

# COEXISTENCE INSTITUTIONS & CSG-INDUCED SUBSIDENCE MANAGEMENT FRAMEWORK

Consultation paper | September 2023

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## Acknowledgement of Country

The Department of Resources acknowledges the First Nations peoples in Queensland: Aboriginal and Torres Strait Islander peoples and their connections to the lands, winds and waters we now all share. We pay our respect to Elders, past and present.

We also acknowledge the continuous living culture of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems. We acknowledge the deep relationship, connection and responsibility to land, sea, sky and Country as an integral element of First Nations identity and culture.

The Country is sacred. Everything on the land has meaning and all people are one with it. We acknowledge First Nations peoples' sacred connection as central to culture and being.

We acknowledge the stories, traditions and living cultures of First Nations peoples and commit to shaping our state's future together. The department recognises the contribution of First Nations peoples and communities to the State of Queensland and how this continues to enrich our society more broadly.



## Background

In June 2022, the Queensland Government released [the Queensland Resources Industry Development Plan](#) (QRIDP) which establishes the state's long-term vision for the resources industry.

As part of the plan, several actions were allocated under key focus areas for industry and government to ensure Queensland is well placed to tackle the challenges and harness the opportunities of the future. These include fostering coexistence and sustainable communities, commitments to promote regulatory efficiency and reform the small-scale mining sector.

The Queensland Government is working alongside industry and community to develop proposed amendments to deliver on these commitments and is continuing to consult with relevant stakeholders to ensure these reforms reflect the needs and view of all Queenslanders.

Feedback is now being sought on a number of legislative changes as part of an overarching consultation process that will allow stakeholders to have their say on the reforms that are important to them, in one process.

In addition to proposed legislative amendments outlined in this paper, we are also seeking stakeholder feedback on:

- Improved regulatory efficiency
- Legislative enhancements to mining claims

For more information about these papers, visit the [Have your say](#) page.

Government has already acted to build upon its coexistence framework by:

- ✓ incorporating new, values-based, coexistence principles in the Land Access Code to support the development of strong, mutually beneficial relationships between resources companies and landholders
- ✓ improving mapping layers to display the overlay of resources tenures, renewable energy projects, and agricultural land of state and regional planning significance
- ✓ providing an online tool on the OGIA website allowing stakeholders to access relevant LiDAR survey data from resource tenure holders to understand how the landform has changed over time
- ✓ committing \$400,000 for OGIA to conduct pilot farm scale assessments, over a small number of existing properties, relating to CSG-induced subsidence.

## About this paper

Queensland's resource and agricultural sectors are vital to the state's economy and the success of its regions. These industries contribute to the economy through their substantial exports and both represent large sectors of employment in regional Queensland. The Queensland Government's coexistence framework which ensures that resource activities can effectively coexist with agricultural activities has been a key ingredient in ensuring these benefits have been realised.

The Department of Resources (the department) has undertaken extensive stakeholder engagement since the release of the draft QRIDP, including consultation in late 2022 until early 2023 on the discussion paper titled [A review of coexistence principles and coexistence institutions](#). During this period, feedback was received by stakeholders about the State's coexistence institutions and reviewing the current arrangements to ensure that they are delivering successful coexistence outcomes and offering coexistence-related services for existing and emerging industries.

As a result of the feedback received on the discussion paper, we are now proposing changes to legislation to address the reforms. **Please see appendix A for further information on consultation to date.**

In addition to the coexistence principles and institutions, the Queensland Government is also proposing amendments to implement risk-based management framework for coal seam gas-induced subsidence (CSG-induced subsidence).

The proposed legislative reforms set out in this paper represent the next phase of government action in response to coexistence challenges to foster mutually beneficial and enduring relationships into the future and includes its response to:

- the issues related to CSG-induced subsidence and its management going forward
- the review of the State's coexistence institutions to ensure they remain effective and contemporary.

This consultation paper is split into two sections, Part A and Part B.

**Part A** outlines proposed amendments to implement a risk-based management framework for CSG-induced subsidence and a land access risk assessment framework in relation to preliminary and advanced activities. We are seeking feedback on the subsidence management framework and how the elements interact, the requirement to provide baseline information and farm fields and farming operations and the land access risk assessment framework and its requirements.

The proposed reforms amend:

- *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act)
- *Mineral and Energy Resources (Common Provisions) Regulation 2016* (MERC Regulation)

The reforms may also include consequential amendments to other legislation.

**Part B** outlines proposed reforms to Queensland's coexistence institutions. Under QRIDP, the Queensland Government committed to review the State's coexistence institutions: the GasFields Commission Queensland (GFCQ), the Land Access Ombudsman (LAO), and the Office of Groundwater

Impact Assessment (OGIA). The review of the institutional arrangements will ensure the institutions are delivering successful coexistence outcomes and offering coexistence-related services for existing and emerging industries.

The proposed reforms amend:

- *GasFields Commission Act 2013* (GFC Act)
- *Land Access Ombudsman Act 2017* (LAO Act).

The reforms may also include consequential amendments to other legislation.

## Have your say

The Department of Resources is seeking feedback on Part A and Part B of this consultation paper. Stakeholder views and comments are encouraged and will be considered when drafting the proposed legislative amendments. Please note, it is not necessary to provide feedback on every amendment set out in the paper.

### Online

Feedback can be provided via [this online form](#) which allows comments under each of the amendments.

### Email

Submissions can be emailed to [ResourcesPolicy@resources.qld.gov.au](mailto:ResourcesPolicy@resources.qld.gov.au).

**Consultation closes 8 December 2023.**

For further information, visit [Review of Queensland's coexistence institutions](#).

## Next steps

Your feedback will be considered in finalising the legislative changes. Submissions will not be published.

Over the next three months, the government will continue to engage with stakeholders to obtain feedback on any proposed legislative changes.

Your experience in the coexistence space, is invaluable as government prepares to introduce a revised coexistence framework in the coming future.

## Proposed changes to the RPI Act

In line with this consultation paper, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) is concurrently seeking feedback on a discussion paper outlining proposed changes to assessment processes under the *Regional Planning Interests Act 2014* (RPI Act).

View this discussion paper and have your say [here](#).

## Support

We understand this topic may be sensitive for readers and therefore the content in this paper may be challenging. When reading through this consultation paper, it is important to acknowledge that we all experience situations and circumstances differently. During and following a stressful and challenging experience, it is natural for people to have a range of responses including intense stress reactions. These reactions are not necessarily a sign of a lasting mental health concern. While most people get back to their usual functioning over time, some people will experience a decline in their mental health and wellbeing, or experience mental health problems in the months or even years after the initial event. Strategies for help seeking need to be matched with the individual's level of need and preferences. People may find reaching out to existing connections, building stronger connections, and applying other self-care strategies help to adjust and recover. Others may require support from health care professionals. If you or someone you know is struggling and needing additional support here are some local options for you to consider:

- **Start with your Doctor** (also called a General Practitioner or “GP”). Your Doctor will talk with you about what is happening. They will be able to provide you with treatment options, or refer you on to other services or health care professionals who have the specialised knowledge to support you.
- **Local support services:** Many other services offer counselling and other support to assist with concerns about thoughts, feelings and coping. They can be accessed either online, by telephone or face-to-face. To find local services, click on the links below:
  - <https://supportfinder.org.au/>
  - <https://www.ddwmphn.com.au/headtohealth>
- **General Community Supports:** Here are a range of free services
  - **MH Call** 24/7 support information and referral service, linking to mental health services
    - Phone **1300 642 255**
  - **Lifeline** offers 24/7 counselling.
    - Phone **13 11 14**,
    - text **0477 131 114** or
    - access [web chat](#).
  - **Beyond Blue** provides information, counselling and support
    - a support service 24/7 via **1300 224 636**
    - as well as online [chat, email and forums](#).
  - **Wellways helpline** provides support from people with a lived experience of mental health
    - Phone **1300 111 500** Monday to Friday 9:00am to 9:00pm (except public holidays).
  - **13YARN** is a 24/7 crisis support line
    - Crisis support line for mob who are feeling overwhelmed or having difficulty coping

***If you think it is an emergency or someone's life is in danger, call Triple Zero (000) for an ambulance, or go straight to the closest emergency department.***



## Part A: Proposed amendments related to risk-based management of CSG-induced subsidence

The proposed amendments to the MERCP Act and MERCP Regulation will introduce:



### Expansion of the Office of Groundwater Impact Assessment's role

OGIA is an independent office, established under the *Water Act 2000* (Water Act), and is responsible for assessing impacts from resource development on groundwater in cumulative management areas and developing strategies for managing those impacts.

The proposed amendments will expand OGIA's functions to provide for cumulative assessments and management to be undertaken in relation to CSG-induced subsidence to support the proposed subsidence management framework. The functions are similar to the existing framework for the management of underground water impacts under Chapter 3 of the Water Act but are proposed to be introduced into the MERCP Act.

OGIA's functions will be expanded to include a requirement to undertake cumulative assessment of CSG-induced subsidence including modelling, monitoring, and a risk assessment. In addition, based on the assessment, OGIA will prepare a management strategy that will identify requirements for collecting baseline information, follow-up farm field assessments and inter-farm drainage impact assessments. The assessment and management strategies will be prepared every 3-5 years and reported through a Subsidence Impact Report.

Prior to finalising the report, OGIA will be required to undertake a public consultation process and seek an independent review of the core elements of the assessment. Following public consultation, the Subsidence Impact Report will be submitted to the Department of Resources, as the administering authority to ensure the report complies with the regulatory requirements.

OGIA will also directly undertake monitoring and provide a summary of trends, review of the risk assessment and any consequential changes to the requirement of farm field assessment on an annual basis.

Amendments to other coexistence institutions are outlined in Part B of this paper.



## Subsidence management framework

The purpose of the subsidence management framework is to assess and manage CSG-induced subsidence impacts from existing and future extraction of CSG resources, particularly farm scale impacts. The regulatory requirements will be proportionate to the risk identified through a risk assessment process and include consideration of impacts within the area of a resource tenure and those that may occur outside the tenure area.

The framework is intended to be similar to Chapter 3 of the *Water Act 2000* (i.e. a framework for the management of underground water impacts from resource activities), with cumulative impact assessment and management to be undertaken by OGIA and mitigation and management to be provided by the relevant tenure holders, specifically holders of a petroleum lease or authority to prospect.

The core mechanism will require OGIA to periodically prepare an assessment (including modelling) of regional and farm scale impacts, assesses risks and then develop monitoring and management strategies. The assessment and management strategies will be reported in a Subsidence Impact Report every 3 years supplemented with an annual evaluation and review.

The Department of Resources will be the administering authority with compliance functions related to the obligations of the tenure holders and OGIA's Subsidence Impact Report.

The management framework will apply to an area which will be identified, as declared by the Chief Executive of the MERC Act.

An overview of the subsidence management framework is provided in **Figure 1** below.

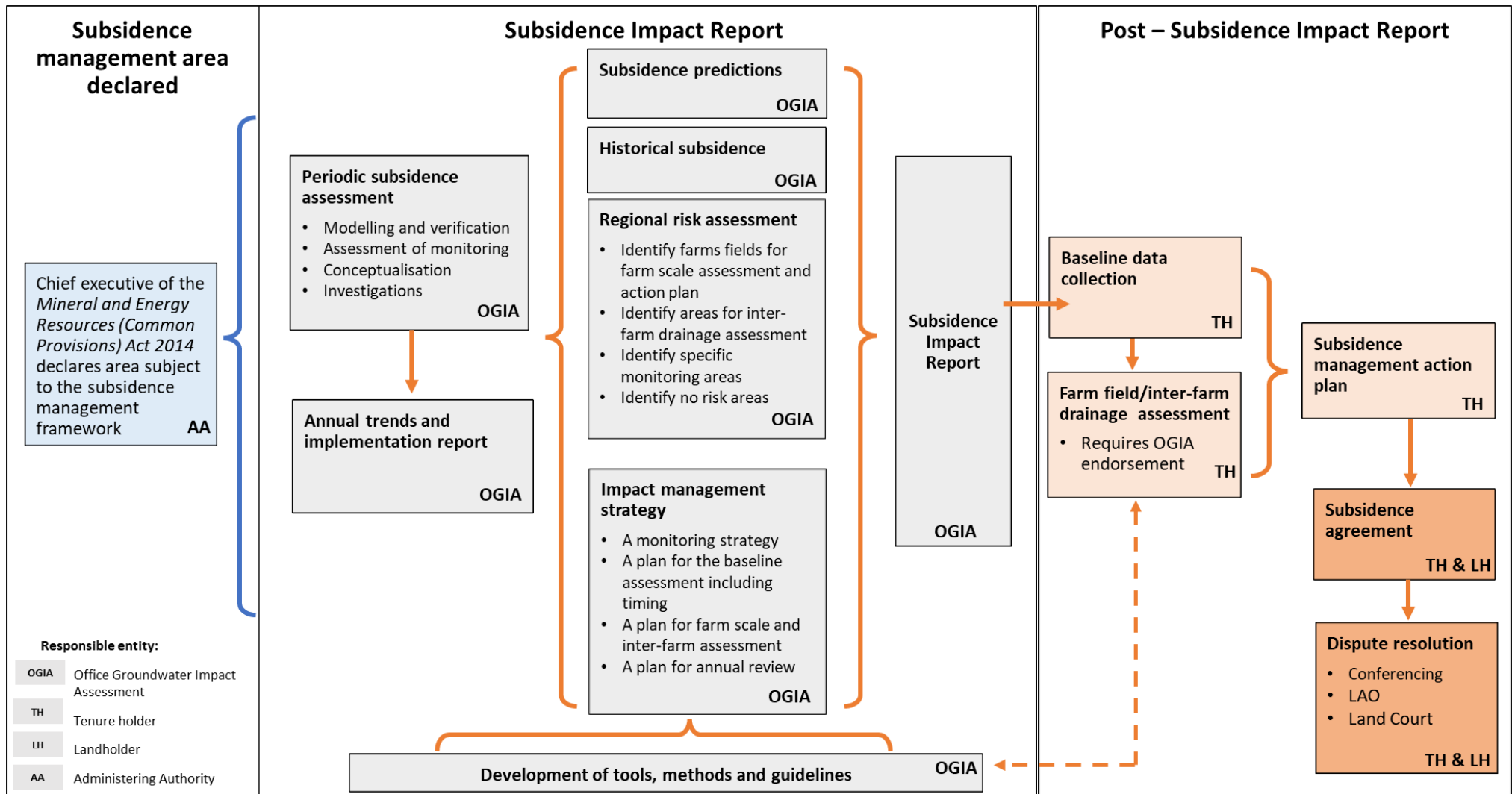


Figure 1 – Overview of the subsidence management framework

## Subsidence management framework requirements

The subsidence management framework will include the following requirements, which have been summarised in **Figure 1**.

### Subsidence management area declared

- the chief executive of the MERC Act may declare an area to which the subsidence management framework will apply
- the declared area will be published in a gazette notice

**Responsible entity:** Department of Resources

**Timing:** on commencement of legislation

### Transitional risk assessment report

- on commencement of the legislation, OGIA will prepare a transitional risk assessment report informed by a preliminary regional risk assessment
- the intent of the transitional risk assessment is to commence farm scale assessments and baseline assessments in priority areas, ahead of more detailed and comprehensive assessment to be released in the first Subsidence Impact Report.
- the purpose of the transitional risk assessment report is to outline:
  - a baseline data collection plan in priority areas
  - the preliminary regional risk assessment with accompanying explanation, list of risk categories and requirements, maps showing footprints of various risk category areas and list of relevant farm fields where subsequent farm scale assessment is required
- the report must be undertaken in accordance with the requirements outlined by the MERC Regulation

**Responsible entity:** OGIA

**Timing:** within three months of commencement of legislation

### Baseline data collection

- the purpose of the baseline data collection is for the tenure holder to obtain data about the current status of the farm fields, including existing drainage and slope
- the tenure holder:
  - will be required to notify the landholder that a baseline data collection will be undertaken
  - must ask the landholder for information about the farm field

- must make best endeavours to obtain all information about a farm field to inform the baseline data collection
- the baseline data will be provided to OGIA and will also inform the development of OGIA's regional risk assessment
- specific requirements for undertaking the baseline data collection will be set out in the MERCPC Regulation
- the Chief Executive of the MERCPC Act may ask OGIA to prepare guidelines about how to undertake baseline data collection
- the baseline data must be provided to OGIA, the landholder and the Chief Executive of the MERCPC Act
- the MERCPC Act will include offence provisions for failure of the tenure holder:
  - to undertake baseline data collection
  - to undertake baseline data collection in accordance with the legislative requirements

**Responsible entity:** tenure holder

**Timing:** whichever is earlier:

- timing identified in the subsidence impact report
- at least 12 months prior to commencing CSG production within 3km of a farm field boundary.

### Periodic cumulative assessment of subsidence

- OGIA will undertake ongoing periodic cumulative assessment of subsidence informed by the baseline data information
- the periodic assessment is proposed to involve the following:
  - conceptualisation and the process affecting CSG induced subsidence
  - modelling and verification of trends
  - assessment of ongoing monitoring required within the declared area
  - investigations and ad hoc data collection
- the periodic assessment will be used to inform:
  - the annual trends and implementation report
  - subsidence predictions
  - historical subsidence
  - regional risk assessment
  - impact management strategy

- Subsidence Impact Report

**Responsible entity:** OGIA

**Timing:** ongoing

## Regional risk assessment

- a process undertaken by OGIA using the information provided through the baseline data gathering and the periodic cumulative assessment of subsidence
- for transitional arrangements OGIA will also prepare a preliminary regional risk assessment within 3 months of the legislation commencing.
- the purpose of the regional risk assessment is to identify:
  - farm fields that require further farm scale assessment and that will inform a subsidence management plan
  - farm fields where inter-farm drainage impact assessment is required to determine if a subsidence management plan is required
  - farm fields where additional monitoring may be required
  - farm fields where no further action is required until the next review of the Subsidence Impact Report
  - additional baseline data collection required by tenure holders including footprint and sequencing
  - potential risks to transport and major infrastructure
  - potential risks to environmental assets
- the regional risk assessment must be supported by:
  - a fit for purpose methodology
  - modelling and predictions of subsidence which is informed by the periodic cumulative assessment of subsidence
  - interpretation of monitored ground motion and reconciling of the interpreted subsidence that may have already occurred
  - uncertainties in predicted or anticipated subsidence and the source of those uncertainties
- the regional risk assessment methodology must consider information gathered through baseline data collection:
  - pre-existing and predicted subsidence in terms of its pattern, distribution and timing
  - proximity to CSG production areas
  - background trends in ground motion caused by other factors

- inherent slope of the land
- types of land use
- the regional risk assessment will be included in the Subsidence Impact Report and must be accompanied by:
  - an explanation of the methodologies
  - a map indicating the footprints of each identified farm fields and their risk categories
- OGIA will be required to provide the regional risk assessment to the Chief Executive of the MERC Act

**Responsible entity:** OGIA

**Timing:**

- preliminary regional risk assessment within 3 months of the legislation commencing – to be contained within the initial Subsidence Impact Report
- ongoing – within 12 months of receiving baseline data

### Subsidence impact management strategy

- the purpose of the impact management strategy is to establish an overall strategy and timings for monitoring and undertaking assessments and the responsible tenure holder that is required to carry out any obligations
- the MERC Regulation will outline specific requirements for OGIA in preparing an impact management strategy and may include the following:
  - a monitoring strategy
  - a plan for the baseline data collection including timing
  - a plan for farm scale and inter-farm assessment
  - a plan for an annual review
  - changes in circumstances that may result in change of status of farm field category
- the monitoring strategy must also include an assessment of the risk of impacts from subsidence on:
  - transport infrastructure
  - environmental values
- the monitoring strategy must include:
  - tools, techniques and methods for establishing baseline and trends
  - tools, techniques, density and frequency for measuring ground motion
  - method for establishing trends in ground motion and interpreting the subsidence component from the trend

- a process for collecting additional data and information
- the impact management strategy will be reviewed every 12 months
- the impact management strategy must be included in the Subsidence Impact Report, which will be provided to the Chief Executive of the MERC Act for approval
- the MERC Act will include offence provisions for failure of the tenure holder to comply with the impact strategy and obligations set out in the Subsidence Impact Report

**Responsible entity:** OGIA

**Timing:**

- preliminary subsidence impact management strategy within 3 months of the legislation commencing – to be contained within the initial Subsidence Impact Report
- reviewed annually

## Farm field assessment

- farm field assessments are applicable to certain areas identified through the regional risk assessment
- the purpose of the farm field assessment is to characterise pre-existing and anticipated CSG-induced subsidence and its consequences
- specific requirements for undertaking a farm field assessment will be set out in the MERC Regulation
- the farm field assessment may include the following requirements:
  - the tenure holder must seek data and information from the landholder of the farm field in a prescribed form
  - as part of the farm scale assessment, the tenure holder must establish baseline conditions and landforms based on the baseline data collected under the previous provisions, and any additional data as necessary
  - the assessment must consider:
    - current and future production within 5km of the farm field boundaries
    - local geology
    - established baseline
    - trends in ground motion
    - farming practices and ongoing/operational managements
    - upcoming land works or planned reconfigurations
    - pre-existing and predicted subsidence impacts from all existing and proposed development
    - thresholds for changes to farming practices and yields



- conceptual or quantitative testing for the probability of exceedance resulting from characterised subsidence
- the Chief Executive of the MERC Act may ask OGIA to prepare guidelines for undertaking farm field assessments
- the tenure holder must notify the landholder prior to accessing the property to undertake the farm field assessment, noting it is important that the landholder facilitates access and provides any available information about the farm.
- the tenure holder will be required to provide a copy of the outcome of the farm field assessment to the landholder, Administering Authority and OGIA
- The tenure holder will be required to provide OGIA the assessment for endorsement
- the MERC Act will include offence provisions for failure of the tenure holder to:
  - undertake a farm field assessment
  - undertake the farm field assessment in accordance with the legislative requirements
- the MERC Act will include provisions for landholders to request the Chief Executive to review the risk categories of farms where they believe the risk is not accurate. This provision will include a formal notice process and criteria for the review request.
- If the Chief Executive determines the risk category requires amendment, a notice can be issued to OGIA and the tenure holder regarding the required change.

**Responsible entity:** tenure holder

**Timing:** whichever is the earlier:

- timing identified in the Subsidence Impact Report, or
- at least 12 months prior to commencing CSG production within 3 km of a farm field boundary

## Inter-farm drainage assessment

- inter-farm drainage assessments are applicable to certain areas identified through the regional risk assessment
- the purpose of the assessment is to characterise pre-existing and anticipated CSG-induced subsidence and consequences of subsidence from inter-farm drainage
- specific requirements for undertaking an inter-farm drainage assessment will be set out in the MERC Regulation
- the Chief Executive of the MERC Act may ask OGIA to prepare guidelines for undertaking inter-farm drainage assessments

- the tenure holder must notify the landholder prior to accessing the property to undertake the inter-farm drainage assessment, noting it is important that the landholder facilitates access and provides any available information about the farm
- the tenure holder will be required to provide a copy of the outcome of the intra-farm drainage assessment to the landholder, Administering Authority and OGIA
- the MERC Act will include offence provisions for failure of the tenure holder to:
  - undertake an inter-farm drainage assessment
  - undertake the inter-farm drainage assessment in accordance with the legislative requirements
- the MERC Act will include provisions for landholders to request the Chief Executive to review the risk categories of farms where they believe the risk is not accurate, including a formal notice process and criteria for the review request.
- if the Chief Executive determines the risk category requires amendment, they can issue a notice to OGIA and the tenure holder regarding the required change.

**Responsible entity:** tenure holder

**Timing:** whichever is the earlier:

- timing identified in the Subsidence Impact Report, or
- at least 12 months prior to commencing CSG production within 3 km of a farm field boundary

## Subsidence management action plan

- to be prepared by tenure holders identified in the Subsidence Impact Report to undertake a farm field assessment and intra-farm drainage assessments
- the purpose of the subsidence management action plan is to provide a basis for proactive remedial and mitigation actions to be undertaken by tenure holders and must be developed with appropriate consultation and agreement of the landholder
- specific requirements for what must be included in a subsidence management action plan will be set out in the MERC Regulation, and will require:
  - timing and scope of actions where necessary
  - triggers for actions and reviews
  - any other negotiated outcome
- the subsidence management plan must consider, and be consistent with, the farm field assessment where applicable
- the tenure holder must provide the subsidence management action plan to the Chief Executive on request

- the MERCPC Act will include offence provisions for failure of the tenure holder to:
  - to prepare a subsidence management action plan
  - to prepare the subsidence management action plan in accordance with the legislative requirements

**Responsible entity:** tenure holder and landholder

**Timing:** whichever is the earlier:

- timing identified in the Subsidence Impact Report, or
- at least 12 months prior to commencing CSG production within 3 km of a farm field boundary

## Subsidence agreements

- an agreement between landholders and tenure holders required to complete a farm field assessment and intra-farm field assessment
- the subsidence management action plan will form the basis for the agreement
- the agreement is to outline the agreed approach to proactive remedial, mitigation actions or compensation to be undertaken by tenure holders
- the subsidence agreement may be standalone or may form part of a conduct and compensation agreement, where applicable

**Responsible entity:** tenure holder and landholder

**Timing:**

- where production has commenced, within 6 months of finalising the subsidence management action plan, or
- prior to commencing CSG production

## Dispute resolution

- mechanisms are proposed to resolve disputes at the following points in the framework:
  - farm field assessments – the tenure holder and landholder must agree on the outcome of the assessment in order to proceed to negotiating a subsidence agreement
  - inter-farm assessment – the tenure holder and landholder must agree on the outcome of the assessment in order to proceed to negotiating a subsidence agreement
  - subsidence management action plan and subsidence agreements – the tenure holder and landholder must agree on the content of the action plan and agreements

- a landholder or tenure holder may seek to use one of the following dispute resolution pathways to resolve matters:
  - conferences with an authorised officer under the MERCPC Act
  - negotiation through an alternative dispute resolution (ADR) process
  - raising the matter with the Land Access Ombudsman, which may include an ADR process
  - arbitration
  - an application to the Land Court.
- the dispute resolution pathway is intended to provide options to parties to resolve matters, where the Land Court is a last step in the process and only where negotiation through an alternative pathway has not been successful.

**Responsible entity:** tenure holder and landholder

**Timing:** during negotiation of the subsidence management action plan / subsidence agreement

## Reporting requirements

### Subsidence impact report

- the purpose of the report is to outline:
  - a baseline data collection plan
  - approaches and overall outcomes of assessments as prescribed in previous provisions
  - maps of areas and a list of farm fields
- the report must be undertaken in accordance with requirements outlined by the MERCPC Regulation
- OGIA will be required to seek an independent review of the core elements of the assessment and submit the review to the Chief Executive of the MERCPC Act together with the subsidence impact report for approval
- OGIA will be required to publish the report

**Responsible entity:** OGIA

**Timing:** every 3-5 years depending on the outcome of the annual subsidence trends report

### Subsidence trends report

- the purpose of the report is to:
  - review changes in circumstances relating to changes in timing and the footprint of development
  - review data and emerging trends

- propose timeframes for the Subsidence Impact Report
- the report must be undertaken in accordance with requirements outlined by the MERCPC Regulation
- OGIA will be required to seek an independent review of the report prior to providing to the Chief Executive of the MERCPC Act for approval
- OGIA will be required to publish the report

**Responsible entity:** OGIA

**Timing:** annually

## Data acquisition

There may be circumstances where OGIA is required to undertake one off field data acquisition work. This may include undertaking investigations or surveys, such as capture of LiDAR or InSAR data. These circumstances may include investigations across multiple tenures and farm fields where a coordinated approach to data capture is necessary.

**Responsible entity:** OGIA

**Timing:** as needed



## Land access risk assessment framework

The government proposes to introduce a new requirement to the land access framework for a land access risk assessment for preliminary and advanced activities. Tenure holders will be required to provide the risk assessment to landholders that have resources activities on or under their properties, to assist them in understanding the impact on their business and land use activities.

The tenure holder will also be required to outline whether it believes the proposed activities are preliminary or advanced activities. Disputes relating to whether an activity is preliminary or advanced will be able to be referred to the independent Land Access Ombudsman to make a binding decision on the matter.

The proposed land access risk assessment is a requirement for resource tenure holders to identify potential impacts from resources activities on landholder's property, operations and businesses. The land risk assessment will only apply to tenure holders under land access framework in the MERCPC Act and will therefore not apply to mining leases, mining claims or prospecting permits. The land access risk assessment is intended to fill a knowledge gap and is not intended to duplicate existing processes. It is intended to increase transparency and provide landholders and tenure holders with information necessary to:

- understand the nature and extent of the risks on landholder's property, operations and businesses that have been identified by the tenure holder
- to determine whether the activity is a preliminary or advanced activity
- assist in negotiating agreements
- where necessary, assist in resolving disputes about preliminary or advanced activities.

The Department of Resources as the administering agency will use existing compliance and enforcement powers to ensure the tenure holders and landholders comply with the requirements.

The proposed land access risk assessment framework will include the following requirements:

### Risk assessment

- the purpose of the risk assessment is to outline the potential impacts on landholder's property, operations and businesses from resources activities
- the risk assessment:
  - will be required to include information about whether the activity is a preliminary or advanced activity
  - must outline the information used to determine whether the activity is a preliminary or advanced activity
  - must include details of the attempts made by the tenure holder to obtain information from the landholder

- must be provided to the landholder and Chief Executive of the MERC Act prior to entry occurring
- reasonable attempts must be made to obtain information from the landholder and the landholder must provide the information within a reasonable timeframe
- the MERC Regulation will outline the specific requirements for undertaking a risk assessment
- the land access risk assessment will be deemed invalid if it does not comply with the specific requirements, similar to a notice of entry
- the MERC Act will include offence provisions for failure of a tenure holder:
  - to prepare a risk assessment
  - to prepare the risk assessment in accordance with the legislative requirements
  - to provide the risk assessment to the relevant landholder or Chief Executive of the MERC Act
- the completed land access risk assessment will be a requirement of the notice of entry

**Responsible entity:** tenure holder

**Timing:** at least 20 business days prior to commencement of proposed activity

### Landholder review period

- the land access risk assessment framework will include a period for landholders to review information provided through the risk assessment.
- the framework will be streamlined where the tenure holder and landholder have made a positive effort to complete and agree on the land access risk assessment.

**Responsible entity:** landholder

**Timing:** following receipt of risk assessment

### Dispute resolution

- the land access risk assessment framework will contain mechanisms to allow a landholder to contest the risk assessment
- the dispute resolution pathway is intended to handle circumstances where there is a dispute about whether the activity is a preliminary or advanced activity
- the dispute resolution provisions will allow:
  - a landholder to raise the matter with the LAO
  - the LAO to investigate the matter
  - the LAO to call on expert advice from relevant specialists

- the LAO to make a determination about whether the proposed activity/ies are preliminary or advanced
- the determination will be binding
- review of the LAO decision will be available through a judicial review

**Responsible entity:** landholder and tenure holder

**Timing:** within 20 business days following receipt of risk assessment



## Part B: The review of coexistence institutions

The proposed reforms represent the government's direction for Queensland's coexistence institutions consistent with the government [policy position](#) announced in August 2023.

Action 24 of QRIDP is a review of the land access institutions to ensure the institutions are well aligned, contemporary and efficient. The proposed reforms relate to the scope and functions of the coexistence institutions, including:



GasFields  
Commission  
Queensland

refreshing GFCQ's role to focus its functions on providing education and information to stakeholders on matters related to coexistence and land access across a broadened remit, being the resources and renewable energy sectors.



Land Access  
Ombudsman

expansion of LAO's functions to increase the dispute resolution assistance and support available to stakeholders negotiating land access agreements through an alternative dispute resolution process.



Office of Groundwater  
Impact Assessment

expansion of OGIA's functions to provide broader advice on matters relating to subsurface impacts from petroleum and gas activities across the State, and support management of CSG-induced subsidence.

Further information about the proposed reforms is detailed below for GFCQ and LAO. Please refer to Part A for further information about the expansion of OGIA's functions.



### GasFields Commission Act 2013

The GFCQ was established in 2013 as an independent statutory body to engage and provide information to stakeholders, including landholders, regional communities and industry, about the onshore gas industry.

The GFCQ was established in response to the emerging CSG industry in Queensland. The GFCQ's current functions apply exclusively to the onshore gas industry and broadly sit under five themes:

- regulatory oversight
- provision of advice to government
- stakeholder engagement
- research
- education.

It is proposed to amend the GFC Act to revise the GFCQ's existing functions and remit. The refocused legislative functions propose to shift the GFCQ's role to provide information, engagement and education services to the community and industry on a broader range of land access and coexistence issues related to the broader resources activities and the renewable energy sector.

The primary intent of the revised functions is to focus the GFCQ's activities and remit in the preparation and delivery of education and information about coexistence and land access matters. However, the provision of advice to government and other stakeholders on emerging systemic coexistence issues identified through stakeholder engagement activities will remain a key role, with the inclusion of a function to provide information upon request.

To deliver on the amended functions, GFCQ may be required to partner with other agencies/entities to deliver research and other information resources.

As part of this transition, the GFCQ will be renamed: *Coexistence Queensland*. The title recognises the work this body will be doing to support stakeholders in addressing a much broader range of coexistence issues.

The proposed new functions of the GFCQ will apply across the entire resources and renewable energy sectors and broadly sit under the following themes:

- education
- stakeholder engagement
- information provision
- identification of systemic coexistence issues
- provision of advice to government, upon request.

The above functions are intended to ensure that the GFCQ can continue to be complementary and support the land access frameworks, while broadening its remit to consider matters in the emerging renewable energy sector.

The functions are aimed at educating and informing key stakeholders impacted by the emerging competition for land matters, as well as assisting landholders navigate the frameworks relating to resources and renewable energy land use activities.



## Land Access Ombudsman Act 2017

The LAO was established to provide an independent service to investigate and resolve land access disputes in Queensland. The LAO's jurisdiction allows it to investigate claims in relation to existing conduct and compensation agreements and make good agreements.

The proposed amendments are intended to address identified gaps in the LAO's dispute investigation and resolution functions by expanding its role across a broader range of land access disputes through an ADR pathway, as well as giving LAO a determinative role for specific disputes. The expansion of

the LAO's functions will not remove the option for parties to seek authorised officer conferencing through the Department of Resources to assist with matters.

It is intended that the proposed amendments to the LAO's functions will include an ability for the LAO to be involved:

- during the negotiation of a conduct and compensation agreement or a make good agreement
  - to provide an alternative pathway for landholders or resource tenure holders to resolve matters through ADR using the LAO
  - after a party gives a negotiation notice to initiate a formal ADR pathway through the LAO
- during the negotiation of or making of the proposed subsidence agreements (under the subsidence management framework)
  - to provide an alternative pathway for landholders or resource tenure holders to resolve matters through ADR using the LAO
  - after a party to give a negotiation notice to initiate a formal ADR pathway through the LAO
- where there is a material change in circumstance to an existing agreement
  - to allow for the LAO's ADR process to be used to resolve the matter rather than have the parties apply to the Land Court to vary an agreement as is the current process
- during the negotiation of a compensation agreement for a mining claim or a mining lease made under the *Mineral Resources Act 1989*
  - to provide an alternative pathway for relevant parties to resolve negotiations for a compensation agreement through ADR using the LAO
- where there is a dispute about whether a resource activity is preliminary or advanced
  - to provide a determinative function about whether the proposed activities are preliminary or advanced
- where disputes about land access matters or compensation agreements such as disputes about access agreements and the negotiation and preparation costs reasonably and necessarily incurred in entering agreements
  - to provide a function allowing the LAO's ADR process to be used to resolve the matter

The expansion of the LAO's function is intended to provide parties with access to an independent dispute resolution process, resulting in a reduction in need for parties to take matters to the Land Court Queensland to resolve.

Thank you for taking the time to read this consultation paper.

We encourage you to provide feedback via [the online form](#) or by emailing ResourcesPolicy@resources.qld.gov.au.

Stakeholder views and comments will be considered when drafting the proposed legislative amendments.

**Consultation closes 8 December 2023.**

# Appendix A

## Consultation to date

The development of the proposed amendments outlined in this paper have been informed by significant consultation undertaken through the development of the QRIDP and the subsequent discussion paper, titled [\*Land Access and Coexistence: A review of coexistence principles and coexistence institutions\*](#).

### QRIDP consultation

In 2021, the draft QRIDP was prepared in consultation with the resources industry, First Nations peoples, landholders and other community members. The purpose of the consultation was to gain an understanding of stakeholder views on a variety of matters, including coexistence (key focus area 3).

The draft QRIDP was released for consultation for a period between 24 November 2021 and 11 February 2022. Based on the feedback, there was no substantial amendments made to key focus area 3, between the draft and final version of QRIDP.

Action 24 in the QRIDP is a review of the land access institutions— LAO, GFCQ and OGIA. The purpose of the review was to ensure the institutions were well aligned, contemporary, efficient and to investigate whether:

- the institution's functions could be expanded to assist in more circumstances
- the institutions could perform functions under the banner of a single entity.

### Discussion paper consultation

The Department of Resources released a discussion paper, titled "*A review of coexistence principles and coexistence institutions*" for a three month-period between 18 November 2022 and 24 February 2023.

Feedback on the coexistence discussion paper indicated broad support for:

- expanding the functions of OGIA to provide independent scientific advice and assessment for CSG-induced subsidence using farm-scale predictive modelling
- expanding the functions of the LAO to resolve disputes relating to CSG-induced subsidence, and a broader range of land access agreements including the negotiation of conduct and compensation agreements and make good agreements
- refining and clarifying the functions of the GFCQ to provide relevant and targeted stakeholder education and engagement across a broader range of land access issues.

### GFCQ regulatory review of coal seam gas-induced subsidence

In addition to the above government initiatives, in November 2022, the GFCQ released its [\*Regulatory review of coal seam gas-induced subsidence\*](#) report, which included eight recommendations to government:

- implement a management framework to establish a process for the assessment and management of CSG-induced subsidence at a regional and farm-scale (supported by government)

- incorporate independent assessment and alternative dispute resolution processes in instances where an alleged impact has occurred or to resolve disputes (supported by government)
- expand OGIA's functions to enable further determinations relating to CSG-induced subsidence (supported by government)
- investigate mechanisms to ensure the protection of landholders from the impacts of CSG-induced subsidence outside of tenure boundaries (supported by government)
- ensure appropriate agronomy and irrigation specialist services are available to landholders in negotiations (supported by government)
- investigate potential impacts to regional overland flow caused by CSG-induced subsidence (supported in principle by government, subject to further investigation)
- consider how the management framework would treat cases where on-farm impacts are found to be critical (supported in principle by government, subject to further investigation)
- provide additional information and support to landholders (supported by government).

In May 2023, the Minister for Resources released the [Queensland Government response](#) to the GFCQ's recommendations. The response outlined support for six of the eight recommendations and in principle support for the remaining two recommendations, subject to further investigation (as indicated above).

### **GFCQ consequences report**

In July 2023, the GFCQ released its report [Potential consequences of CSG-induced subsidence for farming operations on the Condamine alluvial floodplain Final Report](#) (the final report). The final report contained five recommendations:

- re-evaluate consequences of subsidence on individual farms when farm scale subsidence modelling is complete
- provide landholders with farm field scale data
- develop ways of representing changes to drainage of natural landforms
- assess farm field landform irregularities
- assess potential for landscape scale impacts to the overland flow.

GFCQ's work has provided vital input into the development of the proposed reforms.