

# Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026

## Explanatory Notes

### Short title

The short title of the Bill is the Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 (the Bill).

### Policy objectives and the reasons for them

The primary object of the Bill is to amend the planning, environment and resources legislative frameworks to ensure that new coal seam gas (CSG) projects in the Condamine Alluvium are balanced with strong protections and to meet the Queensland Government commitment to require gas companies to demonstrate beyond any reasonable doubt that new projects would not have a detrimental, long-term impact on the Condamine Alluvium, a large and significant water aquifer used for agricultural purposes (Government Election Commitment 20; GEC20).

The strategic objectives of the Bill are to:

- enhance the environmental authority (EA) process to prohibit detrimental, long-term impacts to the water quality of waters in the Condamine Alluvium mapped area from newly approved CSG activities
- address landholder concerns by clarifying and expanding compensation for CSG-induced subsidence impacts, including in some areas off-tenure
- streamline CSG approvals by removing the regional interests development approval (RIDA) requirement and shifting assessment to the robust and familiar EA process which will front-load the approval process for industry proponents and provide clarity to landholders.

### Achievement of policy objectives

The policy objective, to ensure the new CSG projects in the Condamine Alluvium are balanced with strong protections, is broadly achieved by amending the *Environmental Protection Act 1994* (EP Act), the *Regional Planning Interests Act 2014* (RPI Act), and the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act) to:

- prescribe a map of the Condamine Alluvium to apply to the protection of the aquifer for new CSG activities

- provide clarity and certainty about the environmental outcomes to ensure new approvals for CSG wells do not have a long-term detrimental impacts on the environmental values of the Condamine Alluvium aquifer, through an amendment to the environmental regulatory framework under the EP Act to introduce a deemed condition requiring protection of water quality
- remove the need for a RIDA in the Condamine Alluvium for new CSG activities to remove duplicative approval processes in the mapped area through the RPI Act
- deem deviated wells as an ‘advanced activity’ under the MERCPC Act, requiring CSG resource authority holders to obtain a landholder’s agreement before undertaking new CSG directional drilling under their land
- provide a clearer and expanded compensation framework for CSG-induced subsidence impacts in the Condamine Alluvium mapped area under the MERCPC Act.

## **Alternative ways of achieving policy objectives**

The policy objectives are best achieved by legislative amendment.

Early targeted consultation was undertaken to seek preliminary feedback on the known issues with the current regulation of the Condamine Alluvium CSG area which directly contributed to form the basis of the legislative amendments.

The proposed amendments will provide additional protection to the Condamine Alluvium from CSG projects by strengthening the consideration of environmental values through the EA framework, streamlining approvals to remove duplication and confusion about approved CSG project works in the RPI Act, and expanding the conduct and compensation provisions in the MERCPC Act.

## **Estimated cost for Government implementation**

The amendments through the Bill will not present significant additional costs to implement. Any costs will be covered by existing resources of the Department of the Environment, Tourism, Science and Innovation and the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

## **Consistency with fundamental legislative principles**

The Bill has been drafted with regard to the fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992*. The Bill is generally consistent with these provisions. Clauses of the Bill in which FLP issues arise or are perceived, together with the justification for any departure, are outlined below.

## **Amendments to the EP Act**

*Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively – Legislative Standards Act 1992, s 4(2)(a) and 4(3)(g)*

Section 4(2)(a) of the *Legislative Standards Act 1992* provides that legislation should have sufficient regard to the rights and liberties of individuals. Section 4(3)(g) of the *Legislative Standards Act 1992* provides that legislation should not adversely affect rights and liberties, or impose obligations, retrospectively. Legislation is considered retrospective if it imposes obligations, liabilities, or consequences from a date prior to its enactment.

### Insertion of new deemed condition under EP Act

The Bill could be perceived as imposing retrospective obligations on environmental authority holders who apply to amend an existing authority, as the deemed condition will apply in instances where the amendment is seeking to include a new CSG well. While the deemed condition will apply to certain environmental authorities that are amended, it will only apply to the new components of the authority the subject of the amendment process. No changes will be made to existing activities already authorised under the authority prior to commencement ensuring that existing authorised activities remain unaffected.

A transitional provision has been included to clarify that the new deemed condition does not apply a CSG well:

- that, on commencement, is authorised under the authority; or
- that is the subject of an existing application granted after commencement (e.g. a new or amendment application lodged prior to commencement but not decided until after commencement).

Subsection (2) has also been included to place beyond doubt that the deemed condition does not apply to CSG wells that were approved prior to commencement, even where the existing CSG well is amended to change its operation, and this change was requested through an amendment application for the EA.

These measures ensure that the new deemed condition does not apply retrospectively to pre-approved activities and that transitional arrangements are in place for projects under consideration. By protecting the rights and interests of stakeholders engaged in lawful activities prior to the amendment commencing, the Bill ensures that it does not adversely affect their rights and liberties or impose retrospective obligations.

## **Amendments to the MERC Act**

*Legislation has sufficient regards to rights and liberties of individuals; retrospectivity*

The proposed amendments to the MERC Act have been drafted with regard to fundamental legislative principles (FLPs) under section 4 of the *Legislative Standards Act 1992* and are generally consistent with these principles.

It is considered that the proposed amendments to the MERC Act are generally consistent with the FLPs. However, it is possible that some of the amendments might be considered to depart from the FLP which requires legislation to have sufficient regard to the rights and liberties of individuals. For example, this can depend on whether the legislation adversely affects rights and liberties, or imposes obligations, retrospectively.

Proposed sections 250, 251 and 252 potentially depart from the principle that legislation operates prospectively rather than retrospectively.

The effect of section 250(2) is that even if a directional well was an authorised activity for the CSG resource authority immediately before commencement of these amendments, drilling the well is deemed to be an advanced activity if it is carried out after commencement. Section 250(2) might therefore be seen as retrospective in the context of any individuals who had an expectation that additional requirements would not apply to the drilling of wells. However, section 205(3) is clear that drilling of a directional well already covered by a conduct and compensation agreement, or other agreement that provided a financial payment, meets this requirement, reducing the extent of potential retrospectivity.

Regardless, the provision is considered justified on the basis that directional wells may be authorised years in advance of the actual drilling of the wells, and it is not unreasonable for the law to impose a new requirement on an activity not yet undertaken. Further, it is unlikely that section 250(2) will have any effect on the rights and liberties of individuals because CSG resource authorities are typically held by corporations, not individuals.

Sections 251(1) and 252 clarify that a CSG resource authority holder may have a liability to compensate certain owners and occupiers for impacts from CSG-induced subsidence caused by a 'CSG activity', regardless of whether the CSG activity is carried out before or after the commencement of the Act.

In the case of section 251, retrospectivity is limited by sections 251(2) and (3). These sections provide that an existing conduct and compensation agreement continues to apply to the compensation liability and subsidence compensation liability, even if it does not specifically provide for a subsidence compensation liability to an eligible claimant.

If the CSG resource authority holder is an individual (and as discussed above, this is unlikely), there may be a retrospective imposition of an obligation flowing from CSG activities already undertaken. However, the provisions are considered justifiable on the basis that other individuals who are owners or occupiers, may have suffered a detriment which has resulted from the impact on their land of a CSG activity carried out before the commencement.

### **Amendments to the RPI Act**

#### *Legislation has sufficient regard to the institution of Parliament*

Section 4(4)(a) of the Legislative Standards Act provides that legislation should have sufficient regard to the institution of Parliament. Subsection (4)(a) provides the example that a Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons.

### Delegation of the prescription of the Condamine Alluvium CSG area

The Bill provides the head of power for regulation to prescribe a map to define the Condamine Alluvium CSG area and for that map to be published on the department's website.

Delegation of this power to the regulation is consistent with other provisions under the RPI Act, including sections 8 to 11, which further delegate this power to other statutory documents. This delegation is considered appropriate as the regulation, and any future amendments to the regulation, is considered and approved by the Governor-in-Council.

## **Consultation**

Two rounds of targeted consultation with stakeholders was undertaken to provide a high-level overview of the proposed reforms, test policy, and seek preliminary feedback to inform drafting of the Bill. This consultation occurred during October and November 2025 and February and March 2026 with sessions held with the resources sector, the agricultural sector, a key community group, and the Toowoomba and Western Downs Regional Councils.

In the 2025 consultation round, stakeholders attended a consultation session where they were offered the opportunity to provide live feedback. Supplementary written feedback was only received from the Australian Energy Producers.

Consulted stakeholders were then provided the opportunity to submit written feedback, to supplement live feedback provided during the consultation sessions in February. Written feedback was only received from Australian Energy Producers, AgForce, Arrow Energy, Cotton Australia, and the Queensland Farmers Federation. All feedback has been considered and addressed.

Stakeholders were generally supportive of the policy intent of the proposed reforms.

Feedback reflected support for the deemed condition in the EP Act as it provides clarity and certainty to landholders and industry on the environmental outcomes that need to be achieved to protect the water quality of the Condamine Alluvium aquifer. Amendments to the Bill were made to reflect feedback from stakeholders regarding the application of the EP Act amendments to applications for minor amendments to an environment authority,

Positive feedback was received regarding the clarification and expansion of compensation rights and conduct and compensation agreements in the MERC Act as this provided additional assurance and protection to landholders that may be affected by CSG-induced subsidence. Some concerns were raised regarding the application of these measures to co-existence, however these fell outside the scope of the Bill.

General support for the amendments to the RPI Act was provided with some clarifying questions and suggestions raised regarding the application of the applicable area boundaries and protection of agricultural values.

## **Consistency with legislation of other jurisdictions**

The Bill is specific to Queensland and is not uniform with or complementary to legislation of the Commonwealth or another state. The Bill makes minor amendments to existing Queensland legislative framework through streamlining and broadening the application of existing processes.

## Notes on provisions

### Part 1 Preliminary

#### Clause 1 Short title

*Clause 1* states that the short title is the *Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026*.

### Part 2 Amendment of Environmental Protection Act 1994

#### Clause 2 Act Amended

*Clause 2* states that this part amends the Environmental Protection Act 1994 (EP Act).

#### Clause 3 Amendment of s 206 (Environmental authorities for particular resource activities includes particular conditions)

*Clause 3* amends section 206 of the EP Act to insert a deemed condition that applies to all new coal seam gas (CSG) activities in the Condamine Alluvium CSG area. The Condamine Alluvium CSG area has been prescribed under the *Regional Planning Interests Act 2014*, section 11A.

The purpose of the deemed condition is to meet the Queensland Government commitment to require gas companies to demonstrate beyond any reasonable doubt that new projects would not have a detrimental, long-term impact on the Condamine Alluvium, a large and significant water aquifer used for agricultural purposes (GEC20).

To achieve this purpose, the deemed condition states that any new authority issued for a CSG activity in the Condamine Alluvium CSG area must include a condition that prohibits the release of contaminants, by the operation of a well:

- into waters in the Condamine Alluvium CSG area; and
- resulting in water quality that is inconsistent with the water quality objectives that apply to the waters.

The intent of the deemed condition is to prohibit contamination from newly approved CSG wells in the Condamine Alluvium CSG area and prevent detrimental impacts to the water quality across the Condamine Alluvium CSG area.

Detrimental impacts to the water quality of the Condamine Alluvium CSG area is prevented through the deemed condition by ensuring water quality is consistent with the water quality objectives that apply to the waters.

The environmental values and water quality objectives for the Condamine River Basin for both surface waters and groundwaters are well established and clearly defined under the Environmental Protection (Water and Wetland Biodiversity) Policy 2019.

Water quality objectives for waters may also be prescribed on individual environmental authorities if local site-specific objectives have been identified. The water quality objectives are specific to the intended use of the water, for example, irrigation, drinking water, aquatic ecosystems, or for use for livestock.

The deemed condition will require operators to ensure that their activities meet or remain under the water quality objectives relevant to the intended use of the water (e.g. irrigation or livestock watering). For example, the water quality objectives for groundwaters in the Condamine Alluvium CSG area, referenced in the Environmental Protection (Water and Wetland Biodiversity) Policy 2019: Queensland Murray-Darling and Bulloo River Basins Groundwater Environmental Values and Water Quality Objectives, state that if water is to be used for irrigation, lead should not exceed 5 mg/L for short-term trigger values (up to twenty years) and should not exceed 2 mg/L, for long-term trigger values (up to one hundred years). The deemed condition will require operators of new CSG wells to ensure that they do not cause contamination which would exceed these specified levels for the waters.

It is an offence under section 430 of the EP Act to contravene a condition of an environmental authority. The EP Act sets out how possible contraventions will be dealt with and the actions to prevent or remedy the contravention. Before taking action, regard may be had to the level and extent of impact to the environment resulting from the contravention to ensure the action is proportionate.

The operation of a CSG well includes all stages of the CSG well's life, for example - the drilling, operating, extracting, stimulating, suspension, completion or decommissioning of the CSG well. The deemed condition will apply to all new CSG wells regardless of whether the environmental authority was approved via a site-specific, variation, standard or minor/major amendment application process. It is not intended to apply to tight gas wells or conventional gas wells.

Section 206(4) has been inserted to provide the definitions relevant to interpreting the new deemed condition.

## **Clause 4 Insertion of new ch 13, pt 36**

*Clause 4* inserts new chapter 13, part 36 into the EP Act, providing for relevant transitional provisions associated with the *Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026*.

### **Part 36 Transitional provision for Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Act 2026**

### **861 Non-application of s 206(3) for particular existing or proposed wells**

New section 861 of the EP Act provides transitional provisions designed to clarify when the new deemed condition applies. This section makes it clear that the new deemed condition does not apply to a CSG well that:

- on commencement, is authorised under an existing environmental authority; or
- is the subject of an existing application granted after commencement.

An existing application means an application made but not decided before the commencement and includes both new environmental authority applications and authority amendment applications.

Subsection (2) has also been included to place beyond doubt that the deemed condition does not apply to CSG wells that were approved prior to commencement but, after commencement, were amended or otherwise changed via an application to alter the operation (e.g. the authority holder lodges an amendment application to stimulate existing CSG well).

This provisions also makes it clear that the deemed condition will not apply in instances where an existing authority is transferred to another person or is replaced with another authority, provided no new CSG wells are added during this process.

New section 861 ensures that the new deemed condition does not apply retrospectively to pre-approved activities and that transitional arrangements are in place for projects under consideration. This section makes it clear that the deemed condition only applies to new CSG wells.

## **Part 3 – Amendment of Mineral and Energy Resources (Common Provisions) Act 2014**

### **Act amended**

*Clause 5* states that this part of the Bill amends the MERC Act. A note refers the reader to additional amendments in schedule 1 of the Bill.

### **Amendment of ch 3, hdg (Land access)**

*Clause 6* amends the heading of chapter 3 of the MERC Act to now read ‘Land access and impact on land’ to more accurately reflect the nature of chapter 3.

### **Insertion of new ch 3, pt 9**

*Clause 7* inserts a new part 9 into chapter 3 of the MERC Act. The new part contains provisions that apply to the ‘Condamine Alluvium CSG area’ to give effect to the policy objectives of the Bill. The Condamine Alluvium CSG area is defined in clause 10 of the Bill by reference to section 11A of the *Regional Planning Interests Act 2014*.

## **Part 9      Condamine Alluvium CSG area**

### **Division 1   Preliminary**

#### **101G Purpose of part**

Section 101G explains the purpose of the new part 9 being added to the MERCPC Act. The section identifies that the purpose of part 9 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. The new part is being inserted to deliver on government's intent to clarify and expand arrangements for CSG induced subsidence in the Condamine Alluvium CSG area.

Part 9 applies to 'private land' in the Condamine Alluvium CSG area, being 'affected land'. The definition for private land is provided in existing section 13 of the MERCPC Act.

#### **101H Definitions for part**

Section 101H provides the following definitions for part 9:

- 'affected land' has the meaning given in section 101G, as described above;
- 'CSG activity' is defined to mean 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) an authority to prospect under the *Petroleum and Gas (Production and Safety) Act 2004* (the P&G Act) that authorises exploring and testing for coal seam gas; or
  - (b) a petroleum lease under the P&G Act that authorises the production of coal seam gas;
- 'eligible subsidence claimant' means the owner or occupier of affected land who is eligible to claim compensation for CSG-induced subsidence as described under section 101J(2) or 101K(2);
- 'subsidence compensatable effect' means an effect suffered as a result of CSG induced subsidence that:
  - (a) results from activities authorised under a CSG resource authority, regardless of whether they were carried out on the owner's or occupier's land; and
  - (b) affects the owner's or occupier's ability to undertake agricultural activities on their land, or affects the productivity of agricultural activities on the land; and
  - (c) that is a kind of compensatable effect covered in the existing section 81(4) of the MERCPC Act (for example, diminution of the land's value), or would be if the authorised activities were carried out on the owner's or occupier's land.

The purpose of this definition is to make it clear that the existing concept of compensatable effect covers the impact of CSG-induced subsidence on agricultural activities or productivity in the Condamine Alluvium CSG area.

An example scenario intended to be captured by the definition of subsidence compensatable effect is where:

- the subterranean drilling of a petroleum well, being an authorised activity carried out under a CSG resource authority, is undertaken;
- as part of the CSG activity, water and gas are extracted from the coal seam;
- as a result, the ground sinks and becomes prone to water retention, so that crops no longer grow well in the area; and
- loss is suffered by the owner or occupier of the land on which the crops are grown because of:
  - the reduced yield of the crop in the sunken area
  - the diminution of the land’s value due to reduced productivity
  - the diminution of the use made, or that may be made, of the land for cropping.
- ‘Subsidence compensation liability’ has the meaning given in sections 101J(3)(a) or 101K(3).

## **Division 2 Drilling directional well requires agreement**

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

The purpose of section 101I is to deem the drilling of a directional well an ‘advanced activity’ for section 43 of the MERCP Act, where the drilling occurs in the authorised area, or part of the authorised area, of a CSG resource authority that is affected land. The section only applies to this type of well in this area.

A directional well means part of a petroleum well under the P&G Act that is intentionally not drilled vertically (see the definition of ‘directional well’ in clause 10 of the Bill).

Existing section 43 of the MERCP Act provides that a resource authority holder must not enter private land to carry out activities that have more than a minor impact (referred to as advanced activity) unless they enter a conduct and compensation agreement (CCA) with each owner and occupier of the land. The CCA addresses the advanced activity and its effects. Section 43(1) also provides options other than a CCA, including a deferral agreement, or each owner and occupier electing to opt out from entering into such agreements, or each owner and occupier is a taking part in an arbitration or Land Court proceedings. Section 43(2) also provides other circumstances where the requirement for a CCA does not apply.

The policy intent is that if a directional well is to be drilled beneath the surface of affected land, regardless of the depth of the drilling, a CCA about the directional well and its effects must be in place, or one of the other requirements mentioned in section 43(1) or (2) must apply.

Section 101I(3) clarifies that drilling a directional well under affected land is considered an advanced activity for section 43 regardless of whether or not it would otherwise be an advanced activity, or whether or not another advanced activity is carried out. Accordingly, the requirement to enter into a CCA prior to entry is triggered, even where the drilling may not otherwise constitute an advanced activity.

Regard should also be had to section 250 of clause 9 which contains transitional provisions relevant to section 101I.

### **Division 3 Liability to compensate for CSG-induced subsidence**

#### **Subdivision 1 Subsidence compensation liability**

Subdivision 1 establishes an express statutory liability for CSG resource authority holders to compensate owners or occupiers of certain affected land for ‘subsidence compensatable effects’ suffered by the owner or occupier because of the CSG resource authority. This liability is termed a ‘subsidence compensation liability’.

This subsidence compensation liability may apply to affected land that is:

- in an authorised area of a CSG resource authority, or access land for the CSG resource authority (per section 101J(1)); or
- within the prescribed distance outside that authorised area or access land for the CSG resource authority (per section 101K(1)).

A distinction is made between land in an authorised area or access land, and land within a prescribed distance outside an authorised area, because owners or occupiers of land in the authorised area or access land may also be owed a compensation liability for a compensatable effect other than CSG-induced subsidence under section 81 of the MERCPC Act.

#### **101J Liability for land in authorised area or access land**

Section 101J applies only to affected land that is in an authorised area of a CSG resource authority, or access land for the CSG resource authority for the above reason. In general terms these areas can be described as being ‘on tenure’.

Section 101J(2) provides that a CSG resource authority holder is liable to compensate the owner or occupier of affected land (each an ‘eligible subsidence claimant’) for each subsidence compensatable effect suffered because of the CSG resource authority. This liability to compensate is defined as the holder’s ‘subsidence compensation liability’ to the claimant, per section 101J(3)(a). A ‘subsidence compensatable effect’ is defined in section 101H.

Section 101J(3)(b) makes it clear that subsidence compensation liability established under section 101J is taken to be the compensation liability under existing section 81 where the only compensation liability is a subsidence compensation liability. Where a CSG resource authority holder has other compensation liability under section 81, the subsidence compensation liability forms part of this section 81 compensation liability.

The intent of these provisions is to ensure that the rights and obligations that apply to a compensation liability under part 7 of chapter 3 apply to a subsidence compensation liability. Consequently, if—for instance—parties are negotiating a CCA under division 2 of part 7, they may have regard to any subsidence compensation liability that might currently exist, or might exist in future under existing section 83(1)(c). Additionally, if a dispute arises to which division 4 of part 7 applies, subsidence compensation liability should be included in any consideration of compensation liability.

Section 101J(4) clarifies that references to the term ‘eligible claimant’ in part 7 of chapter 3 are to be read as including eligible subsidence claimants under section 101J.

The purpose of section 101J(5) is to clarify that section 101J is not exhaustive of all subsidence compensation liability that may form part of a holder’s compensation liability under section 81.

### **101K Liability for particular other land**

The purpose of section 101K is to describe the subsidence compensation liability for affected land that is:

- (a) within the ‘prescribed distance’ outside the authorised area of a CSG resource authority; and
- (b) not access land for the CSG resource authority.

Subsection (1) limits the application of section 101K to these areas—being land outside the authorised area of a CSG resource authority, which in general terms can be described as ‘off tenure’.

Section 101K(4) defines ‘prescribed distance’ to mean five kilometres unless a regulation prescribes another distance.

Section 101K(2) provides that a CSG resource authority holder is liable to compensate the owner or occupier of this affected land within the prescribed distance (each an ‘eligible subsidence claimant’) for each subsidence compensatable effect suffered because of the CSG resource authority. This liability to compensate is defined as the holder’s ‘subsidence compensation liability’ to the claimant, per section 101K(3).

Unlike owners and occupiers of land to which section 101J applies, owners and occupiers of land outside the authorised area of a CSG resource authority that is not access land, will not be owed a compensation liability under section 81.

### **Subdivision 2 Disputes about subsidence compensation liability**

The purpose of subdivision 2 is to provide the Land Court with jurisdiction and powers regarding subsidence compensation liability where existing dispute resolution provisions under the MERCP Act do not apply.

#### **101L Application of subdivision**

The purpose of section 101L(1) is to specify when the new dispute resolution provisions in subdivision 2 will apply. The dispute resolution provisions in subdivision 2 are only intended to be used when the dispute resolution processes under part 7 are not available.

Specifically, the provisions under subdivision 2 do not apply in each of the following circumstances:

- the holder’s compensation liability has been agreed under a CCA, or decided by the Land Court under part 7 of chapter 3;

- the holder and the claimant are involved in a part 7 dispute resolution process about the holder's compensation liability; and
- advanced activities are, or are proposed to be, carried out on the claimant's land.

It should also be noted that if a dispute arises regarding subsidence compensation liability, the existing part 8 of chapter 3 of the MERCP Act provides for conferences to be held by an authorised officer. Under the existing sections 101D and 101E, a CSG resource authority holder or an owner or occupier of land that may be affected by a resource authority, may give notice to an authorised officer who may call a conference. This dispute resolution procedure may be used by parties before making any application to the Land Court.

### **101M References to subsidence compensation liability**

Section 101M seeks to ensure that references to subsidence compensation in subdivision 2 are also taken to include a reference to future subsidence compensation.

This clarification has been included to ensure the Land Court's decision under this subdivision can include consideration of any relevant future subsidence compensation liability, and is not limited to historical liability. The effect of section 101M is to ensure the Land Court's jurisdiction under part 7 and part 9 regarding disputes about compensation liability and subsidence compensation liability respectively, is the same.

### **101N Land Court may hear dispute**

Sections 101N(1) and (2) allows a CSG resource authority holder or an eligible subsidence claimant to apply to the Land Court to decide a dispute about subsidence compensation liability to which subdivision 2 applies.

Section 101N(3) gives the Land Court the power to make any order it considers appropriate to enable or enforce its decision on an application. Without limiting the scope of these powers, section 101N(4) provides that the Land Court may assess all or part of the subsidence compensation liability and decide a matter related to the subsidence compensation liability and make any order necessary or desirable for such matters. The Land Court may also order non-monetary compensation as well as monetary compensation.

### **101O Review of subsidence compensation by Land Court**

Section 101O(1) and (2) allows a CSG resource authority holder or eligible subsidence claimant to apply to the Land Court for a review of its decision on the subsidence compensation liability (the 'original compensation') where there has been a subsequent material change in circumstances.

Section 101O(3) limits the Land Court's review of the original compensation to the extent it is affected by the material change in circumstances. If the Land Court considers the original compensation is not affected by the material change in circumstances, section 101O(4) requires that the Land Court not carry out or continue with the review.

If the Land Court carries out the review, it may decide to confirm the original compensation or amend it in a way the court considers appropriate under section 101O(5).

## **101P Land Court decision binding on successors and assigns**

Section 101P provides that, where the Land Court has made a decision under sections 101N or 101O, the CSG resource authority holder or eligible subsidence claimant that are parties to the dispute, are bound by the decision as well as each of their successors and assigns.

## **Insertion of new ch 10, pt 4**

*Clause 8* inserts a new part 4 into chapter 10 of the MERCPC Act. The new part contains transitional provisions for the Bill.

## **Part 4 Transitional provisions for Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Act 2026**

Part 4 provides the transitional provisions for the amendments to the MERCPC Act. These transitional provisions relate to the treatment of directional drilling activities, and existing CCAs and other agreements. These transitional provisions are broadly intended to ensure the amendments apply prospectively.

## **249 Meaning of particular terms**

Section 249 provides that terms used in this part have the same meaning as the definitions provided in section 101H, where appropriate.

## **250 Application of s 43 in relation to drilling directional well**

Section 250 addresses the treatment of drilling directional wells in the Condamine Alluvium CSG area after commencement. Sections 250(1) and (2) provide clarity that drilling a directional well after commencement requires the landholder's agreement, per section 101I, even if drilling the directional well was an authorised activity before commencement.

Section 250(3) and (4) then provide for certain agreements to satisfy the requirement for landholder agreement if any of those agreements were in place immediately before commencement. This is intended to minimise retrospective application of the new requirement to have landholder agreement for directional drilling activities. This is done by recognising that some kinds of existing agreements between landholders and CSG authority holders are considered to provide landholder agreement. These agreements between the landholder and the resource authority holder include:

- a CCA
- another agreement that provides for a financial payment being made to the landholder in relation to the drilling.

Subsection 250(4) clarifies that these agreements do not need to expressly provide compensation for CSG-induced subsidence to satisfy the requirement to have landholder agreement for the drilling.

## **251 Subsidence compensation liability—affected land that is in an authorised area or access land**

Section 251 provides transitional arrangements for the application of the new subsidence compensation liability under section 101J (which covers the subsidence compensation liability for landholders in the authorised area or on access land). The intent of these transitional provisions is to ensure that existing CCAs that were in place immediately before commencement continue to apply, and that these existing CCAs are taken to satisfy a CSG resource authority holder's subsidence compensation liability. This is intended to ensure the subsidence compensation liability provision under section 101J generally only apply prospectively.

Sections 251(1) and (2) provides that a CSG resource authority holder's subsidence compensation liability under section 101J applies to a CSG activity carried out under the CSG resource authority, whether before or after the commencement. Section 251(1) includes activities being carried before commencement to recognise that the requirements of section 101J can apply to activities that were authorised prior to commencement. For example, drilling a directional well that was approved prior to commencement, but has not yet been drilled, and is not yet covered by a CCA or another kind of voluntary agreement with the landholder.

Section 251(2) provides for a CCA that is in effect immediately before commencement to continue to apply. That is, existing CCAs continue to fully satisfy a CSG resource authority holder's compensation liability, including any potential subsidence compensation liability. Section 251(3) ensures this is the case even if the CCA doesn't provide compensation for a subsidence compensation liability.

Sections 251(2) and (3) provide clarity that the amendments do not require parties to re-negotiate CCAs because of the new provisions covering subsidence compensation liability.

Section 251(4) and (5) also makes it clear that a Land Court decision made before commencement about a CSG resource authority holder's compensation liability under part 7, continues to apply. These sections ensure it is clear that the Land Court's decision is taken to satisfy the holder's subsidence compensation liability—even if the Land Court's decision did not provide for the holder's subsidence compensation liability.

## **252 Subsidence compensation liability—other particular affected land**

Section 252 provides transitional arrangements for the application of the new subsidence compensation liability under section 101K (which covers the subsidence compensation liability for landholders within the prescribed distance outside the authorised area, and not access land). Section 252 provides that a CSG resource authority holder's subsidence compensation liability under section 101K applies to a CSG activity carried out under the CSG resource authority, whether before or after the commencement.

It includes activities being carried out before commencement to recognise that the requirements of section 101K can apply to activities that were authorised prior to commencement. This approach has been taken to the application of section 101K to reflect that it can be technically difficult to determine whether CSG-induced subsidence is occurring as a result of historical or new CSG activities.

## **Amendment of sch 2 (Dictionary)**

*Clause 9(1)* amends Schedule 2 of the MERC Act (the Dictionary) by inserting the following definitions:

- ‘affected land’, for part 9 of chapter 3, has the meaning given in section 101G, being private land within the Condamine Alluvium CSG area.
- ‘Condamine Alluvium CSG area’ relies upon section 11A of the *Regional Planning Interests Act 2014*.
- ‘CSG activity’, for part 9 of chapter 3, has the meaning given in section 101H.
- ‘CSG-induced subsidence’ and ‘CSG resource authority’ each has the meaning given in section 101H.
- ‘directional well’ is defined as a part of a petroleum well (within the meaning given by the P&G Act) that is intentionally not drilled vertically.
- for part 9 of chapter 3:
  - ‘eligible subsidence claimant’ has the meaning given in section 101H
  - ‘subsidence compensation liability’ to an eligible subsidence claimant has the meaning given under section 101J(3)(a) or 101K(3).

*Clause 9(2)* inserts a note under paragraph (a)(i) of the definition of ‘compensation liability’ in Schedule 2 of the MERC Act referring to section 101J(3)(b). This is to reflect that section 101J(3)(b) clarifies the definition of compensation liability to include a subsidence compensation liability, where relevant.

## **Part 4      Amendment of Regional Planning Interests Act 2014**

### **Clause 10      Act amended**

*Clause 10* states that this part amends the *Regional Planning Interests Act 2014*.

### **Clause 11      Insertion of new s 5A**

*Clause 11* inserts new section 5A in Division 2 Purposes and application of Act to clarify that Part 2 of the Act—*Restrictions on resource and regulated activities in areas of regional interest*—does not apply to carrying out a CSG activity in the Condamine Alluvium CSG area. Effectively, the carrying out of a CSG activity in the Condamine Alluvium CSG area will no longer be considered a regulated activity or a resource activity for the purposes of obtaining a regional interests development approval under the Act.

A clarifying note is provided to outline that carrying out a CSG activity in the Condamine Alluvium CSG area is regulated under other Acts, despite new section 5A.

**Clause 12 Insertion of new s 11A**

*Clause 12* inserts new section 11A which defines the Condamine Alluvium CSG area as an area that includes all or part of the aquifer known as the Condamine Alluvium and is shown as the Condamine Alluvium CSG area on a map approved by regulation and published on the department's website.

**Clause 13 Amendments of pt 2 (Restrictions on resource and regulated activities in areas of regional interest)**

*Clause 13* inserts a note to cross-reference to new section 5A regarding the application of the Act to CSG activity in the Condamine Alluvium CSG area.

**Clause 14 Insertion of new pt 11 (Transitional provisions for Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Act 2026**

*Clause 14* inserts a new Part 11 to provide transitional provisions for the *Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Act 2026*.

New Part 11 provides transitional provisions for:

- existing assessment application for CSG activities in the Condamine Alluvium CSG area
- existing regional interests development approval for CSG activities in the Condamine Alluvium CSG area
- proceedings for particular offences
- as well as inserting a new definition to support this part.

New section 110 includes a definition for the part, being the meaning of amendment act.

New section 111 inserts a transitional provision to clarify that where an existing RIDA application for CSG activities in the Condamine Alluvium CSG area is made but not decided before commencement of the Bill, the amendment of the RPI Act does not affect the application. That is to say that the application will continue to progress through the assessment process under the RPI Act.

This section further clarifies that should the application, made before commencement of the Bill, be granted after commencement of the Bill, that RIDA is not affected by the commencement of the Bill. This is consistent with the principal in new section 112 that RIDAs made under the RPI Act before commencement of the Bill continue to have their effect.

New section 111 also includes a note to see section 32 in relation to withdrawing assessment applications.

New section 112 inserts a transitional provision to clarify that where a regional interests development approval for carrying out a CSG activity in the Condamine Alluvium CSG area is in effect immediately before the commencement of the Bill, the amendment of the Act does not affect the regional interests development approval. Essentially, where an approval is in effect at the time of the commencement of the Bill, the approval continues to apply as if the Bill never commenced.

New section 113 inserts a provision about proceedings for particular offences. This new section applies in relation to an offence against former section 19, committed by a person before the commencement. It provides that a proceeding for the offence may be continued or started, and the person may be convicted of or punished for the offence, as if the amendment Act, section 11 had not commenced. Subsection (2) applies despite the Criminal Code, section 11.

#### **Clause 15     Amendment of sch 1 (Dictionary)**

*Clause 15* amends Schedule 1 of the RPI Act to include the definitions of *Condamine Alluvium CSG area* and *CSG activity* for the purposes of clauses 12, 13, 14 and 15.

### **Part 5            Amendment of Regional Planning Interests Regulation 2014**

#### **Clause 16     Regulation amended**

*Clause 16* provides for the amendment of the Regional Planning Interests Regulation 2014.

#### **Clause 17     Insertion of new Part 3A**

*Clause 17* inserts new Part 3A Condamine Alluvium CSG area and new section 10A to prescribe the Condamine Alluvium CSG area map version 1.0 as held by the department. New section 10A includes a note to clarify that the map is published on the department's website.

### **Part 6 – Other amendments**

*Clause 18* provides that Schedule 1 of the Bill amends the legislation it mentions.

#### **Schedule 1 – Other amendments**

### **Minerals and Energy Resources Common Provisions Act 2014**

#### **Section 37–**

*Clause 1* of Schedule 1 of the Bill inserts a note under section 37 of the MERC Act. Section 37 deals with the application of chapter 3, part 2 (titled 'Private land'). The note refers the reader to the new part 9 for other provisions that apply to private land in the Condamine Alluvium CSG area, ensuring that readers are aware of the additional relevant provisions.

#### **Section 43(1), after penalty–**

*Clause 2* inserts a note under section 43(1) (after the description of the penalty), referring the reader to section 101I for the application of section 43(1) in relation to drilling a directional well in the Condamine Alluvium CSG area. Section 101I deems directional drilling in the Condamine Alluvium CSG area to be an advanced activity.

### **Section 45(4)(d), note, ‘section 81’—**

*Clause 3* amends the note at the end of section 45(4)(d) to replace the reference to section 81 with a reference to both sections 81 and 101J. This change recognises that the provisions in section 45 should now also be read with reference to section 101J, which is also relevant to a resource authority holder’s liability to compensate an eligible claimant.

### **Section 81(2)—**

*Clause 4* inserts a note under section 81(2) referring readers to part 9, division 3 in relation to compensation liability relating to CSG-induced subsidence on private land in the Condamine Alluvium CSG area. Part 9, division 3 includes the new provisions related to CSG-induced subsidence compensation.

### **Section 92(11), definition party, ‘chapter 3, part 7’—**

*Clause 5* omits the words ‘chapter 3, part 7’ from the definition of ‘party’ in section 92(11) of the MERC Act as they are redundant.

## **Petroleum Act 1923**

### **Section 2, definitions compensation liability, conduct and compensation agreement, conduct and compensation agreement requirement and deferral agreement—**

*Clause 1* omits the definitions of ‘compensation liability’, ‘conduct and compensation agreement’ and ‘deferral agreement’ from section 2 of the *Petroleum Act 1923*.

## **Petroleum and Gas (Production and Safety) Act 2004**

### **Section 560(5)—**

*Clause 1* inserts a definition of ‘access land’ into subsection 560(5) of the P&G Act as follows: ‘*access land*, for a petroleum authority, see the Common Provisions Act, section 47(3)’. For clarity, ‘Common Provisions Act’ means the MERC Act.

### **Schedule 2, definitions access land, access rights, conduct and compensation agreement and deferral agreement—**

*Clause 2* omits the definitions of ‘access land’, ‘access rights’, ‘conduct and compensation agreement’ and ‘deferral agreement’ from Schedule 2 of the P&G Act.

## **Regional Planning Interests Regulation 2014**

### **Section 3(2), note, ‘www.comlaw.gov.au/Details/F2012L02240’—**

*Clause 1* omits the outdated web reference to the *Basin Plan 2012* (Cwlth) and inserts a link to the Queensland legislation website to provide for continuity where webpage links may be updated from time to time.