

Mineral and Energy Resources and Other Legislation Amendment Bill 2024**DEPARTMENT OF RESOURCES****Advice to the Clean Economy Jobs, Resources and Transport Committee
regarding submissions to inquiry**

Date: 23 May 2024

Submission No.	Submitter
1	NPH Farming Syndicate
2	Queensland Sapphire Miners Association
3	Wesley Back Family Trust
4	Queensland Renewable Energy Council
5	Queensland Small Miners Council
6	Western Downs Regional Council
7	Local Government Association of Queensland
8	Barfield Road Producer Group
9	North Queensland Miner's Association
10	Queensland Law Society
11	Gayle Pedler
12	Zena Ronnfeldt
13	AgForce Queensland
14	GasFields Commission Queensland
15	Ian Hayllor

Submission No.	Submitter
16	Cotton Farmers Limited
17	Queensland Farmers Federation
18	Metro Mining Limited
19	Daniel Hayllor
20	Stuart Armitage
22	Celia Karp
23	Arrow Energy Pty Ltd
25	UQ Gas & Energy Transition Research Centre
26	Australian Energy Producers
27	Glendon Farming Co
29	Association of Mining and Exploration Companies
30	Queensland Resources Council
31	Environmental Defenders Office and Lock the Gate (joint submission)
32	Origin Energy Limited
33	Tabitha Karp
34	Heritage Minerals Pty Ltd
35	South West Queensland Regional Organisation of Councils

Comments / Response (sorted by topic)

The Department of Resources (Resources) would like to thank all who took the time to provide submissions on the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 (the Bill). Departmental responses to each issue raised is provided below.

CI	Sub No.	Key points	Department's response
MEROLA Bill – general feedback			
N/A	5	Submitter 5 is generally unsupportive of the reforms to coexistence institutions and considers that exploration and mining rights are being eroded in favour of landholder rights.	Supporting sustainable coexistence between the resources sector, the renewable energy industry, the agricultural industry and landholders is the reason for establishing coexistence institutions in Queensland. For example, the expanded remit of the GasFields Commission Queensland, and its renaming to Coexistence Queensland, will see this organisation support sustainable coexistence through its information, education and advisory roles that are focused on the resources and renewable energy industries, landholders, the agricultural sector and regional communities operating alongside each other.
N/A	30	Submitter 30 noted that in principle, support of the government's efforts to deliver initiatives aligned with the key focus areas under the Queensland Resources Industry Development Plan. This includes the promotion of sustainable coexistence between the resource and agricultural sectors, along with enhancing regulatory efficiency.	Resources notes this feedback.
N/A	6	Submitter 6 notes that it is very important that regional communities are at the forefront of the planning and implementation of the Bill. The sector requests that the Queensland government undertake risk mitigation in collaboration with impacted local governments, putting in place plans to protect communities and regional economies.	In relation to requirements in the Bill, Resources will continue to work with stakeholders, including local governments, to develop the necessary regulatory and technical requirements for implementing the amendments in the Bill, should the legislation be passed by Parliament. This will include where relevant considerations of impacts on regional communities.
N/A	26, 29, 30	Submitter 26, 29 and 30 raised concerns that the Bill was not subject to a consultation Impact Analysis Statement despite the amendments introducing additional regulatory burden, having significant time and cost implications for businesses, and the potential to hinder the growth and investments in the resources sector. Submitter 29 requested further consultation and a full consultation Impact Analysis Statement be undertaken on the Bill, with specific references to the subsidence management framework, new funding models for the Land Access Ombudsman and the Office of Groundwater Impact Assessment (OGIA) and Part 9 (financial provisioning), and Part 10, clause 134 (who may apply for a exploration permit under the land release framework, before the Bill is reintroduced into Parliament.	Resources has engaged with Queensland Treasury's Office of Best Practice Regulation as part of the development of the Bill and considered the potential impacts, costs and benefits of the regulatory proposals in the Bill. The outcome of the assessment determined a full Impact Analysis Statement was not required. Accordingly, the department undertook a summary Impact Analysis Statement on the relevant reforms in line with the Queensland Government Better Regulation Policy. The Impact Analysis Statement's will be published on the department's website.

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N/A	29	Submitter 29 raised concerns that the role of Coexistence Queensland and the Land Access Ombudsman only comes into effect when conflict is happening and does not prevent conflict occurring in the first place.	Resources acknowledges the role of the Land Access Ombudsman and Coexistence Queensland can assist where conflict arises, however the Bill also refocuses the legislative functions of Coexistence Queensland to provide information, engagement and education services to the community and industry with an aim to assist in reducing conflicts between industries and landholders and promoting successful coexistence.
N/A	16	Submitter 16 acknowledges that the Bill, in principle takes significant steps to ensure landholders are not negatively impacted by CSG-induced subsidence.	Resources notes this feedback.
4	20, 22	Submitters 20 and 22 believe that the CSG-induced subsidence management framework engages the <i>right to property</i> under section 24 of the <i>Human Rights Act 2019</i> . The inability of landholders to be able to make profitable use of their subsidised land is unjust and limits or terminates property rights, as does approving CSG projects with an awareness that subsidence will impact the productivity of agricultural land.	<p>The Human Rights Statement of Compatibility provides detailed analysis as to the potential limitation of the Bill on the right to property under section 24 of the <i>Human Rights Act 2019</i>.</p> <p>This Human Rights Statement of Compatibility is limited to those provisions proposed in the Mineral and Energy Resources and Other Legislation Amendment Bil 2024 (the Bill). The subsidence management framework proposed under the Bill is not a framework that authorises the resource activities to be undertaken. This authorisation occurs through the <i>Petroleum and Gas (Production and Safety) Act 2004</i> and the <i>Regional Planning Interest Act 2014</i>. The subsidence management framework is a risk-based framework to manage, mitigate and remediate impacts or predicted impacts from coal seam gas (CSG)-induced subsidence that has occurred as a result of CSG production.</p> <p>It is for the <i>Petroleum and Gas (Production and Safety) Act 2004</i> and the <i>Regional Planning Interest Act 2014</i> to contemplate the issue of right to property under section 24 of the <i>Human Rights Act 2019</i> as it relates to approving CSG projects that may result in subsidence, thereby impacting on the profitability and productivity of agricultural land.</p>
N/A	20	Submitter 20 believes that the CSG-induced subsidence management framework engages the <i>right to freedom from forced work</i> under section 18 of the <i>Human Rights Act 2019</i> , and landholders are forced to participate in assessment and management processes, which means landholders are forced to perform work to attempt to mitigate the economic impacts of CSG-induced subsidence on their property.	<p>The Human Rights Statement of Compatibility provides detailed analysis as to the potential limitation of the Bill on the right to freedom from forced work under section 18 of the <i>Human Rights Act 2019</i>. The Bill as it relates to CSG-induced subsidence also engages the right to freedom from forced work under section 18 of the HR Act. The nature of this right under section 18(2) provides that a person must not be made to perform forced or compulsory labour. This section is based on Article 8 of the International Covenant on Civil and Political Rights. Australia ratified this treaty in 1980.</p> <p>Under the Bill, owners or occupiers of private land may be required to work in the sense of preparing for and negotiating subsidence management plans and subsidence compensation agreements with resource tenure holders. If a landholder does not negotiate, the landholder is required to participate in alternative dispute resolution and ultimately may be required to participate in Land Court proceedings if agreement cannot be reached. However, no penalty may be applied, and no threat of a penalty may be made under the Bill if a landholder does not perform this work.</p> <p>The potential limitation to the right to freedom from forced work of landholders resulting from the subsidence management framework is balanced by the mutual benefits gained from developing well-informed management plans and subsidence compensation agreements that</p>

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			will support the maintenance of the integrity of the landholder's agricultural property while supporting appropriate resource activity. Therefore, to the extent that the CSG-induced subsidence amendments in the Bill impacts rights to the freedom from forced work, it is considered that they are reasonably and demonstrably justifiably limits.
N/A	32	Submitter 32 supports the submissions made by the Queensland Resources Council and Australian Energy Producers.	Resources notes this feedback.
N/A	22	Submitter 22 suggests that landholders have access to free and independent advice from experts relating to CSG activities, subsidence, hydrogeology, geology, agronomy and land survey techniques. This information could be provided by Geoscience Australia and funded by industry and/or government. The information is needed to oppose any findings from OGIA.	Resources notes various technical experts, including agronomists, will be needed to develop the farm field assessments and subsidence management measures. However, the relevant tenure holder is ultimately responsible for ensuring relevant experts are engaged and they comply with the regulatory requirements. The relevant holder is also liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs under proposed section 184HK, including any relevant specialists the landholder engages such as agronomists, hydrogeologist, irrigation specialists and surveyors. The Department of Agriculture and Fisheries (DAF) will have a key role in developing any technical requirements for completing farm field assessments and subsidence management plans in conjunction with the Department of Resources (Resources).
N/A	25	Submitter 25 notes there are very few, if any precedents that this framework can emulate and acknowledges the willingness to adapt legislation and the coexistence institutions to meet the ongoing needs of stakeholders and the interests of all Queenslanders.	Resources notes this feedback.
MEROLA Bill – consultation			
N/A	1, 4, 5, 6, 7, 9, 10, 13, 16, 17, 20, 26, 27, 29, 30, 31, 32	Stakeholders raised concerns about the limited time to make a submission to the Committee and also notes that the lack of draft exposure Bill and complex amendments in the Bill has not allowed adequate time for proper consideration of the details, particularly in relation to CSG-induced subsidence, which is necessary to identify any unintended consequences flowing from the amendments. Submitter 7 also raised concerns that the limited timeframe is not in line with expectations that are set under the Partners-in Government Agreement, signed, and agreed with the State Government. Submitter 29 noted that no consultation reports were released following previous engagements to explain why stakeholder concerns were not considered. Submitter 6 requests that stakeholder engagement, particularly with landholders, is given a more prominent role in managing the coexistence institutions and CSG-induced subsidence management framework.	Resources notes concerns regarding the committee submission's timeframe and ability to adequately respond to its contents. Resources has engaged with stakeholders on the contents of the Bill through the release of consultation papers in late 2023 and further engagement sessions earlier this year with key stakeholder groups. Where appropriate, feedback has been incorporated into the drafting of the Bill. Resources will continue to work with stakeholders to develop the necessary regulatory and technical requirements for implementing the amendments in the Bill, should the legislation be passed by Parliament.

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		<p>Submitters 20 raised concerns about the lack of appropriate supporting science and research was completed for the consultation.</p> <p>Submitter 20 raised concerns that consultation was during a busy harvest time, and they were not able to seek expert advice and adequately consider the Bill.</p> <p>Submitter 27 raised concerns that the most impacted farmers will not be aware of the proposed framework and how it may affect them.</p> <p>Stakeholders suggest robust consultation processes with key stakeholders going forward to resolve policy issues and ensure stakeholders are informed prior to implementation.</p>	
N/A	10	Submitter 10 recommends that further consultation be carried out to enable a detailed analysis of the whether the legislation is consistent with the <i>Legislative Standards Act 1992</i> .	The fundamental legislative principles under the Legislative Standards Act 1992 were considered as part of drafting the Bill. The explanatory notes identify clauses of the Bill that raise or potentially raise fundamental legislative principles and provide justification for any departures.
N/A	11	Submitter 11 indicated that the proposed Bill does not reflect the feedback previously provided by agriculture sector in response to consultation papers.	Resources has engaged with stakeholders on the contents of the Bill through the release of consultation papers in late 2023 and further engagement sessions earlier this year with key stakeholder groups. Where appropriate, feedback has been incorporated into the drafting of the Bill.
Electricity Act 1994			
4	12	Submitter 12 submitted that as the amendment relating to the acquisition of land confers benefit to third parties and private entities, it fails to properly mitigate the interference with human rights and provided that further amendments should be made to provide that where the acquisition of the land relates to only part of the property of the land owner, the land owner be given the choice that the acquiring entity be required to acquire their entire property (i.e., all land the owner holds as a single functioning agricultural (including pastoral) property rather than an easement).	This amendment is intended to only clarify the provision and is not intended to broaden its scope. The Human Rights Statement of Compatibility provides detailed analysis as to the potential interference of the amendment on the right to property and privacy. Ultimately, the statement concludes that as the potential interference with property and privacy is proportionate and not arbitrary, those rights are not limited by the power to acquire land. An amendment to clause 4 as suggested in the submission is outside the scope of this Bill.
4	29	<p>Submitter 29 raised concerns that there has been insufficient consideration of the impacts of land acquisition on land users as well as land holders.</p> <p>The submission noted that under current frameworks, when a renewable energy entity seeks to develop a project, they are only required to engage with the landholder. This is because it is the responsibility of the landholder to engage with land users, for example, an explorer who holds an Exploration Permit for Minerals tenement on their property. It was submitted that the operation of the existing framework has resulted in circumstances where explorers have been unable to confidently carry out their development plan or invest on certain landholdings.</p>	<p>The amendment to the <i>Electricity Act 1994</i> is intended to only clarify the provision and is not intended to broaden its scope.</p> <p>The suggestion to create new statutory processes for notification and review of the multi-land use policy framework is noted by the Department, however, it is out-of-scope for consideration in this Bill.</p>

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		It was recommended that renewable energy entities are required by statutory processes to notify land users within their footprint development area. The rationale being that this would benefit land users by providing notification of the overlying interest and provide them with an avenue to engage appropriately with the process and parties.	
Fossicking Act 1994			
Definition of <i>protected area</i>			
7	2	Submitter 2 raised concerns about the amended definition for <i>protected area</i> under the <i>Fossicking Act 1994</i> . Specifically, whether strategic environmental areas are recorded or contemplated across any existing fossicking area.	The <i>Fossicking Act 1994</i> does not apply to protected areas. The clause amends the definition of protected area from 'an area of regional interest' to limit its application 'a strategic environmental area' as defined by the <i>Regional Planning Interests Act 2014</i> (RPI Act). This corrects an error that unintentionally defined protected area broadly as an area of regional interest and had the effect of excluding fossicking from a large portion of Queensland. The amendment does not alter the strategic environmental area framework under the <i>Regional Planning Interests Act 2014</i> . Strategic environmental areas and where they overlap with fossicking areas are recorded and published on GeoResGlobe.
7	2	Submitter 2 raised concerns about whether existing endangered regional ecosystem and restricted area 1 fall into this category of strategic environmental area and what further impact that would have on existing fossicking land.	The framework for strategic environmental areas is established under the RPI Act. Section 11 of the RPI Act provides that a strategic environmental area is an area that contains 1 or more environmental attributes for the area that is either shown on a map in a regional plan or prescribed by a regulation. Whether an endangered regional ecosystem or restricted area 1 can be considered a strategic environmental area is subject to regional plans and regulations made under the RPI Act.
Definition of <i>licensee</i>			
8	2, 5	Submitters 2 and 5 raised concerns that definition of licensee is unclear and the proposed amendments to the <i>Fossicking Act 1994</i> prevent individuals from holding a fossicking licence.	Clause 7 of the Bill amends definition of licensee under the <i>Fossicking Act 1994</i> for clarity to ensure that a licensee includes an individual who is the holder of a licence and the entities included in the definition under Clause 8 of the Bill. In other words, a licensee can be an individual that holds a fossicking licence, as well as any of the following: <ul style="list-style-type: none"> (a) A member of a club that holds a licence; (b) A member of a commercial tour group if the commercial tour operator for the commercial tour holds a licence; (c) A member of an educational organisation that holds a licence; and (d) A member of a licensee's family, other than a licensee mentioned in paragraphs (a) to (c).
Fossicking licensees required to receive written permission from Mining Lease (ML) applicants			

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10	2	Submitter 2 raised concerns that the <i>Fossicking Act 1994</i> is not the most appropriate Act, to pursue these access amendments.	As the amendments introduce a new obligation on fossicking licensees, the <i>Fossicking Act 1994</i> is the most appropriate Act to require fossickers to receive written permission from mining lease applicants.
10	2	Submitter 2 raised concerns that mining lease, exploration permit, and mining claim applications do not have the legislative right to give permission for any person to access such land, in search of gold.	The amendments give applicants a legislative right to give permission for access to the land to which the mining lease application applies. The amendments complement an existing requirement for fossickers to obtain written permission from any applicable mining lease or mining claim holder, as well as several other parties, and help manage the potential conflict between fossicking, land holders and reserve owners, and commercial mining activity by appropriately balancing the interests of each party.
10	2, 5, 9	Various submitters provided general support of the intent of the proposed amendments for fossickers to seek permission from Mining Lease Applicants. However, there is a belief that this could be extended to Exploration Permit (EPMs) and EPM Applications as well.	The amendments only apply to fossicking on land subject of an application for a mining lease under the <i>Mineral Resources Act 1989</i> .
10	5	Submitter 5 raised concerns that other types of unlawful entry are not dealt with in the <i>Fossicking Act 1994</i> and by the Bill.	Unlawful entry onto land to which a mining lease applies for other purposes are not dealt with under the <i>Fossicking Act 1994</i> , however, are dealt with under other Acts or common law.
10	29	Submitter 29 recommends the Committee allow the amendment to the Fossicking Act be debated and passed on the condition that implementation and supporting regulation is further consulted on.	Resources will continue to work with stakeholders to develop the regulation and material needed to support the implementation of these amendments, should they pass into legislation.
Gasfields Commission Act 2013			
General			
N/A	4, 6, 7, 14, 16, 17, 25, 29, 30, 31, 32, 35	<p>Various submitters provided general support for the amendments to the <i>Gasfields Commission Act 2013</i> and expansion of their remit across the broader resources sector and renewable energy sector.</p> <p>Submitter 31 supports Coexistence Queensland delivering educational resources and supporting knowledge around health and wellbeing issues.</p> <p>Submitter 25 noted the GasFields Commission Queensland (GFCQ) has demonstrated the ability to positively influence change in a number of portfolios relevant to the onshore gas industry, and this capability should be used to identify and respond to the emerging issues across the resources and renewable energy sectors.</p> <p>While generally supportive of broadening the remit of Gasfields Commission Queensland, submitter 16 notes that coexistence cannot be mandated but may be encouraged.</p>	Resources notes this feedback.

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N/A	11	Submitter 11 raised concerns in relation to the name change from the 'Gasfields Commission' to 'Coexistence Queensland' because the name 'Coexistence Queensland' may cause confusion about the entity's remit.	The Gasfields Commission will be renamed 'Coexistence Queensland' to reflect its expanded remit beyond the onshore gas industry to the broader resources and renewable energy sectors. This will enable Coexistence Queensland to provide information, education and advisory roles in relation to these sectors and their ability to coexist with landholders, the agricultural sector and regional communities.
N/A	4, 29	Submitter 4 and 29 considers it will be important for Coexistence Queensland to be adequately funded and resourced to support its expanded remit and be effective in that role.	The Gasfields Commission is receiving a \$1.5 million increase to its regular budget over 2023-24 and 2024-25 financial years via a grant from the Department of Energy and Climate. These funds will help establish a senior project team and six new full-time employees. It will also allow for the new 'Coexistence Queensland' to update its IT systems, educational abilities and business plan to ensure that it will be able to effectively deliver its services under the new remit.
N/A	5	Submitter 5 does not support amendments to the GasFields Commission Queensland remit.	Resources notes this feedback.
N/A	29	Submitter 29 recommends the Committee allow the amendment to the GasFields Commission Act be debated and passed, on the condition that implementation and supporting regulation is further consulted on. Submitter 29 requested further consultation is undertaken to design the roles, responsibilities and services offered by Coexistence Queensland.	Resources and Department of Energy and Climate will continue to work with the GasFields Commission and key stakeholders to support an efficient transition to Coexistence Queensland and any necessary regulatory requirements, should the legislation be passed by Parliament.
N/A	17	Submitter 17 queried the on-ground impacts of reducing Coexistence Queensland's regulatory oversight role.	<p>The focus of Coexistence Queensland will be delivering outcomes related to the provisions of information, engagement and education services to the landholders, regional communities and industry in relation to emerging coexistence issues.</p> <p>Coexistence Queensland will have an advice function to government in relation to systemic coexistence issues which may see the provision of advice relating to regulation amongst other things. The removal of an explicit regulatory oversight role from Coexistence Queensland's remit will remove duplicative functions with other entities within government that have regulatory oversight functions including the Queensland Audit Office and Queensland Ombudsman.</p> <p>Coexistence Queensland will also be able to re-focus their efforts and resources in establishing several community leaders councils, with an aim to expand their on-ground engagement and identify systemic coexistence issues across their expanded remit.</p>
N/A	1	Submitter 1 considers conflict of interests should be declared by QFCQ persons who are responsible for writing policy.	<p>The disclosure requirements for Commissioners and the Chief Executive will continue and apply to members of Coexistence Queensland, members will be required to disclose precautionary interests at the time of appointment, through meetings and keep a register of those interests.</p> <p>In addition, the GasFields Commission employs staff members under the <i>Public Service Act 2008</i>, and employees must adhere to the obligations under the Act related to conflicts of interest.</p>

CI	Sub No.	Key points	Department's response
N/A	26, 32	Submitters 26 and 32 advocate for progressing the Coexistence Queensland amendments of the Bill separately, to allow for the in-depth consideration and refinement to optimise the subsidence management provisions.	Resources notes this feedback.
N/A	25, 26, 35	Several submitters consider it will be important for Coexistence Queensland to be adequately funded and resourced to support its existing and expanded remit and be effective in that role. Submitter 26 emphasised the importance of maintaining the commission's resourcing on its existing work within the gas sector.	The GFCQ is receiving a \$1.5 million increase to its regular budget over 2023-24 and 2024-25 financial years via a grant from the Department of Energy and Climate. These funds will help establish a senior project team and six new full-time employees. It will also allow for the new 'Coexistence Queensland' to update its IT systems, educational abilities and business plan to ensure that it will be able to effectively deliver its services under the new remit. Coexistence Queensland will retain its existing education, engagement, and advice functions with respect to the onshore gas industry. The increased resourcing and funding being provided to Coexistence Queensland will enable it to continue its important work in the gas sector, as well as direct its focus towards the broader resources and renewable energy sectors.
N/A	27	Submitter 27 considers that the GFCQ needs to do a better job of providing information to regional stakeholders of impending government policy and decisions that may affect them.	A key focus of the Bill is the refocussing of the role of GFCQ, which will be rebranded to be Coexistence Queensland, to enable it to provide information, education and advice in relation to landholders, the agricultural sector and regional communities and coexistence matters with the broader resources and renewable energy sectors. Coexistence Queensland will engage with appropriate entities, including government, in performing its functions, so that it can provide advice and information with respect to implications of government policy and decisions that may affect coexistence in Queensland.
	20, 27	Submitter 20 and 27 raised concerns about the definition of 'coexistence' and the ability for Coexistence Queensland to demonstrate true coexistence looks like. Submitter 20 considers a definition for 'coexistence' or 'sustainable coexistence' should be inserted into the dictionary of the Act.	. At the basis of coexistence is the regulatory frameworks and commercial opportunities that drive competition for land. What is appropriate in relation to coexistence for one set of regulatory requirements may not be the case for another set of circumstances. Consequently, providing a legislative definition may limit the flexibility required to address broader issues in relation to coexistence and support mutually beneficial relationships between industries and the host communities they operate within. The expanded functions of Coexistence Queensland are intended to manage and improve the key elements of successful coexistence for which the statutory body will work within, therefore it is not necessary to insert a meaning of 'successful coexistence' in the Bill.
N/A	22	Submitter 22 considers the name 'Coexistence Queensland' to be not easily searchable in an online setting by a landholder seeking information on regulation and processes applying to gas, renewables and other industries.	Resources notes this feedback. The implementation of the rebranding of GFCQ to Coexistence Queensland is a matter for GFCQ.
Purpose of the Act			
14	4	Submitter 4 supported the inclusion of renewable energy in the purpose of <i>Coexistence Queensland Act 2013</i> (CQ Act). Submitter 4 did, however, raise concerns about ambiguity in the purpose of the CQ Act, and whether the	This feedback is noted. The Bill amends the purpose of CQ Act to provide that the purpose of Coexistence Queensland is to manage and improve the sustainable coexistence of

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		resources industry and the renewable energy industry is an amalgamated group.	landholders, regional communities, the resources industry, and the renewable energy industry.
N/A	31	<p>Submitters 31 and 35 do not believe that First Nations interests are reflected in the functions of Coexistence Queensland and believes that the Queensland Government and Coexistence Queensland need to build trust with landholders and First Nations peoples to ensure they provide meaningful support.</p> <p>Submitter 31 raised concerns about several challenges landholders and First Nations people face in negotiating a fair outcome, including time constraints, 'gag' clauses and unclear and unenforceable clauses. Submitter 31 believes that the primary role of Coexistence Queensland should include supporting landholders and First Nations people in these negotiations. Submitter 31 recommends Coexistence Queensland develop specific and dedicated resources for First Nations people.</p>	<p>Coexistence Queensland will work with landholders and regional communities, including First Nations peoples, to promote and facilitate positive coexistence outcomes across their broadened remit. The revised functions of Coexistence Queensland will have a key focus on providing engaging services, such as establishing community leaders councils. Engagement services will help to build positive relationships and trust with key members of regional communities impacted by coexistence issues, including agricultural landholders and First Nations peoples.</p> <p>When appointing members, the Minister will be able to take into consideration the need for equal representation, diversity and relevant experience when appointing members to Coexistence Queensland, including the interests of First Nations peoples.</p>
Functions of Coexistence Queensland			
16	14	<p>Submitter 14 raised concerns that the overview of the role of the Commission on page 4 of the explanatory notes incorrectly identifies a reduction in its role in relation to its regulatory oversight function to provide advice to government and other stakeholders on such systemic issues. This reduction is implied by outlining that this advice would only be given upon request from government. Clause 16 of the Bill does not make this distinction.</p> <p>The Commission considers that the ability to perform an advisory function should not be limited or impeded.</p>	<p>Resources thanks the Commission for its feedback and is supportive of an amendment being made to the explanatory notes to ensure this aligns with clause 16 of the Bill.</p> <p>The functions of Coexistence Queensland are consistent with other entities within government that have regulatory oversight functions including the Queensland Audit Office and Queensland Ombudsman. This change removes duplicative functions whilst retaining an advice function to government in relation to systemic coexistence issues.</p>
16	6, 7, 8, 11, 12, 14, 16, 17	<p>Concerns were raised from multiple submitters about the functions of Coexistence Queensland, including:</p> <ul style="list-style-type: none"> That there is no clear function that relates to Coexistence Queensland's role of managing and improving the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry as outlined in the purpose section of the <i>Coexistence Queensland Act 2013</i> (CQ Act) The current regulatory oversight and advice functions should be retained, noting this function is vital to Coexistence Queensland's ability to add value in relation to coexistence matters across the broader resources and energy sector. The removal of the regulatory oversight is a diminishment of powers and it is unclear what the removal will mean in practice Coexistence Queensland should have a role in providing advice when impacts from the resource industry are not sustainable for coexistence and activities should be halted or limited in certain parts of Queensland 	<p>The functions of Coexistence Queensland outlined in clause 16 of the Bill are intentionally broad to capture a range of information, education and advisory roles that relate to the resources and renewable energy industries and their ability to coexist with landholders and regional communities. Where appropriate, these functions include direct references to 'sustainable coexistence' which Resources considers effectively captures the purpose of the CQ Act.</p> <p>Resources acknowledges the concerns regarding the removal of the regulatory oversight function; however the functions of Coexistence Queensland are consistent with other entities within government that have regulatory oversight functions including the Queensland Audit Office and Queensland Ombudsman. This change removes duplicative functions whilst retaining an advice function to government in relation to systemic coexistence issues.</p> <p>The Bill will allow Coexistence Queensland to partner with appropriate entities to deliver educational resources and information about health and wellbeing matters relating to the sustainable coexistence of landholders, regional communities, the resources industry and the renewable energy industry. Coexistence Queensland will also be required to maintain</p>

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		<ul style="list-style-type: none"> The term 'better relationships' should be replaced with the term 'effective relationships', with a definition in the Bill to state an effective relationship as a transparent and respectful relationship between two parties Some support for the expanded education and stakeholder engagement function, and suggestions to individualised support to landholders to address their unique needs A review into the health impacts on residents and landholders of agricultural land in a declared area to be undertaken, including recommendations on how to address such impacts and partner with appropriate entities to deliver educational resources and information about health and wellbeing matters. 	confidentiality of any private health-related information provided by individuals in accordance with the provisions of the <i>Information Privacy Act 2009</i> .
31	35	Submitter 35 raised concerns that the expanding carbon farming industry is negatively impacting on rural communities and the ability of carbon farming to coexist with the agricultural industry and broader regional development. As a result submitter 35 suggests the remit of Coexistence Queensland is expanded to include carbon farming.	Resources notes this feedback. The expanded remit at this time is to only extend to the resources and renewable energy industries. Expanding Coexistence Queensland's remit to include carbon farming is out of scope at this time.
16	31	Submitter 31 request further clarification on the voluntary advisory role of Coexistence Queensland and suggested amendments to the explanatory notes, to reflect this clarification.	Resources notes this feedback and intends to revise the explanatory notes to provide greater clarity with respect to the advisory role of Coexistence Queensland.
N/A	25	The submitter strongly supports the expansion of GFCQ to include renewable energy sector. GFCQ's experience to date provides an excellent foundation for the broader role.	Resources notes this feedback
25	25, 27, 35	<p>Submitter 27 and 35 raised concerns about the GFCQ losing their regulatory oversight and advice roles. Submitter 35 states that these roles are vital to Coexistence Queensland's ability to add value in relation to coexistence matters across the broader resources and energy sectors.</p> <p>Submitter 25 supports GFCQ's request that the following existing conditions of the <i>Gasfields Commission Act 2013</i> are retained and broadened in scope:</p> <ul style="list-style-type: none"> reviewing the effectiveness of government entities in implementation of regulatory frameworks; and making recommendations to the relevant Minister that regulatory frameworks and legislation relating to the onshore gas industry be reviewed or amended. <p>Submitter 27 also considers that the compulsory consultation provision should remain in the Coexistence Queensland Act but should be expanded to include the renewable energy industry.</p>	Resources acknowledges the concerns regarding the removal of the regulatory oversight and advice functions. The existing regulatory oversight functions of GFCQ are duplicative of other entities' functions within government that have regulatory oversight functions including the Queensland Audit Office and Queensland Ombudsman. This change removes duplicative functions whilst retaining an advice function to government in relation to systemic coexistence issues.
Appointment as a Member			

CI	Sub No.	Key points	Department's response
18	4	Submitter 4 provided support for the inclusion of an appointed member to Coexistence Queensland to have knowledge of, or experience with the renewable energy industry. However, suggestions were made to ensure that members have experience in Queensland policy settings and that there is equal representation between members who have resources and renewable energy backgrounds.	<p>When recommending to Governor-in-Council appointment of members, the Minister will be able to take into consideration the need for equal representation, diversity and relevant experience when appointing members to Coexistence Queensland. A provision requiring equal representation is not considered necessary as this is achieved through the other requirements of the provision.</p> <p>The new CQ Act will include transitional provisions that will enable the Commission to carry out its existing functions, and the current board of Commissioners to be retained, for one year. This will ensure a smooth transition as it expands its remit into the renewable energy industry and broader resources sector.</p>
18	8	Submitter 8 advised that it is a member from the agricultural industry and is well placed to represent the 'interests of communities' and would like to be considered as a member.	Resources notes this feedback.
18	8, 11, 12, 13, 16, 19	<p>Concerns were raised from various submitters about the proposed membership of Coexistence Queensland and that membership should represent a range of agricultural businesses to improve diversity, including graziers, intensive cropping and irrigators who have experience across all resource activities.</p> <p>Suggestions were made that landholder experience in land management should be considered as a prerequisite for appointing members, and a person must be able to demonstrate knowledge and experience as a primary producer landholder.</p>	While Resources considers that the interests of the agricultural sector would broadly be captured by a member who has knowledge of, or experience with, the interests of landholders, Resources is supportive of an amendment to this provision to clarify that Coexistence Queensland will include a member who has knowledge of, or experience with, the interests of the agricultural sector.
18	29	Submitter 29 raised concerns that the current member experience currently is not keeping pace with what is happening on the ground in relation to restricted areas and renewable energy.	<p>The Bill will broaden the GasFields Commission's current function to include the renewable energy industry, and as a result the membership of the new Coexistence Queensland will need to include a member with the knowledge and experience with the renewable energy industry.</p> <p>Transitional provisions will enable the GasFields Commission to carry out its existing functions, and the current board of commissioners to be retained for one year, before a smooth transition can occur as it expands its remit into the renewable energy industry and broader resources sector.</p>
24, 25	22, 27	<p>Submitter 22 believes current composition of the Board has a strong resources industry representation and seeks board members with an agricultural and agronomic background with a practical working knowledge of farming practices.</p> <p>Submitter 27 raised concerns about the bias towards the resources sector in employees and board positions occupied at the GFCQ.</p>	Resources notes this feedback and is giving consideration to clarifying existing provisions so that members of Coexistence Queensland will include representatives from the agricultural sectors, with a view to ensuring equal representation among stakeholders within the coexistence space.
Power to require information			

CI	Sub No.	Key points	Department's response
24	12, 13	Concerns were raised in relation to the powers of Coexistence Queensland to require information or face a monetary penalty if information is not provided to Coexistence Queensland when requested.	The Bill has not amended the legislation to include a new penalty, however, has retained the existing provision from the <i>Gasfields Commission Act 2013</i> . If information is requested by the Chair from a landholder, this process is not intended to be burdensome or penalise landholders who may not be able to provide the information.
Gasfields Community Leaders Council			
25	4	The renewable energy industry is supportive of establishing multiple Community Leaders Councils.	Resources notes this feedback.
25	4	Submitter 4 noted community engagement about the renewable energy sector is becoming increasingly complex and there is a risk of confusion and fatigue for both community and industry. Submitter 4 suggested more coordination across government departments to develop a streamlined and connected policy framework, that provides greater clarity to community and the renewable energy sector.	The Coexistence Queensland Act will be jointly administered by the Minister for Resources and Critical Minerals and the Minister for Energy and Clean Economy Jobs. The administrative arrangements will be updated to reflect this change, and both departments and Coexistence Queensland will work together to ensure a coordinated approach to implementation and the ongoing administration of the refocused statutory body.
24, 25	8, 11, 12, 13	Concerns were raised that scope and membership of the Community Leaders Council should be expanded to include the agricultural sector. It was also suggested that the term 'landholder' is too vague in the context of a 'prescribed entity' from which Coexistence Queensland may require particular information.	Resources is supportive of this recommendation to clarify the existing provisions so the scope and membership of community leaders councils clearly includes the agricultural sector.
25	6, 7	Submitters 6 and 7 suggest that community and industry representation of regional areas, particularly Western Downs region due to their involvement in energy transition, is necessary in the proposed Community Leaders Councils. It was recommended that a number of community leaders councils are established, in consultation with the local government stakeholders, to support place-based identification of issues affecting co-existence of landholders, regional communities and the resources and renewable energy industries.	The need for more than one Community Leaders Council was identified as a key recommendation in the Independent Review into the Gasfields Commission in 2016. The recommendation outlined the need to provide greater engagement and community participation into relevant areas that are subject to coexistence issues. The Bill enables the expansion of the Community Leaders Council beyond the onshore gas industry, and allows for Coexistence Queensland to establish at least one community leaders council, and may establish more than one community leaders council to support the identification of issues affecting the coexistence of landholders, regional communities, the resources industry and the renewable energy industry. A Community Leaders Council will comprise the chief executive officer and other individuals that Coexistence Queensland is satisfied represent local governments, regional communities, the resources industry and the renewable energy industry. The intent of this provision is to ensure the council members represent a diverse range of interests, including local government interests.
Transitional Provisions			
30	4	Submitter 4 has recommended that at least one member with relevant renewable energy experience is appointed to Coexistence Queensland in a timely manner, to reflect the expanded remit to include renewable energy. This	Resources notes this feedback. New appointments to Coexistence Queensland will be considered once the Bill is passed.

CI	Sub No.	Key points	Department's response
		will assist in ensuring that Coexistence Queensland to effectively perform its additional functions as soon as possible.	The new Coexistence Queensland Act will include transitional provisions that will enable the Commission to carry out its existing functions, and the current board of Commissioners to be retained, for one year. The Minister may, however, recommend to the Governor-in-Council a more timely appointment of members should it be considered that the membership does not effectively represent the expanded remit of Coexistence Queensland.
Geothermal Energy Act 2010 and Greenhouse Gas Storage Act 2009			
N/A	12	Submitter 12 supports the amendments to these Acts.	Resources notes this feedback.
37	31	Submitter 31 supports the public release of information around Greenhouse Gas Storage authorities and suggest this could similarly be extended to all resource and development activities to increase transparency for affected and interested community members.	Resources notes this feedback.
Land Access Ombudsman 2017			
General			
N/A	5	Submitter 5 has raised concerns that the Land Access Ombudsman's (LAO) alternative dispute resolution (ADR) function will cause delays and additional costs for mineral resource tenure applicants and holders. Additionally, there are concerns that it may increase legal conflicts between landholders and tenure holders or applicants, associated with various instruments such as the deed of agreement, reservations held by the state, compensation agreements and conduct and compensation agreements.	The Bill provides for the LAO to be an ADR facilitator for a range of disputes associated with resource activities, which are listed in Clause 54 of the Bill. The ADR process is optional and will require both parties to agree to enter into an ADR process. The LAO may be nominated as an ADR facilitator. If the parties cannot reach an agreement through ADR, the Land Court can make a determination. Alternatively, parties may go straight to the Land Court for a determination. Resources notes the submitter's concerns regarding the LAO's ADR function may increase legal conflicts. The LAO's function is focused on investigating breaches of specific agreements and plans under Resources Acts, along with facilitating resolution of disputes relating to the establishment of these agreements. Resources does not believe that these functions will increase legal conflict.
N/A	6, 7	Submitters 6 and 7 consider that the LAO or another appropriate body provide individualised mentoring, support and education for landholders taking part in the ADR process.	The expanded role of the LAO will enable them to investigate and facilitate the resolution of land access disputes, and to conduct ADR in certain circumstances. It is not intended that the LAO provide education, mentoring and support for landholders. Coexistence Queensland has a role in providing information, education and advice about the resources and renewable energy industries and their ability to coexist with landholders and regional communities.
54	6, 11, 12	Submitters are supportive of LAO providing a non-binding ADR role.	Resources notes this feedback.
N/A	11	Submitter 11 has concerns that the LAO has limited knowledge regarding impacts of CSG-induced subsidence, and expert evidence will be required to assist the LAO in their new role.	The existing inquiry powers of the LAO will continue, and will allow the LAO to make inquiries, including consulting with relevant technical experts about CSG-induced subsidence impacts where, they believe it is appropriate and related to an LAO investigation.

CI	Sub No.	Key points	Department's response
N/A	6, 12	<p>Submitter 6 suggests landholders are provided financial support for legal, agronomic and other consultation expenses incurred in taking part in the ADR process.</p> <p>Submitter 12 has recommended that free ADR services provided by the LAO should be made available to landholders to resolve disputes in relation to crossing and causing access land for the purpose of needing to carry out a subsidence activity.</p>	<p>The Bill expands the jurisdiction of the LAO to provide ADR services and be appointed as an ADR facilitator for various disputes relating to land access agreements, including access agreements, subsidence management plans, and subsidence compensation agreements, these agreements may include land access for crossing or carrying out a subsidence activity.</p> <p>In most cases the cost of the ADR facilitator will be covered by the tenure holder. The cost incurred by each party in obtaining legal services or other specialist advice to support them in an ADR process is borne by each party. However, there are other avenues in the subsidence management framework to claim the costs reasonably and necessarily incurred in negotiating subsidence management plans and agreements, including the costs of legal and technical advice. These are the same costs that can be claimed under the current Conduct and Compensation Agreement framework.</p>
N/A	29, 30	<p>Submitters were generally supportive of the broadening of responsibilities of the LAO, particularly if the number of disputes going to the Land Court can be reduced. However, the following concerns were raised:</p> <ul style="list-style-type: none"> • Submitter 30 does not support the proposed funding model for the LAO due to the lack of detail around the methodology • Submitter 29 recommends the LAO amendments in the Bill be debated and passed, on the condition that implementation and supporting regulation is further consulted on. 	<p>Resources will continue to work with stakeholders to develop the necessary regulatory and technical requirements for implementing the amendments in the Bill, particularly those in relation to the LAO funding model which will be included in subordinate legislation, should the legislation be passed by Parliament.</p>
N/A	26	<p>Submitter 26 recognises the potential benefits of expanding the jurisdiction of the Land Access Ombudsman (LAO), however, raised concerns regarding cost implications for the new industry levy.</p> <p>Submitter 26 states that industry is unable to endorse this cost burden without further information about the magnitude of the levies and how they will be appointed across different tenure types.</p>	<p>Resources notes this feedback. Levies will be apportioned among prescribed tenure holders or classes of tenure holders based on the level of demand that tenure holders create for the ombudsman's services. This gives the LAO the flexibility to develop budgets and impose fees on tenure holders in a manner that is commensurate with the cost of providing services to them. The provisions governing industry levies are designed in this way to ensure a fair and equitable disbursement of fees across the resources sector.</p> <p>The precise figures that tenure holders can be expected to pay are not able to be provided at this time, as it is currently too early to accurately gauge the demand for the LAO's services under its expanded remit, and precisely which tenure holders are anticipated to create more demand than others.</p> <p>The details and methodology of the LAO industry levy will be developed through the subordinate legislation making process and further consultation with stakeholders will occur before legislative amendments are made.</p>
N/A	22	<p>Submitter 22 asks if the government would consider expanding the industry levy to fund LAO services to cover payment of a compensation liability owed to a landholder by a resource authority holder that is unable to meet the financial obligation.</p>	<p>The LAO levies are intended to recover the full costs of operating the office and LAO services pursuant to its expanded remit. The LAO industry levy is not intended to create an additional security fund for the purposes of paying out compensation liabilities owed to landholders by tenure holders that are unable to meet their financial obligations. The Bill does not propose</p>

CI	Sub No.	Key points	Department's response
			an additional security fund as changes to securities held by the State are out of scope of this Bill.
Jurisdiction			
42	11	Submitter 11 suggested extending the LAO's jurisdiction to cover land access disputes relating to unregulated deviated well agreements.	LAO ADR services are to apply to land access disputes mentioned in new section 7 <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> (MERC Act) and does not extend to deviated well agreements as these are unregulated, voluntary agreements.
42	1, 11, 12	Several submitters expressed concerns that tenure holders are able to 'self-assess' activities as preliminary or advanced activities and requested that the LAO play a role in determining whether the activity is preliminary or advanced, particularly in relation to deviated wells.	Resources notes this feedback. Stakeholder feedback received on the consultation paper: Coexistence institutions and subsidence management framework, indicated that further work on the land access risk assessment proposal and determinative powers of the LAO was necessary. Due to the feedback received, it was determined that the proposal would not be progressed through the Bill at the time.
Funding			
50	12	Submitter 12 is supportive of the proposed industry levy funding mechanism for the LAO.	Resources notes this feedback.
50	5, 29, 30	<p>A number of submitters are not supportive of an industry levy to fund the LAO and raised concerns about the lack of detail and consultation on the proposed LAO levy.</p> <p>Submitter 5 has concerns that costings or estimates have not been provided and there are no details about how the levy will impact resource tenure holders.</p> <p>Submitter 30 also has concerns that without an actual rate or method of calculating service or cost recovery fees or levies, it is difficult to determine the financial implications on industry.</p> <p>Submitter 30 also considers that there is no justification about why the funding of the LAO is transitioning from a public funded model to an industry funded model. It also suggests that the LAO should be a state funded entity due to the nature of their activities within a coexistence framework and given the industry contributes to government revenue through the payment of royalties.</p> <p>Submitter 30 considers the LAO levy should be withdrawn from the Bill and a regulatory impact statement undertaken.</p>	<p>The funding model for the LAO industry levy aligns with the Queensland Treasury's principles for fees and charges, which states charges for goods and services must aim for full cost recovery. The industry funded model ensures full cost recovery from the resource sectors, rather than taxpayers subsidising these services. The proposed funding model is in line with other industry ombudsman services.</p> <p>The details and methodology of the LAO industry levy will be developed through the subordinate legislation making process and further consultation with stakeholders will occur before legislative amendments are made.</p> <p>Resources has engaged with Queensland Treasury's Office of Best Practice Regulation as part of the development of the Bill and considered the potential impacts, costs and benefits of the regulatory proposals in the Bill. The outcome of the assessment determined a full Impact Analysis Statement was not required.</p> <p>Accordingly, the department undertook a summary Impact Analysis Statement on the relevant reforms in line with the Queensland Government Better Regulation Policy. The Impact Analysis Statement's will be published on the department's website.</p>

CI	Sub No.	Key points	Department's response
50	30	<p>Submitter 30 raised the following issues in relation to the levy:</p> <ul style="list-style-type: none"> • There is uncertainty as to whether the annual levy covers administrative costs only, leaving questions about the extent of cost recovery fees for ADR processes. • the requirement for quarterly forecasts of cost recovery fees, even when no ADR process is ongoing, imposes unnecessary administrative burden and costs. • the Bill doesn't ensure that cost recovery fees are directly linked to incurred costs, potentially leading to discrepancies without avenues for challenge or adjustment. • the LAO can request supplementary fees from resource authority holders without a clear process for challenge. <ul style="list-style-type: none"> supplementary fees should not recover fees from all holders for unpaid fees by individuals, but rather should be recovered as debts from the individuals. 	<p>The annual levy is intended to cover the day-to-day operating costs of the office of the LAO, including for instance, office accommodation, amenities and facilities, and staff salaries. The LAO will also charge a quarterly fee for service to prescribed resource tenure holders to account for the anticipated costs of providing those discrete services, including ADR and investigation services. This quarterly levy will be charged to each relevant holder in advance of each quarter. In calculating quarterly fees, the LAO may take into account the costs associated with providing services to tenure holders in the previous or current quarter.</p> <p>The precise figures that tenure holders can be expected to pay are not able to be provided at this time, as it is currently too early to accurately gauge the demand for the LAO's services under its expanded remit, and precisely which tenure holders are anticipated to create more demand than others.</p> <p>In addition, the LAO's advisory council is being established to promote the additional oversight and accountability following the transition of the LAO to a wholly industry funded statutory body with complete control over its finances. The advisory council will be comprised of an independent chairperson, and representatives from both agricultural and resources industry. The advisory council will advise on the development of budgets, including the development and calculation of industry levies. The advisory council will also provide advice to the Minister on the administration of the LAO's functions and its budgets.</p> <p>In regards to approval of supplementary fees, the Bill requires that the LAO must first seek approval from the Minister, who must then recommend to the Governor in Council that the supplementary fee be imposed.</p> <p>Furthermore, the LAO will consult with members of the LAO advisory council, in the development of supplementary fees. The advisory council must include members from the resources sector to ensure the interests of this sector are represented in the development of the LAO matters, including the development of supplementary fees. This approval process and consultation with the LAO advisory council ensures that there is sufficient scrutiny around the imposition of supplementary fees. Further consideration will be given to the operation of cost recovery levies as the regulation is developed in consultation with industry stakeholders, with a view to minimising, the administrative burden on industry created by the levies.</p> <p>However, this burden is not anticipated to be significant, given that the LAO, rather than the tenure holder, will assume responsibility for determining the fees payable to relevant holders for a quarter. The LAO will do this by preparing a forecast of the cost that the LAO reasonably considers will be the holder's relevant likely costs for the assessed quarter. The LAO will make the forecast on the basis of previous costs occasioned by the tenure holder in the previous quarter, and the anticipated costs of providing services in the current quarter.</p> <p>Consideration will also be given to the manner in which cost recovery fees are imposed, to allow adjustments to ensure that any surplus fees not required for the administration of the LAO's functions can be reimbursed to holders. Finally, consideration will be given to ensuring</p>

CI	Sub No.	Key points	Department's response
			that supplementary fees are equitably apportioned where required, to ensure tenure holders are not unduly burdened.
N/A	32	Submitter 32 seeks that a public impact analysis statement be provided in relation to the new industry levy for the LAO increased functions.	<p>The funding model for the LAO industry levy aligns with the Queensland Treasury's principles for fees and charges, which states charges for goods and services must aim for full cost recovery. The industry funded model ensures full cost recovery from the resource sectors, rather than taxpayers subsidising these services. The proposed funding model is in line with other industry ombudsman services.</p> <p>The details and methodology of the LAO industry levy will be developed through the subordinate legislation making process and further consultation with stakeholders will occur before legislative amendments are made.</p> <p>Resources has engaged with Queensland Treasury's Office of Best Practice Regulation as part of the development of the Bill and considered the potential impacts, costs and benefits of the regulatory proposals in the Bill. The outcome of the assessment determined a full Impact Analysis Statement was not required.</p> <p>Accordingly, the department undertook a summary Impact Analysis Statement on the relevant reforms in line with the Queensland Government Better Regulation Policy. The Impact Analysis Statement's will be published on the department's website.</p>
Advisory council			
50	11, 12	Submitters 11 and 12 are supportive of the LAO advisory council, with submitter 11 supportive of the inclusion of member/s on the LAO advisory council who represent the interests of agricultural and other landholder groups.	Resources notes this feedback.
50	5	Submitter 5 is not supportive of the LAO advisory council as the costs of the advisory council will increase the costs for funding the LAO.	<p>The LAO's advisory council is being established to promote the additional oversight and accountability following the transition of the LAO to a wholly industry funded statutory body with complete control over its finances. The advisory council will be comprised of an independent chairperson, and representatives from both agricultural and resources industry. The advisory council will advise on the development of budgets, including the development and calculation of industry levies. The advisory council will also provide advice to the Minister on the administration of the LAO's functions and its budgets.</p> <p>The appointment and remuneration of the advisory council members will be determined by government, if the Bill is passed. It is not expected that the cost and/or remuneration will be a</p>

CI	Sub No.	Key points	Department's response
			significant cost to establishing the LAO, given that advisory council members will not be salaried.
50	29	Submitter 29 requests to be a member on the LAO Advisory Committee.	Resources notes this feedback.
Out of scope of the LAO Bill			
N/A	4	The renewable energy industry would support an expansion of the LAO for similar complaints and concerns for the renewable energy industry as the LAO only has a remit related to the resources industry. It is further suggested that if the LAO was to include the renewable energy industry, base funding should be from the government rather than an industry levy.	The regulatory frameworks that administer the approval and land access arrangements for resource activities are very different to those that administer renewable energy projects. Unlike resource activities, renewable energy projects require landholder consent to undertake activities on private land. Due to this key difference, it is considered inappropriate to expand the role of the LAO into the renewables sector at this time. Additionally, Queensland has an Energy and Water Ombudsman. It may be more appropriate to expand the Energy and Water's Ombudsman's remit to consider disputes that relate to the renewables sector.
N/A	5	Submitter 5 suggested that rather than an industry levy, royalties should be used to fund an independent commissioner, which should be run under the instruction and supervision of the Land Court.	This feedback is noted and is considered out of scope of this Bill.
Mineral and Energy Resources (Common Provisions) Act 2014			
General			
N/A	11, 12	Concerns were raised that coexistence is not achievable as the framework does not achieve the fundamental objectives of coexistence where both parties benefit. The requirements to comply with the agreement and ADR provisions of the subsidence management framework cannot be considered sustainable coexistence. Landholder raises concern that negotiations with resource companies may result in contracts and agreements being without mutual agreement because of the stronger negotiation position of resource companies.	Coexistence represents a mutually beneficial relationship between two or more things. Queensland's resource and agricultural sectors are vital to the state's economy through their substantial exports, and both represent large sectors of employment, particularly in regional Queensland. Queensland's coexistence framework aims to ensure that resource and agricultural activities can effectively coexist so that the benefits of both sectors can be realised. For this to occur, the interests of both industries must be balanced in a way that both industries can continue to operate and continue to benefit the state. The subsidence management framework is a risk based management framework that will see agricultural landholders working with petroleum companies to establish subsidence management plans in areas at high risk of impacts from CSG-induced subsidence to address the impact this will have on farming operations. The establishment of an ADR process supports the negotiation process to achieve a balanced outcome. And where agreement cannot be reached through ADR, the Land Court will make a decision on the appropriate management measure which will be taken to be the agreement.
183	12	Submitter 12 is supportive of the amendments made that enable the format of reports to be prescribed to include a degree of precision required. This will assist in ensuring information provided by resource tenure holders assists in the administration of the MERCPC Act or a Resources Act.	Resources notes this feedback.

CI	Sub No.	Key points	Department's response
86, 91	12, 16	<p>Submitter 12 is supportive of the amendments made to the dictionary in Schedule 2, particularly in relation to the inclusion of relevant specialist to the definition of negotiation and preparation costs. It is also suggested this definition should include landholder time spent in negotiating these costs.</p> <p>Submitter 16 also supports change to "relevant specialist".</p>	Resources notes this feedback.
Purpose			
70	12, 16	Submitters 12 and 16 are supportive of including references to 'CSG-induced subsidence' in the purposes of the Act and how they can be achieved.	Resources notes this feedback.
69, 70	27	Submitter 27 considers that the long title and main purpose of the MERCP Act should be amended to include a reference to 'mitigating' the impacts of CSG-induced subsidence.	Although the purpose of the Act has not been amended to include a reference to 'mitigating' the impacts of CSG-induced subsidence, where a subsidence management plan is required, it must include subsidence management measures to manage the impacts of CSG-induced subsidence. For this purpose, manage is defined to include prevent, mitigate or remediate.
Preliminary and advanced activities			
72	11, 12	<p>Submitters 11 and 12 raised concerns in relation to preliminary and advanced activities which include:</p> <ul style="list-style-type: none"> • whether directional drilling is a preliminary or advanced activity • if subsidence activities are preliminary or advanced activities, and if there is a distinction between these activities when it applies to off-tenure • whether the threshold for a preliminary activity should be amended, so that an activity is not a preliminary activity, where it is an authorised activity carried out on land less than 300 hectares in size and is being used for intensive farming or broadacre agriculture <p>Submitter 11 also submitted that all subsidence activities should be considered advanced activities, especially where the activity occurs on organic or bio-organic farms.</p>	<p>The Bill amends the definition of preliminary activity to introduce a threshold-based classification for authorised aerial surveying activities to exempt aerial surveying at or above 1000ft. It does not amend the threshold for where preliminary activities are automatically considered advanced activities or change the definition of preliminary activity as it applies to directional drilling.</p> <p>In regard to the subsidence management framework, subsidence activities are authorised activities. This means that subsidence activities can be either preliminary or advanced, in accordance with sections 15A and 15B of the MERCP Act. This applies irrespective of whether the land on which the subsidence activity is carried out is on tenure or off-tenure.</p>
75	31	<p>Submitter 31 supports changes to the definition of 'preliminary activity' where there is no impact on organic or bio-organic farming systems to ensure more oversight and protection of this land.</p> <p>Submitter 31 also seeks a change to the definition of 'preliminary activity' so that applies to land used for farming or agricultural operations in the same way it currently applies to intensive farming or broadacre agriculture.</p>	<p>The amendment does not alter the definition of preliminary activity as it relates to the underlying land use.</p> <p>Changes to exclude certain types of land uses (organic farming, bio-organic farming, agricultural operations, etc.) from the definition of preliminary activity are out of scope for this amendment.</p> <p>The proposed amendments provide an exemption from the preliminary/advanced activity framework for aerial surveys at or above 1000 feet to reduce the regulatory burden where there is minimal impact on the underlying land and underlying land use.</p>
Aerial surveying			

CI	Sub No.	Key points	Department's response
75	13, 17	Submitters 13 and 17 raised concerns with the amendment to remove the requirement of entry notices for aerial surveying at or above 1,000 feet, because they consider that in some circumstances this would have an impact on agricultural land uses, namely livestock.	Resources does not consider that aerial surveys conducted at 1000ft or above would impact livestock in the way described in the submission. Resources notes that the Civil Aviation Order 29.10 made under the Civil Aviation Regulations 1988 defines aerial stock mustering as the use of aircraft to locate, direct and concentrate livestock while the aircraft is flying below 500ft which is less than half the altitude relevant to the MEROLA Bill amendments.
72	12	Submitter 12 considers that the measurement used to describe limitations on aerial surveying should be described in metres not feet.	Altitude is described in feet for consistency with Australian Civil Aviation Regulations.
75	26, 30	Submitter 26 recommends that aerial survey exceptions are modified to aerial surveying between 200ft and 500ft. Submitter 30 recommends that aerial survey exceptions are modified to aerial surveying below 1000ft.	1000ft represents an altitude that has been identified by the Civil Aviation Safety Authority as the minimum altitude over built up areas, as well as an altitude that will not impact aerial livestock operations. The amendments acknowledge the need for flexibility for aerial surveys at or above this altitude to reduce the regulatory burden on industry and ensure the regulation is not overly onerous where there is minimal impact on the underlying land.
Entry to private land outside authorised area to undertake subsidence activity			
78	11, 12, 13, 16, 17	Although there was general support for the need to access land off-tenure to carry out subsidence activities, issues raised by landholder and agricultural groups relating to off-tenure land access include: <ul style="list-style-type: none"> the impact on landholders of negotiating notice of entry for multiple resources companies and activities the need for a new land access code that applies in relation to subsidence activities being undertaken on intensely cropped and irrigated land there are no requirements for access agreements or for resource authority holders to give landholders entry notices or access reports or arrangement times to cross access land there are no entry condition or entry requirements there is no penalty for contravening section 53E clarifying whether damage to 'works on the land' includes damage to crops, pastures, etc. general concerns that the rights of landowners and in particular entry to private land needs to be acknowledged and reasonably protected given that many farming enterprises are also the location of family homes. 	The Bill provides an ability for relevant holders to access land to carry out a subsidence activity. Subsidence activities are considered authorised activities for a resource authority. An amendment to section 38 of the MERCP Act ensures that the requirements for entry notices that apply generally under the Act will apply to the carrying out of a subsidence activity either on tenure or off-tenure. New division 4A in chapter 3, part 2, specifically provides for entry to land to undertake subsidence activities off-tenure. Under this division, relevant holders must not cause or contribute to unnecessary damage to any structure or works on the land, which would generally include unnecessary damage to crops and pastures. The land access framework, including the notice of entry provisions and application of the Land Access Code, will also apply to the subsidence management framework and may necessitate a requirement for an access agreement. If required, Resources will consult with stakeholders to ensure the current land access code is fit for purpose for the subsidence management framework. The Bill does not change any existing requirements for when an entry report is required. This means that under amended section 54 of the MERCP Act, resource authority holders will be required to give owners and occupiers of access land that is crossed to access off-tenure land a report after entry.
78	12	Submitter 12 raised concerns about whether the restricted land provisions in the MERCP Act apply to accessing off-tenure land to carry out a subsidence activity.	The restricted land provisions in the MERCP Act apply in relation to subsidence activities carried out on land off-tenure because subsidence activities are authorised activities.

CI	Sub No.	Key points	Department's response
			Additionally, when entering private land to carry out a subsidence activity, the resource authority holder must not cause any unnecessary damage to any structure on the land and must take all reasonable steps to cause as little inconvenience and damage as possible. The resource authority holder must also comply with the land access code that sets out mandatory conditions about conduct when entering and carrying out authorised activities on private land.
Chapter 5A CSG-induced subsidence management – Generally			
N/A	10, 12, 13, 14, 19, 23, 25	General support was provided for a CSG-induced subsidence management framework in line with scientific evidence. Submitter 25 also provided general support for a CSG-induced subsidence management framework and complements the State's progress and the framework's alignment with managing groundwater impacts of CSG extraction.	Resources notes this feedback.
N/A	7, 16	Submitters 7 and 16 recommended that the State Government commit to a review of the CSG-induced subsidence management framework within 12 – 24 months of legislation commencing, to ensure the framework is efficient and commensurate with the level or risk.	Resources reviews all its legislation and regulatory frameworks in line with the Queensland Government Better Regulation Policy to ensure regulatory frameworks remain contemporary and fit for purpose.
N/A	1, 11, 20, 22, 27	Submitters consider that the Department of Agriculture and Fisheries (DAF) should administer the subsidence management framework. Submitters 1 and 11 consider DAF should have a role in managing the impacts of CSG-induced subsidence. Submitter 1 has concerns that OGIA has a limited knowledge and understanding of agricultural impacts and are not suited to decide the methodology for managing CSG-induced subsidence in relation to priority agricultural areas and considers that DAF has access to the necessary suitably qualified persons to inform decisions about when risks from CSG development are too great for priority agricultural areas and strategic cropping areas.	The subsidence management framework is established in the MERC Act, which is administered by Resources. DAF will have a key role in developing any technical requirements for completing farm field assessments and subsidence management plans in conjunction with Resources. OGIA has been gradually expanding its skill base to cover all aspects relating to assessment and management of subsidence. Further to this, the Bill provides that before giving the chief executive a proposed subsidence impact report for approval, OGIA must consult on the proposed report, including the categorisation of agricultural land in the area and proposed management strategy. Submissions must be considered by OGIA and provided to the chief executive. Through this process, all stakeholders will have an opportunity to make submissions on the report before it is approved. In regard to the critical consequence process, the Minister also has an opportunity to seek information from other entities, which may include DAF, to assist in determining whether a critical consequence has occurred or is likely to occur.
N/A	11	Submitter 11 expressed concerns that the Bill does not put in place a moratorium on CSG production activities until legislative reforms come into effect to provide adequate protections to landholders.	The subsidence framework will ensure that the impacts from CSG-induced subsidence are managed and mitigated to support coexistence between the resources and agricultural sectors. One of the ways the Bill will achieve this is by preventing CSG-production from new wells until a farm field assessment is carried out, and if required, a subsidence management plan agreed to, for land that is at a high risk of impacts from CSG-induced subsidence, or for land

CI	Sub No.	Key points	Department's response
			on which impacts from subsidence are already occurring. This approach ensures that where production has not commenced on land that is most at risk of impacts from CSG-induced subsidence, new production does not occur ahead of an assessment on the farm scale about what the impacts might be is carried out.
N/A	1, 11	Submitters 1 and 11 consider that more should be done to stop CSG activities and that the framework should have a greater focus on limiting, restricting and preventing impacts from CSG-induced subsidence.	<p>The subsidence management framework has been developed to assess, monitor and manage the impacts of CSG-induced subsidence on agricultural land. OGIA will consider all existing and predicted impacts of CSG-induced subsidence when developing the subsidence impact report through data collection and modelling. It will impose obligations on resource authority holders to undertake land monitoring, base line data collection and farm field assessments based on risk of impacts from CSG-induced subsidence.</p> <p>In the unlikely event that the impacts from CSG-induced subsidence cannot be managed, the framework includes a mechanism for the landholder to seek a decision from the Minister about whether there is a critical consequence. If the Minister determines that there is a critical consequence, the Minister may require CSG activities to cease.</p>
N/A	1, 11, 12, 13	Landholders and agricultural groups raised concerns that the subsidence management framework does not capture the impact to important agricultural infrastructure, such as agricultural dams and ring tanks that can be hydraulically and structurally damaged because of CSG-induced subsidence and potential changes in water flow and made suggestions to amend the framework to address these impacts.	<p>As part of the subsidence impact report, OGIA will be required to consider the current and intended use of the land and farming practises on the land. This assessment would include agricultural infrastructure on the land, such as agricultural dams, where the infrastructure relates to the farming practices on the land.</p> <p>The Bill also provides a general liability to compensate an owner or occupier of agricultural land, for each compensatable effect suffered by the owner or occupier. A compensatable effect generally means any cost, damage or loss incurred because of the impacts or predicted impacts of CSG-induced subsidence happening because of the tenure holder.</p>
N/A	11	Submitter 11 raised concerns that the impact of CSG-induced subsidence on the environment has not been considered in the CSG-induced subsidence management framework.	<p>The <i>Petroleum and Gas (Production and Safety) Act 2004</i> already requires resource authority holders to obtain a relevant environmental authority, which is required under the <i>Environmental Protection Act 1994</i>, prior to carrying out activities under a petroleum lease.</p> <p>The subsidence management framework provides for the management of CSG-induced subsidence on agricultural land in a subsidence management area and the impacts of CSG-induced subsidence on the productivity of high-value agricultural land and intensive cropping activities.</p>
N/A	10, 12	<p>Submitter 10 raised the following concerns about the subsidence management framework:</p> <ul style="list-style-type: none"> it will have significant consequences for both resource authority holders and landholders there are limited rights of review following a subsidence impact report the process for undertaking compliance and enforcement actions the new offences for failing to comply with requirements. 	<p>The subsidence management framework has been developed to assess, monitor and manage the impacts of CSG-induced subsidence and improve coexistence between landholders or occupiers of agricultural land and the CGS industry. The framework includes a range of obligations and offences commensurate to the likely impacts from CSG-induced subsidence.</p> <p>A draft subsidence impact report will be made publicly available for consultation to provide relevant holders, landholders and the broader community an opportunity to review and provide comments on the proposed report. This consultation period must be at least 20 business days</p>

CI	Sub No.	Key points	Department's response
		<p>Submitter 12 also raised concerns about the limited rights of review following a subsidence impact report and a lack of transparency about the categorisation of land in the report.</p>	<p>from the day of the notification. This aligns with existing arrangements in the Water Act for the underground water impact report. All properly made submissions will need to be considered by OGIA prior to providing the draft report and a summary of the submissions to the chief executive of the MERCP Act for approval.</p> <p>The Bill requires the subsidence impact report to be tabled in Parliament, which will provide for Parliamentary scrutiny and the potential for disallowance.</p> <p>New penalties have been included in the Bill and are justified on the basis, they are reasonable, proportionate, and appropriate have regards to the consequences of failing to comply with the requirement. Existing compliance and enforcement arrangements and powers, under the respective Resource Act will apply to the new regulatory obligations in the Bill.</p>
N/A	12, 13	<p>Concerns were raised in relation to the subsidence management framework not including the ability for landholders to be compensated for time, costs, losses and damages throughout various stages of the framework. Specifically, these issues include:</p> <ul style="list-style-type: none"> • there is no timeframe specified for when the authority holder must reimburse the reasonable and necessary costs in entering into or seeking to enter into a subsidence management plan • compensation should include the time it takes for landholders to develop subsidence management plans and subsidence compensation agreements including the negotiation and preparation costs, ADR and any legal costs resulting from court action by landholders (where the action is not vexatious or facetious). <p>Concerns were also raised by these submitters about the timeframe over which a subsidence compensation agreement applies, and its ability to be updated outside of Land Court processes.</p>	<p>A subsidence compensation agreement for compensatable effects can be reached at any time once a subsidence management area has been declared. This agreement is between an owner or occupier of agricultural land in the subsidence management area and the relevant tenure holder and relates to any cost, damage or loss incurred by an owner or occupier because of impacts or predicted impacts of CSG-induced subsidence resulting from activities by a relevant tenure holder, or as a consequence of a relevant holder entering the land to undertake subsidence activities.</p> <p>The Bill does not specify that compensation can be provided for the time it takes to negotiate and develop subsidence management plans and subsidence compensation agreements, however, it does not prevent these costs from being negotiated as part of the agreement process. The Bill also does not specify how compensation is to be calculated or over what timeframe. This is to allow flexibility for landholders to negotiate an agreement that works best for them. Where a material change has occurred, subsidence compensation agreements and subsidence management plans may need to be re-negotiated.</p> <p>While the Bill states the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs, currently there is no timeframe listed when this is required to occur. The party may seek ADR or an order from the Land Court to obtain payment of negotiation and preparation costs reasonably incurred while preparing a subsidence management plan. Resources also notes various technical experts, including agronomists may be needed to develop the subsidence management measures. The relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs under section 184HK and 184IK.</p>
87	1, 12	<p>Submitters 1 and 12 raised the following concerns about the use of LiDAR and OGIA's LiDAR based tools:</p> <ul style="list-style-type: none"> • LiDAR data is not ground-truthed and is not accurate enough to establish baseline data 	<p>The Bill does not prescribe the use of LiDAR data to establish a baseline. Methods and tools will be informed by the SIR, which includes a peer review and consultation process. The Bill also provides that baseline data collection must be undertaken in accordance with the prescribed requirements or if there are no prescribed requirements, best practice industry standards.</p>

CI	Sub No.	Key points	Department's response
		<ul style="list-style-type: none"> LiDAR data is based on incorrect modelling and has been averaged over a regional scale, so it is not appropriate to use at field/paddock scale LiDAR will not be accurate enough to assist in negotiating a subsidence compensation agreement or determining what is a compensatable effect. <p>Submitter 1 also raised concerns that the OGIA Elevation Profile Tool does not monitor CSG-induced subsidence impacts, and is not suitable for properties where impacts are currently occurring.</p>	<p>The Bill also provides a general liability to compensate an owner or occupier of agricultural land, for each compensatable effect suffered by the owner or occupier. A compensatable effect generally means any cost, damage or loss incurred because of the impacts or predicted impacts of CSG-induced subsidence happening because of the tenure holder. The Bill does not specify how compensation is to be calculated.</p> <p>The use of OGIA's Elevation Profile Tool is not prescribed under the Bill.</p>
N/A	11, 12	Submitters raised concerns that the subsidence framework does not include subsidence from geothermal energy.	The subsidence management framework is intended to provide a framework to manage the impacts from CSG-induced subsidence on agricultural land. It intentionally does not capture geothermal energy because unlike CSG activities, this activity is not widespread and concerns about subsidence impacts from this activity have not been raised.
N/A	6, 30	Submitters 6 and 30 support the expansion of remit for OGIA in the CSG-induced subsidence management framework.	Resources notes the feedback.
87	12, 23, 26, 27	<p>Submitters raised concerns regarding the method to undertake land monitoring and baseline data collection has not been adequately specified and further clarity may be useful. This includes::</p> <ul style="list-style-type: none"> detailed information that underpins the framework is not available for consideration the framework is unnecessarily complex for both industry and landholders crucial details, including in relation to collecting baseline data and conducting farm field assessments, are being left to guidelines and regulations. 	<p>The Bill provides for when a relevant holder must undertake land monitoring and baseline data collection for agricultural land, and that they must ensure that land monitoring and baseline data is collected in accordance with the prescribed requirements, or if there are no prescribed requirements, then best practice industry standards. The requirement to comply with the prescribed requirements or best practice industry standards establishes a level of consistency about how relevant holders can undertake baseline data collection.</p> <p>Resources acknowledges that the requirements to be prescribed in regulation in relation to these obligations for relevant holders is not currently available.</p> <p>When developing technical guidelines and determining prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, experts from the agricultural field and other relevant government agencies such as DAF and OGIA.</p>
N/A	11	Submitter 11 considers that no new environmental authorities for CSG activities should be approved until the regional risk assessment and categorisation of land under the subsidence impact report occurs.	<p>The Bill does not change any requirements in relation to the granting of an environmental authority under the <i>Environmental Protection Act 1994</i>, which is out of scope for these reforms.</p> <p>The subsidence management framework has been developed to assess, monitor and manage the impacts of CSG-induced subsidence on agricultural land. OGIA will consider all existing and predicted impacts of CSG-induced subsidence when developing the subsidence impact report through data collection and modelling. It will impose obligations on resource authority holders to undertake land monitoring, base line data collection and farm field assessments based on risk of impacts from CSG-induced subsidence.</p> <p>In the unlikely event that the impacts from CSG-induced subsidence cannot be managed, the framework includes a mechanism for the landholder to seek a decision from the Minister about whether there is a critical consequence. If the Minister determines that there is a critical consequence, the Minister may require CSG activities to cease.</p>

CI	Sub No.	Key points	Department's response
87	12, 22	Concerns were raised by submitter 12 and 22 about impacts to land values of agricultural properties in areas that have been, or will be, impacted by CSG-induced subsidence (declared in the subsidence management area).	This feedback is noted by resources. The subsidence management framework seeks to ensure that CSG-induced subsidence is managed and mitigated in areas where priority agricultural land uses occur. The issue of impact on land values is not a direct consideration of the subsidence management framework. However, the outcome of implementing the subsidence management framework will benefit land valuation through the protection of agricultural land and its productivity from impacts of CSG-induced, or the longer term management of this impact where it has occurred.
N/A	15	Submitter 15 sought clarity on which matters in the subsidence management framework fall within the jurisdiction of the Land Court.	<p>The following matters in the subsidence management framework may proceed to the Land Court:</p> <ul style="list-style-type: none"> • Alleged breach of an access agreement, subsidence management plan or subsidence compensation agreement • Disputes about negotiation and preparation costs for entering a subsidence management plan or subsidence compensation agreement • Payment of costs for non-attendance at ADR • Disputes about entering into a subsidence management plan or a subsidence compensation agreement • Disputes about a material change in circumstances affecting a subsidence management plan or a subsidence compensation agreement • An appeal about a decision to give a subsidence management direction • An appeal about a decision to give a farm field assessment direction • An appeal against an application for a critical consequence decision • An appeal against a direction if critical consequences are likely to happen • An appeal against a direction if critical consequences has happened.
N/A	1	Submitter 1 raised concerns about the meaning of the term 'manage' in relation to the management of impacts from CSG-induced subsidence. It appears there are inconsistencies as the term 'manage' does not include mitigate, prevent or remediate when referred to clause 70 and 71 of the Bill, which contradicts new section 184HB in clause 87 of the Bill.	<p>The term 'manage' is defined in section 184HB to include prevent, mitigate or remediate. This definition only applies in relation to this section and does not apply broadly across new chapter 5A or the Act. This means that a subsidence management plan can contain measures that prevent, mitigate or remediate the impacts of CSG-induced subsidence on the land.</p> <p>Where a term is used in the Act and is not defined, its ordinary dictionary definition applies.</p>
N/A	26	Submitter 26 raised concerns regarding the absence of transitional provisions and the uncertainty the application of the framework has on existing approved projects.	<p>The Bill does not amend existing approvals to carry out CSG activities, and as such, does not include transitional provisions for approved projects.</p> <p>However, the Bill does establish a new framework to manage the impacts from CSG-induced subsidence, if and when they arise. It provides that a restriction on production applies to petroleum wells where production has not yet commenced, and the well is on, partly on, or under, or partly under, Category A land. The restriction also applies where relevant holders are given a subsidence management direction before the first subsidence impact report is released, to undertake a farm field assessment and the holder has not commenced coal</p>

CI	Sub No.	Key points	Department's response
			<p>seam gas production using the petroleum well. This restriction does not apply in relation to any wells that are already producing CSG.</p> <p>The purpose of this restriction is to ensure that where production has not commenced on land that is most at risk of impacts from CSG-induced subsidence, new production does not occur ahead of an assessment on the farm scale about what the impacts might be if production from the well is carried out.</p>
N/A	20, 22, 27, 31	<p>Submitters raised concerns about the following aspects of the subsidence management framework:</p> <ul style="list-style-type: none"> • an adaptive management framework is not appropriate because landholders are left bearing the risks of CSG-induced subsidence on their land • it should mitigate and avoid impacts from CSG-induced subsidence from both CSG and mining activities • it does not adequately prevent impacts from CSG-induced subsidence on the farm or regional scale • the reactive nature of the framework and that the precautionary principle should be adopted • there is no requirement for agricultural land to be restored to its pre-development condition that retains its productive capacity. 	<p>The subsidence management framework has been developed to assess, monitor and manage the impacts of CSG-induced subsidence on agricultural land. The Office of Groundwater Impact Assessment (OGIA) will consider all existing and predicted impacts of CSG-induced subsidence when developing the subsidence impact report through data collection and modelling. It will impose obligations on resource authority holders to undertake land monitoring, base line data collection and farm field assessments based on risk of impacts from CSG-induced subsidence.</p> <p>A subsidence management plan must be entered into if a farm field assessment is carried out and the outcome is that the impacts of CSG-induced subsidence are more than minor. A subsidence management plan is a plan agreed between the relevant holder and an owner or occupier of the agricultural land that contains subsidence management measures to address how and when the relevant holder will manage, prevent, mitigate or remediate the impacts of CSG-induced subsidence on the land. As such, both parties can agree to preventative activities throughout the life of the plan to prevent or limit predicted impacts of CSG-induced subsidence.</p> <p>If impacts from CSG-induced subsidence are occurring or predicted to occur, the landholder and relevant resource company can enter into a subsidence compensation agreement at any time after a subsidence management area is declared for any costs, loss or damages relating to these impacts from CSG-induced subsidence. It is important that the subsidence management framework provides for both management and compensation outcomes to be able to cater for a broad range of scenarios and landholder preferences.</p> <p>In the unlikely event that the impacts from CSG-induced subsidence cannot be managed, the framework includes a mechanism for the landholder to seek a decision from the Minister about whether there is a critical consequence. If the Minister determines that there is a critical consequence, the Minister may require CSG activities to cease.</p>
87	12, 27	<p>Submitter 12 raised concerns that landholders may be exposed to liability from third parties for subsidence activities that occur off tenure under section 563A of the <i>Petroleum and Gas (Production and Safety) Act 2004</i>.</p> <p>Submitter 27 raised concerns that the subsidence management framework forces landholders to knowingly permit and accept harm through subsidence management plans and subsidence compensation agreements that may leave them exposed to future liabilities from neighbours.</p>	<p>The subsidence management framework is not intended to expose landholders to liability from third parties or neighbours. Resources will review existing section 563A of the P&G Act considering the issues raised by the submitters .</p>

CI	Sub No.	Key points	Department's response
87	20, 22, 23, 27	<p>Submitters raised the following coexistence concerns with the subsidence management framework:</p> <ul style="list-style-type: none"> • coexistence is not achievable in all circumstances • CSG-induced subsidence will impact on the long-term sustainability of farm enterprises and impact succession planning and decisions • it may disrupt landholders who are already coexisting with the CSG industry and have agreements in place • how landholders will benefit from coexistence • the Bill coercively imposes obligations on landholders and is inconsistent with section 804 of the P&G Act • some agricultural landholders are satisfied with compensation for the risks associated with CSG-induced subsidence impacts, while others believe that no amount of monetary compensation is worth the damage to their agricultural land. 	<p>Resources notes this feedback.</p> <p>Queensland's resource and agricultural sectors are vital to the state's economy through their substantial exports, and both represent large sectors of employment, particularly in regional Queensland.</p> <p>Queensland's coexistence framework aims to ensure that resource and agricultural activities can effectively coexist so that the benefits of both sectors can be realised. For this to occur, the interests of both industries must be balanced in a way that both industries can continue to operate and benefit the state. For landholders, some of the flow on benefits from the resources sector are the construction of on-farm roads, fences, and the provision of water for farm use.</p> <p>The subsidence management framework is a risk-based management framework that will see agricultural landholders working with petroleum companies to establish subsidence management plans in areas at high risk of impacts from CSG-induced subsidence to address the impact this will have on farming operations. The establishment of an alternative dispute resolution (ADR) process supports the negotiation process to achieve a balanced outcome. Where an agreement cannot be reached through ADR, the Land Court will make a decision on the appropriate management measure which will be taken to be subsidence management plan.</p>
87	20, 22, 27	<p>Submitters raised concerns that the subsidence management framework provides no up-front security or compensation for landholders.</p> <p>Submitter 22 seeks clarification regarding assurances and guarantees to the landholder in relation to impacts for loss of water and subsidence.</p> <p>Submitter 22 also believes that a subsidence compensation fund, funded from royalties from the CSG industry, should be established by the government.</p>	<p>If impacts from CSG-induced subsidence are occurring or predicted to occur, the landholder and relevant resource company can enter into a subsidence compensation agreement at any time after a subsidence management area is declared. The Bill does not specify how compensation is to be calculated, however, it provides that relevant holders must compensate landholders, termed subsidence claimants, for any compensatable effects. Compensatable effect means any cost, damage or loss incurred by a subsidence claimant (which includes landholders) because of:</p> <ul style="list-style-type: none"> • the impacts or predicted impacts of CSG-induced subsidence happening because of the relevant holder or • the relevant holder entering the private land owned or occupied by the subsidence claimant to undertake a subsidence activity under chapter 3, part 2, division 4A and • any consequential loss incurred arising out of the above cost, damage or loss. <p>If CSG-induced subsidence impacts by the relevant holder continue or are likely to continue after a relevant CSG project has ended, any costs, loss or damages relating to these impacts should be negotiated as part of the subsidence compensation agreement.</p> <p>Where a landholder and resource authority holder have entered into a subsidence compensation agreement, it becomes legally binding to the parties, and each of their successors and assigns.</p>

CI	Sub No.	Key points	Department's response
			The Bill does not propose an additional security fund for the purposes of CSG-induced subsidence. Changes to security held by the State are out of scope of this Bill.
87	20, 27	<p>Submitters raised concerns about the level of self-assessment proposed in the subsidence management framework, including in relation to:</p> <ul style="list-style-type: none"> • baseline data collection • land monitoring • farm field assessments • choosing and appointing a farm field auditor. 	<p>The obligation to undertake land monitoring, baseline data collection or a farm field assessment is with the relevant holder. The Bill provides that these activities must be undertaken in a way that complies with prescribed requirements, or if there are no prescribed requirements, best practice industry standards. The requirement to comply with the prescribed requirements or best practice industry standards establishes a level of consistency about how relevant holders can undertake land monitoring and data collection and ensures that it is fit for purpose.</p> <p>A relevant holder must commission an audit of a farm field assessment by a farm field auditor who is independent from the holder and each owner and occupier of the land to give credibility to the initial assessment and ensure it was conducted in line with the prescribed requirements.</p> <p>A person can be approved by the chief executive as a farm field auditor if the chief executive is satisfied the person is appropriately qualified to carry out an audit of a farm field assessment of agricultural land and they meet the prescribed requirements for being a farm field auditor. Prescribing minimum requirements for a auditors ensures any auditor that is appointed will be capable of carrying out the technical assessment, giving both parties confidence in the outcome.</p> <p>The chief executive must publish a list of farm field auditors on a Queensland government website. If the owner or occupier of the agricultural land agrees in writing that a farm field assessment audit is not required, the holder is not required to comply with the requirement to commission an audit of the farm field assessment.</p>
87	20	Submitter 20 is concerned that there may be a shortage of experts to undertake subsidence management activities.	Resources notes this feedback.
87	20, 22, 27	<p>Submitters raised the following concerns that relate to the power imbalance between resource companies and landholders:</p> <ul style="list-style-type: none"> • uneven bargaining power between resource companies and landholders when negotiating under the framework • family farmers will feel isolated as a result of negotiating plans and agreements under the framework and this will negatively affect mental health outcomes • the onus of proof is on the farmer to prove that harm has occurred from resource activities • landholder compliance with the framework is intimidating. 	<p>The subsidence management framework seeks to address any perceived power imbalances between landholders and resource authority holders by obliging resource authority holders to provide information about land monitoring, baseline data collection and farm field assessments to landholders. It also provides for both parties to be supported in negotiating a subsidence management plan or a compensation agreement through an ADR or arbitration process where agreements cannot be reached.</p> <p>The relevant holder is also liable to pay the costs necessarily and reasonably incurred by an owner or occupier to assist them during negotiation.</p> <p>The Bill also refocuses the legislative functions of Coexistence Queensland and the LAO. Coexistence Queensland will be able to provide information, engagement and education services to the community and industry with an aim to assist in reducing conflicts between industries and landholders and promoting successful coexistence. The expanded role of the</p>

CI	Sub No.	Key points	Department's response
			<p>LAO will also enable them to investigate and facilitate the resolution of land access disputes, and to conduct ADR in certain circumstances.</p>
87	26	<p>Submitter 26 recommends clearly defined timeframes are required before the legislation takes effect and an independent panel must review the operation of the provisions within 12 months from commencement.</p>	<p>The Bill will commence via proclamation. This means that the subsidence management framework will not commence immediately after the Bill is assented to. Prior to commencement, Resources will develop subordinate legislation and guidelines.</p> <p>Resources reviews all its legislation and regulatory frameworks in line with the Queensland Government Better Regulation Policy to ensure regulatory frameworks remain contemporary and fit for purpose.</p>
87	20, 26, 27	<p>Some submitters consider that the following further work be carried out to inform the subsidence management framework:</p> <ul style="list-style-type: none"> • scientific analysis and research so the risks and impacts of CSG production are better understood in prime agricultural areas • comprehensive economic analysis to assess the long-term costs ahead of any further CSG development in the region • investigations to understand if and where CSG extraction is specifically contributing to subsidence • a risk assessment of environmental damage caused by CSG-induced subsidence. <p>Submitters 20 and 27 are also concerned that the appropriate supporting science and research has not been completed to inform the framework.</p>	<p>In 2022, GFCQ undertook a regulatory review to identify potential enhancements to manage CSG-induced subsidence. The review made eight recommendations to government, which outlined a proposed management framework to provide landholders and industry with certainty on the process for assessing, remediating and compensating for impacts associated with CSG-induced subsidence on farming operations. The Queensland Government will implement all eight recommendation made by GFCQ through the proposed subsidence management framework.</p> <p>Having supported the review's recommendations, the Bill introduces a risk-based framework to assess and manage impacts, and potential impacts, from CSG-induced subsidence occurring on Queensland's prime agricultural land. This is based on the model proposed by the GFCQ.</p> <p>The subsidence management framework will ensure that CSG-induced subsidence is managed and mitigated in areas where priority agricultural land uses occur and will support coexistence between the resources and agricultural sectors.</p> <p>OGIA is an independent scientific body and will consider all existing and predicted impacts of CSG-induced subsidence when developing the subsidence impact report through data collection and modelling. It will impose obligations on resource authority holders to undertake land monitoring, base line data collection and farm field assessments based on risk of impacts from CSG-induced subsidence. Checks and balances have been put in place to ensure a robust scientific process is adhered to, including peer reviews of OGIA's scientific methods used preparing a subsidence impact report to ensure the methods are fit for purpose and scientifically sound. The farm field assessments also specifically look at how CSG-induced subsidence impacts farming activities.</p> <p>Each farm is likely to be impacted differently from CSG-induced subsidence due to the topography and position of a property in the landscape, the nature of the farming operation e.g. the type of farming undertaken (dryland or irrigated cropping) and crop plant. These assessments are required to be undertaken by appropriately qualified persons and then audited by an independent expert to provide further credibility to the assessments and outcomes presented in the assessment.</p>

CI	Sub No.	Key points	Department's response
87	22	Submitter 22 considers that there should be multiple avenues for landholders to opt out of further CSG production on their land at various milestones within the subsidence management framework (e.g. after land is categorised, or after a farm field assessment is completed and finds that the impact is more than minor) and that all activities must cease until affected landholders are compensated.	<p>Resources notes this feedback. The subsidence management framework will ensure that the impacts from CSG-induced subsidence are managed and mitigated to support coexistence between the resources and agricultural sectors.</p> <p>One of the ways the Bill will achieve this is by pausing CSG-production from new wells until a farm field assessment is carried out, and if required, a subsidence management plan agreed to, for land that is at a high risk of impacts from CSG-induced subsidence, or for land on which impacts from subsidence are already occurring.</p> <p>This approach ensures that where production has not commenced on land that is most at risk of impacts from CSG-induced subsidence, new production does not occur ahead of an assessment about what the impacts might be at the farm scale is carried out.</p> <p>Additionally, in the unlikely event that the impacts from CSG-induced subsidence cannot be managed, the framework includes a mechanism for the landholder to seek a decision from the Minister about whether there is a critical consequence. If the Minister determines that there is a critical consequence, the Minister may require CSG activities to cease.</p> <p>If impacts from CSG-induced subsidence are occurring or predicted to occur, the landholder and relevant resource company can enter into a subsidence compensation agreement at any time after a subsidence management area is declared.</p>
87	27	Submitter 27 raised concerns about that the lack of independent agronomic expertise provided for in the subsidence management framework	<p>Technical experts, including agronomists and hydrologists for example, may have input into developing the subsidence management measures that make up a subsidence management plan. These experts will be useful in determining what these management measures should be. The relevant tenure holder is responsible for ensuring plans comply with the regulatory requirements. An owner or occupier is able to seek independent agronomic expertise in negotiating a subsidence management plan.</p> <p>The Bill provides that the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs in entering or seeking to enter into a subsidence management plan. Where disputes about costs arise, the Land Court can make determinations about costs. However, these costs must be incurred by relevant specialists who are appropriately qualified to perform the function for which the costs are incurred.</p> <p>Relevant specialists will be prescribed by regulation and could include an agronomist.</p>
87	27	Submitter 27 considers that the technical guidelines developed under the framework that relate to consequences to agricultural business and impacts to landform and inter-farm drainage should be developed by DAF, the latter in consultation with the Department of Regional Development, Manufacturing and Water (DRDMW), and not Resources or OGIA.	<p>Resources notes this feedback. The subsidence management framework is being established in the <i>Mineral and Energy (Common Provisions) Act 2014</i>, which is the responsibility of the Minister for Resources and Critical Minerals and is administered by the Department of Resources.</p> <p>When developing technical guidelines and determining prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, industry, experts from the agricultural field and other relevant government agencies such as the DAF and OGIA.</p>

CI	Sub No.	Key points	Department's response
87	22	Submitter 22 seeks clarification regarding which entity has responsibility to enforce obligations under the subsidence management framework and impose penalties for offences.	The <i>Mineral and Energy (Common Provisions) Act 2014</i> is the responsibility of the Minister for Resources and Critical Minerals and is administered by Resources. This means Resources is the responsible agency for enforcing obligations and imposing penalties under the subsidence management framework.
87	31	Submitter 31 suggests landholders should have an ability to seek a declaration of a subsidence management area and/or subsidence impact report or subsidence management direction.	Resources notes this feedback. The Bill provides that where the Minister is satisfied a part of Queensland is or may be impacted by CSG-induced subsidence, the Minister may, declare a part of Queensland to be a subsidence management area. To support the making of a declaration, the chief executive may ask OGIA for information or advice about whether that part of Queensland should be declared as a subsidence management area or a part of a subsidence management area. The Minister's declaration will, consequently, be informed by independent scientific advice from OGIA, rather than landholder applications. The Bill also provides that landholders may apply for a farm field assessment in certain circumstances.
N/A	30	Submitter 30 considers the subsidence management framework will be counter to the intention identified in one of the Federal Government's Future Gas Strategy key principles, that was released on 9 May 2024, which states: " <i>New sources of gas supply are needed to meet demand during the economy-wide transition. Government policies to enable natural gas exploration and development should focus on optimising existing discoveries and infrastructure in producing basins.</i> "	Resources notes this feedback. The subsidence management framework is not intended to prevent or unnecessarily restrict CSG production in Queensland. Instead, it will establish a framework to assess, monitor, mitigate and manage CSG-induced subsidence in a subsidence management area to support coexistence between the resources and agricultural sectors. To aid in these outcomes, the subsidence management framework includes mechanisms that support advancement of negotiations related to the establishment of a subsidence management plan, if required, and subsidence compensation agreements.
N/A	1, 11, 12, 16, 17, 20, 22, 23, 26, 27, 29, 30, 32, 33,	While some submitters stated the subsidence management framework is a step in the right direction, a range of concerns were raised regarding how the subsidence management framework interacts with the <i>Regional Interests Planning Act 2014</i> (RPI Act). These issues include: <ul style="list-style-type: none"> • Duplication between the frameworks • whether subsidence management plans and subsidence compensation agreements constitute 'agreements' under the section 22 exemption of the RPI Act • adds supplementary regulations, red tape, inconsistency and uncertainty for resources and landholders • bypasses existing protections offered by the RPI Act • provides no transitional provisions to address existing exemptions, agreements or how existing operations can continue to operate. 	The Department of Housing, Local Government, Planning and Public Works (DHLGPPW) is responsible for administering the <i>Regional Planning Interest Act 2014</i> (RPI Act). The purpose of the RPI Act includes managing the impacts of resource activities on areas of regional interest including coexistence with highly productive agricultural activities in priority agricultural and strategic cropping areas. Based on advice from assessing agencies DAF and Resources, the RPI Act may consider subsidence in relation to potential impacts from proposed resources activities. Resources will administer a subsidence management framework through the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> (MERCPC Act), which will provide for management and compensation outcomes as a result of CSG-induced subsidence on agricultural land in a declared management area. The Bill has not made any changes to the RPI Act relating to CSG-induced subsidence, including exemptions under section 22 and 24 of the RPI Act. DHLGPPW, with Resources, DAF and other relevant agencies will work together to consider the interaction between the regulatory frameworks to ensure the proposed subsidence management framework complements the existing protections and assessment processes relating to subsidence under the RPI Act.

CI	Sub No.	Key points	Department's response
			<p><i>Subsidence management framework and the RPI Act</i></p> <p>The subsidence management framework under MERCP Act provides for the management of CSG-induced subsidence on agricultural land in a subsidence management area and the impacts of CSG-induced subsidence on the productivity of high-value agricultural land and intensive cropping activities, which may be located within a priority agricultural area or the strategic cropping area under the RPI Act framework.</p> <p>The subsidence management framework is a risk-based management framework intended to work alongside existing legislation and resource activity approvals. The framework is not intended to bypass the protection of priority agricultural areas or strategic cropping areas under the RPI Act. While the RPI Act remains separate to the subsidence management framework under the MERCP Act, both frameworks will apply (where necessary) to ensure each framework can continue to work as intended.</p> <p>Tenure holders will be subject to the subsidence management framework regardless of whether they have a Regional Interests Development Approval or are subject to an exemption, particularly if they are on category A land under a subsidence impact report issued by the Office of Groundwater Impact Assessment.</p>
Chapter 5A CSG-induced subsidence management framework - consultation			
87	25	<p>Submitter 25 acknowledged the provisions in the Bill are well-aligned with the recommendations provided by the submitter during the December consultation on the subsidence management framework which include:</p> <ul style="list-style-type: none"> • reinforcement of science-led provisions • provisions that reflect the likelihood of potential impact and do not create undue concerns where risk and impact are unlikely to manifest • ensuring transparency of process and access to data • decreasing burden of information gathering for landholders. 	Resources notes this feedback.
N/A	20	Overland flow is within the jurisdiction of the Murray Darling Basin Authority (MDBA), and there is no evidence of consultation with the MDBA regarding the subsidence management framework.	Resources consulted with stakeholders on the proposed subsidence management framework through the public release of consultation papers in late 2023.
87	27	Submitter 27 considers that the public consultation and landholder input during the preparation of the technical guidelines must occur.	<p>Resources notes this feedback.</p> <p>When developing technical guidelines and determining prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, industry, experts from the agricultural field and other relevant government agencies such as DAF and OGIA.</p>

CI	Sub No.	Key points	Department's response
Chapter 5A- Part 1- Preliminary			
87	22	Submitter 22 suggests an additional definition in s184AB for the term “manage” with the meaning “prevent, mitigate or remediate” is required.	Where a term is used in the Act and is not defined, its ordinary dictionary definition applies. This means that for the purposes of the subsidence management framework in chapter 5A of the MERC Act, where the term ‘manage’ is used, it takes on its ordinary meaning. However, the term ‘manage’ is defined in section 184HB to include prevent, mitigate or remediate. This definition only applies in relation to this section and means that a subsidence management plan can contain measures that prevent, mitigate or remediate the impacts of CSG-induced subsidence on the land.
Chapter 5A – Part 2 – Subsidence management area			
87	30	Submitter 30 considers there is a lack of clarity and requirements about what the Minister must consider to be satisfied that the declaration of a subsidence management area ought to be made. This lack of clarity, without further refinement, may pose implementation challenges.	The Bill provides that where the Minister is satisfied a part of Queensland is or may be impacted by CSG-induced subsidence, the Minister may by gazette notice, declare a part of Queensland to be a subsidence management area or declare a part of Queensland to no longer be a part of the area. Before declaring a subsidence management area, the Bill provides that the chief executive may ask OGIA for information or advice about whether that part of Queensland should be declared as a subsidence management area or a part of a subsidence management area. As such, the Minister's declaration will be informed by the advice from OGIA.
Chapter 5A – Part 3 – Subsidence impact report and schedule 1A - content of subsidence impact report			
87	15, 19	Submitters are generally supportive of a subsidence management framework that is informed by science and accurate data.	Resources notes this feedback.
87	31	Submitter 31 supports the cumulative subsidence assessment and regional risk assessment, and suggests this information should feed into the decision-making frameworks for all resource activities in Queensland.	Resources notes this feedback.
87	30	Submitter 30 raised concerns that there is no indication of OGIA's methodology for determining the impact of CSG-induced subsidence when preparing a subsidence impact report. This lack of clarity, without further refinement, may pose implementation challenges.	A subsidence impact report must include a cumulative assessment and regional risk assessment for the subsidence management area. The cumulative assessment will assess the cumulative existing and predicted impacts of CSG-induced subsidence on the land, and the consequences of those impacts on the use of the land, at a regional scale. Section 5 in schedule 1A prescribes a detailed list of matters that must be included in the cumulative assessment. The regional risk assessment will assess the risk of impacts of CSG-induced subsidence on agricultural land, and categorise the agricultural land based on the outcome of this assessment. Section 7 in schedule 1A prescribes the matters that OGIA must consider in assessing the risks.

CI	Sub No.	Key points	Department's response
			<p>These requirements provide the basis for the methodology OGIA use to determine the impacts of CSG-induced subsidence. Additionally, checks and balances have been put in place to ensure a robust scientific process is adhered to, including peer reviews of OGIA's scientific methods used preparing a subsidence impact report and ensure the methods are fit for purpose and scientifically sound.</p>
90	12	<p>Submitter 12 raised concerns that OGIA is not required to consult with DAF when categorising agricultural land or developing its subsidence impact management strategy, and considers this should be mandatory.</p>	<p>OGIA is an independent office responsible for assessing certain impacts from resource development in Queensland. It is not appropriate that OGIA consult with agencies about the categorisation of agricultural land which will be based on scientific data and analysis. Various checks and balances have been put in place to ensure a robust scientific process is adhered to. This includes a requirement for the scientific methods employed by OGIA to prepare the subsidence impact report to be peer reviewed by a technical reference group to ensure the methods are fit for purpose and scientifically sound.</p>
87, 90	12, 13, 31	<p>Concerns were raised by landholders and agricultural groups about the requirement to table the subsidence impact report in parliament and whether this would have legal consequences for landholders seeking compensation from the state.</p> <p>Submitter 31 does not support the tabling of the subsidence impact report, as it appears unnecessary and may subject the report to parliamentary privilege such that it cannot be relied upon by landholders seeking to protect their interests in a court process.</p>	<p>The requirement to table a subsidence impact report is about ensuring that there is a sufficient level of Parliamentary scrutiny over the report. This is necessary given the subsidence impact report imposes obligations on resource authority holders that carry penalties for non-compliance. By requiring the subsidence impact report to be tabled, it creates an avenue for Parliament to disallow the report should it see fit to do so, which means it would cease to have effect. It has no implications for any liability that may exist for the state.</p>
87	1, 12, 16	<p>Submitter 1 and 12 raised various concerns in relation to the accountability, transparency, and function of the technical reference group. These concerns include:</p> <ul style="list-style-type: none"> • the accountability measures under section 184CA(1)(b)(iii) not being fit for purpose • all submissions made on the proposed subsidence impact report should be provided to the technical reference group, together with a copy of the submission summary • a member of the technical reference group should have relevant agricultural experience under section 185CG(5)(b) • conflicts of interests must be declared from any technical reference group members • the role of the technical reference group is not robust given OGIA's level of responsibility and the risk CSG activities imposed on landholders • landholders should be consulted on the membership of the technical reference group • the terms of reference and composition of the technical reference group should be determined by the Chief Executive. 	<p>OGIA is an independent office responsible for assessing certain impacts from resource development in Queensland. Various checks and balances have been put in place to ensure a robust scientific process is adhered to.</p> <p>The functions of the technical reference group are to undertake peer reviews of OGIA's scientific methods used to prepare a subsidence impact report and ensure the methods are fit for purpose and scientifically sound.</p> <p>The technical reference group will be established by OGIA, and final approval of the group members will be required from the chief executive of Chapter 3A of the Water Act. In establishing the technical reference group, OGIA has discretion about its membership, and may decide that agricultural expertise is required. Members of the technical reference group will be subject to standard disclosure of interest requirements, while the Terms of Reference for the group, along with their qualifications, will be publicly available. This process is intended to provide further credibility and scrutiny on the scientific methods used to develop the subsidence impact report.</p>

CI	Sub No.	Key points	Department's response
87	1	<p>Submitter 1 raised concerns about the need to prepare a subsidence impact report every three to five years and consider that there will be a worsening of impacts and loss of productivity during the time it takes to prepare the subsidence impact reports.</p>	<p>Resources notes this feedback. The subsidence impact report is periodic and will be replaced every three to five years based on the latest available scientific data. This three to five year timeframe is necessary to enable the scale of work required to be completed. It will also allow OGIA to align the subsidence impact report with the development and release of the Underground Water Impact Report which OGIA also has responsibility for. Resources considers the iterative nature of the report is critical due to the impacts of CSG-induced subsidence changing over time, which means the risks to land, and consequently obligations for resource tenure holders, will change over time.</p> <p>Each subsidence impact report will include a subsidence impact management strategy that outlines plans and strategies to manage existing and predicted impacts of CSG-induced subsidence, over the report period. This will include a timetable for implementing the plan, including the day by which a responsible holder must complete certain actions, including ongoing land monitoring.</p> <p>Additionally, a landholder can make an application for a direction about a farm field assessment in particular circumstances, if new evidence becomes available since the subsidence impact report was approved that suggests the land is impacted or likely to be impacted by CSG-induced subsidence.</p> <p>If this is the case, and the impacts are more than minor, a subsidence management plan will be put in place to manage or mitigate CSG-induced subsidence. Should a landholder reasonably believe that a management measure in a subsidence management plan has failed or is ineffective and the impacts from CSG-induced subsidence are so unreasonable or intolerable, the Minister may decide a critical consequence has happened and the relevant holder must prevent this or stop it from becoming worse.</p>
87	16, 17	<p>Submitters require clarity about the process that applies if a regional risk assessment is incorrect and suggests that the regional risk assessment must include a landscape wide assessment of overland flow.</p>	<p>Subsidence impact reports can be amended under sections 184ML (minor or agreed amendments) and 184CM (other amendments) of MERC Act. This means that if a regional risk assessment, which is a component of a subsidence impact report, is incorrect, it can be amended.</p> <p>The regional risk assessment will be undertaken by OGIA and will assess the risk of impacts of CSG-induced subsidence on agricultural land in the subsidence management area. It is not intended to assess the existing or predicted impacts of CSG-induced subsidence on individual farm fields within the subsidence management area. However, it will assess the risk of impacts of CSG-induced subsidence on agricultural land in the area and categorise the agricultural land on the basis of that risk assessment.</p> <p>While it does not explicitly include a consideration of overland flow, the impacts on the use of the land must be considered, which could include a consideration of how changes to overland flow might affect this use. Further, under the cumulative subsidence assessment, which is also a component of the subsidence impact report, OGIA must assess the cumulative,</p>

CI	Sub No.	Key points	Department's response
			existing and predicted impacts of CSG-induced subsidence on land in the area or the use of the land. This may include a consideration of overland flow.
90	11	<p>Submitter 11 raised concerns the subsidence management framework does not include ongoing research on how the health of soil may be impacted by changes in natural characteristics of land, other than the consideration of soil characteristics.</p> <p>It was also suggested farm management practices to improve soil, productivity and crop quality should be considered within the framework.</p>	<p>The subsidence management framework has been developed to assess, monitor and manage the impacts of CSG-induced subsidence on agricultural land.</p> <p>The subsidence impact report developed by OGIA will include a regional risk assessment that considers the existing soil characteristics of agricultural land. While this does not extend to the health of soil or improvements that have been made to the soil to increase crop yields, the regional risk assessment must consider the current and intended use of the land and the current and intended farming practices on the land, which could include a consideration of soil improvement measures employed by the landholder to increase crop yield.</p> <p>Additionally, on an individual farm scale, should a farm field assessment be required, this may include an assessment of the impact CSG-subsidence is having soil health and productivity. If a subsidence management plan is required, management measures could be negotiated to capture measures to address these impacts.</p>
87, 90	20, 22, 27, 33	<p>Submitters are concerned that the Bill does not mention overland flow or inter-farm drainage.</p> <p>Submitter 22 seeks that the Horrane Fault results currently being processed by OGIA is considered in the context of overland flow pathways for the Condamine Alluvium before a subsidence impact report is adopted.</p>	<p>The regional risk assessment will be undertaken by OGIA and will assess the risk of impacts of CSG-induced subsidence on agricultural land in the subsidence management area and categorise the agricultural land on the basis of that risk assessment.</p> <p>While it does not explicitly include a consideration of overland flow, the impacts on the use of the land must be considered, which could include consideration of changes to overland flow across the landscape. Further, under the cumulative subsidence assessment, which is also a component of the subsidence impact report, OGIA must assess the cumulative and existing and predicted impacts of CSG-induced subsidence on land in the area or the use of the land. This may include a consideration of overland flow. The methodology and resulting considerations used by OGIA in preparation of the subsidence impact report are independent from the amendments being progressed to establish a subsidence management framework.</p>
87	22	<p>Submitter 22 raised concerns about the lack of landholder appeal rights in relation to obligations in the subsidence impact report.</p>	<p>A draft subsidence impact report will be made publicly available for consultation to provide relevant holders, landholders and the broader community an opportunity to review and provide comments on the proposed report. This consultation period must be at least 20 business days from the day of the notification.</p> <p>All properly made submissions will need to be considered by OGIA prior to providing the draft report, and a summary of the submissions provided to the chief executive of the MERC Act for approval.</p> <p>During this consultation period, landholders will be able to provide comment on the report, for example on the regional risk assessment and categories. However, once approved by the chief executive, the categories and associated plans and strategies cannot be changed until the report is amended or a subsequent impact report is provided within the three to five years of the previous subsidence impact report being approved.</p>

CI	Sub No.	Key points	Department's response
87	22	<p>Submitter 22 is seeking that the peer review findings regarding OGIA's scientific methods used in preparing a proposed subsidence impact report are published and available on a Queensland government website.</p>	<p>Resources notes this feedback.</p> <p>The purpose of the peer review of the scientific methods employed by OGIA in preparing the subsidence impact report is to ensure the methods are fit for purpose and scientifically sound. If the chief executive is unsatisfied with how OGIA has address the outcome of the peer review, the chief executive can direct OGIA to modify the report. This process has been established to ensure there are appropriate checks and balances for a robust, scientific process.</p>
87	31	<p>Submitter 31 supports public consultation on the subsidence impact report, but suggests a number of additional requirements, including:</p> <ul style="list-style-type: none"> • notices of consultation should be provided to all potentially impacted landholders as well as authority holders • requirements for the notice should be prescribed in the Act or regulation and detail a timeframe for making a submission of at least 30 days • public consultation should also be required for minor amendments. 	<p>Resources notes this feedback.</p> <p>The Bill already provides for OGIA publishing a notice of consultation on the proposed subsidence impact report under section 184CE. This provision does not explicitly require the published notice to be sent to each landholder potentially impacted, although the chief executive can prescribe for OGIA the way the notice is to be published. This provides flexibility in how a notice may be made available.</p> <p>A draft subsidence impact report will be made publicly available for consultation to provide relevant holders, landholders and the broader community an opportunity to review and provide comments on the proposed report. This consultation period must be at least 20 business days from the day of the notification. All properly made submissions will need to be considered by OGIA prior to providing the draft report and a summary of the submissions to the chief executive of the MERC Act for approval.</p> <p>Minor amendments are limited to amendments that correct minor errors, update relevant holder details, are not changes of substance, or are agreed to by both OGIA and any relevant holder affected by the amendment. Consequently, public consultation is not required.</p>
90	27	<p>Submitter 27 considers the regional risk assessment must be carried out by DAF, in conjunction with DRDMW, and must incorporate an assessment of critical consequences on a regional scale, including on surface and ground water.</p>	<p>OGIA is an independent office responsible for assessing certain impacts from resource development in Queensland and is responsible for preparing the subsidence impact report. Checks and balances have been put in place to ensure a robust scientific process is adhered to, including peer reviews of OGIA's scientific methods used preparing a subsidence impact report and ensure the methods are fit for purpose and scientifically sound.</p> <p>The Bill provides that the subsidence impact report must include a cumulative subsidence assessment that will assess the cumulative existing and predicted impacts of CSG-induced subsidence on land in the area at a regional scale. The assessment of the potential cumulative impacts of CSG-induced subsidence must include an assessment of the impacts to the use of land at a regional scale, which may involve considerations about how CSG-induced subsidence is impacting farming in the region generally.</p> <p>The cumulative assessment is not intended to assess the existing or predicted impacts of CSG-induced subsidence on individual farm fields within the subsidence management area. This is the role of the farm field assessment, which will determine if the impact of CSG-</p>

CI	Sub No.	Key points	Department's response
			<p>induced subsidence impacts the agricultural activities on that individual farm field as all farming practices are different and may suffer different consequences.</p> <p>The regional risk assessment will assess the risk of impacts of CSG-induced subsidence on agricultural land in the area based on the regional characteristics of the land including slope, soil characteristics, current and intended use of the land and farming practices (at a regional scale) and will inform the categorisation of land.</p>
87	22	<p>Submitter 22 believes OGIA should be subject to oversight from a panel of independent experts knowledgeable in hydrogeology, hydrology and agriculture.</p>	<p>OGIA is an independent office responsible for assessing the impacts from resource development in Queensland. OGIA's work involves scientific investigation, modelling and monitoring groundwater impacts under chapter 3 of the Water Act.</p> <p>Various checks and balances have been put in place to ensure a robust scientific process is adhered to in the subsidence management framework and includes a public consultation process on the draft subsidence impact report. OGIA must provide a summary of the properly made submissions to the chief executive along with a description of how these submissions were considered in developing the report. This information will be considered by the chief executive in deciding to approve the report. This ensures stakeholders with vested interests in the report have the opportunity to provide their feedback prior to finalisation of the report.</p> <p>The scientific methods used to prepare the report must also be peer reviewed by a technical reference group to ensure the methods are fit for purpose and scientifically sound. The technical reference group will be established by OGIA and final approval of the group members will be required from the chief executive of Chapter 3A of the Water Act. This process is intended to provide further credibility and scrutiny on the content of the subsidence impact report.</p>
87	20, 22, 33	<p>An independent pool of experts is needed to potentially oppose any OGIA findings that may be in conflict with what the real impact that is.</p> <p>Submitter 22 considers the pool of experts should be funded by the resources industry or government.</p>	<p>The scientific methods used to prepare OGIA's subsidence impact report must be peer reviewed by a technical reference group to ensure the methods are fit for purpose and scientifically sound. The technical reference group will be established by OGIA and final approval of the group members will be required from the chief executive of Chapter 3A of the Water Act. This process is intended to provide further credibility and scrutiny on the content of the subsidence impact report, and the methodologies for undertaking baselines, developed by OGIA.</p>
90	22, 23, 26	<p>Submitters consider that the assessment methodology the Office of Groundwater Impact Assessment (OGIA) will use to determine the potential for consequences to existing agricultural enterprises as a result of subsidence impact is not sufficiently explained.</p> <p>Submitter 26 recommends that the commencement of the framework is delayed until OGIA's risk assessment is finalised and made public.</p>	<p>A subsidence impact report must include a cumulative assessment and regional risk assessment for the subsidence management area.</p> <p>The cumulative assessment will assess the cumulative existing and predicted impacts of CSG-induced subsidence on the land, and the consequences of those impacts on the use of the land, at a regional scale. Section 5 in schedule 1A prescribes a detailed list of matters that must be included in the cumulative assessment.</p> <p>The regional risk assessment will assess the risk of impacts of CSG-induced subsidence on agricultural land, and categorise the agricultural land based on the outcome of this</p>

CI	Sub No.	Key points	Department's response
			<p>assessment. Section 7 in schedule 1A prescribes the matters that OGIA must consider in assessing the risks.</p> <p>These requirements provide the basis for the methodology OGIA use to determine the impacts of CSG-induced subsidence. Additionally, checks and balances have been put in place to ensure a robust scientific process is adhered to. The Bill provides that a technical reference group must be established to undertake peer reviews of OGIA's scientific methods used to prepare a subsidence impact report and ensure the methods are fit for purpose and scientifically sound.</p>
87	22	Submitter 22 sought that all reports produced under the subsidence management framework should be available free of charge to all members of the public.	The Bill requires that OGIA must keep a database of information relevant to identifying, assessing, monitoring and managing the impacts of CSG-induced subsidence and that they may make information in the database available to the public. Where this occurs, a person may inspect these details free of charge and obtain a copy on payment of a fee.
Chapter 5A – Part 4 – Identification, assessment and monitoring of impacts of CSG-induced subsidence – Generally			
87	12, 13	<p>Submitters 12 and 13 indicated that further information and consultation on guidelines and prescribed requirements with experienced landholders and suitably qualified persons in relevant agricultural fields is required.</p> <p>Submitter 13 also seeks clarity about what best practice standards includes.</p>	When developing technical guidelines and determining prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, experts from the agricultural field and other relevant government agencies such as the Department of Agricultural and Fisheries and OGIA. In the absence of prescribed requirements, best practice industry standards for carrying out the work will apply.
87	11	<p>Submitter 11 sought that:</p> <ul style="list-style-type: none"> landholders and occupiers be given complete copies of reports and information relevant to their property to support negotiating agreements Farmers and neighbours be given copies of hydrological reports relevant to their properties. 	<p>The Bill requires relevant holders to give a copy of the land monitoring information and baseline data collected about the land to each owner and occupier of the agricultural land for which the data was collected.</p> <p>Relevant holders must also give each owner and occupier a document about the information and data that is in a form that is reasonably likely to be understood. The requirements to give owners and occupiers copies of the information and data intentionally do not extend to neighbours because the information and data is only relevant to the land for which it was collected.</p> <p>OGIA, however, must keep a database of information relevant to identifying, assessing, monitoring and managing the impacts of CSG-induced subsidence and the office may make information in the database available to the public. Where this occurs, a person may inspect these details free of charge at OGIA's office and obtain a copy on payment of a fee.</p>
87	25	<p>Submitter 25 strongly supports the adoption of a risk-based categorisation system to prioritise data collection and farm assessment activities, and the inclusion of independent auditing.</p> <p>Submitter 25 also welcomes the opportunity to contribute to the development of future guidelines in relation to land monitoring, baseline data collection and farm field assessments.</p>	Resources notes this feedback.

CI	Sub No.	Key points	Department's response
87	22, 27	<p>Submitters raised general concerns regarding the data collection process. These issues include:</p> <ul style="list-style-type: none"> land monitoring and baseline data collection must be undertaken by an independent expert with broad understanding of agriculture and modern farming practices data should be made publicly available <p>OGIA should undertake land monitoring and baseline data collection, which is funded by the resources industry.</p>	<p>The Bill provides for when a relevant holder must undertake land monitoring and baseline data collection for agricultural land, and that they must ensure that land monitoring and baseline data is collected in accordance with the prescribed requirements, or if there are no prescribed requirements, then best practice industry standards. The requirement to comply with the prescribed requirements or best practice industry standards establishes a level of consistency about how relevant holders can undertake land monitoring and data collection and ensures that it is fit for purpose. The prescribed requirements may include information about the type or level of experience required to undertake land monitoring or baseline data collection.</p> <p>Data collected by relevant holders must be provided to OGIA, which will inform the cumulative subsidence assessment and regional risk assessment and categorisation of land. All data is required to be maintained on a database by OGIA which will be available to the public. Any data believed to be commercially sensitive however, will not be publicly available.</p>
Chapter 5A – Part 4 – Identification, assessment and monitoring of impacts of CSG-induced subsidence - Division 1 - Land monitoring			
87	12, 31	<p>Submitter 12 provided strong support for the requirement to give information from land monitoring to owners and occupiers of agriculture land within 10 days (section 184DF).</p> <p>Submitter 31 also supports the powers of the landholders to request land monitoring data, however suggests the information should be given within 5 business days where this information has already been prepared.</p>	<p>Resources notes the feedback. The Bill requires relevant holders to give a copy of the land monitoring information and baseline data collected about the land to each owner and occupier of the agricultural land for which the data was collected.</p> <p>Relevant holders must also give each owner and occupier a document about the information and data that is in a form that is reasonably likely to be understood. The requirements to give owners and occupiers copies of the information and data intentionally do not extend to neighbours because the information and data is only relevant to the land for which it was collected. The date by which this information must be given to each owner and occupier is 10 business days to provide the relevant holder with sufficient time to prepare the information in a form that can reasonably be understood.</p> <p>OGIA, however, must keep a database of information relevant to identifying, assessing, monitoring and managing the impacts of CSG-induced subsidence and the office may make information in the database available to the public. Where this occurs, a person may inspect these details free of charge at OGIA's office and obtain a copy on payment of a fee.</p>
87	16	<p>Submitter 16 sought clarification that the relevant resource holder must fund the land monitoring and stated it must be genuinely independent work.</p>	<p>The Bill provides that where required to undertake land monitoring of agricultural land, the relevant holder must undertake it in a way that complies with the prescribed requirements for land monitoring or if there are no prescribed requirements, use best practice industry standards for carrying out work similar in nature to undertaking land monitoring of agricultural land. The relevant tenure holder is responsible for ensuring relevant experts are engaged and the land monitoring complies with the regulatory requirements. It is an offence to not comply with this requirement with a maximum penalty of 300 penalty units.</p>

CI	Sub No.	Key points	Department's response
87	31	Submitter 31 suggested that the tenure holder be required to notify all impacted landholders and the general public about the availability of land monitoring information so any interested party can access the information	Resources notes this feedback. The Bill provides that OGIA must keep a database of information relevant to identifying, assessing, monitoring and managing the impacts of CSG-induced subsidence and the office may make information in the database available to the public. Where this occurs, a person may inspect these details free of charge at OGIA's office and obtain a copy on payment of a fee.
Chapter 5A – Part 4 – Division 2 – Baseline data collection			
87	7	Submitter 7 suggested that OGIA should undertake regular reviews of the baseline data provided by relevant holders to ensure it's meeting the prescribed requirements or best practice industry standards.	The relevant holder must ensure that baseline data is collected in accordance with the prescribed requirements, or if there are no prescribed requirements, then best practice industry standards. The relevant holder must also give a copy of the baseline data to OGIA in the approved format. If the relevant holder is not complying with the prescribed requirements or best practice industry standards, a maximum penalty of 300 penalty units will apply.
87	1, 11, 12, 22	Concerns were raised about the value of baseline data for land that is already experiencing CSG-induced subsidence, and how the framework accounts for this. Submitter 22 suggests that where CSG-induced subsidence has already occurred and no baseline data can be gathered, CSG activity on that land should not be permitted.	The framework acknowledges that establishing a true baseline may not be possible where CSG-induced subsidence has already occurred. In this case, the technical requirements will prescribe a methodology to reconcile historical data and to establish a baseline based on best available data. This will likely include a combination of survey data capture and modelling to recreate landforms pre-CSG development.
87	8	Submitter 8 suggested that natural capital accounting or accounting for nature framework be included in baseline data collection	The purpose of baseline data collection is to collect data at a point in time to obtain information about the agricultural land before CSG-induced subsidence happens to inform assessment and monitoring of CSG-induced subsidence on the agricultural productivity of the land. This intentionally does not include natural capital accounting or other measures of environmental assets because this information is not relevant to managing the impacts of CSG-induced subsidence on agricultural land.
87	8	Submitter 8 raised concerns about ambiguity and subjectivity in section 184EF and the requirement for data to be provided in a form that is reasonably likely to be understood by the owner or occupier'.	Section 184EF requires that a relevant holder must give a copy of the baseline data collected about the land, and a document about the data that is in a form that is reasonably likely to be understood, to the landholder. The term 'reasonably likely' has been used in recognition that what may be easily understood by one landholder may differ from what is easily understood by another. This terminology provides certainty to relevant holders about the level of accessibility of the data they should aim for.
87	6	Submitter 6 raised concerns about whether there would be uniformity in how relevant holders undertake baseline data collection and suggested this should be undertaken in consultation with landholders.	The relevant holder must ensure that baseline data is collected in accordance with the prescribed requirements, or if there are no prescribed requirements, then best practice industry standards. The requirement to comply with the prescribed requirements or best practice industry standards establish a level of consistency about how relevant holders can undertake baseline data collection. It is not appropriate that landholders be consulted about

CI	Sub No.	Key points	Department's response
			<p>how baseline data collection should occur because the relevant holder must adhere to the prescribed requirements or best practice industry standards.</p> <p>However, when developing technical guidelines and determining prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, experts from the agricultural field and other relevant government agencies such as the Department of Agricultural and Fisheries and OGIA.</p>
87	31	<p>Submitter 31 suggests the element of a 'reasonable excuse' should be removed from the requirement to undertake baseline data collection, because it introduces an element of uncertainty and it is not clear what a reasonable excuse means.</p>	<p>Where a relevant holder is required to undertake baseline data collection on or before the due day specified in the subsidence impact report, the term 'reasonable excuse' ensures if the baseline data collection has been unable to occur for reasons out of the relevant holder's control, such access to the property has been delayed, or the area has been impacted by a natural disaster, the relevant holder does not commit an offence which is attached to non-compliance with obligations. These reasons may be considered a reasonable excuse.</p>
87	31	<p>Submitter 31 suggests landholders should be able to nominate that their farm be subject to baseline data collection.</p>	<p>All agricultural land within a declared subsidence management area will be categorised as either category A, B or C land in a subsidence impact report. The obligations relating to land monitoring, baseline data collection and farm field assessment have been attributed to certain categories of land based upon the level of risk the land has from impacts or predicted impacts from CSG-induced subsidence. For example, category C land, which is low to no risk of impacts or predicted impacts from CSG-induced subsidence, only attracts an obligation that the relevant holder undertakes land monitoring due to the risk level. Periodic monitoring of this land will ensure that any changes that maybe occurring will be identified, however, does not unnecessarily require relevant holders to undertake actions. OGIA is then able to draw on land monitoring information to determine if land should be re-categorised in subsequent subsidence impact reports. Should this be the case further obligations like baseline data collection will apply.</p> <p>Landholder will be able to make submissions to OGIA through its consultation process ahead of developing updated subsidence impact report. This may include further evidence that may suggest a change in category is necessary, thereby triggering further obligations for relevant holders to address impacts or potential impacts from CSG-induced subsidence.</p> <p>As baseline data collection is to collect data at a point in time to obtain information about the agricultural land before CSG-induced subsidence happens to inform assessment and monitoring, the Bill does prescribe the ability for the chief executive to issue a subsidence management direction. This can direct a relevant holder to undertake baseline data collection where the office has advised the chief executive such a direction should be undertaken. The direction may also be applied where an existing subsidence impact report does not identify a relevant holder and the chief executive believes agricultural land is impacted or likely to be impacted in the future, therefore requiring a subsidence activity such as baseline data should be undertaken.</p>

CI	Sub No.	Key points	Department's response
87	22, 27	Submitters raised concerns regarding the ability to obtain and rely upon accurate baseline data for subsidence management purposes and Court processes,.	The Bill provides for when a relevant holder must undertake baseline data collection for agricultural land, and it must be collected in accordance with the prescribed requirements, or if there are no prescribed requirements, then best practice industry standards. The requirement to comply with the prescribed requirements or best practice industry standards establishes a level of consistency about how relevant holders can undertake baseline data collection. This ensures reliable data for analysis and court proceedings.
87	23, 27, 33	<p>Submitters raised the following concerns in relation to baseline data collection:</p> <ul style="list-style-type: none"> landholders are not equipped to undertake baseline data collection costs associated with undertaking the activity it needs to occur over a period of 10 years and before CSG activities have begun. requirements for baseline data collection processes, including required information, is not sufficiently explained <p>an urgent, independent inquiry into the adequacy of groundwater baseline assessments be carried out and that any findings be applied to baseline data collection for the purposes of the subsidence management framework.</p>	<p>The Bill provides for when a relevant holder must undertake baseline data collection for agricultural land, and that they must ensure that baseline data is collected in accordance with the prescribed requirements, or if there are no prescribed requirements, then best practice industry standards. The requirement to comply with the prescribed requirements or best practice industry standards establish a level of consistency about how relevant holders can undertake baseline data collection. There is no obligation under the subsidence management framework for landholders to undertake baseline data collection.</p> <p>The subsidence impact report prepared by OGIA will include a subsidence impact management strategy that will outline plans and strategies to manage existing and predicted impacts of CSG-induced subsidence. This will include a plan for when relevant holders are required to undertake baseline data collection within the subsidence impact report period.</p> <p>Resources acknowledges that the requirements to be prescribed in regulation in relation to these obligations for relevant holders is not currently available.</p> <p>When developing technical guidelines and determining prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, experts from the agricultural field and other relevant government agencies such as DAF and OGIA.</p>
Chapter 5A – Part 4 – Division 3 – Farm field assessments			
87	12, 31	<p>Submitter 12 provided general support for the measures outlined in the farm field assessment provisions.</p> <p>Submitter 31 supported an audit of farm field assessments.</p>	Resources notes the feedback.
87	1, 11, 12, 13	<p>Landholders suggested that the farm field assessment should not be limited to a singular 'expert' or 'person' and would need to include a range of appropriately qualified experts.</p> <p>Submitters 12 and 13 further suggest more landholder oversight of farm field assessments is required.</p>	<p>The Bill requires the relevant holder to undertake the farm field assessment, or if the relevant holder is not appropriately qualified to undertake the assessment, ensure that it is undertaken by an appropriately qualified person. Appropriately qualified persons could include technical experts such as agronomists, irrigation specialists, engineers, hydrologists.</p> <p>Where the assessment is undertaken by an appropriately qualified person, the Bill does not restrict the assessment to one expert.</p>

CI	Sub No.	Key points	Department's response
			<p>This approach recognises that a farm field assessment is a critical component of the subsidence management framework that requires technical expertise to determine what the impacts of CSG-induced subsidence might be.</p> <p>Additionally, the Bill provides that the farm field assessment must be undertaken in a way that complies with the prescribed requirements, or if there are no prescribed requirements, best practice industry standards. If the relevant holder is not complying with the prescribed requirements or best practise industry standards, a maximum penalty of 300 penalty units will apply.</p> <p>Together, these requirements for farm field assessment provide a level of rigour and robustness about how they are being carried out and by whom. On this basis, Resources does not consider that landholder oversight of farm field assessments is required.</p>
87	12, 13	<p>Submitters 12 and 13 do not support the ability for landholders to agree not to require a farm field audit.</p> <p>Submitter 12 also noted that there is no penalty imposed on an auditor who fails to conduct a proper audit.</p>	<p>The farm field assessment is a technical assessment that needs to be undertaken by appropriately qualified persons and then audited by an independent expert. The farm field audit is intended to provide further credibility to the assessments and outcomes presented in the farm field assessment. While there is no penalty directly for an auditor not undertaking the assessment appropriately, the chief executive may remove any approved farm field auditors if they do not meet the prescribed requirements for being a farm field auditor.</p> <p>If the owner or occupier of the agricultural land agrees in writing that a farm field assessment audit is not required, the holder is not required to comply with the requirement to commission an audit of the farm field assessment. This provision is intended to provide a streamlined process for the landholder and tenure holder where they have a positive relationship.</p>
87	16	<p>Submitter 16 supports the restriction on starting to produce CSG using particular petroleum wells.</p>	<p>Resources notes this feedback.</p>
87	12, 30	<p>Concerns were raised regarding the lack of definition for impacts 'more than minor' determined by the farm field assessment, which establishes if a subsidence management plan is required.</p>	<p>A subsidence management plan is required if a farm field assessment determines the impacts or predicted impacts of the CSG-induced subsidence on the ability to undertake, or the productivity of, agricultural activities on the land, to be more than minor.</p> <p>Each farm field is likely to be impacted differently from CSG-induced subsidence due to the topography and position of a property in the landscape, the nature of the farming operation e.g. type of farming undertaken (dryland or irrigated cropping) and crop planted. Due to these factors, the term has not been defined in the legislation. Instead, Resources will develop guidance material to assist with determining what may be considered 'more than a minor impact'. Resources will consult with key stakeholders on this guidance material.</p>
87	6	<p>Submitter 6 is concerned that the requirement of a 12-month lead time between the completion of assessment work and the start of production could adversely impact businesses and the wider economy of the region.</p>	<p>The Bill prevents CSG-production from new wells until a farm field assessment is carried out, and if required, a subsidence management plan agreed to, for land that is at a high risk of impacts from CSG-induced subsidence, or for land on which impacts from subsidence are already occurring.</p>

CI	Sub No.	Key points	Department's response
			<p>The exception to this is where the relevant holder has agreed in writing with each owner and occupier of the land in question to start producing while the FFA is carried out and, if required, an SMP is agreed to. Or the relevant holder has entered into a subsidence opt-out agreement for the SMP with each owner and occupier of the land in question.</p> <p>Where parties cannot agree to a subsidence management plan through either negotiation or ADR, the matter is automatically referred to the Land Court which will determine the management measures required to address the impacts from CSG induced subsidence on agricultural land. New production can then commence from when the subsidence management plan agreed to, or from when the matter is referred to the Land Court.</p> <p>This approach ensures that where production has not commenced on land that is most at risk of impacts from CSG-induced subsidence, new production does not occur ahead of an assessment on the farm scale about what the impacts might be is carried out.</p>
87	1, 11, 12, 13, 30	<p>Various submitters raised concerns regarding the restriction on producing CSG, including:</p> <ul style="list-style-type: none"> • there is a lack of transitional provisions for existing tenure and operations, which may impose retrospective restrictions on approved and constructed development • it is limited to new petroleum wells • it should cease CSG extraction on land identified as Category A and Category B, until the impacts are understood and compensation has been negotiated • it should extend beyond the farm boundary to impacted neighbouring land • production from particular (new) wells should not start until a subsidence management plan and subsidence compensation agreement are made. 	<p>The Bill does not amend existing approvals to carry out CSG activities, and as such, does not include transitional provisions for approved projects.</p> <p>However, the Bill does establish a new framework to manage the impacts from CSG-induced subsidence, if and when they arise. It provides that a restriction on production applies to petroleum wells where production has not yet commenced, and the well is on, partly on, or under, or partly under, Category A land. The restriction also applies where relevant holders are given a subsidence management direction before the first subsidence impact report is released, to undertake a farm field assessment and the holder has not commenced coal seam gas production using the petroleum well. This restriction does not apply in relation to any wells that are already producing CSG.</p> <p>The purpose of this restriction is to ensure that where production has not commenced on land that is most at risk of impacts from CSG-induced subsidence, new production does not occur ahead of an assessment on the farm scale about what the impacts might be if production from the well is carried out.</p> <p>If the farm field assessment determines the impacts or predicted impacts are more than minor, the relevant holder must enter into a subsidence management plan to manage the impacts from CSG-induced subsidence. Where parties cannot agree to a subsidence management plan through either negotiation or ADR, the matter is automatically referred to the Land Court which will determine the management measures required to address the impacts from coal seam gas induced subsidence on agricultural land. New production can commence once the subsidence management plan is agreed to, or the matter is referred to the Land Court.</p> <p>A subsidence compensation agreement will not include measures to manage the impacts from CSG-induced subsidence and is therefore not relevant to determining when new production can commence.</p>

CI	Sub No.	Key points	Department's response
			<p>A subsidence management plan for agricultural land is a plan agreed between the relevant holder and an owner or occupier of the land. It contains subsidence measures to address how and when the relevant holder will manage the impacts of CSG induced subsidence on the land.</p> <p>A subsidence compensation agreement for agricultural land is an agreement entered into by a relevant holder for a subsidence management area and a subsidence claimant for the land. The agreement is about the relevant holder's compensation liability to the subsidence claimant for any compensatable effects caused by subsidence.</p>
87	12 20, 22, 23, 25, 26, 27, 30, 31	<p>Submitters raised various concerns in relation to how farm field assessments are undertaken, and various deficiencies in the notice of outcome process for a farm field assessment. These issues include:</p> <ul style="list-style-type: none"> • unclear criteria for determining relevant considerations under a farm field assessment • landholders do not have an opportunity to be consulted during the farm field assessment or review a draft to ensure information provided to the resource authority holder has been interpreted correctly • there is no mechanism to correct materially wrong information under the existing provisions of 184FI or 184FG • auditors are not required to provide communication materials to landholders (such as engagement, audit questions, letter of limitation, observations etc), only the auditor report which does not provide transparency or oversight • no penalty for providing a notice with false information, and no way to correct a notice • the notice is not required to be registered on title, resulting in potential new owners being unaware if a farm field assessment has been conducted • no provision requiring the resource authority holder to provide all relevant documents to subsequent owners • required information is not sufficiently explained • it must include an assessment of the drainage, slope and overflow patterns and anything that may contribute to changes • farm field assessments must be carried out by an independent panel of agronomic experts or another suitably qualified person within DAF • farm field assessment should be undertaken by OGIA or pool of registered consultants • multiple professions will need to contribute to the farm field assessment • landholders should have an opportunity to initiate and obtain a farm field assessment 	<p>The Bill requires a relevant holder to seek information from owners and occupier prior to undertaking a farm field assessment under section 184FI. This includes obtaining information relating to what the land is being used for, such as the farming practices or infrastructure and any other information reasonably required to undertake the farm field assessment about the land.</p> <p>The Bill also provides that the farm field assessment must be undertaken in a way that complies with the prescribed requirements, or if there are no prescribed requirements, best practice industry standards. If the relevant holder is not complying with the prescribed requirements or best practise industry standards, a maximum penalty of 300 penalty units will apply.</p> <p>Under section 184FG relevant holders are required to correct material errors within 30 days of becoming aware of the error, which would capture errors brought to the attention of relevant holder by the landholder. A failure to comply with this requirement carries a maximum penalty of 500 penalty units.</p> <p>Farm field assessments also must be undertaken by appropriately qualified persons, which could be the relevant holder or another person. The relevant holder must also commission an audit of the farm field assessment by a farm field auditor who is independent from the holder and each owner and occupier of the land to give credibility to the initial assessment and ensure it was conducted in line with the prescribed requirements.</p> <p>A person can be approved by the chief executive as a farm field auditor if the chief executive is satisfied the person is appropriately qualified to carry out an audit of a farm field assessment of agricultural land and they meet the prescribed requirements for being a farm field auditor. Prescribing minimum requirements for auditors ensures that any auditor that is appointed will be capable of carrying out the technical assessment, giving both parties confidence in the outcome.</p> <p>Existing provisions in the <i>Petroleum and Gas (Production and Safety) Act 2004</i> impose penalties on persons providing any false or misleading information that also apply in relation to the subsidence management framework.</p> <p>A landholder can make an application for a direction about a farm field assessment in particular circumstances, if new evidence becomes available since the subsidence impact</p>

CI	Sub No.	Key points	Department's response
		<ul style="list-style-type: none"> • farm field assessment must be able to be reviewed, and alternative dispute resolution pathways should be available • farm field assessments must not be undertaken by resource companies who an interest in an outcome that provides the impacts of CSG-induced subsidence will be less than minor • soil and growing condition expertise will be required. 	<p>report was approved that suggests the land is impacted or likely to be impacted by CSG-induced subsidence.</p>
87	27, 30	<p>Submitter 27 considers there should be an ability for the independent third-party auditor to consult with landholders to verify information supplied by the relevant holder in the farm field assessment.</p> <p>Submitter 30 also raised concerns about the lack of clarity regarding the nature of the third-party auditing process and whether it intends to revisit fundamental principles, such as assessing the validity of the data provided.</p> <p>Concern was also raised about how many farm field auditors will be available to conduct an audit of a farm field assessments and how this may impact the completion of the farm field assessment by the relevant due day.</p>	<p>The Bill provides that the audit of a farm field assessment is to include the auditor's opinion about whether the relevant holder has complied with the method of undertaking the farm field assessment provided in new section 184FE. It remains the relevant holder's responsibility to undertake a farm field assessment or to ensure that it is undertaken by an appropriately qualified person.</p> <p>Commissioning an audit of farm field assessments is intended to provide an additional layer of independent expert verification to both the resources authority holder and the owner and occupier of the land.</p> <p>A person can be approved by the chief executive as a farm field auditor if the chief executive is satisfied the person is appropriately qualified to carry out an audit of a farm field assessment of agricultural land and they meet the prescribed requirements for being a farm field auditor. In developing the prescribed requirements, Resources is committed to consulting with key stakeholders, including agricultural landholders, experts from the agricultural field and other relevant government agencies such as DAF to ensure that the list of farm field auditors is appropriate in terms of qualifications and availability.</p> <p>Given the technical nature of the assessment, it is necessary to prescribe minimum requirements for an appropriately qualified person to become an independent farm field auditor. Prescribing minimum requirements for auditors ensures that any auditor that is appointed will be capable of carrying out the technical assessment, giving both parties confidence in the outcome.</p> <p>The chief executive must publish a list of farm field auditors on a Queensland government website. If the owner or occupier of the agricultural land agrees in writing that a farm field assessment audit is not required, the holder is not required to comply with the requirement to commission an audit of the farm field assessment.</p>
87	26	<p>Submitter 26 raised concerns about a lack of a definition for 'more than minor'.</p>	<p>A subsidence management plan is required if a farm field assessment determines the impacts or predicted impacts of the CSG-induced subsidence on the ability to undertake, or the productivity of, agricultural activities on the land, to be more than minor.</p> <p>Each farm field is likely to be impacted differently from CSG-induced subsidence due to the topography and position of a property in the landscape, the nature of the farming operation e.g. type of farming undertaken (dryland or irrigated cropping) and crop planted. Due to these factors, the term has not been defined in the legislation. Instead, Resources will develop</p>

CI	Sub No.	Key points	Department's response
87	26	<p>Submitter 26 raised concerns in relation to the halt on new production, including the time it will take to carry out farm field assessments, which could cause unjustified delays, create significant commercial risk and cause supply disruptions.</p>	<p>guidance material to assist with determining what may be considered 'more than a minor impact'.</p> <p>The Bill provides that the restriction on production applies to petroleum wells where production has not yet commenced, and the well is on, partly on, or under, or partly under, Category A land. The restriction also applies where relevant holders are given a subsidence management direction before the first subsidence impact report is released, to undertake a farm field assessment and the holder has not commenced coal seam gas production using the petroleum well. This restriction does not apply in relation to any wells that are already producing CSG. It also does not apply if the relevant holder has agreed in writing with each owner and occupier of the land in question to start producing while the FFA is carried out and, if required, a subsidence management plan, or opt-out agreement for the plan, is agreed to.</p> <p>The purpose of this restriction is to ensure that where production has not commenced on land that is most at risk of impacts from CSG-induced subsidence, new production does not occur ahead of an assessment on the farm scale about what the impacts might be if production from the well is carried out.</p> <p>If the farm field assessment determines the impacts or predicted impacts are more than minor, the relevant holder must enter into a subsidence management plan to manage the impacts from CSG-induced subsidence. Where parties cannot agree to a subsidence management plan through either negotiation or ADR, the matter is automatically referred to the Land Court which will determine the management measures required to address the impacts from coal seam gas induced subsidence on agricultural land. New production can commence once the subsidence management plan is agreed to, or the matter is referred to the Land Court.</p>
87	23, 26	<p>Submitters raised concerns regarding the term 'agricultural land' and how this relates to the halt on new production.</p>	<p>The Bill defines 'agricultural land' as private land used for agricultural purposes. The subsidence management framework, however, only applies to land within the subsidence management area. Resources acknowledges further clarification may be required and commits to reviewing the existing definition.</p> <p>The halt on producing coal seam gas under the subsidence management framework is only relevant to agricultural land that is categorised as category A land, or if there is no subsidence impact report, the relevant holder was given a subsidence management direction under new section 184FA to undertake a farm field assessment.</p> <p>If a well for a relevant holder is developed but not turned on in an area of category A land or the land the subject of the subsidence management direction, these wells cannot be turned on until a farm field assessment (FFA) is undertaken, and if required, a subsidence management plan is agreed to or determined.</p>

CI	Sub No.	Key points	Department's response
			<p>A subsidence management plan is agreed between the relevant holder and an owner or occupier of the agricultural land. Where there is more than one owner or occupier, the relevant holder will be required to enter into a subsidence management plan with each owner and occupier. Although the relevant holder is required to reach agreement with each affected owner and occupier to address impacts or potential impacts from CSG-induced subsidence, the halt on producing coal seam gas can be lifted once the relevant holder has agreements with those affected owners and occupiers that have petroleum wells within, partly within, or under or partly under the relevant category A land or land the subject of a subsidence management direction.</p> <p>The exception to this is where the relevant holder has agreed in writing with each owner and occupier of the land in question to start producing while the FFA is carried out and, if required, an SMP is agreed to. Or the relevant holder has entered into a subsidence opt-out agreement for the SMP with each owner and occupier of the land in question.</p>
87	23, 26	Submitters raised concerns about how cadastral boundaries apply in relation to the framework for farm field assessments and subsidence management agreements (if required).	The requirements of a farm field assessment and subsidence management plan do not align with cadastral boundaries. Instead, they apply to agricultural land identified in the subsidence impact report. This means that there may be multiple farm field assessment required in one lot on plan and the outcome of each of these assessments would determine whether a subsidence management agreement is required for each.
87	23	Submitter 23 considers that where there is an existing CCA or voluntary agreement in place for a property that would otherwise allow production to commence, the property should be exempted from section 184FC.	<p>The halt on producing coal seam gas under the subsidence management framework is only relevant to agricultural land that is categorised as category A land, or if there is no subsidence impact report the relevant holder was given a subsidence management direction under new section 184FA to undertake a farm field assessment.</p> <p>If a well for a relevant holder is developed but not turned on in an area of category A land or the land the subject of the subsidence management direction, these wells cannot be turned on until a farm field assessment (FFA) is undertaken, and if required, a subsidence management plan (SMP) is agreed to or determined. This applies in relation to wells that are developed but not turned on, for:</p> <ul style="list-style-type: none"> • a petroleum lease; and • an area of an ATP (csg) that has a petroleum lease application over it. <p>A subsidence management plan is agreed between the relevant holder and an owner or occupier of the agricultural land. Where there is more than one owner or occupier, the relevant holder will be required to enter into a subsidence management plan with each owner and occupier. Although the relevant holder is required to reach agreement with each affected owner and occupier to address impacts or potential impacts from CSG-induced subsidence, the halt on producing coal seam gas can be lifted once the relevant holder has reached agreement with those affected owners and occupiers that have petroleum wells within, partly within, or under or partly under the relevant category A land or land the subject of a subsidence management direction.</p>

CI	Sub No.	Key points	Department's response
			<p>The purpose of a subsidence management plan differs from conduct and compensation agreements and other voluntary agreements and is about managing the impacts of CSG-induced subsidence. It is understood that while some conduct and compensation agreements and other voluntary agreements may include compensation for impacts from CSG-induced subsidence, they are unlikely to include measures to manage CSG-induced subsidence. Therefore, it is not appropriate for these other, existing agreements to be used for the purpose of allowing new production to occur ahead of having a plan in place to manage those impacts if required.</p>
Chapter 5A – Part 5 – Management of, and compensation for, impacts of CSG-induced subsidence – Division 1 – Subsidence management plan			
87	11	<p>Submitter 11 is concerned that Resources has not provided examples of agreement content or templates for subsidence management plan and compensation agreements at the time of introduction of the Bill.</p>	<p>The Bill will commence via proclamation. This means that the subsidence management framework will not commence immediately after the Bill is assented to. Prior to commencement, Resources will develop subordinate legislation and guidelines. In doing so, Resources will consider the need for examples and templates of subsidence management plans and subsidence compensation agreements. Consultation will be undertaken when developing these further components of the framework.</p>
87	11	<p>Submitter 11 raised concerns that there is limited scope for landholders to negotiate well location or infrastructure and a power imbalance between the resource sector and landholders makes it difficult for landholders to negotiate fair and reasonable terms in subsidence management plans and subsidence compensation agreements compared to resource authority holders.</p>	<p>The subsidence management framework relates to managing the impacts from CSG-induced subsidence and generally does not limit the extent to which CSG-production under a petroleum lease can occur. An exception to this is where the Minister determines a critical consequence has occurred and directs the holder to take certain steps in relation to their resource authority, which could include relocating well infrastructure or temporarily stopping CSG-production.</p> <p>The framework seeks to address any perceived power imbalances between landholders and resource authority holders by obliging resource authority holders to provide information about land monitoring, baseline data collection and farm field assessments to landholders. It also provides for both parties to be supported in negotiating a subsidence management plan or a compensation agreement through an ADR or arbitration process where agreements cannot be reached.</p> <p>The relevant holder is also liable to pay the costs necessarily and reasonably incurred by an owner or occupier to assist them during negotiation.</p>
87	1, 30	<p>Submitter 1 is concerned that a subsidence management plan is not a subsidence remediation plan and fails to acknowledge the CSG-induced subsidence that has already occurred.</p> <p>Submitter 30 also raised concerns about the uncertainty associated with the term 'manage' in the definition of a subsidence management plan, including the range of measures that may be required to address the impact of CSG-induced</p>	<p>A subsidence management plan is a plan agreed between the relevant holder and an owner or occupier of the agricultural land. It contains subsidence management measures to address how and when the relevant holder will manage, prevent, mitigate or remediate the impacts of CSG-induced subsidence on the land.</p> <p>In this context, the term impact, as it relates to CSG-induced subsidence on agricultural land, means an impact or predicted impact of CSG-induced subsidence, on the ability to undertake, or the productivity of, agricultural activities on the land. The subsidence management</p>

CI	Sub No.	Key points	Department's response
		subsidence (including whether compensation alone under a subsidence compensation agreement would be sufficient).	<p>measures are intended to manage the impacts identified through the farm field assessment and be proportionate with the impacts. As such, this plan may include remediation activities to reduce the impacts of CSG-induced subsidence that has already occurred.</p> <p>As subsidence management plans relate to specific properties, each farm is likely to be impacted differently from CSG-induced subsidence due to the topography and position of a property in the landscape, the nature of the farming operation e.g. type of farming undertaken (dryland or irrigated cropping) and crop plant. As such, the measures to address how and when CSG-induced subsidence will be managed will be different for every property. It is the responsibility of both parties to agree to the measures contained within the subsidence management plan, noting not every impact needs to be managed if the parties agree. A subsidence compensation agreement is also available to parties where any cost, loss or damage has occurred as a result of CSG-induced subsidence impacts.</p>
87	1	Submitter 1 raised concerns that mitigation and remediation processes and technology for managing impacts from CSG-induced subsidence are untested, and there are concerns that measures to resolve impacts maybe unsuccessful or too costly.	<p>Resources acknowledges the concerns about the uncertainty of subsidence measures to successfully address impacts of CSG-induced subsidence. To mitigate this uncertainty where a subsidence management plan is required, landholders may choose to negotiate subsidence management measures that cover a range of scenarios, or that are triggered if certain events occur.</p> <p>Where the subsidence measures in the subsidence management plan are not working, landholders can apply to the Minister for a critical consequence decision.</p> <p>The owner or occupier of the land can apply to the Minister for Resources and Critical Minerals about a decision on critical consequence. This will require evidence to demonstrate that the CSG-induced subsidence has, or will, affect the viability of the agricultural operation. The Minister will consider this information, along with the farm field assessment, audit report of the farm field assessment of the land, current subsidence management plan, and any additional information provided by a relevant entity.</p> <p>If the decision is that a critical consequence has occurred, or is likely to occur, the Minister has the power to direct the relevant holder to take reasonable steps to prevent the critical consequence from continuing or becoming worse. This direction might include requiring production of CSG at a stated location to stop for a period of time or plugging or relocating wells.</p>
87	1, 17	Submitters suggested that the development of a subsidence management plan should be based on scientific evidence for each farm field by suitably qualified experts.	<p>Technical experts, including agronomists and hydrologists for example, may have input into developing the subsidence management measures that make up the subsidence management plan that is unique to the farm field in question. These experts will identify the technical evidence (scientific or otherwise) for determining what these management measures should be. The relevant tenure holder is responsible for ensuring the plans complies with the regulatory requirements. The relevant holder is also liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs under section 184HK.</p>

CI	Sub No.	Key points	Department's response
87	11	Concerns were raised about the change to impacts of CSG-induced subsidence on land where resource activity intensity increases, and the ability to update subsidence management plans and/or subsidence compensation agreements.	<p>The subsidence impact report will be prepared by OGIA every 3 to 5 years and will assess the risk of impacts of CSG-induced subsidence on land. It will include a subsidence impact management strategy for the area that will identify, plan and prioritise the Category A, B or C land that requires the responsible tenure holder to carry out land monitoring, baseline data collection or a farm field assessment for the land in the report period.</p> <p>As part of this, OGIA will consider where current CSG-production is occurring, as well as areas where new production within the period of the subsidence impact report is expect and may impose new or additional obligations, such as an obligation to undertake a further farm field assessment.</p> <p>Additionally, where there has been a change in impacts from CSG-induce subsidence, including because of an increase in production intensity, it may amount to a material change in circumstance since the subsidence management plan or subsidence compensation agreement was agreed to, that the parties can seek to address through ADR or the Land Court.</p> <p>The Bill also provides that ongoing monitoring of the land is to occur, and that a relevant holder must take all reasonable steps to address a change in circumstance that may impact a farm field assessment, and in turn the mitigation measures agreed to in the subsidence management plan.</p>
87	6, 15	A suggestion was made that the subsidence management plan is replaced with a process similar to the water bore make-good arrangement, to reflect the nature of subsidence and impracticality of proactive remediation and mediation.	The subsidence management framework was developed having regard to the groundwater framework in Chapter 3 of the <i>Water Act 2000</i> . Like make good agreements, a subsidence management plan sets out the management measures for the land to address how and when the relevant holder will manage the impacts of CSG-induced subsidence on the land.
87	12	Concerns were raised about whether the existing offence provision in section 804 of the <i>Petroleum and Gas (Production and Safety) Act 2004</i> (P&G Act) applies to subsidence activities carried out on off-tenure land.	A subsidence activity is an authorised activity, which means that the existing offence in section 804 of the P&G Act applies whether or not the subsidence activity is carried out on or off tenure.
87	12	Submitter 12 provided support for the minimum negotiated period of three months.	Resources notes this feedback.
87	30	Submitter 30 considers there is a lack of clarity and justification as to why subsidence management plans are subject to a three-month minimum negotiation/cooling off period while existing conduct and compensation agreements are subject to a minimum negotiation period of 20 business days.	<p>The MERCP Act currently provides that a resource authority holder may give an eligible claimant to whom the holder has a compensation liability a notice (the negotiation notice) that the holder wishes to negotiate a conduct and compensation agreement with the eligible claimant. The negotiation notice must state a range of details including the activities proposed to be carried out and when and where the activities are to be carried out. The minimum negotiation period is 20 business days and may continue for longer, by agreement.</p> <p>Unlike a conduct and compensation agreement, there is no requirement in the Bill for a relevant holder to give a negotiation notice that the holder wishes to negotiate a subsidence management plan. Instead, the Bill provides that the minimum period for negotiating a subsidence management plan is a minimum of three months, from the day the relevant holder</p>

CI	Sub No.	Key points	Department's response
			<p>gave the owner or occupier notice of the outcome of the farm field assessment under section 184FF (notice of outcome). The period may continue for a longer where agreed by both parties. The Bill also provides that either party may terminate the subsidence management plan within the minimum negotiation period by giving notice to the other party (cooling off period).</p> <p>A minimum negotiation period and cooling off period is appropriate for subsidence management plans because of the detailed information that is provided to owners and occupiers at the time the notice of outcome from a farm field assessment is given and negotiations commence. This includes:</p> <ul style="list-style-type: none"> • a complete assessment of the impacts and predicted impacts of CSG-induced subsidence on the ability to undertake, or the productivity of, any agricultural activities on the agricultural land and how the relevant holder plans to manage the impacts. • If an audit of the farm field assessment was commissioned by the relevant holder, the audit report for the farm field assessment and a declaration for the audit report. • a copy of a proposed draft of the subsidence management plan with the owner or occupier, including measures to address how and when the holder will manage the impacts of CSG-induced subsidence on the land. <p>It is important that owners and occupiers be given sufficient time to consider this information and inform negotiations before a subsidence management plan is put in place or any mandated ADR or Land Court processes commence.</p>
87	16, 17	<p>Submitters 16 and 17 recommended the costs of developing subsidence management plans must be the responsibility of the resource developer.</p>	<p>The Bill provides that the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs in entering or seeking to enter into a subsidence management plan. Where disputes about costs arise, the Land Court can make determinations about costs. However, these costs must be incurred by relevant specialists who are appropriately qualified to perform the function for which the costs are incurred.</p> <p>Relevant specialists will be prescribed by regulation and could include:</p> <ul style="list-style-type: none"> • An agronomist • A geotechnical or geomechanical engineer • A hydrologist • A hydrogeologist • An irrigation specialist • A social scientist • A surveyor.
87	15, 16, 17, 19, 22, 26, 27	<p>Concerns were raised in relation to subsidence management plans, including:</p> <ul style="list-style-type: none"> • subsidence management plans must include both mitigation measures and remedial actions 	<p>A subsidence management plan is a plan agreed between the relevant holder and an owner or occupier of the agricultural land that should contain subsidence management measures to address how and when the relevant holder will manage, prevent, mitigate or remediate the impacts of CSG-induced subsidence on the land. Parties to subsidence management plans</p>

CI	Sub No.	Key points	Department's response
		<ul style="list-style-type: none"> the framework lacks clear guidance on how and when tenure holders will prevent, mitigate, and remediate the impacts in subsidence management plans the process is burdensome, time intensive, costly tools, templates and guidance should be developed collaboratively with industry stakeholders, OGIA and Resources the need for clarity on what will be included in subsidence management plans concerns about who will prepare and provide advice on the subsidence management plans the role DAF will have in reviewing subsidence management plans. 	<p>can decide whether or not to engage representatives to prepare or provide advice on the plan.</p> <p>Each farm is likely to be impacted differently from CSG-induced subsidence due to the topography and position of a property in the landscape, the nature of the farming operation e.g. the type of farming undertaken (dryland or irrigated cropping) and crop plant. As such, the management measures may vary for each individual subsidence management plan.</p> <p>Subsidence management plans will be invalid if they do not comply with the prescribed requirements. While the prescribed requirements are yet to be developed, Resources is committed to consulting with key stakeholders, including agricultural landholders, industry, experts from the agricultural field and other relevant government agencies such as the DAF and OGIA in developing these requirements.</p> <p>Regarding costs, the Bill provides that the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs in entering or seeking to enter into a subsidence management plan. Where disputes about costs arise, the Land Court can make determinations about costs. However, these costs must be incurred by relevant specialists who are appropriately qualified to perform the function for which the costs are incurred.</p> <p>Relevant specialists will be prescribed by regulation and could include:</p> <ul style="list-style-type: none"> An agronomist; A geotechnical or geomechanical engineer; A hydrologist; A hydrogeologist; An irrigation specialist; A social scientist; and A surveyor.
87	30	<p>Submitter 30 is concerned that tenure holders and multiple landholders need to agree to a subsidence management plan and that this could potentially halt development on some properties.</p>	<p>The halt on producing coal seam gas under the subsidence management framework is only relevant to agricultural land that is categorised as category A land, or if there is no subsidence impact report the relevant holder was given a subsidence management direction under new section 184FA to undertake a farm field assessment.</p> <p>If a well for a relevant holder is developed but not turned on in an area of category A land or the land the subject of the subsidence management direction, these wells cannot be turned on until a farm field assessment (FFA) is undertaken, and if required, a subsidence management plan (SMP) is agreed to or determined. This applies in relation to wells that are developed but not turned on, for:</p> <ul style="list-style-type: none"> a petroleum lease; and an area of an ATP (csg) that has a petroleum lease application over it. <p>A subsidence management plan is agreed between the relevant holder and an owner or occupier of the agricultural land. Where there is more than one owner or occupier, the</p>

CI	Sub No.	Key points	Department's response
			<p>relevant holder will be required to enter into a subsidence management plan with each owner and occupier. Although the relevant holder is required to reach agreement with each affected owner and occupier to address impacts or potential impacts from CSG-induced subsidence, the halt on producing coal seam gas can be lifted once the relevant holder has agreements with those affected owners and occupiers that have petroleum wells within, partly within, or under or partly under the relevant category A land or land the subject of a subsidence management direction.</p> <p>The exception to this is where the relevant holder has agreed in writing with each owner and occupier of the land in question to start producing while the FFA is carried out and, if required, an SMP is agreed to. Or the relevant holder has entered into a subsidence opt-out agreement for the SMP with each owner and occupier of the land in question.</p> <p>The Bill provides that where parties cannot agree to a subsidence management plan within the minimum negotiation period, the parties will be required to engage in ADR to resolve the dispute. If an agreement still cannot be reached after ADR, the matter will be automatically referred to the Land Court to resolve the dispute. This automatic referral process ensures that the management of CSG-induced subsidence impacts can occur in a timely manner and that CSG development is not delayed unnecessarily.</p>
87	30	<p>Submitter 30 raised concerns that negotiation, ADR or Land Court processes may demand considerable time and resources, resulting in significant delays that impede CSG production and that this may impact on the resources' sector's ability to maintain their social licence to operate.</p>	<p>The Bill provides negotiation, ADR and Land Court processes for subsidence management plans and subsidence compensation agreements. The Bill also provides timeframes and processes to ensure that negotiations in relation to both of these agreements progress without unnecessary delays.</p> <p>Resources considers these are reasonable and necessary given the importance of a subsidence management plan in managing impacts, and the importance of a subsidence compensation agreement in compensating owners and occupiers for effects of, CSG-induced subsidence at the farm scale, and will help to maintain social licence.</p>
87	22	<p>Submitter 22 sought clarification and more detailed guidelines on the implications for a landholder of opting-out of a subsidence management plan.</p>	<p>Resources notes this feedback. The Bill will commence via proclamation. This means that the subsidence management framework will not commence immediately after the Bill is assented to. Prior to commencement, Resources will develop subordinate legislation and guidelines. Resources will continue to work with stakeholders to develop the regulation and material needed to support the implementation of these amendments, should the legislation be passed by Parliament.</p>
87	30	<p>Clarity was sought about whether a petroleum well that has commenced production after the subsidence management plan had been entered into would subsequently be required to cease production where the subsidence management plan is terminated and taken to never had any effect.</p>	<p>The Bill provides that the restriction on production only applies to petroleum wells where production has not yet commenced, and the well is on, partly on, or under, or partly under, Category A land. The restriction also applies where relevant holders are given a subsidence management direction before the first subsidence impact report is released, to undertake a farm field assessment and the holder has not commenced coal seam gas production using the petroleum well.</p>

CI	Sub No.	Key points	Department's response
			The intent is that a subsidence management plan will take effect when the minimum negotiation period ends. This means that new production will not commence during the cooling off period. Resources acknowledges the Bill could be clearer around when a subsidence management plan takes effect and will review the Bill in this context.
Chapter 5A – Part 5 – Division 2 – Subsidence compensation agreement			
87	12	Submitter 12 provided general support for a subsidence compensation framework.	Resources notes this feedback.
87	1, 11,16, 17	<p>Submitters raised concerns about the ability of the proposed framework to address ongoing liability for CSG-induced subsidence impacts after a relevant CSG project has ended.</p> <p>Submitter 11 further suggested that:</p> <ul style="list-style-type: none"> • funds be set aside to ensure the burden does not fall on landowners to remediate damage from CSG-induced subsidence • the resource company or government provide compensation to landholders for declining land values due to the presence or impact of resource infrastructure and activities (including whether they are abandoned or decommissioned). <p>Submitter 1 also suggested that the current fund of \$600m to address CSG remediation and compensation is unrealistic.</p>	<p>If impacts from CSG-induced subsidence are occurring or predicted to occur, the landholder and relevant resource company can enter into a subsidence compensation agreement at any time after a subsidence management area is declared. The Bill does not specify how compensation is to be calculated, however it provides that relevant holders must compensate landholders and other subsidence claimants for any compensatable effects. Compensatable effect means any cost, damage or loss incurred by a subsidence claimant (which includes landholders) because of:</p> <ul style="list-style-type: none"> • the impacts or predicted impacts of CSG-induced subsidence happening because of the relevant holder or • the relevant holder entering the private land owned or occupied by the subsidence claimant to undertake a subsidence activity under chapter 3, part 2, division 4A and • any consequential loss incurred arising out of the above cost, damage or loss. <p>If CSG-induced subsidence impacts by the relevant holder continue or are likely to continue after a relevant CSG project has ended, any costs, loss or damages relating to these impacts should be negotiated as part of the subsidence compensation agreement.</p> <p>Where a landholder and resource authority holder have entered into a subsidence compensation agreement, it becomes legally binding to the parties, and each of their successors and assigns. If a resource company fails to meet their obligations or breaches the terms of the agreement, dispute resolution provisions will apply.</p> <p>The \$600 million fund to relates to the <i>Mineral Resources and Energy (Financial Provisioning) Act 2018</i> amendments in the Bill which are unrelated to the CSG-induced subsidence management framework amendments.</p>
87	6, 12, 23, 26, 27	<p>Submitters raised concerns about the interaction between existing the existing liability to compensate under the conduct and compensation pathway and the proposed subsidence compensation agreement pathway, including:</p> <ul style="list-style-type: none"> • the subsidence compensation provisions should reflect the existing and well understood compensation provisions in the MERC Act • potentially duplicative of compensation and conduct agreements and claims or other voluntary agreements 	<p>If impacts from CSG-induced subsidence are occurring or predicted to occur, the landholder and relevant resource company can enter into a subsidence compensation agreement. The Bill does not specify how compensation is to be calculated or over what timeframe to allow flexibility for landholders to negotiate an arrangement that works best for them. Where a material change has occurred, subsidence compensation agreements and subsidence management plans may need to be re-negotiated. A subsidence claimant, however, is not entitled to be compensated by the relevant holder for any cost, damage or loss for which the</p>

CI	Sub No.	Key points	Department's response
		<ul style="list-style-type: none"> • subsidence compensation agreements should be limited to off tenure issues, while the existing conduct and compensation agreement pathway in the MERC Act should be retained for on tenure issues • negotiating, mitigation, remediation measures and compensation agreements in advance of impacts occurring are impractical as future impacts will be unknown. 	<p>subsidence claimant has been, or is entitled to be, compensated under an existing agreement, or a conduct and compensation agreement.</p>
87	1, 15, 19, 30	<p>A variety of submitters raised concerns about subsidence compensation agreements. The issues include:</p> <ul style="list-style-type: none"> • the lack of clarity in how subsidence compensation agreements are determined • compensation should only be paid where a business suffers an economic impact from CSG-induced subsidence • economic impacts (such as loss of productivity) should be incorporated into calculating the total costs of compensation liability and remediation • a classification of category A or category B land should trigger an automatic requirement for a subsidence compensation agreement • landholders should not have to collect evidence or prove compensation for any land levelling or crop production losses. 	<p>The Bill does not specify how compensation is to be calculated, however compensatable effects relates to any cost, damage or loss incurred by an owner or occupier because of impacts or predicted impacts of CSG-induced subsidence resulting from activities by a relevant tenure holder, or as a consequence of a relevant holder entering the land to undertake subsidence activities. This does not necessarily restrict compensation to economic impacts only.</p> <p>The Bill does not specify how subsidence compensation agreements are determined. It is up to each party to the agreement to determine compensation based on the impacts from CSG-induced subsidence and the costs, damages or losses incurred by the landholder. Landholders may wish to rely on evidence of costs, damages or losses to support their negotiations.</p> <p>A subsidence compensation agreement may be entered into at any time after a subsidence management area is declared, irrespective of which category the land falls into.</p>
87	12	<p>Submitter 12 is concerned that a subsidence compensation agreement cannot be made without first agreeing to a subsidence management plan.</p>	<p>A subsidence compensation agreement may be entered into at any time after a subsidence management area is declared. Where a relevant holder has a compensation liability to a subsidence claimant, either the relevant holder or the subsidence claimant who are each a party to the agreement, may give the other party a negotiation notice that party wishes to negotiate a subsidence compensation agreement. This can happen prior to or after a subsidence management plan is agreed to.</p>
87	16	<p>Submitter 16 expressed that the over-riding aim of a subsidence management plan and associated subsidence compensation agreement must be the requirement to maintain or restore the land's productive capacity. Compensation payments, without restoration of productive capacity should not be the result of implementing the framework in the Bill.</p>	<p>A subsidence management plan must be entered into if a farm field assessment is carried out and the outcome is that the impacts of CSG-induced subsidence are more than minor. A subsidence management plan is a plan agreed between the relevant holder and an owner or occupier of the agricultural land that contains subsidence management measures to address how and when the relevant holder will manage, prevent, mitigate or remediate the impacts of CSG-induced subsidence on the land. As such, both parties can agree to remediation or restoration activities throughout the life of the plan to manage the existing, or predicted impacts of CSG-induced subsidence.</p> <p>If impacts from CSG-induced subsidence are occurring or predicted to occur, the landholder and relevant resource company can enter into a subsidence compensation agreement at any time after a subsidence management area is declared for any costs, loss or damages relating to these impacts from CSG-induced subsidence. It is important that the subsidence</p>

CI	Sub No.	Key points	Department's response
87	15	<p>Submitter 15 provides that the compensation process for the subsidence management framework should be simple and include compensation for impacts proven by an independent professional person with expertise in the loss adjusting field.</p>	<p>management framework provides for both management and compensation outcomes to be able to cater for a broad range of scenarios and landholder preferences.</p> <p>Determining a subsidence compensation agreement is not intended to be burdensome. The Bill provides that if impacts from CSG-induced subsidence are occurring or are predicted to occur, the landholder and relevant resource company may enter into a subsidence compensation agreement at any time after a subsidence management area is declared. The Bill does not specify how compensation is to be calculated, however it provides that relevant holders must compensate landholders and other subsidence claimants for any compensatable effects. Compensatable effect means any cost, damage or loss incurred by a subsidence claimant (which includes landholders) because of:</p> <ul style="list-style-type: none"> • the impacts or predicted impacts of CSG-induced subsidence happening because of the relevant holder or • the relevant holder entering the private land owned or occupied by the subsidence claimant to undertake a subsidence activity under chapter 3, part 2, division 4A and • any consequential loss incurred arising out of the above cost, damage or loss. <p>It is up to the parties to the agreement to determine whether any relevant experts should be engaged to inform the compensation provided for under the agreement. The Bill provides that the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs in entering or seeking to enter into a subsidence compensation agreement. These costs may include costs related to relevant experts such as accounting costs, legal costs, valuation costs and the cost of an agronomist, where they are necessarily and reasonably incurred. It does not, however include the costs of an alternate dispute resolution service.</p>
87	25, 27, 31	<p>Concerns were raised in relation to the subsidence management framework not including the ability for landholders to be compensated for time, costs, losses and damages throughout various stages of the framework, including, for example, in engaging experts to review farm field assessments and auditor reports.</p>	<p>A subsidence compensation agreement for compensatable effects can be reached at any time once a subsidence management area has been declared. This agreement is between an owner or occupier of agricultural land in the subsidence management area and the relevant tenure holder and relates to any cost, damage or loss incurred by an owner or occupier because of impacts or predicted impacts of CSG-induced subsidence resulting from activities by a relevant tenure holder, or as a consequence of a relevant holder entering the land to undertake subsidence activities.</p> <p>The Bill does not specify that compensation can be provided for the time it takes to negotiate and develop subsidence management plans and subsidence compensation agreements, however, it does not prevent these costs from being negotiated as part of the agreement process. The Bill also does not specify how compensation is to be calculated or over what timeframe. This is to allow flexibility for landholders to negotiate an agreement that works best for them. Where a material change has occurred, subsidence compensation agreements and subsidence management plans may need to be re-negotiated.</p>

CI	Sub No.	Key points	Department's response
			<p>While the Bill states the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs, currently there is no timeframe listed when this is required to occur. The party may seek alternative dispute resolution or an order from the Land Court to obtain payment of negotiation and preparation costs reasonably incurred while preparing a subsidence management plan. Resources also notes various technical experts, including agronomists may be needed to develop the subsidence management measures. The relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs under section 184HK and 184IK.</p>
87	23	<p>Submitter 23 considers that the Land Court should not be used as the first and final arbiter of reaching the proposed subsidence agreements and that the referral should be to the LAO instead.</p>	<p>Resources notes this feedback and considers that the LAO is not appropriate to make a final binding decision on subsidence management plans as the LAO has no determinative powers. Resources considers that the Land Court currently provides a clear pathway to resolve disputes about entering into conduct and compensation agreements and is best placed to provide the same clarity and pathway for subsidence management plans and subsidence compensation agreements.</p>
87	22	<p>Submitter 22 sought clarity on whether compensation agreement provisions will provide a clear pathway to compensation for landholders who have existing CSG-induced subsidence prior to commencement of the Bill.</p>	<p>Where CSG-induced subsidence may have resulted in costs, damage or loss prior to the subsidence management framework being established, a landholder is entitled to compensation. However, compensation will not be provided for any cost, damage or loss that may have already been compensated for under a conduct and compensation agreement.</p>
87	22, 23, 26, 27, 33	<p>Submitters raised concerns about subsidence compensation agreements, including:</p> <ul style="list-style-type: none"> • more detail is required about what is meant in relation to compensation for predicted impacts from CSG-induced subsidence • clarity is lacking and no criteria has been provided to assess consequential loss • compensation only being paid if/when impacts occur • exposes tenure holders to excessive compensation claims. 	<p>The Bill provides that a relevant holder is liable to compensate an owner or occupier (each a subsidence claimant) of agricultural land in the area for each compensatable effect suffered by the subsidence claimant because of the holder. This means that if both the owner and occupier suffer a compensatable effect, the relevant holder will be liable to compensate, and enter into, a subsidence compensation agreement with both the owner and the occupier.</p> <p>If a relevant holder has a compensation liability to a subsidence claimant, the holder or the claimant (each a party) may give the other party a notice that they wish to negotiate a subsidence compensation agreement.</p> <p>The compensation liability under 184IC is established when an owner or occupier has had cost, damage or loss incurred as a result of an impact or predicted impact from CSG-induced subsidence. This cost, damage or loss must have been incurred by the owner or occupier, not cost, damage or loss incurred in the future. Put another way, a compensatable effect does not include any predicted cost, damage or loss from impacts or predicted impacts of CSG-induced subsidence that might be incurred.</p> <p>The Bill also does not specify how compensation is to be calculated or over what timeframe. This is to allow flexibility for landholders to negotiate an agreement that works best for them. Where a material change has occurred, subsidence compensation agreements and subsidence management plans may need to be re-negotiated.</p>
Chapter 5A – Part 5 – Division 3 – Enduring effect of instruments and decisions			

CI	Sub No.	Key points	Department's response
87	12	Submitter 12 considers there needs to be an obligation for the resource authority holder to provide a copy of the subsidence management plan or a subsidence compensation agreement to the purchaser of the land, if the landowner changes.	Subsidence instruments are required to be recorded on title by the relevant holder under section 184JB. A subsidence instrument means a subsidence management plan, a subsidence compensation agreement, and a subsidence opt-out agreement. These agreements must be agreed to by the landholder and the relevant holder (or determined by the land court) and is binding on successors of the resource authority or owners of the land in question. As such, general title investigations during this process will show the subsidence instruments relevant to the property.
Chapter 5A – Part 6 – Directions about identifying, assessing, monitoring or managing impacts of CSG-induced subsidence – Division 1 – Subsidence management directions			
87	12	Submitter 12 outlined support of having a subsidence management framework, including having subsidence management directions. However, some concerns were raised about the information landholders may provide in a submission to a draft subsidence impact report, such as information about existing subsidence and impacts, which may then be excluded under section 184KD(1)(d), where landholders can apply for a subsidence management direction for a farm field assessment.	Resources notes this concern, however, during the development of the subsidence impact report, OGIA and the chief executive are required to consider all submissions and information provided prior to the approval of the subsidence impact report. Unless there has been a material change in circumstances or information, the same information should not be considered, given it was already considered in the initial decision making for the approval of the subsidence impact report and the subsequent obligations imposed upon resource authority holders.
87	26	Submitter 26 raised concerns in relation to the directions issued before the first SIR and considers that this creates uncertainty. Submitter 26 recommended that directives impacting on gas production prior to the publication of the SIR should be limited to critical consequence directives only.	<p>After the legislation commences, it will take some time before OGIA is able to prepare the first subsidence impact report. As an interim measure, it is critical that the chief executive is able to issue subsidence management directions when satisfied that agricultural land is impacted, or likely to be impacted by CSG-induced subsidence. However, prior to the first subsidence impact report, the chief executive can only give a subsidence management direction based on advice from OGIA that land monitoring, baseline data collection or a farm field assessment should be carried out as a priority.</p> <p>Where the subsidence management direction requires a farm field assessment, a pause on new production will apply until the farm field assessment is carried out, and if required, a subsidence management plan agreed to.</p> <p>The exception to this is where the relevant holder has agreed in writing with each owner and occupier of the land in question to start producing while the FFA is carried out and, if required, an SMP is agreed to. Or the relevant holder has entered into a subsidence opt-out agreement for the SMP with each owner and occupier of the land in question.</p>
Chapter 5A – Part 6 – Division 2 – Critical consequences			
87	16	<p>Submitter 16 supported the critical consequences framework in principle and noted the key will be timely decision making, without unreasonable time extensions being granted.</p> <p>Submitter 16 also supported the inclusion of examples of directions that can be made to prevent the critical consequences continuing or becoming worse.</p>	Resources notes this feedback.

CI	Sub No.	Key points	Department's response
87	16, 17, 23, 26, 27, 30, 31	<p>These submitters raised concerns about the critical consequences framework, including:</p> <ul style="list-style-type: none"> the definition of critical consequences examples of what constitutes a critical consequence who decides a critical consequence how the critical consequence provisions will apply for those farmers already experiencing impacts the discretion vested in the Minister is extremely broad with very limited criteria. whether a trend established through landscape wide modelling for the purposes of regional risk assessment could trigger a critical consequence decision by the Minister under the framework an application should be available at anytime where critical consequences become apparent, and not after a subsidence management plan is agreed to further clarity is needed in relation to ‘so unreasonable or intolerable” and must be explicitly limited to instances where CSG-induced subsidence will cause a significant, demonstrable, and lasting reduction in agricultural productivity the decision on whether a critical consequence has occurred is best informed by DAF and its respective Minister the Minister's decision in relation to a critical consequence in accordance with s184KL must be able to be appealed. 	<p>The Bill provides that a critical consequence for agricultural land means any of the following resulting from CSG-induced subsidence that is so unreasonable or intolerable that it affects the viability of the farming practices or business activities undertaken on the land:</p> <ul style="list-style-type: none"> damage to the land that has caused, or is likely to cause, changes to the intensive use of the land for agricultural purposes; an impact on the farming practices or business activities undertaken on the land or the infrastructure on the land that is essential to support the farming practices or business activities; another economic loss. <p>As critical consequences relate to farming practices or business activities undertaken on the land, what constitutes a critical consequence will be different for every property.</p> <p>The critical consequences framework, and a subsequent decision by the Minister, is only triggered by an application from an owner or occupier of agricultural land. Other information like trends established through the preparation of the subsidence impact report would not initiate a critical consequence decision by the Minister.</p> <p>An application for a critical consequence decision can be made in relation to impacts from CSG-induced subsidence that have occurred or are predicted to occur. This application may only occur where a subsidence management plan is already in place.</p> <p>The owner or occupier, who applies for a decision on critical consequence will need to provide evidence to demonstrate that the CSG-induced subsidence has, or will, affect the viability of the agricultural operation.</p> <p>The Minister responsible for administering the MERC Act must consider the application, along with the farm field assessment, audit report of the farm field assessment of the land, current subsidence management plan and any other information that has been requested from an affected person, OGIA, the chief executive of a relevant Queensland Government Department or other agency or another entity prescribed by regulation, before making a decision.</p> <p>This Bill also enables the Minister to obtain any other further relevant information to inform the Minister's decision on whether a critical consequence has or is likely to occur. This information could include information about, for example, farming practices, economic loss or hydrology.</p> <p>The decision on an application for a critical consequence decision is appealable to the Land Court under schedule 1, table 3 of the P&G Act.</p>
87	13	<p>Submitter 13 submits that any landholder who has sufficient evidence they have suffered critical consequences should have the right to apply for a critical consequence decision.</p>	<p>The owner or occupier of agricultural land, who has an subsidence management plan in place, and applies to the Minister about a decision on whether a critical consequence has occurred, will need to provide evidence to demonstrate that the CSG-induced subsidence has, or will, affect the viability of the agricultural operation. Provided landholders meet the</p>

CI	Sub No.	Key points	Department's response
			<p>application requirements under section 184KI, they will be able to apply for a critical consequences determination.</p> <p>In making a critical consequence decision, the Minister will consider this information, along with the farm field assessment, audit report of the farm field assessment of the land, current subsidence management plan, and any additional information provided by a relevant entity.</p>
87	12	<p>Submitter 12 raised concerns regarding the delay built into the subsidence management framework when considering critical consequences, where landholders must first apply for a farm field assessment, and then enter into a subsidence management plan. It was suggested landholders should be able to apply for a critical consequence without delay.</p>	<p>A subsidence management plan is required for a critical consequence application to ensure that all avenues to manage the impacts of CSG-induced subsidence have been exhausted before a Ministerial intervention is required. This also minimises the risk of vexatious or frivolous claims and encourages stakeholders to follow a path of coexistence on matters related to CSG-induced subsidence.</p> <p>Where parties have agreed to opt-out of a subsidence management plan, landholders will be able to make a critical consequence application if the landholder reasonably believes the impacts are higher, or there are new impacts that are considered more than minor that were not considered at the time they opted out of a subsidence management plan.</p>
Chapter 5A – Part 7 – Miscellaneous			
87	12, 16	<p>Submitter 12 provided general support for provisions associated with OGIA giving information and advice, keeping and maintaining a database that can be publicly accessible.</p> <p>Both submitters supported OGIA providing an annual subsidence trends report.</p>	<p>Resources notes this feedback.</p>
87	1, 12, 13	<p>Submitters 1, 12 and 13 raised concerns about OGIA's governance arrangements, noting that they have a responsibility to determine obligations for CSG-induced subsidence impacts. It was suggested that OGIA requires an independent board, with similar functions to the Gasfields Commission Queensland and the LAO, for adequate accountability, governance, transparency and oversight.</p>	<p>OGIA is an independent scientific body which is established, along with its functions, under Chapter 3A of the <i>Water Act 2000</i>. It does not have a board. The Department of Regional Development, Manufacturing and Water provides corporate and administrative support to OGIA.</p> <p>OGIA's regional modelling and predictions, to be set out in the subsidence impact report, will be based on the best available science. Concerns regarding transparency and accountability are addressed under the proposed framework which provides for a technical reference group to peer review elements of OGIA's scientific methodologies.</p> <p>The chief executive of the <i>Water Act 2000</i> will approve the members and terms of reference of the technical reference group, in consultation with OGIA. Group members will be subject to standard disclosure of interest requirements and adhere to the terms of reference for the group. The qualifications of each member will also be made publicly available.</p>
87	12, 13	<p>Submitters 12 and 13 raised concerns that the confidentiality obligations imposed on the relevant holder provides inadequate protection for owners of occupiers of private land under section 184LJ.</p> <p>Concerns were also raised in relation to the confidentiality provisions only applying once a subsidence management area is declared.</p>	<p>Section 184LJ provides that relevant holders and any employees of the relevant holder must maintain confidentially in relation to any information provided to them by a landholder under the subsidence management framework. This obligation applies if the landholder is within a subsidence management area. There are no obligations for landholders to give information to OGIA or resource authority holders until a subsidence management area is declared, which</p>

CI	Sub No.	Key points	Department's response
		<p>It was suggested that it must be mandatory for authority holders to maintain confidentiality of all information held and be prohibited from using any of the information for any purpose other than what it was collected for.</p> <p>The confidentiality provisions for public service employees were supported.</p>	<p>means sensitive landholder information will always be protected by the confidentiality provision in section 184LJ.</p> <p>If the relevant holder or employee does not comply with the requirements in this section, the relevant holder is liable to pay the owner or occupier compensation for any loss they incur, and the amount of any commercial gain the relevant holder makes, because of the failure to comply with this section.</p>
Chapter 7A – Dispute resolution			
80-86	12	<p>Submitter 12 supports landholder rights to access ADR and the Land Court for dispute resolution and the right for a landholder to refuse the request for arbitration.</p>	<p>Resources notes this feedback.</p>
N/A	17, 16	<p>Submitters 16 and 17 raised concerns about the cost of arbitration to landholders and suggest that resource companies must be responsible for any landholder costs incurred for arbitration.</p>	<p>The Bill provides that the relevant holder is liable to pay the owner or occupier's negotiation and preparation costs that have been necessarily and reasonably incurred when entering or seeking to enter into a subsidence management plans and subsidence compensation agreements. For subsidence compensation agreements, the resource authority holder is liable to pay the fees and expenses of the arbitrator, if the parties have not participated in ADR about the dispute. However, if the parties have participated in ADR, the fees and expenses of the arbitrator are split equally unless otherwise agreed or the arbitrator otherwise decides.</p>
N/A	33	<p>Submitter 33 raised concerns that a farmer running a farming business, does not have the time, resources or expertise to undertake arbitration with large conglomerates that represent the resources industry.</p> <p>Submitter 33 is opposed to ADR including mediation on the basis that:</p> <ul style="list-style-type: none"> • ADR processes cannot force the parties to agree to a resolution; and • ADR outcomes are not a matter of public record. <p>Submitter 33 is opposed to arbitration on the basis that:</p> <ul style="list-style-type: none"> • a decision cannot be a matter of public record as with the courts and cannot be appealed on an error of law; and • The power imbalance between farmers and the resources companies in such circumstances. 	<p>The Bill provides that the relevant holder is liable to pay the owner or occupier's necessarily and reasonably incurred negotiation and preparation costs for subsidence management plans and subsidence compensation agreements under sections 184HK and 184IK. For subsidence compensation agreements, the resource authority holder is liable to pay the fees and expenses of the arbitrator, if the parties have not participated in ADR about the dispute. However, if the parties have participated in ADR, the fees and expenses of the arbitrator are split equally unless otherwise agreed or the arbitrator otherwise decides.</p> <p>Arbitration is not mandatory for parties to subsidence compensation agreements. If a landholder does not wish to undertake arbitration, they can pursue proceedings in the Land court. Land Court proceedings will be public, and the outcomes of these proceedings will be a matter of public record that will serve as precedent for future decision.</p> <p>Arbitral awards in relation to subsidence compensation agreements can be appealed on a question of law under the <i>Commercial Arbitration Act 2013</i>. A court may confirm, vary or remit the award and the question of law which is the subject of the appeal back to an arbitrator for reconsideration.</p> <p>ADR and arbitration are intended to be alternatives to the Land Court for parties that wish to avoid court proceedings. ADR processes can assist parties to resolve disputes about the negotiation of subsidence compensation agreements prior to going to the Land Court, and is</p>

CI	Sub No.	Key points	Department's response
			intended to reduce the time, complexity and cost of resolving disputes. If ADR is not effective, parties will have recourse to the Land Court for a final determination.
Rent deferral and alternative rent arrangements			
89	5	Submitter 5 supports the refinement of this scheme to allow the Minister to defer or approve alternative rent arrangements to support industry.	Resources notes this feedback.
Out of scope			
N/A	5	Submitter 5 provided a suggestion that interest should be held and paid on security to ensure that the bond held on behalf of the holder by the State keeps pace with the CPI & will also minimise demands for further upgrading of security caused by inflation.	The Bill includes amendments which provide an alternative way of calculating the rent payable for a resource authority in circumstances prescribed by regulation. Changes to security held by the State are out of scope of this Bill.
N/A	27	Submitter 27 raised concerns with the coexistence principles in the Land Access Code because they do not provide landholders with enough information or the ability to make a decision about whether they consider the resource development should proceed based on that information.	This feedback is noted and is considered out of scope of this Bill.
N/A	27	Submitter 27 considers that Government has breached the following: <ul style="list-style-type: none"> • their duty of care to landholders by allowing CSG-induced subsidence and other related impacts to occur • planning and policy legislation in relation to ecologically sustainable development by allowing CSG activities to occur that cause subsidence impacts • general environmental duty under the <i>Environmental Protection Act 1994</i> by allowing CSG activities to occur that cause 'serious environmental harm' as defined in section 17 of that Act. 	Resources notes this feedback and considers these matters out of scope for this Bill. The subsidence management framework provides for the management of CSG-induced subsidence on agricultural land in a subsidence management area and the impacts of CSG-induced subsidence on the productivity of high-value agricultural land and intensive cropping activities. The subsidence management framework is a risk-based management framework intended to work alongside existing legislation and resource activity approvals, including the <i>Environmental Protection Act 1994</i> . The Bill also does not change any requirements under the <i>Environmental Protection Act 1994</i> , which is out of scope for these reforms.
N/A	22	Submitter 22 considers that the government needs to ensure that the financial provisions reforms provide for the financial assurance and rehabilitation in the resources sector, particularly regarding environmental performance. Rehabilitation obligations in the Condamine Floodplain will be extensive and the adequacy of financial provisioning requirements is questioned.	This feedback is noted and is considered out of scope of this Bill.
Mineral and Energy Resources (Financial Provisioning) Act 2018			
N/A	29	Submitter 29 recommends amendments to the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> (MERFP Act) be subject to a Consultation Impact Analysis Statement process.	Significant consultation with industry occurred during the review of the Financial Provisioning Scheme (FPS) including separate meetings with submitter 29. Additionally, the Impact Analysis Statement (IAS) process was undertaken in the first half of 2023. The proposed legislative changes are consistent with the outcomes of the review and the IAS.

CI	Sub No.	Key points	Department's response
N/A	29	Submitter 29 proposes four options that would deliver change for junior and mid-tier developers including increasing risk tolerance and the state sharing providing, deferring, discounting, and/or instalment options for the payment of surety.	These four options have no connection to the proposed legislative changes. The four options require extensive further analysis and industry consultation.
111	18	Submitter 18 does not support the amendments for a 9,900% increase the prescribed estimated rehabilitation cost (ERC) from \$100,000 to \$10,000,000 due to its impact on small and junior mining operations.	There are 275 environmental authorities (EAs) with an ERC between \$100,000 and \$10 million. Of these, 134 are already considered High risk and are providing full surety. As a result of the proposed change, 141 EA holders may be required to change the way they contribute under the Scheme. Thirty-one entities (representing 141 individual EA) affected by this change were directly consulted. Seven entities were supportive and four were not supportive. Clause 111 or section 45 of the MERFP Act part of the MEROLA Bill allow any of the 141 affected EA holders to elect to remain in the risk assessment process.
111	18	Submitter 18 recommends any future amendment to the prescribed ERC be accompanied with at least a two-year transition period.	The transitional arrangement proposed in the February 2023 report was removed after consideration of the negative responses revealed a willingness of the 141 affected EA holders the option to remain in the risk assessment process for a sustained period, as opposed to a transitional arrangement. Removal of this transitional arrangement does not affect the optionality available to the 141 affected EA holders. Clause 111 or section 45 of the MERFP Act part of the MEROLA Bill allow those EAs with an ERC between \$100,000 and \$10 million and have a risk category allocation other than High to elect to remain in the risk assessment process.
N/A	18	Submitter 18 recommends the amendments to the Bill to allow for EAs, for the purpose of determining the ERC, to be amalgamated where they relate to a single integrated operation.	The calculation of ERC is determined by the Department of Environment, Science and Innovation (DESI) and is not a function of the MERFP Act. Similarly though, the FPS risk assesses companies on an EA by EA basis. Provision already exists for companies with their own EA's working together in an integrated operation, to amalgamate those EAs into one.
N/A	11	Submitter 11 provided comments in relation to the MERFP Act, about the loss of productivity and/or environmental damage from CSG-induced subsidence. It is suggested funds be set aside to ensure the burden does not fall on landowners to remediate damage from CSG-induced subsidence. Additionally, the resource company or government should provide compensation for declining land values due to the impact or existence of resource infrastructure and activities (including whether they are abandoned or decommissioned).	Queensland Treasury notes that this feedback does not apply to the amendments associated with the MERFP Act in the MEROLA Bill. It is further noted that while the FPS holds surety provided by resource companies to mitigate the likelihood of companies not fulfilling their environmental obligations, the calculation of ERC is determined by DESI.
N/A	34	Submitter 34 recommends for the Scheme Manager to consider whether the project is a "rehabilitation activity" when making a risk category allocation decision.	In making the risk category allocation decision the Scheme Manager has regard to all mining type activities, be it exploration, production, or rehabilitation (to name a few). When proponents are looking to re-commercialise an abandoned mine site the Financial Provisioning Scheme encourages consultation with industry through the risk assessment process.

CI	Sub No.	Key points	Department's response
ADR process for compensation agreements			
133	5	<p>Submitter 5 is not supportive of an ADR process where costs are awarded against a tenure applicant or holder. This relates to not only compensation, but costs associated with engaging an ADR facilitator or paying the other parties costs for not attending, without considering unforeseeable and unavoidable events.</p> <p>It is recommended that the provisions relating to the ADR process for compensation agreements for mining claims and mining leases be removed.</p> <p>It is considered that co-existence between landholders, miners and explorers would be improved if each party was made aware of their existing rights and if agreements can't be settled it be determined by the Land Court.</p>	<p>If both parties agree to ADR for compensation agreements under the MR Act, the tenure applicant or holder is required to pay the costs of the ADR facilitator.</p> <p>If a party accepts a request for ADR and does not attend the ADR, but the other party does attend, the non-attending party is liable to pay the attending parties reasonable costs. The attending party can apply to the Land Court for an order requiring payment of the costs. The Land Court can order the payment of costs if it is satisfied the non-attending party did not have a reasonable excuse for not attending. This may be if an unforeseen event occurred such as a flood or cyclone etc.).</p>
132-138	5	<p>Submitter 5 suggests that mining claims and mining leases holders would prefer to use the Land Court at every opportunity due to costs associated with ADR (and LAO levy).</p>	<p>ADR for negotiating mining claims and mining leases is entirely voluntary. The expanded jurisdiction of the LAO to undertake ADR in relation to the negotiation of compensation, along with other agreements and plans, is intended to serve as an alternative means of resolving disputes for parties without going to court, if both parties are agreeable.</p> <p>The ADR amendments do not change the current obligations around the negotiation of compensation for mining claims or mining leases. It also does not prevent parties from undertaking ADR with another provider other than the LAO or go directly to the Land Court should they wish to do so.</p>
133 - 138	5	<p>Submitter 5 notes there is some confusion regarding the term 'party' and 'interested party' and clarity is required to understand who is involved in ADRs.</p>	<p>The term 'parties' for the purpose of ADR processes associated with compensation agreements for mining claims is specified in Clause 133 of the Bill. Section 85 of the <i>Mineral Resources Act 1989</i> refers to applicant and interested party. An applicant is the person or company that has applied for grant of a mining claim and the interested party is the owner of land subject to the application and of any surface access to that land (each an interested party).</p> <p>For compensation agreements associated with mining leases, this is outlined in clause 138 of the Bill and relates to an applicant or holder of a mining lease and an owner in relation to the lease mentioned in section 279(1)(a) or 280(1) of the MR Act.</p> <p>Either party may give an ADR election notice asking the other party to participate in ADR to seek to negotiate a resolution to a dispute. The party given an ADR election notice can accept or refuse the notice.</p>
Strategic land release			
134	12	<p>Submitter 12 is supportive of the postponement to the re-release of land where postponement is in the best interest of the State, as well as other minor amendments made to the <i>Mineral Resources Act 1989</i>.</p>	<p>Resources notes this feedback.</p>

CI	Sub No.	Key points	Department's response
134	29, 30	Submitter 30 raised concerns that strategic land releases may disadvantage junior explorers who may lack the resources to bid for larger aggregations of land.	<p>The amendments do not require that the Minister uses this new power in every instance and land may still be re-released in accordance with the current process. The amendments simply provide the Minister with the discretion to make more strategic releases of land for exploration of critical minerals in key focus areas once a suitable amount of prospective land is available.</p> <p>The Minister may consider a range of relevant matters before deciding to use this power including the impact or potential impact on various stakeholder groups, including junior explorers. Whilst the intention of the amendment is not to disadvantage specific groups of explorers; however, this may be the outcome if the Minister considers there is an overriding strategic benefit to the state that gives cause for the Minister to make use of this power.</p>
Mandatory conditions for mining leases			
135	12, 13	Submitters 12 and 13 are supportive of the mandatory condition requiring a mining lease holder to keep the surface area of the mining lease tidy.	Resources notes this feedback.
135	5	Submitter 5 raised concerns that this condition is duplicative of existing obligations and that the term tidy is subjective. They do not see any valid reason or rationale to now include these new Mandatory conditions for Mining Leases. The submitter states that there are hierarchy of conditions and penalties that may be imposed under the <i>Environmental Protection Act 1994</i> , <i>Mining Quarrying Safety and Health Act 1999</i> and the <i>Mineral Resources Act 1989</i> .	<p>RSHQ requires a safety and health management system to prevent the risks of hazards on resource authorities, however, this is not an obligation imposed on the authority. The intention of this amendment is to require the surface of mining leases to be kept tidy as a mandatory condition of a tenure to ensure tenure holders are maintaining organised operations, equipment, and stores, to manage hazards that can lead to injuries, fires, and harm.</p> <p>Resources will work with resource authority holders to ensure that they are meeting this requirement.</p>
When a mining lease becomes a prescribed mining lease			
139	5, 9	Submitters are unclear what constitutes a prescribed mining lease, where the prescribed mineral thresholds can be found, and the need for this amendment.	<p>The Bill does not introduce prescribed mineral mining leases or prescribed mineral thresholds. Prescribed mineral mining leases are defined under section 317C of the <i>Mineral Resources Act 1989</i> and prescribed mineral thresholds are defined under Schedule 2A of the <i>Mineral Resources Regulation 2013</i>.</p> <p>A prescribed mineral mining lease is a lease granted or renewed with a development plan in place, or if a threshold amount of the prescribed mineral, (as provided for by schedule 2A of the <i>Mineral Resources Regulation 2013</i>), has been mined either under a mining project in a project year or under the lease in a lease year; however, it only becomes a prescribed mineral mining lease after the threshold year for the lease ends.</p> <p>The Bill makes several amendments to provisions related to prescribed mineral mining leases to clarify the existing process by which a mining lease becomes a prescribed mineral mining lease, defines the lodgement period for a new prescribed mineral mining lease and clarifies the circumstances by which a mining lease ceases to be a prescribed mineral mining lease.</p>
N/A	9	Submitter 9 raised concerns about a fee to be charged for prescribed mining leases.	There is no fee being introduced for prescribed mining leases.

CI	Sub No.	Key points	Department's response
Petroleum Act 1923			
General			
155	12	Submitter 12 is supportive of the amendment which provides the chief executive to request any information, data or reports from a petroleum tenure holder under the <i>Petroleum Act 1923</i> .	Resources notes this feedback.
Petroleum and Gas (Production and Safety) Act 2004			
General			
169, 170, 172	12	Submitter 12 is supportive of: <ul style="list-style-type: none"> measures to enable Resources to require additional information from tenure holders changes made to the application process to amalgamate two or more petroleum leases amendments made to provide appeal rights to the Land Court for the following decisions under chapter 5A of the MERCPC Act. 	Resources notes this feedback.
Regional Planning Interests Act 2014			
175	12	Submitter 12 is supportive of amendments made to remove the administrative burden under the RPI Act that required advice to be sought from the Gasfields Commission (Coexistence Queensland).	Resources notes this feedback.
Water Act 2000			
179, 180, 181, 182	12	Submitter 12 is supportive of the changes made to the <i>Water Act 2000</i> including: <ul style="list-style-type: none"> disputes about negotiation and preparation costs for make good agreements fall within the Land Court's jurisdiction the ADR framework applies to make good agreements under the <i>Water Act 2000</i> OGIA can obtain funding through its levy to perform its new functions. 	Resources notes this feedback.
182	30	Submitter 30 is not supportive of an industry levy to fund OGIA due to a lack of detail and consultation about how the funding model is intended to operate. This includes a lack of information about the actual rate and method of calculating the levy, which makes it difficult to determine the financial implications on industry. Submitter 30 also considers that OGIA should be a state funded entity due to the nature of their activities within a coexistence framework and given the	OGIA's existing industry levy will be increased to fund the expansion of its functions associated with the subsidence management framework. OGIA is currently wholly funded through an industry levy for its functions relating to the underground water management framework in Chapter 3 of the <i>Water Act 2000</i> , which is paid for by resource authority holders. The levy is calculated separately for the coal and petroleum and gas tenure holders and raises approximately \$4.5-6 million per annum in total to deliver these existing functions. The levy associated with the subsidence management framework is

CI	Sub No.	Key points	Department's response
		<p>industry contributes to government revenue through the payment of royalties. Submitter 30 considers the OGIA funding model should be withdrawn from the Bill and a regulatory impact statement undertaken.</p>	<p>estimated to provide an additional \$1.6 million of funding in the first year. This subsidence management framework levy is based on a cost-recovery model where resource authority holders are charged for the cost of OGIA completing work related to their resource authorities.</p> <p>The funding model aligns with the Queensland Treasury's principles for fees and charges, which states charges for goods and services must aim for full cost recovery. The industry funded model ensures full cost recovery from the resource sectors, rather than taxpayers subsidising these services.</p> <p>Resources has engaged with Queensland Treasury's Office of Best Practice Regulation as part of the development of the Bill and considered the potential impacts, costs and benefits of the regulatory proposals in the Bill. The outcome of the assessment determined a full Impact Analysis Statement was not required.</p> <p>Accordingly, the department undertook a summary Impact Analysis Statement on the relevant reforms in line with the Queensland Government Better Regulation Policy. The Impact Analysis Statement will be published on the department's website.</p>
182	25, 26, 32	<p>Submitter 26 raised concerns about an industry levy to fund OGIA and suggests that cost recovery remains equitable, transparent, and specific to the services provided.</p> <p>Submitter 25 raised concerns that OGIA is appropriately resourced to carry out their functions under the subsidence management framework.</p> <p>Submitter 26 also notes an analysis into the quantum of fees being sought, and the approach to which it is applied to industry should have occurred before the legislation was introduced into parliament. Submitter 32 requested a public impact analysis statement is undertaken on the reforms to increase the industry levy to fund OGIA's work associated with the CSG-induced subsidence management framework.</p>	<p>OGIA's industry levy will need to increase to support the expansion of OGIA's functions in line with preparing a subsidence impact report and any other additional administration the new subsidence management framework may result in.</p> <p>OGIA is currently wholly funded through an industry levy which is paid for by resource authority holders. The levy is calculated separately for the coal and petroleum and gas tenure holders. Through the industry levy, OGIA is raises approximately \$4.5-6 million per annum in total to deliver its existing functions. The levy is estimated to provide an additional \$1.6 million of funding in the first year. This levy is based on a cost-recovery model where resource authority holders are charged for the cost of OGIA completing work related to their resource authorities.</p> <p>Amending the existing levy arrangements from industry funded to state funded is out of scope of the Bill.</p> <p>Resources has also engaged with Queensland Treasury's Office of Best Practice Regulation as part of the development of the Bill and considered the potential impacts, costs and benefits of the regulatory proposals in the Bill. The outcome of the assessment determined a full Impact Analysis Statement was not required.</p> <p>Accordingly, the department undertook a summary Impact Analysis Statement on the relevant reforms in line with the Queensland Government Better Regulation Policy. The Impact Analysis Statement's will be published on the department's website.</p>
	22	<p>Submitter 22 is concerned that OGIA is created under the <i>Water Act 2000</i> and is funded by industry, which creates a perception that OGIA is not independent.</p>	<p>Whilst OGIA will be funded by industry, OGIA remains an independent office. Various checks and balances have been put in place to ensure a robust scientific process is adhered to in the subsidence management framework and includes a public consultation process on the draft subsidence impact report. OGIA must provide a summary of the properly made submissions</p>

CI	Sub No.	Key points	Department's response
			<p>to the chief executive along with a description of how these submissions were considered in developing the report. This information will be considered by the chief executive in deciding the approve the report. This ensures stakeholders with vested interests in the report have the opportunity to provide their feedback prior to finalisation of the report.</p> <p>The scientific methods used to prepare the report must also be peer reviewed by a technical reference group to ensure the methods are fit for purpose and scientifically sound. The technical reference group will be established by OGIA and final approval of the group members will be required from the chief executive of Chapter 3A of the Water Act. This process is intended to provide further credibility and scrutiny on the content of the subsidence impact report.</p>
Out of scope			
N/A	5, 6, 7, 9	<p>Submitters 5, 6, 7 and 9 provided comments on matters relating to the small-scale mining reform. This included comments about:</p> <ul style="list-style-type: none"> proposals in the paper titled 'Revised proposals to legislative enhancements to mining claims' (including the administrative and regulatory fee for mining claims and requesting some proposals be included in the MEROLA Bill) the need for further consultation and impact assessment of proposed changes the proposal in the draft Queensland Resources Industry Development Plan (released in Nov 2021) to remove mining claims from the <i>Mineral Resources Act 1989</i> and the associated moratorium and cost-benefit analysis. 	<p>The small-scale mining reform is no longer part of the MEROLA Bill. Following consideration of feedback from stakeholders, further consultation on proposed reforms will take place in 2025. This will ensure the small-scale mining sector has time to consider the reforms and provide their views. Information about the proposed changes to mining claims can be found at www.business.qld.gov.au/mining-claims</p>
N/A	9	<p>Submitter 9 has provided recommendations associated with the regulation of the biosecurity obligation by Biosecurity Queensland.</p>	<p>The <i>Biosecurity Act 2014</i> is administered by DAF and is out of scope of the MEROLA Bill.</p>
N/A	6	<p>Regional local government raises concerns regarding broader stakeholder engagement and partnering with communities in regions where energy and renewables investment is occurring to ensure mitigation of broader impacts of this growth in the community, for example, social service provision, housing pressures, existing businesses.</p> <p>The issue of differing requirements for the payment of royalties between the resource extraction and renewables industries is also raised in terms of evaluating the impact, and compensating for such impact, in regional communities. Regional local government recommends consideration of broader issues of social investment and community wealthy building and opportunity for local communities to invest in renewable projects.</p>	<p>Resources notes this feedback on broader issues regarding resources and renewable industry growth in regional areas, and the importance of stakeholder engagement and community partnering.</p>