 and 181, and schedule 2, definitions *restricted land*, *restricted land (category A)* and *restricted land (category B)* had not been repealed.

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228C Existing requirements under Geothermal Act to obtain written consent of owner to carry out authorised activities on particular land

(1) This section applies if, before the commencement—

(a) an authorised activity for a geothermal tenure was permitted, under the pre-amended Geothermal Act, section 358(2), to be carried out on land within 300m laterally of a permanent building mentioned in the pre-amended Geothermal Act, section 358(2) only with the written consent of the owner or occupier of the building; or

(b) an authorised activity for a geothermal tenure was permitted, under the pre-amended Geothermal Act, section 358(3), to be carried out on land within 50m laterally of a thing mentioned in the pre-amended Geothermal Act, section 358(3) only with the written consent of the owner or occupier of the thing.

(2) The pre-amended Geothermal Act continues to apply in relation to entry to the land as if—

(a) the new restricted land entry provisions had not commenced; and

(b) the Geothermal Act, section 358 had not been repealed.

228D Land access requirements for particular applications under Mineral Resources Act not decided before commencement

(1) This section applies if—

(a) before the commencement, a person applied for a prospecting permit, exploration permit or mineral development licence under the pre-amended Mineral Resources Act; and

(b) the prospecting permit, exploration permit or mineral development licence is granted after the commencement; and

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(c) if the permit or licence had been granted under the pre-amended Mineral Resources Act—the holder of the permit or licence would have been permitted under section 19(4), 129(3) or 181(8) of that Act to enter, or enter the surface of, restricted land only with the written consent of the owner of the land where the relevant permanent building, or relevant feature, was situated.

(2) The pre-amended Mineral Resources Act continues to apply in relation to entry to the restricted land as if—

(a) the new restricted land entry provisions had not commenced; and

(b) the Mineral Resources Act, sections 19, 20, 129 and 181, and schedule 2, definitions *restricted land*, *restricted land (category A)* and *restricted land (category B)* had not been replaced or repealed.

(3) In this section—

commencement means the commencement of chapter 3.

228E Land access requirements for particular applications under Geothermal Act not decided before commencement

(1) This section applies if—

(a) before the commencement, a person applied for a geothermal tenure under the pre-amended Geothermal Act; and

(b) the geothermal tenure is granted after the commencement; and

(c) if the geothermal tenure had been granted under the pre-amended Geothermal Act, an authorised activity for the geothermal tenure—

(i) would have been permitted, under the pre-amended Geothermal Act, section 358(2), to be carried out on land within 300m laterally of a permanent building mentioned in section 358(2) of that Act

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only with the written consent of the owner or occupier of the building; or

(ii) would have been permitted, under the pre-amended Geothermal Act, section 358(3), to be carried out on land within 50m laterally of a thing mentioned in section 358(3) of that Act only with the written consent of the owner or occupier of the thing.

(2) The pre-amended Geothermal Act continues to apply in relation to entry to the land as if—

(a) the new restricted land entry provisions had not commenced; and

(b) the Geothermal Act, section 358 had not been repealed.

(3) In this section—

commencement means the commencement of chapter 3.

228F Land access requirements for relevant resource authorities applied for before commencement

(1) This section applies if—

(a) before the commencement, a person applied for a relevant resource authority; and

(b) the relevant resource authority was granted before the commencement or is granted after the commencement.

(2) The new restricted land entry provisions do not apply in relation to the relevant resource authority.

(3) In this section—

commencement means the commencement of chapter 3.

relevant resource authority means—

(a) a mining claim or a mining lease under the Mineral Resources Act; or

(b) a resource authority under the P&G Act; or

(c) a lease under the 1923 Act; or

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(d) a resource authority under the Greenhouse Gas Act.

Part 4 Provisions for overlapping coal and petroleum resource authorities

Division 1 Preliminary

229 Definitions for pt 4

In this part—

commencement means the commencement of this part.

Common Provisions Act means this Act.

new overlap provisions means chapter 4 of this Act.

overlap see section 231.

pre-amended Mineral Resources Act means the Mineral Resources Act as in force immediately before the commencement.

pre-amended P&G Act means the P&G Act as in force immediately before the commencement.

230 Ch 4 definitions

Unless the context otherwise requires, an expression defined in chapter 4 has the same meaning in this part.

231 Overlapping resource authorities

A resource authority ***overlaps*** another resource authority if the authorities' areas contain the same overlapping area.

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231A Existing agreement between resource holders

(1) This section applies if—

(a) a non-mandatory provision applies to resource authority holders for an overlapping area; and

(b) the non-mandatory provision is inconsistent with a term of an existing agreement between the resource authority holders.

(2) The resource authority holders are taken to have agreed, under section 117(2), that the non-mandatory provision does not apply for the overlapping area.

(3) Subsection (2) does not apply if, after the commencement, the resource authority holders agree that the non-mandatory provision does apply for the overlapping area.

(4) In this section—

existing agreement means a written legally binding agreement in force immediately before the commencement.

non-mandatory provision means a provision, or a part of a provision, of chapter 4 other than a provision, or a part of a provision, mentioned in section 117(1).

Division 1A Overlapping exploration resource authorities

231B Exploration resource authorities

(1) The following table applies for this section—

Column 1	Column 2
exploration permit (coal)	authority to prospect (csg)
mineral development licence (coal)	authority to prospect (csg)

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Column 1	Column 2
authority to prospect (csg)	either of the following— (a) exploration permit (coal); (b) mineral development licence (coal)

(2) This section applies to a column 1 exploration resource authority if—

(a) the exploration resource authority—

(i) was granted before the commencement; or

(ii) was applied for before the commencement and is granted after the commencement; and

(b) the exploration resource authority overlaps a corresponding column 2 exploration resource authority that—

(i) was granted before the commencement; or

(ii) was applied for before the commencement and is granted after the commencement.

(3) The new overlap provisions apply to the circumstance of the column 1 exploration resource authority overlapping the corresponding column 2 exploration resource authority.

(4) For applying the new overlap provisions to an overlapping area for a column 1 exploration resource authority (whenever granted) and a corresponding column 2 exploration resource authority granted before the commencement, the overlapping area is taken to come into existence on the commencement.

(5) In this section—

column 1 exploration resource authority means a resource authority listed in column 1 of the table for this section.

corresponding column 2 exploration resource authority, for a column 1 exploration resource authority, means the resource authority listed in column 2 of the table for this section opposite the column 1 exploration resource authority.

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Division 2 Resource authorities granted over existing production resource authorities

232 Coal resource authority granted over existing PL

(1) If a coal resource authority, whenever granted, overlaps a PL that was granted before the commencement, the Mineral Resources Act applies to the circumstance of the coal resource authority overlapping the PL as if the Common Provisions Act had not been enacted.

(2) Despite subsection (1), the new overlap provisions apply to the circumstance of a coal resource authority overlapping a PL if—

(a) the coal resource authority holder and the PL holder agree that the new overlap provisions apply; and

(b) the coal resource authority holder and PL holder jointly give written notice to the chief executive of the agreement.

233 Petroleum resource authority granted over existing ML (coal)

(1) If a petroleum resource authority, whenever granted, overlaps an ML (coal) that was granted before the commencement, the P&G Act applies to the circumstance of the petroleum resource authority overlapping the ML (coal) as if the Common Provisions Act had not been enacted.

(2) Despite subsection (1), the new overlap provisions apply to the circumstance of a petroleum resource authority overlapping an ML (coal) if—

(a) the petroleum resource authority holder and the ML (coal) holder agree that the new overlap provisions apply; and

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(b) the petroleum resource authority holder and ML (coal) holder jointly give written notice to the chief executive of the agreement.

Division 2A Existing applications under Mineral Resources Act, chapter 6

233A Application for ML (coal) over land in area of existing ATP

(1) This section applies if—

(a) a person made an application, under the pre-amended Mineral Resources Act, chapter 6, for the grant of an ML (coal); and

(b) the application was made but not decided before the commencement; and

(c) the ML (coal) overlaps an ATP that was applied for after the date of the application for the ML (coal) but granted before the commencement.

(2) The new overlap provisions apply to the circumstance of the ML (coal) overlapping the ATP.

(3) For applying the new overlap provisions—

(a) the overlapping area for the ML (coal) and ATP is taken to come into existence on the commencement; and

(b) despite sections 115(2) and 120, the ML (coal) holder has sole occupancy of the IMA for the overlapping area from the date stated under subsection (4)(b) by the ML (coal) holder, but only if the ML (coal) holder has given the ATP holder a notice as required under subsection (4); and

(c) the date stated under subsection (4)(b) by the ML (coal) holder is taken to be the mining commencement date; and

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(d) despite section 127, the ATP holder may not give an exceptional circumstances notice to the ML (coal) holder; and

(e) despite section 138(2)(b), the ML (coal) holder must make the offer mentioned in section 138(2) as early as practicable after the overlapping area is taken to come into existence.

(4) The notice must—

(a) state that the ML (coal) holder intends to start carrying out authorised activities for the ML (coal) in the IMA in the overlapping area; and

(b) state the date on which the ML (coal) holder will take sole occupancy of the IMA; and

(c) include any other information prescribed by regulation; and

(d) be given at least 3 months before the date mentioned in paragraph (b), or within the period otherwise agreed between the ML (coal) holder and ATP holder.

Division 3 Existing applications under Mineral Resources Act, chapter 8

234 Application for ML (coal) over land in area of ATP (without consent)

(1) This section applies if—

(a) a person mentioned in the pre-amended Mineral Resources Act, section 318AO made an application for the grant of an ML (coal) that included the additional requirements mentioned in the pre-amended Mineral Resources Act, section 318AP; and

(b) the application was made but not decided before the commencement.

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(2) The new overlap provisions apply to the circumstance of the ML (coal) overlapping an ATP.

(3) For applying the requirement under the new overlap provisions to give an advance notice for the ML (coal), the application for the grant of the ML (coal) is taken to have been made on the commencement.

(4) If the applicant for the grant of the ML (coal) has given the ATP holder a copy of the application, as required under the pre-amended Mineral Resources Act, section 318AT(1)(a), the mining commencement date for an IMA, despite section 115(2)(a) of the new overlap provisions, may be a date that—

(a) is agreed between the applicant and the ATP holder; or

(b) is at least—

(i) 18 months after the date on which the applicant for the grant of the ML (coal) has given the ATP holder a copy of the application under the pre-amended Mineral Resources Act, section 318AT(1)(a); and

(ii) 3 months after the commencement.

(5) In this section—

ATP means an authority to prospect mentioned in the pre-amended Mineral Resources Act, section 318AO(1), if the intention of the holder is to explore and test for coal seam gas.

235 Application for ML (coal) over land in area of ATP (with consent)

(1) This section applies if—

(a) a person mentioned in the pre-amended Mineral Resources Act, section 318BO made an application for the grant of an ML (coal) that included the additional requirements mentioned in the pre-amended Mineral Resources Act, section 318BP; and

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(b) the application was made but not decided before the commencement.

(2) The new overlap provisions apply to the circumstance of the ML (coal) overlapping an ATP.

(3) For applying the requirement under the new overlap provisions to give an advance notice for the ML (coal), the application for the grant of the ML (coal) is taken to have been made on the commencement.

(4) The mining commencement date for an IMA, despite section 115(2)(a) of the new overlap provisions, may be a date that is agreed by the ML (coal) holder and the ATP holder.

(5) In this section—

ATP means an authority to prospect to which the pre-amended Mineral Resources Act, section 318BO(1)(a) applies, if the intention of the holder is to explore and test for coal seam gas.

236 Application for ML (coal) over land in area of PL (without consent)

(1) This section applies if—

(a) a person mentioned in the pre-amended Mineral Resources Act, section 318BW made an application for the grant of an ML (coal) that included the additional requirements mentioned in the pre-amended Mineral Resources Act, section 318BX; and

(b) the application was made but not decided before the commencement.

(2) The Mineral Resources Act applies to the circumstance of the ML (coal) overlapping a PL as if the Common Provisions Act had not been enacted.

(3) Despite subsection (2), the new overlap provisions apply to the circumstance of the ML (coal) overlapping a PL if—

(a) the ML (coal) holder and the PL holder agree that the new overlap provisions apply; and

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(b) the ML (coal) holder and PL holder jointly give written notice to the chief executive of the agreement.

(4) In this section—

PL means a petroleum lease to which the pre-amended Mineral Resources Act, section 318BW applies, if the petroleum lease authorises the production of coal seam gas.

237 Application for ML (coal) over land in area of PL (with consent)

(1) This section applies if—

(a) a person mentioned in the pre-amended Mineral Resources Act, section 318CC made an application for the grant of an ML (coal) that included the additional requirements mentioned in the pre-amended Mineral Resources Act, section 318CD; and

(b) the application was made but not decided before the commencement.

(2) The Mineral Resources Act applies to the circumstance of the ML (coal) overlapping a PL as if the Common Provisions Act had not been enacted.

(3) Despite subsection (2), the new overlap provisions apply to the circumstance of the ML (coal) overlapping a PL if—

(a) the ML (coal) holder and the PL holder agree that the new overlap provisions apply; and

(b) the ML (coal) holder and PL holder jointly give written notice to the chief executive of the agreement.

(4) In this section—

PL means a petroleum lease to which the pre-amended Mineral Resources Act, section 318CC applies, if the petroleum lease authorises the production of coal seam gas.

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Division 4 Existing applications under P&G Act, chapter 3

238 Application for PL over land in area of coal exploration authority

(1) This section applies if—

(a) a person mentioned in the pre-amended P&G Act, section 304 or 331 made an application for the grant of a PL; and

(b) the application was made but not decided before the commencement.

(2) The new overlap provisions apply to the circumstance of the PL overlapping a coal exploration authority.

(3) For applying the requirement under the new overlap provisions to give a petroleum production notice, the application for grant of the PL is taken to have been made on the commencement.

(4) In this section—

coal exploration authority means an exploration permit, or a mineral development licence, granted for coal, to which the pre-amended P&G Act, section 304 or 331 applies.

240 Application for PL over land in area of ML (coal)

(1) This section applies if—

(a) a person mentioned in the pre-amended P&G Act, section 344 or 351 made an application for the grant of a PL; and

(b) the application was made but not decided before the commencement.

(2) The P&G Act applies to the circumstance of the PL overlapping an ML (coal) as if the Common Provisions Act had not been enacted.

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(3) Despite subsection (2), the new overlap provisions apply to the circumstance of the PL overlapping an ML (coal) if—

(a) the PL holder and the ML (coal) holder agree that the new overlap provisions apply; and

(b) the PL holder and ML (coal) holder jointly give written notice to the chief executive of the agreement.

(4) In this section—

ML (coal) means a mining lease granted for coal, to which the pre-amended P&G Act, section 344 or 351 applies.

Division 4A Undecided ML (coal) and PL applications

241A Application for ML (coal) and application for PL both undecided before commencement

(1) This section applies if—

(a) before the commencement—

(i) an application was made under the pre-amended Mineral Resources Act for the grant of an ML (coal); and

(ii) an application was made under the pre-amended P&G Act for the grant of a PL; and

(b) each application was made over some or all of the area over which the other application was made; and

(c) neither application was decided before the commencement.

(2) For this section, it does not matter in which order the applications for the ML (coal) and the PL were made before the commencement.

(3) The following provisions apply to the circumstances of the applications—

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(a) if the applicants are parties to a coordination arrangement—the pre-amended Mineral Resources Act and pre-amended P&G Act, which apply as if the Common Provisions Act had not been enacted;

(b) otherwise—the new overlap provisions.

(4) Despite subsection (3)(a), the new overlap provisions apply to the circumstances of the applications if—

(a) the applicants agree that the new overlap provisions apply; and

(b) the applicants jointly give written notice to the chief executive of the agreement.

(5) For applying the requirements under the new overlap provisions to give an advance notice for the ML (coal)—

(a) if the new overlap provisions apply under subsection (3)(b) to the circumstances of the applications—the ML (coal) holder complies with section 121(2) if the ML (coal) holder gives the advance notice to the PL holder within 10 business days after the commencement of chapter 7; or

(b) if the new overlap provisions apply under subsection (4) to the circumstances of the applications—the ML (coal) holder complies with section 121(2) if the ML (coal) holder gives the advance notice to the PL holder within 10 business days after the notice is given to the chief executive under subsection (4)(b).

(6) Despite section 115(2)(a), the mining commencement date for an IMA to be included in the advance notice must be at least 6 years after the commencement.

(7) If neither the ML (coal) nor the PL are granted within 6 years after the commencement, the mining commencement date for an IMA must be—

(a) if the ML (coal) application is the first application to be granted after the 6 years have ended—at least 3 months after the grant of the ML (coal), unless the ML (coal)

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holder and the petroleum resource authority holder otherwise agree; or

(b) if the PL application is the first application to be granted after the 6 years have ended—at least 5 years after the 6 years have ended, unless the PL holder and the coal resource authority holder otherwise agree.

(8) This section applies despite divisions 3 and 4.

(9) In this section—

coordination arrangement means an arrangement that was—

(a) made under the pre-amended P&G Act, section 234(1) to (4) before 27 September 2016; and

(b) approved by the Minister under the pre-amended P&G Act, section 236(1) before 27 September 2016, whether or not the approval has taken effect under the P&G Act.

Division 5 Modification of particular provisions of Common Provisions Act for Surat Basin area

242 Application of div 5

(1) This division applies to the giving of an advance notice or an acceleration notice if—

(a) a person holds a petroleum lease (csg) granted after the commencement but not later than 31 December 2016; and

(b) another person applies for an ML (coal) after the commencement but before 1 July 2020; and

(c) there is an overlapping area that is the subject of both the petroleum lease (csg) and the ML (coal); and

(d) some or all of the overlapping area is located in the Surat Basin Transitional Area.

(2) In this section—

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Surat Basin Transitional Area means the area prescribed by regulation.

243 Requirements for advance notice and acceleration notice

(1) Despite sections 115 and 121, the advance notice given by the applicant for the ML (coal) must not state a mining commencement date for an IMA or RMA for the overlapping area that is before 1 July 2030, unless the holder of the petroleum lease (csg) agrees to an earlier date.

(2) Despite section 128, if the ML (coal) holder gives the holder of the petroleum lease (csg) an acceleration notice, the mining commencement date stated in the notice must not be earlier than 1 July 2020, unless the holder of the petroleum lease (csg) agrees to an earlier date.

Part 5 Provisions about application of section 232

243A Application generally

Section 232 does not, and never did, affect the operation of the Mineral Resources Act, section 826.

243B Application to coal resource authority granted over replacement PL

(1) This section applies if a coal resource authority, whenever granted, overlaps a PL that—

(a) was granted after the relevant commencement; and

(b) is a replacement tenure under the P&G Act, section 908(2).

(2) Section 232 applies to the coal resource authority and PL as if the PL were granted before the relevant commencement.

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(3) This section applies to a PL mentioned in subsection (1) even if it was granted before the commencement of this section.

(4) In this section—

coal resource authority see section 103.

overlaps see section 231.

PL means a petroleum lease (csg) within the meaning of section 103.

relevant commencement means the commencement of part 4.

Chapter 10 Further transitional provisions

Part 1 Transitional provision for Land Access Ombudsman Act 2017

244 Provision inserted into Act prevails over provision of transitional regulation

If there is an inconsistency between a provision inserted into this Act by the *Land Access Ombudsman Act 2017*, and a provision of the *Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016*, the provision inserted into the Act prevails to the extent of the inconsistency.

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Part 2 Transitional provisions for Mineral, Water and Other Legislation Amendment Act 2018

245 Election notice

(1) This section applies if, before the commencement—

(a) a party gave, under section 88 as in force before the commencement, another party an election notice—

(i) asking for an authorised officer to call a conference to negotiate a conduct and compensation agreement; or

(ii) calling upon the party to agree to an ADR to negotiate a conduct and compensation agreement; and

(b) the conference was not finished under section 89 as in force before the commencement, or the ADR was not finished under section 90 as in force before the commencement.

(2) The Act, as in force immediately before the commencement, continues to apply in relation to—

(a) the conference or ADR; and

(b) any proceeding in the Land Court, whether started before or after the commencement, that relates to the concerns the subject of the conference or ADR.

(3) The new arbitration provisions do not apply in relation to the concerns the subject of the conference or ADR.

(4) In this section—

new arbitration provisions means the provisions inserted into chapter 3 under the *Mineral, Water and Other Legislation Amendment Act 2018*.

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246 Recovery of particular negotiation and preparation costs

(1) This section applies if negotiation and preparation costs incurred by an eligible claimant under section 91(1) include the costs of an agronomist.

(2) The resource authority holder is liable to pay to the eligible claimant, under section 91(2), the costs of the agronomist only if the costs were incurred by the eligible claimant after the commencement.

(3) The Land Court may, under section 96B, make a declaration or order in relation to the costs of the agronomist only if the costs were incurred by the eligible claimant after the commencement.

Part 3 Transitional provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2020

247 Application for approval to register particular prescribed dealings taken to be notification of particular notifiable dealings

(1) This section applies if —

(a) before the commencement, an application was made under section 19 for approval to register a prescribed dealing mentioned in the Mineral and Energy Resources (Common Provisions) Regulation 2016, section 4(1)(a) or (f) as in force before the commencement; and

(b) immediately before the commencement, the prescribed dealing mentioned in paragraph (a) had not been registered.

(2) The application is taken to be a notice to the chief executive of a notifiable dealing to enable its registration under section 19B(1).

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248 Disqualification of applicants

The power of a decision-maker for a prescribed matter to decide an applicant for the matter is disqualified under section 196C applies only if the application or tender constituting the prescribed matter was made after the commencement.

Part 4 Transitional provisions for Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Act 2026

249 Meaning of particular terms

If the context permits, a term used in this part and defined in section 101H has the same meaning in this part as it has under that section.

250 Application of s 43 in relation to drilling directional well

(1) Section 101I applies in relation to drilling a directional well, as mentioned in that section, that starts after the commencement.

(2) Subsection (1) applies even if drilling the directional well was an authorised activity for the CSG resource authority immediately before the commencement.

(3) For section 43(1)(a), each of the following is taken to be a conduct and compensation agreement about drilling the directional well and its effects—

(a) a conduct and compensation agreement between the CSG resource authority holder and the owner or occupier of the affected land about the drilling and its effects that was in effect immediately before the commencement;

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(b) an agreement, other than a conduct and compensation agreement, between the CSG resource authority holder and the owner or occupier of the affected land that—

(i) provides for the holder making a financial payment to the owner or occupier in relation to the drilling; and

(ii) was in effect immediately before the commencement.

(4) Subsection (3) applies in relation to an agreement even if the agreement does not expressly provide for compensation for CSG-induced subsidence on the affected land caused by drilling the directional well.

251 Subsidence compensation liability—affected land that is in an authorised area or access land

(1) A CSG resource authority holder's subsidence compensation liability to an eligible subsidence claimant under section 101J applies in relation to—

(a) a CSG activity carried out under the CSG resource authority, whether before or after the commencement; and

(b) a subsidence compensatable effect suffered by the eligible subsidence claimant, whether before or after the commencement.

(2) A conduct and compensation agreement between the CSG resource authority holder and the eligible subsidence claimant that was in effect immediately before the commencement—

(a) continues to apply in relation to the holder's compensation liability to the claimant; and

(b) is taken to also apply to the holder's subsidence compensation liability to the claimant.

(3) Subsection (2) applies even if the conduct and compensation agreement does not provide for the CSG resource authority

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holder's subsidence compensation liability to the eligible subsidence claimant.

(4) A decision of the Land Court under chapter 3, part 7 about the CSG resource authority holder's compensation liability to the eligible subsidence claimant made before the commencement—

(a) continues to apply in relation to the holder's compensation liability to the claimant; and

(b) is taken to also apply to the holder's subsidence compensation liability to the claimant.

(5) Subsection (4) applies even if the Land Court's decision does not provide for the CSG resource authority holder's subsidence compensation liability to the eligible subsidence claimant.

252 Subsidence compensation liability—other particular affected land

A CSG resource authority holder's subsidence compensation liability to an eligible subsidence claimant under section 101K applies in relation to—

(a) a CSG activity carried out under the CSG resource authority, whether before or after the commencement; and

(b) a subsidence compensatable effect suffered by the eligible subsidence claimant, whether before or after the commencement.

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Schedule 1 Owners of land

section 12

1 Freehold land

The ***owner*** of freehold land is the registered owner of the land.

2 Deed of grant

The ***owner*** of land for which a person is, or will on performing conditions, be entitled to a deed of grant in fee simple, is that person.

3 Fee simple being purchased from State

The ***owner*** of land that is an estate in fee simple being purchased from the State is the purchaser.

4 Public roads

The ***owner*** of a public road is the public road authority for the road.

5 Busways, railways and other land used to transport

(1) The ***owner*** of land that is busway land, light rail land, rail corridor land or a cane railway or other railway is the public land authority for the land.

(2) The ***owner*** of land required under the *Transport Infrastructure Act 1994*, section 436 is the chief executive of the department in which that Act is administered.

(3) The ***owner*** of transport land under the *Transport Planning and Coordination Act 1994* is the chief executive of the department in which that Act is administered.

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6 Forests and quarry materials

(1) The ***owner*** of any of the following land is the chief executive of the department in which the *Forestry Act 1959* is administered—

(a) land that is a forest entitlement area, State forest or timber reserve under the *Forestry Act 1959*;

(b) land within a forest management unit included in the spatial data prescribed by regulation;

(c) land that is a quarry material management unit included in the spatial data prescribed by regulation.

(2) The ***owner*** of land, that is a licence area under the *Forestry Act 1959*, is the plantation licensee for the licence area under that Act.

7 Parks and reserves under the Nature Conservation Act 1992

(1) The ***owner*** of land that is a conservation park or resources reserve under the *Nature Conservation Act 1992* (the ***NCA***) is—

(a) if, under the NCA, the park or reserve has trustees whose powers are not restricted—the trustees; or

(b) otherwise—the chief executive of the department in which the NCA is administered.

(2) The ***owner*** of land that is any of the following land under the *Nature Conservation Act 1992* is the chief executive of the department in which the NCA is administered—

(a) a national park (scientific);

(b) a national park;

(c) a national park (Aboriginal land);

(d) a national park (Cape York Peninsula Aboriginal Land);

(e) a national park (Torres Strait Islander land);

(f) a forest reserve.

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8 Wet tropics

(1) The ***owner*** of land, that is in the wet tropics area, is the Wet Tropics Management Authority.

(2) In this section—

Wet Tropics Management Authority means the Wet Tropics Management Authority established under the *Wet Tropics World Heritage Protection and Management Act 1993*, section 6.

wet tropics area means the wet tropics area within the meaning of the *Wet Tropics World Heritage Protection and Management Act 1993*.

9 Aboriginal and Torres Strait Islander land

(1) The ***owner*** of land that is DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991* is a trustee for the land.

(2) The ***owner*** of land that is held under a lease under the *Aurukun and Mornington Shire Leases Act 1978*, section 3 is the relevant local government.

(3) The ***owner*** of Aboriginal land under the *Aboriginal Land Act 1991* that is taken to be a reserve because of section 202(2) or 202(4)(b) of that Act is the trustee of the land.

(4) The ***owner*** of Torres Strait Islander land under the *Torres Strait Islander Land Act 1991* that is taken to be a reserve because of section 151(2) of that Act is the trustee of the land.

(5) The ***owner*** of land that is lease land for a 1985 Act granted lease or a new Act granted lease, under the *Aboriginal and Torres Strait Islander Land Holding Act 2013*, is the lessee.

10 Trustee land

The ***owner*** of land for which there are trustees under the *Land Act 1994* is the trustee.

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11 Educational institutions

The ***owner*** of land vested in the Minister administering the *Education (General Provisions) Act 2006* is the chief executive of the department in which that Act is administered.

12 Public buildings

The ***owner*** of land vested in the Queensland Housing Commission or another Minister or a chief executive responsible for constructing public buildings is the chief executive administering the relevant Act.

13 Other public lands

The ***owner*** of land held from the State under another Act under an interest less than fee simple (other than occupation rights under a permit under the *Land Act 1994*) is the person who holds the interest.

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Schedule 2 Dictionary

section 8

18 months notice, for chapter 4, see section 122.

1923 Act means the *Petroleum Act 1923*.

abandonment date, for chapter 4, see section 129(2)(b).

acceleration notice, for chapter 4, see section 128(2).

access agreement see section 47(2).

access land, for a resource authority, see section 47(3).

access rights see section 47(3).

ADR means a non-binding alternative dispute resolution process, including, for example, a case appraisal, conciliation, mediation or negotiation.

ADR election notice means a notice complying with section 196I.

ADR facilitator means a person who facilitates ADR.

ADR period, for ADR, means the period applying under section 196K(1) or (3) in relation to the ADR.

advanced activity, for a resource authority, see section 15A.

advance notice, for chapter 4, see section 121.

affected land, for chapter 3, part 9, see section 101G.

agreed co-existence plan, for chapter 5, see section 174A.

agreed joint development plan, for chapters 4 and 5, see section 103.

agreed plan, for chapter 5, see section 174A.

applicant, for chapter 7, see section 196A.

application, for chapter 6, part 1, see section 186.

approved payment method, for a fee, see section 203(2).

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arbitration, for chapter 4, see section 103.

arbitration election notice means a notice complying with section 196N.

area, for chapter 4, see section 103.

associate, of an applicant for a prescribed matter, for chapter 7, see section 196A.

associated agreement, for a resource authority, for chapter 2, part 3, see section 32.

ATP, for chapter 4, see section 103.

ATP major gas infrastructure, for chapter 4, see section 166.

authorised activity, for a resource authority, has the meaning given by the particular Resource Act under which the resource authority is granted.

Example—

For the meaning of the authorised activity when used in a provision in relation to a GHG authority, see the Greenhouse Gas Act, section 22.

authorised area, for a resource authority, see section 11.

authorised officer, in relation to a resource authority, has the meaning given by the particular Resource Act under which the resource authority is granted.

authorising provision, for an application, for chapter 6, part 1, see section 186.

authority to prospect (csg), for chapter 4, see section 103.

coal mine, for chapter 4, see section 103.

coal mining operations, for chapter 4, see section 103.

coal resource authority, for chapter 4, see section 103.

coal seam gas means a substance (in any state) occurring naturally in association with coal, or with strata associated with coal mining, if the substance is petroleum under the P&G Act.

co-existing area, for chapter 5, see section 174A.

column 1 resource authority, for chapter 4, see section 103.

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column 2 resource authority, for chapter 4, see section 103.

compensation liability—

(a) for chapter 3—

(i) to an eligible claimant, see section 81(2); or

Note—

See also section 101J(3)(b) for other amounts that are compensation liability to an eligible claimant.

(ii) to a public road authority, see section 93(2); or

(b) for chapter 4—

(i) of an ML (coal) holder to a PL holder, see section 167(3); or

(ii) of an ML (coal) holder to an ATP holder, see section 168(3).

concurrent notice, for chapter 4, see section 149(2).

Condamine Alluvium CSG area see the *Regional Planning Interests Act 2014*, section 5A(2).

conduct and compensation agreement see section 83(1).

confirmation notice, for chapter 4, see section 123.

corresponding column 1 resource authority, for chapter 4, see section 103.

corresponding column 2 resource authority, for chapter 4, see section 103.

criminal history, of a person, for chapter 7, see section 196A.

CSG activity, for chapter 3, part 9, see section 101H.

CSG-induced subsidence see section 101H.

CSG resource authority, for chapter 3, part 9, see section 101H.

dealing, in relation to a resource authority, see section 16.

deciding authority, for an application, for chapter 6, part 1, see section 186.

decision-maker, for a prescribed matter, for chapter 7, see section 196A.

deferral agreement see section 44(1).

diluted incidental coal seam gas, for chapter 4, see section 136.

directional well means a part of a petroleum well, within the meaning given by the P&G Act, that is intentionally not drilled vertically.

director, of a body corporate, for chapter 7, see section 196A.

eligible claimant, for compensation, see section 81(1).

eligible subsidence claimant, for chapter 3, part 9, see section 101H.

Environmental Protection Act means the *Environmental Protection Act 1994*.

EP (coal), for chapter 4, part 3, see section 139.

exceptional circumstances notice, for chapter 4, see section 127.

exploration permit (coal), for chapter 4, see section 103.

first resource authority, for chapter 3 part 5, see section 73(1).

FMA, for chapter 4, see section 110.

future mining area, for chapter 4, see section 110.

Geothermal Act means the *Geothermal Energy Act 2010*.

Greenhouse Gas Act means the *Greenhouse Gas Storage Act 2009*.

holder, for chapter 4, see section 103.

IMA, for chapter 4, see section 109.

incidental coal seam gas, for chapter 4, see section 103.

information notice, for a decision, means a notice stating the following—

(a) the decision and the reasons for it;

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(b) the rights of appeal under this Act or another Act;

(c) the period in which an appeal must be started;

(d) how the rights of appeal are to be exercised;

(e) whether a stay of the decision may be applied for under this Act or another Act.

initial mining area, for chapter 4, see section 109.

invalid application, for chapter 6, part 1, see section 189(2).

joint development plan, for chapter 4, see section 103.

joint occupancy, for chapter 4, see section 114.

land access code see section 36.

lodgement, of an application, means—

(a) the deciding authority for the application has accepted the application; or

(b) the applicant has complied with any requirements for lodging the application with the deciding authority.

lost production, for chapter 4, see section 162.

MDL (coal), for chapter 4, part 3, see section 139.

mineral development licence (coal), for chapter 4, see section 103.

Mineral Resources Act means the *Mineral Resources Act 1989*.

minimum negotiation period, for chapter 3, part 7, see section 85(2)(a) and (3).

mining commencement date, for chapter 4, see section 115(1).

mining lease (coal), for chapter 4, see section 103.

mining safety legislation means—

(a) the *Coal Mining Safety and Health Act 1999*; or

(b) the *Mining and Quarrying Safety and Health Act 1999*; or

(c) the P&G Act; or

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(d) the *Mineral Resources Regulation 2013*, chapter 2, part 4, division 4.

ML (coal)—

(a) for chapter 4, generally, see section 103; or

(b) for chapter 4, part 3, see section 139.

ML (coal) holder—

(a) for chapter 4, generally, see section 105; or

(b) for chapter 4, part 3, see section 139.

negotiation and preparation costs—

(a) means—

(i) accounting costs; or

(ii) legal costs; or

(iii) valuation costs; or

(iv) the costs of an agronomist; and

(b) does not include—

(i) the costs of an ADR facilitator; or

(ii) the costs of obtaining, under section 88(5), a decision from a prescribed ADR institute or the Land Court.

negotiation notice, for chapter 3, part 7, division 2, subdivision 3, see section 84(1).

noncompliance action, in relation to a resource authority, has the meaning given by the particular Resource Act under which the resource authority is granted.

Example—

For the meaning of noncompliance action when used in a provision in relation to a petroleum lease, see the P&G Act, section 790.

notifiable dealing see section 17A(1).

notifiable road use, of a public road, see section 62.

occupier, of a place, means—

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(a) a person who, under an Act or a lease registered under the *Land Title Act 1994*, has a right to occupy the place other than under a resource authority; or

(b) a person who has been given a right to occupy the place by an owner of the place or another person mentioned in paragraph (a).

opt-out agreement see section 45(2).

overlapping area, for chapters 4 and 5, see section 104.

owner, of land, see section 12.

P&G Act means the *Petroleum and Gas (Production and Safety) Act 2004*.

party, for chapter 5, part 3, see section 176.

periodic entry notice, for chapter 3, part 3, division 1, see section 57(1).

petroleum, for chapter 4, see section 103.

petroleum lease (csg), for chapter 4, see section 103.

petroleum production notice, for chapter 4, see section 141(1).

petroleum resource authority—

(a) for chapter 4, generally, see section 103; or

(b) for chapter 4, part 2, see section 118.

petroleum well, for chapter 4, see section 103.

PL—

(a) for chapter 4, generally, see section 103; or

(b) for chapter 4, part 3, see section 139.

PL connecting infrastructure, for chapter 4, see section 165.

PL holder—

(a) for chapter 4, generally, see section 103; or

(b) for chapter 4, part 3, see section 139.

PL major gas infrastructure, for chapter 4, see section 163.

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PL minor gas infrastructure, for chapter 4, see section 164.

preliminary activity, for a resource authority, see section 15B.

prescribed activity, for chapter 3, part 4, see section 67.

prescribed ADR institute means an entity for deciding a type of ADR to be conducted, or an ADR facilitator to conduct ADR, prescribed by regulation.

prescribed arbitration institute means an entity for nominating arbitrators that is prescribed by regulation.

prescribed dealing see section 17(1).

prescribed matter, for chapter 7, see section 196B.

prescribed period, for a matter, means the period prescribed by regulation for the matter.

prescribed requirements, for a matter, means the requirements prescribed by regulation for the matter.

prescribed resource authority, for chapter 7, see section 196A.

private land see section 13.

proposed joint development plan, for chapter 4, see section 103.

public land see section 14.

public land authority means—

(a) 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

(b) otherwise—the chief executive of the department administering the Act under which entry to the land is administered.

public road see section 15.

public road authority, for a public road, means—

(a) for a State-controlled road—the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered; or

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(b) for another public road—the local government having the control of the road.

reconciliation payment see section 172(2)(b) and (c)(i).

register means the register the chief executive keeps under section 197.

relevant matter, for chapter 4, see section 103.

relevant owner or occupier, for chapter 3, part 4, see section 69.

relevant Resource Act, for a resource authority, means the particular Resource Act under which the resource authority is granted.

replace, for chapter 4, part 6, division 2, see section 161.

replacement gas see section 172(2)(b) and (c)(ii).

Resource Act see section 9.

resource authority—

(a) generally—see section 10; or

(b) for chapter 4—see section 103.

restricted land, for chapter 3, part 4, see section 68.

RMA, for chapter 4, see section 111.

RMA notice, for chapter 4, see section 125.

road compensation agreement see section 94(1).

road use direction see section 64(1).

rolling mining area, for chapter 4, see section 111.

second resource authority, for chapter 3, part 5, see section 73(1)(b).

simultaneous operations zone, for chapter 4, see section 112.

site senior executive, for chapter 4, see section 103.

sole occupancy, for chapter 4, see section 113.

SOZ, for chapter 4, see section 112.

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subsidence compensatable effect, suffered by an owner or occupier of affected land because of a CSG resource authority, for chapter 3, part 9, see section 101H.

subsidence compensation liability, to an eligible subsidence claimant, for chapter 3, part 9, see section 101J(3)(a) or 101K(3).

successor includes a personal representative.

surface mine, for chapter 4, see section 103.

underground mine, for chapter 4, see section 103.

undiluted incidental coal seam gas, for chapter 4, see section 136.

valid application means an application that either—

(a) complies with section 188; or

(b) is allowed to proceed under section 190.

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