Mineral and Energy Resources and Other Legislation Amendment Bill 2024

Explanatory Notes

FOR

Amendments during consideration in detail to be moved by the Honourable Scott Stewart MP

Title of the Bill

Mineral and Energy Resources and Other Legislation Amendment Bill 2024.

Objectives of the Amendments

Amendments to omit the CSG-induced subsidence management framework

The primary objective of the proposed amendments to the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 (the Bill) is to remove the subsidence management framework and related amendments. This will enable further consultation on the framework to occur and provide stakeholders with an opportunity to provide detailed feedback on the subsidence management framework.

Following introduction of the Bill on the 18 April 2024, stakeholders have raised concerns about the short timeframe in which to provide feedback on the Bill and that there was no consultation draft of the Bill released prior to introduction. Stakeholders' concerns centred around not having sufficient time to identify any unintended consequences with the proposed subsidence management framework.

Amendments to clarify agricultural industry representation in Coexistence Queensland

A further objective of proposed amendments to the Bill is to clarify that the membership of the Coexistence Queensland board and any community leaders council they establish, include representation from the agricultural industry.

In acknowledgement of the interaction between agricultural land use and resource and renewable energy activities, following introduction of the Bill, the agriculture sector identified the importance of ensuring that the interests of agricultural landholders are clearly and equally represented in the establishment of Coexistence Queensland and any community leaders council.

In line with feedback, minor amendments to the *GasFields Commission Act 2013* (GFC Act) are proposed. These amendments will provide further clarity that representatives from the agricultural industry, with relevant knowledge and expertise in the sector, will form part of the membership of Coexistence Queensland and any community leaders councils they establish.

Amendments to include an advisory function for the Office of Groundwater Impact Assessment on subsurface impacts from authorised activities

A further objective of the proposed amendments to the Bill is to enable the Office of Groundwater Impact Assessment (OGIA) to provide advice, where requested by government entities, about matters related to subsurface impacts from authorised petroleum and gas activities. The important advisory function will further support coexistence between the agriculture and resources sectors and is complementary to existing advice functions that Coexistence Queensland will provide.

Currently the *Water Act 2000* provides for the establishment of OGIA and its main functions, which includes functions under other Acts. The Bill moves to expand the remit of OGIA, however, the inclusion of an advisory function relating to subsurface impacts was unintentionally omitted from the Bill at introduction.

This advisory function will also allow OGIA to leverage its scientific knowledge and expertise which has already proven invaluable in the underground water management space, to undertake scientific analysis and provide advice to government. This advisory function would be on request from government and will enable the government to remain appraised of, and work to address potential subsurface impacts from authorised activities should the need arise.

Amendments to the *Corrective Services Act 2006*

Amendments to the *Corrective Services Act 2006* (CS Act) are proposed to be included in the Bill to validate past appointments of acting professional members of the Parole Board Queensland and support the safe transition of prisoners to parole.

Validating appointments of acting professional parole board members

The CS Act provides for acting Parole Board members to be engaged, to ensure that the Parole Board can continue to perform its functions, including where there is a vacancy, absence or another reason impacting operations. This includes arrangements for persons to act as President, Deputy President, or as a professional board member.

In recent years, several individuals were approved by the Governor in Council as appropriate persons to act as professional board members. However, it has been identified that there were errors in the subsequent engagement of these approved individuals to act for different periods. These appointment errors may have the effect of invalidating parole decisions that the acting professional board members took part in.

Amendments to the CS Act to be included in the Bill will promote the continued safety of the community by ensuring that impacted parole decisions remain enforceable and the parole system in Queensland is properly administered.

Supporting safe transitions to parole

Transition from custody can be a period of increased risk for an offender and the community. Appropriate planning and support can be an essential mitigation strategy to support an offender's successful transition. Preparation can include notifications to service providers or the Australian Border Force if relevant, or arrangements for the prisoner to safely travel to their accommodation or to ensure electronic monitoring or other equipment is available.

When the Parole Board grants a prisoner's parole application, the effective date is delayed to allow for these actions to take place before the prisoner is released from custody. A delay also provides the opportunity for a registered victim to be notified in preparation. The legislation provides no clear authority for the setting of this delay.

Amendments to the CS Act to be included in the Bill aim to ensure the Parole Board can continue supporting the safe transition of suitable prisoners to parole supervision by allowing time for necessary arrangements and notifications to be in place prior to release to protect the community and promote offender rehabilitation.

Amendments to prohibit greenhouse gas storage activities and greenhouse gas stream enhanced petroleum activities in the Great Artesian Basin

The primary objective of the amendments is to give effect to a permanent ban on greenhouse gas (GHG) storage activities, and enhanced petroleum recovery (EPR) activities using a GHG stream including carbon dioxide. The legislative ban applies in the geographical area of the Great Artesian Basin (GAB) located in Queensland. The amendments define the geographical extent of the GAB in Queensland as that area on or below the surface of the plan area under the Water Plan *(Great Artesian Basin and Other Regional Aquifers*) 2017. The ban is not defined by applying to specific aquifers.

The amendments include provisions that end existing approved GHG exploration permits under the *Greenhouse Gas Storage Act 2009* (GGS Act), the related approvals under the *Environmental Protection Act 1994* (EP Act) and any related applications in train. The amendments also ensure that the former holder of the ended GHG exploration permit decommissions existing wells and monitoring bores and rehabilitates the site after tenure is cancelled and provides necessary rights to access the land to undertake these activities. The amendments make clear that no future applications can be made for GHG exploration permits, GHG injection and storage leases under the GGS Act. In practice, this will mean that applications cannot be made under the EP Act for these activities.

The amendments also include provisions that have the effect of withdrawing current requests and applications for associated work programs, later development plans, and potential storage areas, and preventing any potential future proposals relating to using GHG streams for EPR in the GAB under the *Petroleum Act 1923* (Petroleum Act), and the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act). Amendments also make clear that EPR using GHG streams is not permitted in the GAB, preventing future applications.

The amendments make clear that there is no right to compensation for affected parties arising from the ban.

The amendments do not apply to GHG storage activities and EPR using GHG streams in other parts of the State, outside the GAB.

To remove any doubt, the amendments do not apply to GHG injection and storage data acquisition authorities (data acquisition authorities), as there may be limited circumstances where they are required in the GAB. For example, where a GHG exploration permit is granted

adjacent to the GAB, a data acquisition authority may be required for the land contiguous to the GHG exploration permit in the GAB, for the purpose of conducting surveys on the land to acquire data relevant to the authorised activities, including any impact the on the GAB.

Any GHG exploration permit applications for land that is contiguous to the GAB will be subject to existing rigorous assessment and approval processes, meaning that any data acquisition authority granted would only be in relation to a GHG exploration permit that has been subject to rigorous environmental assessment.

Achievement of the Objectives

The policy objectives of the proposed amendments will be achieved by:

- omitting the subsidence management framework and related provisions from the Bill, including the entirety of the proposed new chapter 5A in the *Mineral and Energy Resource (Common Provisions) Act 2014*.
- prescribing that Coexistence Queensland will include a member who has knowledge of, or experience with, the agricultural industry in the *Coexistence Queensland Act 2013*.
- prescribing that a community leaders council established by Coexistence Queensland includes a representative from the agricultural industry in the *Coexistence Queensland Act 2013*.
- prescribing an advisory function for OGIA in the *Petroleum and Gas (Production and Safety) Act 2004* to provide information, upon request from government entities, about matters related to subsurface impacts from authorised activities.
- validating the appointment and decisions of past acting professional board members to address errors in how approved individuals were engaged and ensure their decisions remain enforceable.
- clarifying that the Parole Board can continue to grant parole with a delayed release date and validating this practice in the past.
- amending the GGS Act to end current permits and withdraw applications relating to GHG exploration, storage and injection in the GAB and prohibit future permit applications in the GAB.
- amending the EP Act to:
    - end current environmental approvals relating to GHG exploration noting that future applications for GHG exploration or storage are prohibited under the GGS Act; and
    - mandate a condition which prohibits EPR using GHG streams in the GAB and prohibit future amendment applications for these activities.
- amending the Petroleum Act and P&G Act to make EPR using GHG streams an unauthorised activity and withdraw the existing application to use GHG streams for EPR in the GAB.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives of the proposed amendments to the Resources Acts and *Corrective Services Act 2006*.

For amendments to prohibit greenhouse gas storage activities and greenhouse gas stream enhanced petroleum activities in the Great Artesian Basin, the clearest and most certain way of implementing a ban on GHG storage activities, and EPR activities using a GHG stream, in the GAB is via legislation amendments.

Other options identified and considered include an administrative decision-making approach and a policy approach.

An administrative approach would involve amending the decision-making criteria for each of the relevant statutes. This would result in conditions being imposed on existing authorities and approvals that prevent, or impose stringent requirements on, the carrying out of GHG activities in the GAB, and a higher bar for granting approval for any new applications to undertake GHG activities in the GAB.

A policy approach would state the Government's position about a ban on GHG storage and EPR activities in the GAB, including that it applies to both applications currently under assessment and any future applications. This approach will have no effect on existing authorised GHG storage activities so is not considered a viable option for achieving the policy objectives of a ban on all GHG activities in the GAB.

However, the administrative and policy approaches would not achieve the desired the policy objectives of permanently banning GHG storage activities and EPR activities using a GHG stream in the GAB with sufficient certainty and/or timeliness.

Estimated Cost for Government Implementation

There are no additional estimated administrative costs to government of implementing the proposed amendments.

Consistency with Fundamental Legislative Principles

The amendments have been drafted with regard to fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992* (Legislative Standards Act) and are generally consistent with these principles for the Resources Acts and *Corrective Services Act 2006*.

Proposed amendments in which FLP issues may arise or be perceived to arise, together with justification for any departures, are outlined below.

Amendments to the *Corrective Services Act 2006*

Validating the appointments of past acting professional board members

Inserting a provision to validate past decisions by the Parole Board to grant or refuse an application for a parole order, decide a request for immediate suspension of a parole order, or amend, suspend or cancel a parole order may be viewed as inconsistent with section 4(3)(g) of the Legislative Standards Act as it may be considered to adversely affect the rights and liberties of a limited number of individuals retrospectively.

This is because, subject to the operation and application of relevant provisions and timeframes required by the *Judicial Review Act 1991* (JR Act), the provision could operate to remove the individual's right to seek judicial review of the impacted decisions under the JR Act on the grounds that there was an error of law in making the decision. The validating provisions will also remove the ability for prisoners to seek compensation for actions that were taken following an invalid decision, such as being returned to prison on an invalid parole order suspension or parole order cancellation.

Validating the impacted decisions is crucial to ensuring prisoners who were released or re-released on the basis of an invalid decision and have not breached the conditions of their parole

order can lawfully remain in the community. These prisoners understood the Board's decision to grant parole to be valid and lawful.

It could be considered that individuals have been adversely impacted by being detained in custody after their application for a parole order was invalidly refused, or their parole order was invalidly suspended or cancelled. This may enliven section 4(3)(b) of the *Legislative Standards Act* in that the removal of the ability to make a claim under the JR Act could be viewed as depriving an individual of their right to be heard and therefore inconsistent with the principles of natural justice.

The validating provision is considered justified because these individuals would have been refused parole or had their parole order suspended or cancelled based on the Board's assessment of their risk to community safety. The decision to refuse an application for a parole order or suspend or cancel a parole order is based on whether the individual is a risk to the safety of the community, and orders that are impacted are only invalid due to errors in appointing professional board members to the Board. The right for the impacted individuals to seek judicial review of the Board's decision on other grounds has not been extinguished, subject to the operation and application of relevant provisions and timeframes under the JR Act.

The validating provision is curative in nature and does not remove a right or liberty that an individual was intended to possess.

Supporting safe transitions to parole

Inserting a provision to validate past decisions of the Parole Board to grant a parole order when the order or decision commenced at a later date may be considered inconsistent with section 4(3)(g) of the *Legislative Standards Act* as it may be considered to adversely affect the rights and liberties of individuals retrospectively. This is because, subject to the operation and application of the JR Act, the validating provision could operate to remove the right to seek judicial review of decisions where the Parole Board decided to grant a prisoner's application for a parole order with the decision or order to commence at a future date.

Validating these Parole Board decisions is essential to ensure that the practice of the Parole Board setting a future date for parole release was lawful in all circumstances. The time between the Parole Board deciding a prisoner's application for a parole order and the prisoner being released from custody onto the parole order is for the purpose of safely transitioning an individual from prison into the community. Any time between the Parole Board decision and a prisoner being released from prison is limited to allow for arrangements to be made for the individual. This includes transport from prison to approved accommodation, for community corrections to make arrangements for parole conditions such as electronic monitoring, Australian Border Force to collect a prisoner subject to removal, or any other necessary arrangements. t

It could be argued that prisoners that were required to remain in custody while transition arrangements were made for them were adversely affected. The removal of the ability to make a claim under the JR Act could be reviewed as depriving an individual of their right to be heard and therefore inconsistent with the principles of natural justice, section 4(3)(b) of the *Legislative Standards Act*.

However, this is considered justified as prisoners would have otherwise been released from prison without transport to accommodation, increasing their risk of homelessness or resulting in contravention of their order conditions upon release. The individuals right to review the Parole Board's decisions on other grounds have not been extinguished, subject to the operation and application of relevant provisions and timeframes under the JR Act. The validating provision does not remove a right or liberty that an individual was intended to possess.

Amendments to prohibit greenhouse gas storage activities and greenhouse gas stream enhanced petroleum activities in the Great Artesian Basin

Prohibition on Henry VIII clauses

The proposed amendments potentially depart from the principle that Henry VIII clauses, a clause of an Act of Parliament which enables the Act to be expressly or impliedly amended by subordinate legislation, should not be used.

Amendments are proposed to the EP Act, GGS Act, P&G Act and the Petroleum Act (the amended Acts) to introduce a transitional regulation-making power. This will allow relevant subordinate legislation to modify the operation of the amended Acts where it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the amended Acts before commencement, to their operation after commencement.

The proposed Henry VIII clauses are justified as the transitional regulation-making powers are required to facilitate immediate executive action and related transitional arrangements. In this case, as the proposed amendments address a current and urgent issue facing the Queensland Government and involve complex amendments to address the interoperation of several Acts, the proposed transitional regulation-making powers are justified as a safeguard against unforeseen consequences.

Retrospectivity

The proposed amendments to the amended Acts potentially depart from the principle that legislation operates prospectively rather than retrospectively under section 4(3)(g) of the Legislative Standards Act.

Transitional regulation-making powers

As discussed above, the proposed amendments include a transitional regulation-making power that will allow for subordinate legislation to modify the operation of the amended Acts. The fundamental legislative principle under section 4(3)(g) of the Legislative Standards Act follows the presumption at common law that, unless the contrary intention appears expressly or impliedly, Parliament intends legislation to operate prospectively and not retrospectively.

The proposed transitional regulation making powers expressly provide that, for a period of three years after the day the proposed amendments commence, relevant subordinate legislation may modify the operation of the amended Acts. The proposed provisions also expressly provides that the transitional regulation-making powers may have retrospective operation only to a day not earlier than the day the relevant amendment commences.

Therefore, the amended Acts will explicitly state that the transitional regulation-making powers will apply retrospectively, avoiding the presumption contained in section 20 of the *Acts Interpretation Act 1954* that the legislation does not affect accrued rights or things begun under the existing legislative regime.

Therefore, the retrospectivity discussed above is justified as its application is limited in scope, only applicable to the amended Acts so far as they relate to the proposed amendments, and in time, as the proposed transitional regulation-making powers will only be in effect for three years from the date of commencement. Additionally, retrospectivity is required to safeguard against unforeseen consequences of the complex interoperation of the amended Acts and to ensure the amendments operate as intended.

EAs, authorities to prospect and petroleum leases granted before commencement

New section 812 of the EP Act and 1044 of the P&G Act will apply retrospectively.

New section 812 ensures that new section 206 applies to environmental authorities (EA) issued before commencement, meaning that all EAs for a petroleum activity granted before commencement will be subject to a new condition prohibiting the injection of a GHG stream into the GAB for the purpose of EPR.

New section 1044 ensures that new section 32, 71B, 109 and 150C apply in relation to an authority to prospect or a petroleum lease, whether the authority or lease was granted before or after the commencement. This means that all authorities to prospect and petroleum leases granted before the commencement of this section must not carry out GHG stream storage or inject a GHG stream into the Great Artesian Basin for the purpose of EPR.

While these sections impose new conditions or restrictions on granted EAs, authorities to prospect and petroleum leases, their retrospective application is necessary as they ensure that the amendments achieve the desired policy objectives of banning GHG storage activities and EPR activities that use a GHG stream in the GAB.

Consultation

CSG-induced subsidence management framework

During the Committee process, a number of stakeholders representing the agriculture and resources sector called for the subsidence management framework to be removed from the Bill, and that further consultation on the framework be undertaken ahead of Parliamentary debate. The proposed amendments to the Bill that remove the subsidence management framework to undertake further consultation acknowledges these issues raised during the Committee process.

Agricultural representation in Coexistence Queensland

During the Committee process, several submitters from the agricultural sector requested amendments to the Bill to ensure that the agricultural landholders are clearly and equally represented in the establishment of Coexistence Queensland. The need for these amendments include:

- further clarity that the members of Coexistence Queensland and any community leaders councils include representation from the agricultural industry; and
- suggestion that experience as a primary producer should be prerequisite for appointing members to Coexistence Queensland

Minor amendments are proposed to the *Gasfields Commission Act 2013* to ensure the issues of agricultural landholders are represented by requiring the agricultural industry be a representative in the establishment of Coexistence Queensland.

OGIA's advice on subsurface impacts from authorised activities

In line with the policy intent and feedback received on the coexistence institutions review, amendments to the *Petroleum and Gas (Production and Safety) Act 2004* are proposed to provide OGIA with an advisory function about matters on subsurface impacts related to authorised activities, on request by relevant government entities.

Action 24 of the Queensland Resources Industry Development Plan committed to a review of Queensland's coexistence institutions to ensure they are delivering successful coexistence outcomes and catering effectively for both existing and emerging industries. The department undertook public consultation on the coexistence institutions review through two consultation papers and briefing sessions which closed in February 2023. Feedback on the coexistence institution review indicated broad support for OGIA's functions be expanded to provide advice on a broader range of matters relating to subsurface impacts from authorised activities across the State.

Consistent with stakeholder feedback, on 15 April 2024, the Government endorsed for the Mineral and Energy Resources and Other Legislation Amendment Bill 2024, to expand the functions of OGIA to conduct independent scientific assessment and impact analysis to support the new framework for managing CSG-induced subsidence as well as providing advice to government on subsurface impacts from authorised activities.

The Bill introduced the function in relation to the subsidence management framework, however, the advice function relating to subsurface impacts was unintentionally omitted from the Bill. Advice about subsurface impacts related to authorised activities differs and is broader than advice regarding CSG-induced subsidence.

Amendments to the *Corrective Services Act 2006*

The Parole Board Queensland was consulted on the amendments related to the Parole Board.

Amendments to prohibit greenhouse gas storage activities and greenhouse gas stream enhanced petroleum activities in the Great Artesian Basin

Targeted consultation in relation to the proposed amendments was undertaken with key State agencies, including:

- Queensland Treasury
- Department of Energy and Climate
- Department of Agriculture and Fisheries
- Department of Regional Development, Manufacturing and Water
- Department of Resources
- Department of Environment, Science and Innovation.

All agencies are supportive of the proposed amendments.

NOTES ON PROVISIONS

Amendment 1 amends clause 2 to clarify the provisions of the Bill that will commence by proclamation. All other provisions will commence on assent.

Amendment 2 inserts new part 1A which amends the *Corrective Services Act 2006*.

New clause 2B amends section 177 – When exceptional circumstances parole order may start. The amendment omits the section as it has been superseded by the amendment to section 193(10).

Next clause 2C amends section 180 – Applying for parole order etc. The amendment omits subsection 180(4) as it has been superseded by the amendment to section 193(11).

New clause 2D amends section 193 – Deciding parole applications – general. This clarifies the ability of the Parole Board, when granting a prisoner's application for parole, to delay the parole release date for up to 14 days after the day the decision is made. The Parole Board cannot, unless granting an application for exceptional circumstances parole, state a date that would release the prisoner to parole prior to the prisoner's parole eligibility date.

New clause 2E amends section 208 – Reconsidering decision to suspend or cancel parole order. This amendment provides that the maximum period the Parole Board can delay the effect of its decision for under this section is 14 days, in line with the amendments to section 193.

New clause 2F inserts new chapter 7A, part 19 – Declaratory and validation provisions for Mineral and Energy Resources and Other Legislation Amendment Act 2024 including new sections 490ZN – Effective dates of parole orders and 490ZO – Particular parole board appointments.

New section 490ZN affirms that where the Parole Board has previously decided to grant a prisoner's parole application, the parole order had effect on the day stated in the order, regardless of whether this day was after the day the decision was made.

New section 490ZO deems the appointment of acting professional board members from 3 July 2017 to 5 July 2024 to have been valid despite errors in the acting engagements. This validation provision applies to acting professional board members that were appointed as suitable to act under former section 228 by the Governor in Council, but whose subsequent engagement was not administered in accordance with the requirements of section 228 (such as the requirement for there to be a vacancy) or the terms of their appointment made by the Governor in Council (such as the requirement for individuals to act in a cascading order of preference). The amendment further ensures that any relevant exercise of power by those members, such as where they sat on a Board that made a parole decision, is valid as it would have been had the individual been validly appointed. The amendment also declares that actions done in reliance on the validity of the relevant exercise of power, such as subsequently issued parole orders or warrants, are taken to have been as valid as they would have been had the appointment been valid.

Amendment 3 inserts new Part 2A into the Bill and inserts new clause 5A which provides that Part 2A amends the *Environmental Protection Act 1994* (EP Act).

New clause 5B amends section 206 of the EP Act. The clause omits the heading of section 206, inserting, 'Environmental authorities for particular resource activities includes particular conditions', to reflect the expanded application of the section as the amended section 206 will now apply to both the existing mandatory condition about the use of restricted stimulation fluids under new section 206(1), and the new mandatory condition prohibiting the injection of GHG stream into the GAB for the purposes of EPR under new section 206(2).

The clause also omits existing subsections (1) to (3) and inserts new subsections (1) to (3).

New section 206(1) redrafts, but does not change the intent of, section 206(1) and (2) as in effect before the commencement of this section.

New section 206(2) provides that an EA issued for a petroleum activity is taken to include a condition prohibiting the injection of a GHG stream into the GAB for the purpose of enhanced petroleum recovery.

New section 206(3) ensures that the condition mentioned in subsection (2) is taken to be a standard condition imposed on an EA. As it is a mandatory condition, it cannot be amended

by an amendment application. Subsection (1), formerly subsections (1) and (2), is already a standard condition under the EP Act.

Amendment 3 also inserts new clause 5C which amends section 225 of the EP Act. The clause amends section 225 to ensure that, despite section 224, an amendment application for an EA for a petroleum activity cannot be made if the proposed amendment would allow the carrying out of an activity under the authority that is, or involves, the injection of the GHG stream into the GAB for the purpose of EPR. The amendments to section 225 only apply to the extent that those activities take place in the GAB.

Section 225 has not been amended to prohibit GHG storage activities in the GAB, as a tenure application cannot be made under the GGS Act for those activities and applications under section 117 of the EP Act related to EAs for resource activities cannot be made without the appropriate tenure or tenure application being in place.

Amendments to the Petroleum Act and the P&G Act provide that the injection of GHG stream into the GAB for the purposes of EPR is not an authorised activity and cannot be considered a 'petroleum activity' under the EP Act. As this means that an application cannot be made for an EA under section 117 of the EP Act, section 225 only prohibits amendment applications to ensure that holders in the GAB cannot apply to amend their EA to include EPR using GHG stream.

For similar reasons, prohibitions on applications for transitional environmental programs or temporary emissions licences are also not required. As the activity cannot be permitted under the tenure, it also cannot be permitted under an EA.

For clarity, as applications for GHG injection and storage data acquisition authorities (data acquisition authorities) are still able to be made under the GGS Act, applicants for data acquisition authorities will continue to be able to apply for EAs and make amendment applications under sections 117 and 225 of the EP Act.

Amendment 3 inserts new clause 5D which inserts new ch 13, pt 33 into the EP Act, providing for the transitional provisions, new sections 818 to 823, for the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*.

New section 818 inserts the following definitions for the part:

- 'former authority' is defined as the definition under section 819(1) of the EP Act;
- 'new', for a provision of this Act, means the provision as in force from the commencement of this section; and
- 'relevant amendment' means an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, part 2A.

New section 819 ends EAs with the numbers 'EPPG00646913' and 'P-EA-100365782' (each a former authority) on the commencement of this section.

Subsection (3) ensures that conditions 58 – 60 (the rehabilitation conditions) of the former authority continue to apply as if the EA had not ended. These conditions, given ongoing effect, require the former authority holder to undertake rehabilitation obligations under the ended EA. The rehabilitation conditions of the former authority are triggered as soon as practicable after the end of GHG storage exploration activities that caused significant disturbance to land. This means that where rehabilitation has not yet commenced, the former authority holder must begin complying with the rehabilitation conditions as soon as these amendments commence.

Access to land by the former authority holder for the purposes of completing rehabilitation is provided for under section 459 of the GGS Act.

Subsection (4) also ensures that, until the rehabilitation conditions of the ended EA have been complied with, the administering authority must not give notice under section 58(4) of the *Mineral and Energy Resources (Financial Provisioning) Act 2018* (MERFP Act) for the former authority. In practice, this means that the surety under the MERFP Act cannot be released until such time that the administering authority under the EP Act is satisfied that the rehabilitation obligations under the rehabilitation condition have been met.

To remove any doubt, this section does not give rise to any review or appeal rights for the previous holders of the EAs.

New section 820 provides that an application for an EA for a GHG storage activity, if the relevant tenure for the application is a relevant proposed GHG permit, and an amendment application mentioned in new section 225(4), or an amendment application for a former authority mentioned in section 819(1)(a) or (b), that was made but not decided before the commencement of this section, is taken to be withdrawn.

Section 820(3) – (5) provide that if an original decision was made in relation to the relevant application, and no review decision for the original decision was made before the commencement of this section, the review application period (review period) is taken to have ended if the review period had not already ended on commencement of this section.

Alternatively, an application is taken to be withdrawn if an application for review of the original decision has not been finally dealt with on commencement of this section.

Section 820(6) – (8) provide that if an original decision was made in relation to the relevant application before the commencement, or a review decision for the original decision was made before the commencement of this section, the appeal period for the review decision is taken to have ended, if the appeal period for review decision had not already ended on the commencement of this section.

Alternatively, the appeal is taken to be withdrawn if an appeal against the review decision has not been finally dealt with on the commencement of this section, and, if a court has started to hear the appeal, the court must stop hearing the appeal.

These provisions apply to any original decision about the amendment application mentioned in section 819(1)(a) or (b). For example, this means that an appeal against an assessment level decisions made before commencement is taken to be withdrawn.

Subsection (9) inserts the following definitions for the section:

- ‘appeal period’, for a review decision, means the period mentioned in section 525 or 532(2) or (3);
- ‘CTSCo’ means Carbon Capture Transport and Storage Corporation (CTSCo) Pty Limited ACN 143 012 971;
- ‘Origin’ means Origin Energy Future Fuels Pty Ltd ACN 105 431 534;
- ‘relevant proposed GHG permit’ means each of the following proposed GHG permits:
    - the proposed GHG permit applied for by CTSCo described as ‘EPQ12’;
    - the proposed GHG permit applied for by Origin described as ‘EPQ16’;
    - the proposed GHG permit applied for by Origin described as ‘EPQ17’; and
- ‘review application period’, for an original decision, is defined under section 521(2)(a).

New section 821 provides that new section 206(2), which applies a new mandatory condition prohibiting the injection of GHG stream into the GAB for the purpose of EPR, applies in relation to an EA issued before commencement of this section.

Section 821(3) provides that, despite section 210 of the EP Act, if there is any inconsistency between the condition imposed under section 206(2) and another condition for the existing EA, the new condition prevails to the extent of the inconsistency.

New section 822 provides that no compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.

The section also provides that it applies despite any other Act or law.

New section 823 provides that a regulation may make provision about a matter for which it is necessary to make a provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before the commencement of a relevant amendment, and to the operation of this Act as in force after the commencement of the relevant amendment, where this Act does not provide or sufficiently provide.

New section 823(2) provides that the transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences. Any interaction this subsection may have with the principle that legislation operates prospectively rather than retrospectively under section 4(3)(g) of the *Legislative Standards Act 1992* (Legislative Standards Act) is discussed above under the section, 'Consistency with fundamental legislative principles'.

Section 823(3) requires that a transitional regulation must declare it is a transitional regulation.

To accommodate the transitional time periods given by the relevant amendments, section 823 will expire on the day that is 3 years after the day this section commences.

Finally, amendment 3 inserts new clause 5E to amend schedule 4 of the EP Act to insert new definitions into the dictionary to reflect the changes of the Bill. The clause defines the following:

- 'enhanced petroleum recovery' as the definition found under schedule 2 of the GHG Storage Act;
- 'GHG stream' as the definition under section 12 of the GHG storage Act; and
- 'Great Artesian Basin' as the definition under schedule 2 of the GHG storage Act.

Amendment 4 amends clause 19 to include that a person with qualifications or experience in the agricultural industry is eligible for appointment as a member of Coexistence Queensland.

Amendment 5 amends clause 25 to provide that a community leaders council must include the chief executive officer of Coexistence Queensland and representatives from local governments, regional communities, the agricultural industry, the resources industry and the renewable energy industries. The agricultural industry is currently not reflected in existing provisions and this amendment will ensure that the members of a community leaders council reflect the diversity of the Queensland community, including agricultural landholders involved in matters relating to sustainable coexistence.

Amendment 6 amends clause 31 to provide a definition of the term "agricultural industry" for the purposes of the Act.

Amendment 7 inserts new clause 35A which amends section 33 of the *Greenhouse Gas Storage Act 2009* (GGS Act). The clause amends section 33 to ensure the Minister may only invite tenders for GHG exploration permits for land other than unavailable land.

This amendment will ensure consistency between section 33(1) and section 125(1), which also prevents the Minister from inviting tenders GHG injection and storage leases for unavailable land.

Amendment 8 inserts new clause 35B which amends section 44 of the GGS Act. The clause amends section 44 to include, 'land in the Great Artesian Basin' as unavailable land under subsection (4) after paragraph (a). This amendment will have the effect of ensuring land in the GAB is excluded from the Ministerial powers under section 33(1) to invite tenders for GHG exploration permits. This will, in practice, ensure that GHG exploration permits can no longer be granted in the GAB.

The clause also renumbers the section.

Amendment 9 inserts new clause 35C which amends section 135 of the GGS Act. The clause amends section 135 to include, 'land in the Great Artesian Basin' as unavailable land under subsection (4) after paragraph (a). This amendment will have the effect of ensuring land in the GAB excluded from the Ministerial powers under section 125(1) to invite tenders for GHG injection and storage leases for land. This will, in practice, ensure that GHG injection and storage leases can no longer be granted in the GAB.

The clause also renumbers the section.

Amendment 10 inserts new clause 37A which inserts new ch 8, pt 7 into the GGS Act, providing for the transitional provisions, new sections 453 to 463, for the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*.

New section 453 inserts the following definitions for this part:

- 'CTSCo' means Carbon Transport and Storage Corporation (CTSCo) Pty Limited ACN 143 012 971;
- 'EPQ10', for this part, means that GHG exploration permit granted on 9 December 2019 to CTSCo and described as 'EPQ10'; and
- 'relevant amendment' means an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, section 35A, 35B, 35C, 37A or 37B.

New section 454 provides that the GHG exploration permit EPQ10 is ended on the commencement of this section.

New section 455(1) provides that section 253 and 257 and any condition of EPQ10 requiring CTSCo to give a report or information about an authorised activity carried out under EPQ10 continue to apply as if EPQ10 were still in effect and CTSCo were still its holder.

To remove any doubt, section 455(2) declares that section 256, 258, 259 and 422 continue to apply in relation to the ending of EPQ10 under section 454.

New section 456(1) provides that, to remove any doubt, section 266 does not apply in relation to EPQ10.

Subsection (2) provides that section 267 applies in relation to EPQ10 as if EPQ10 were still in effect and CTSCo were still its holder and the reference to 'Subject to section 266' in section 267(1) were omitted. Additionally, section 267 applies as if paragraph (1)(b) were omitted and any wells are decommissioned by the day that is two years after the day EPQ10 ended under section 454 or, the day fixed by the Minister, if before the day that is two years after the day the permit ends, the Minister fixes a day.

Section 456 provides that section 268 of the GGS Act does not apply in relation to EPQ10, as new section 459 provides right of entry to the CTSCo to facilitate decommissioning and removal of equipment and improvements.

Subsection (4) provides that section 269 of the GGS Act applies in relation to EPQ10 as if EPQ10 were still in effect and CTSCo were still its holder and section 269(2) did not apply, and (3) of the GGS Act were omitted and replaced with, 'The well is taken to have been transferred to the State'.

New section 457 ensures CTSCo is obligated to remove equipment and improvements in the area of EPQ10. The section provides that section 334 of the GGS Act applies in relation to EPQ10 as if the definition of 'removal day' under section 334(5) were omitted and the removal day is taken to be the day that is two years after the day EPQ10 ended under section 454.

Section 458 declares that, to remove any doubt, chapter 5, part 15 of the GGS Act applies in relation to the ending of EPQ10 under section 454.

New section 459(1) provides that CTSCo may enter land on which the decommissioning must be carried out (the primary land) and any other land it is reasonably necessary to cross for access to the primary land (the access land) to carry out decommissioning for EPQ10. This means that CTSCo may enter the primary or access land to undertake the obligations given ongoing effect by this division.

To facilitate land access for subsection (1), chapter 3, parts 2, 3, 4A and 7 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (the Common Provisions Act) apply to CTSCo as if EPQ10 were still in force and CTSCo were still its holder, the primary land and access land were in EPQ10's area, and the decommissioning were an authorised activity for EPQ10.

Subsection (3) declares that, to remove any doubt, the right to enter land, under the Common Provisions Act, section 72B, continues to apply in relation to CTSCo until the rehabilitation conditions have been complied with.

Subsection (4) defines, for this section, 'decommissioning', for EPQ10, as decommissioning a well under section 267, and removing of equipment or improvements under section 334, as applied to EPQ10 by this division. This subsection also defines, 'rehabilitation conditions' as the conditions 58 – 60 of the EA, with the EA number 'EPPG00646913', ended under the EP Act, section 819(1)(a).

New section 460 provides that a request under section 91(3) of the GGS Act to approve a proposed later work program for EPQ10, and an application under section 101(1) of the GSS Act for a declaration that all or part of the area of EPQ10 is a potential storage area, made, but not decided before the commencement of this section, are taken to be withdrawn.

New section 461 provides that the application made by CTSCo for the proposed GHG exploration permit described as 'EPQ12', the applications made by Origin Energy Future Fuels Pty Ltd ACN 105 431 534 (Origin) for the proposed GHG exploration permits described as

'EPQ16' and 'EPQ17', made, but not decided before the commencement of this section, are taken to be withdrawn.

New section 462 provides that no compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.

The section also provides that it applies despite any other Act or law.

New section 463 provides that a regulation may make provision about a matter for which it is necessary to make a provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before the commencement of a relevant amendment, and to the operation of this Act as in force after the commencement of the relevant amendment, where this Act does not provide or sufficiently provide.

New section 463(2) provides that the transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences. Any interaction this subsection may have with the principle that legislation operates prospectively rather than retrospectively under section 4(3)(g) of the Legislative Standards Act is discussed above under the section, 'Consistency with fundamental legislative principles'.

Section 463(3) requires that a transitional regulation must declare it is a transitional regulation.

To accommodate the transitional time periods given by the relevant amendments, section 463 will expire on the day that is 3 years after the day this section commences.

Finally, amendment 6 inserts new clause 37B which amends schedule 2 to insert a definition to the dictionary of the GGS Act to reflect changes made by the Bill. The clause defines, 'Great Artesian Basin' as the area that is on or below the surface of the plan area under the *Water Plan* (*Great Artesian Basin and Other Regional Aquifers) 2017*. To remove any doubt, this definition refers to the entire surface area of the GAB, as well as all subterrain under the surface, as a three-dimensional area.

Amendment 11 amends clause 42 to omit references to the proposed subsidence management plan or subsidence compensation agreement from the meaning of what is a land access dispute in section 7 of the *Land Access Ombudsman Act 2017*. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendments 12 and 13 amend clause 44 to omit references to 'plan', which relate to the proposed subsidence management framework, from the scope of what the land access ombudsman cannot deal with. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 14 amends clause 51 to omit references to 'plan' that relate to the proposed subsidence management framework. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 15 amends clause 52 to omit references to 'plan' that relate to the proposed subsidence management framework This amendment is due to the removal of the subsidence management framework from the Bill.

Amendments 16 and 17 amend clause 53 to omit references to 'plan' and insert 'other than a make good agreement' from the Land Access Ombudsman's powers to enter dispute land in section 45(1). These references relate to the proposed subsidence management framework and removes any unintended duplication, as the powers to enter land regarding make good

agreements are already provided for under section 45(2). These amendments are due to the removal of the subsidence management framework from the Bill.

Amendment 18 amends clause 54 to omit the section numbers relating to subsidence management plans and subsidence compensation agreements in the provision. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendments 19, 20, 21 and 22 amend clause 55 to omit references to 'plan' and renumber the section. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendments 23, 24, 25, 26 and 27 amend clause 60 to omit references to 'plan' that relate to the proposed subsidence management framework from this provision that provides protection from liability of parties giving an agreement to the Land Access Ombudsman. These amendments are due to the removal of the subsidence management framework from the Bill.

Amendment 28 amends clause 61 to omit references to 'plan' from the provision providing for confidentiality requests to the Land Access Ombudsman. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendments 29, 30, 31, 32, 33, 34, 35, 36 and 37 amend clause 66 to omit from the transitional provisions references to 'plan' or sections that relate to the proposed subsidence management framework. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 38 amends clause 67 to omit the definition of 'subsidence compensation agreement' and 'subsidence management plan' from the schedule 1, dictionary of the Land Access Ombudsman Act. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 39 omits clause 69 which proposed to amend the long title of the *Mineral and Energy Resources (Common Provisions) Act 2014 (*MERCP) Act to insert 'and to manage the impacts of CSG-induced subsidence'. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 40 omits clause 70 which proposed to add a main purpose of the Act to manage the impacts CSG-induced subsidence. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 41 amends clause 71 to remove that the main purposes of the Act are achieved by providing a framework for managing the impacts of CSG-induced subsidence. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 42 omits clause 74 which proposed that the division apply to an entry to private land for the purpose of undertaking a subsidence activity. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 43 amends the title of clause 78 to remove reference to the proposed division 4A for entry to private land outside of an authorised area to undertake a subsidence activity. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 44 amends clause 78 to remove the proposed division 4A from chapter 3, part 2, which relates to entry to private land outside an authorised area to undertake a subsidence

activity. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 45 amends clause 79 to remove the proposed requirement that a holder of a resource authority must give each owner and occupier of land a report about entry to land, if the land has been entered to undertake a subsidence activity under proposed new division 4A in part 2, chapter 3. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 46 omits clause 86 which proposed to refer 'relevant specialist' rather an 'agronomist' for the purpose of negotiation and preparation costs. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 47 omits clause 87 which proposed to insert a new chapter 5A for the management of CSG-induced subsidence. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 48 amends clause 88 to omit references to section numbers relating to alternative dispute resolution provisions for subsidence management plans and subsidence compensation agreements. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 49 amends clause 88 to remove the application of section 196K to plans and agreements under the subsidence management framework from the Bill. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 50 amends clause 88 to remove the application of chapter 7A, part 2, division 2 about arbitration to the subsidence management framework. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendments 51 and 52 amend clause 88 to change the language of the provision to make it clear that chapter 7A, part 2, division 2 about arbitration only relates to conduct and compensation agreements. These amendments are due to the removal of the subsidence management framework from the Bill.

Amendment 53 amends clause 88 to remove reference to 'relevant holder' in section 196R. This is a consequential amendment to remove terminology associated with the former subsidence management framework. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 54 omits clause 90 which proposed to insert schedule 1A into the MERCP Act to provide for the content requirements of the subsidence impact report. This is due to the removal of the subsidence management framework from the Bill.

Amendments 55, 56, 57, 58 and 59 amend clause 91, which proposed amendments to the dictionary of the MERCP Act, to remove definitions that relate to the proposed subsidence management framework. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 60 amends clause 91, which proposed amendments to the dictionary of the MERCP Act, to remove references to '184HJ(6)' and '184IJ(5)' in the definition of 'negotiation and preparation costs' because sections '184HJ(6)' and '184IJ(5)' were included in the proposed subsidence management framework. This amendment is due to the removal of the subsidence management framework from the Bill.

Amendment 61 inserts new clause 149A which amends section 44 of the *Petroleum Act 1923* (Petroleum Act). The clause amends section 44 to provide that, despite section 44(1), the holder of a lease under the *Petroleum Act 1923* (Petroleum Act) cannot carry out GHG stream storage or inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery.

The clause also defines, 'enhanced petroleum recovery' and 'Great Artesian Basin' as the definitions under schedule 2 of the GHG storage Act.

Amendment 62 inserts new clause 156A which inserts new pt 19 into the Petroleum Act, providing for the transitional provisions, new sections 212 to 215, for the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*.

New section 212 defines, in this part, 'relevant amendment' as an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, section 149A or 156A.

New section 213 provides that it applies in relation to the lease described as 'PL1' (the lease) granted to Bridgeport Energy Pty Limited ACN 137 446 952 (the lessee).

The section provides that the proposed later development plan for the lease, lodged by the lessee but not approved before the commencement of this section, is taken to be withdrawn. This will have the effect of ensuring the previously granted development plan (the previous development plan) is still effective and continues in force.

Subsection (3) ensures that any relevant fee that accompanied the lodgement of the proposed later development plan must be refunded to the lessee.

Subsection (4)(a) provides that, despite section 53B of the Petroleum Act, the plan period for the previous development plan is taken to be extended to the day that is one year after the commencement of this section, or the day fixed by the Minister, if before the day that is one year after the commencement of this section, the Minister fixes a day. This will have the effect of allowing the lessee to lodge a new proposed later development plan, in accordance with the lessee's obligation under section 74Q within one year.

Subsection (4) also provides that, to remove any doubt, the previous development plan is taken to be, and to always have been, as effective as it would have been if the plan period, as extended under subsection (4)(a), were stated in the previous development plan.

The section also provides that the lessee may lodge the new proposed later development plan at least 40 days before the end of the plan period, as extended by subsection (4)(a), as if the reference to, 'but no more than 100', were omitted from section 74Q(3)(b)(i) of the Petroleum Act.

Subsection (6) defines, 'previous development plan', for this section, as the development plan for the lease approved, under part 6, division 2, on 11 February 2016.

New section 214 provides that no compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.

The section also provides that it applies despite any other Act or law.

New section 215 provides that a regulation may make provision about a matter for which it is necessary to make a provision to allow or facilitate the doing of anything to achieve the

transition from the operation of this Act as in force before the commencement of a relevant amendment, and to the operation of this Act as in force after the commencement of the relevant amendment, where this Act does not provide or sufficiently provide.

New section 215(2) provides that the transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences. Any interaction this subsection may have with the principle that legislation operates prospectively rather than retrospectively under section 4(3)(g) of the Legislative Standards Act is discussed above under the section, 'Consistency with fundamental legislative principles'.

Section 215(3) requires that a transitional regulation must declare it is a transitional regulation.

To accommodate the transitional time periods given by the relevant amendments, section 215 will expire on the day that is 3 years after the day this section commences.

Amendment 63 inserts new clause 157A which amends section 32 of the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act). The clause amends section 32 to insert a new subsection (2)(d), providing that the holder of an authority to prospect must not, amongst other things, inject a GHG stream into the GAB for the purpose of enhanced petroleum recovery.

Amendment 64 inserts new clause 162A which amends section 71B of the P&G Act. The clause amends section 71B to omit subsection (6) and insert a new subsection providing that, despite section 71B(1) to (3), an authority to prospect holder must not carry out GHG stream storage or inject a GHG stream into the GAB for the purpose of enhanced petroleum recovery.

Amendment 65 inserts new clause 162B which amends section 109 of the P&G Act. The clause amends section 109 to insert a new subsection (2)(d), providing that the holder of a petroleum lease must not, amongst other things, inject a GHG stream into the GAB for the purpose of enhanced petroleum recovery.

Amendment 66 inserts new clause 164A which amends section 150C of the P&G Act. The clause amends section 150C to omit subsection (6) and insert a new subsection providing that, despite section 150C(1) to (3), a petroleum lease holder must not carry out GHG stream storage or inject a GHG stream into the GAB for the purpose of enhanced petroleum recovery.

Amendment 67 inserts new clause 169A and new section 851C - Advice by office about subsurface impacts from relevant authorised activities. This provides the Office of Groundwater Impact Assessment (OGIA) with a new head of power to provide advice about matters related to subsurface impacts from authorised activities, where requested by a listed government entities. The intent of this provision will further support coexistence between the agriculture and resources sectors and is complimentary to existing advice functions that Coexistence Queensland will provide.

The provision lists the government entities which can request advice from OGIA, which include the chief executive of the *Petroleum and Gas (Production and Safety) Act 2004*, chief executive of another department or Coexistence Queensland under the *Coexistence Queensland Act 2013*. These entities have been prescribed due to their role in fostering coexistence of the petroleum and gas industry and potential need to request advice from OGIA on these matters.

In this provision 'office' means the Office of Groundwater Impacts Assessment established under the *Water Act 2000* and 'relevant authorised activities' means authorised activities for a petroleum tenure, including a petroleum tenure under the *Petroleum Act 1923*.

Amendment 68 amends clause 171 to omit, 'provision' and insert, 'provisions' to reflect that there are multiple transitional provisions to be included in the P&G Act.

Amendment 69 amends clause 171 to insert new section 1402A. The new section defines, 'relevant amendment', for this part, as an amendment of this Act by the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, sections 157A, 162A, 162B, 164A and 171, to the extent it inserts this section and sections 1044 to 1046.

Amendment 70 amends clause 171 to insert new section 1044 to 1046.

New section 1044 provides that new sections 32, 71B, 109 and 150C apply in relation to an authority to prospect, or a petroleum lease, whether the authority or lease was granted before or after the commencement.

The section also defines, 'new', for a provision of this Act, as the provision as in force from the commencement of this section.

New section 1045 provides that no compensation is payable by the State to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.

The section also provides that it applies despite any other Act or law.

Finally, new section 1046 provides that a regulation may make provision about a matter for which it is necessary to make a provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before the commencement of a relevant amendment, and to the operation of this Act as in force after the commencement of the relevant amendment, where this Act does not provide or sufficiently provide.

New section 1046(2) provides that the transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment commences. Any interaction this subsection may have with the principle that legislation operates prospectively rather than retrospectively under section 4(3)(g) of the Legislative Standards Act is discussed above under the section, 'Consistency with fundamental legislative principles'.

Section 1046(3) requires that a transitional regulation must declare it is a transitional regulation.

To accommodate the transitional time periods given by the relevant amendments, section 1046 will expire on the day that is 3 years after the day this section commences.

Amendment 71 omits clause 172 which proposed to amend schedule 1, table 3 of the *Petroleum and Gas (Production and Safety) Act 2004* to provide appeal rights to the Land Court for certain decisions under the subsidence management framework.

Amendment 72 amends clause 173 to amend schedule 1 of the P&G Act to inserts two definitions into the dictionary to reflect changes made by the Bill. The clause defines 'enhanced petroleum recovery' and 'Great Artesian Basin', as the definitions under schedule 2 of the GHG storage Act.

Amendments 73 omits clause 182 to which proposed a clear head of power for OGIA to raise an annual levy for their new functions under chapter 5A for the subsidence management framework. This is due to the removal of the subsidence management framework from the Bill.

Amendment 74 amends the long title of the Bill to insert the *Corrective Services Act 2006*.

Amendment 75 amends the long title of the Bill to insert, after the '*Electricity Act 1994*', 'the *Environmental Protection Act 1994*'.