



QUEENSLAND PARLIAMENT **COMMITTEES**

Greenhouse Gas Storage Amendment Bill 2025

Primary Industries and Resources Committee



Report No. 10

58th Parliament, October 2025

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Primary Industries and Resources Committee

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All references and webpages are current at the time of publishing.

Acknowledgements

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Chair's Foreword

This report presents a summary of the Primary Industries and Resources Committee's examination of the Greenhouse Gas Storage Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff and the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

I commend this report to the House.

A handwritten signature in black ink, appearing to read 'Bennett', with a stylized flourish extending from the end.

Stephen Bennett MP

Chair

Executive Summary

The aim of the Greenhouse Gas Storage Amendment Bill 2025 (the Bill) is to provide a pathway for Carbon Transport and Storage Corporation (CTSCo) to convert a greenhouse gas (GHG) well to a water supply bore to meet its decommissioning obligations under the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*, and provide for a positive legacy from the project by enabling existing assets to be repurposed.

The Bill would amend the *Greenhouse Gas Storage Act 2009* to provide a clear process and set out the requirements for CTSCo to convert GHG wells on its former GHG exploration permit, EPQ10.

The committee received 5 written submissions and held a public briefing with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, the Department of Local Government, Water and Volunteers, and Resources Safety and Health Queensland.

Stakeholders were supportive of the legislation and there was agreement with the department's assessment that converting GHG wells to water bores is a pragmatic alternative to plugging and abandonment. In their submissions, several stakeholders sought assurance that CTSCo would bear responsibility for costs for all decommissioning pathways, which the department confirmed.

The committee made 1 recommendation, that the Bill be passed.

Legislative compliance

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee concluded that the Bill was compatible with the *Legislative Standards Act 1992* and the *Human Rights Act 2019*.

Recommendation

Recommendation 1 11

The committee recommends that the Bill be passed.

Glossary

AgForce	AgForce Queensland Farmers Limited
AMEC	Association of Mining and Exploration Companies
CCS	Carbon Capture and Storage
CTSCo	Carbon Transport and Storage Corporation
DNRMMRRD/the department	Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPQ10	Type of exploration permit
FLP	Fundamental Legislative Principle
GAB	Great Artesian Basin
GGs Act	<i>Greenhouse Gas Storage Act 2009</i>
GHG	Greenhouse Gas
HRA	<i>Human Rights Act 2019</i>
LSA	<i>Legislative Standards Act 1992</i>
MEROLA Act	<i>Mineral and Energy Resources and Other Legislation Amendment Act 2024</i>
QFF	Queensland Farmers' Federation
RSHQ	Resources Safety and Health Queensland
Senate Committee	Senate Environmental and Communications References Committee

1. Overview of the Bill

The Greenhouse Gas Storage Amendment Bill 2025 (the Bill) was introduced by the Honourable Dale Last, Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development, and was referred to the Primary Industries and Resources Committee (the committee) by the Legislative Assembly on 26 August 2025.

1.1. Aims of the Bill

The *Mineral and Energy Resources and Other Legislation Amendment Act 2024* (MEROLA Act) included provisions to ban greenhouse gas (GHG) storage and enhanced petroleum recovery using a GHG stream in the Queensland component of the Great Artesian Basin (GAB).¹

As a consequence of this ban, the only granted GHG exploration permit, EPQ10, was ended under the *Greenhouse Gas Storage Act 2009* (GGS Act). Under the GGS Act, the former holder of the GHG exploration permit EPQ10, Carbon Transport and Storage Corporation (CTSCo), is required to ‘plug and abandon’ GHG wells on the former EPQ10 site to meet its decommissioning obligations.²

The Bill proposes to amend the GGS Act to allow CTSCo to convert GHG wells on EPQ10 sites to water supply bores and enable the transfer of ownership of converted water supply bores to landholders on whose property the bore is located. The Bill would also streamline the development approval process for the conversion works and water licencing for landowners receiving a converted bore.³

According to the explanatory notes, allowing CTSCo to convert GHG wells to water supply bores is expected to provide:

- a practical solution for CTSCo to decommission its GHG wells
- enhanced access to water for landholders
- a means to repurpose existing infrastructure in an environmentally responsible way.⁴

1.2. Background

CTSCo exploration permit

In December 2019, CTSCo was granted a GHG exploration permit (EPQ10) under the GGS Act.⁵ EPQ10 permitted CTSCo to explore the potential for GHG storage reservoirs

¹ Explanatory notes, p 1; Section 149A(2)(b) of the MEROLA Act states that a permit holder can not ‘inject a GHG stream into the Great Artesian Basin for the purpose of enhanced petroleum recovery’.

² Explanatory notes, p 1.

³ Explanatory notes, p 1.

⁴ Explanatory notes, pp 1-2.

⁵ Department of Environment and Science (DESI), *Terms of reference for an environmental impact statement under the Environmental Protection Act 1994 Surat Basin Carbon Capture and Storage Project proposed by Carbon Transport and Storage Corporation (CTSCo) Pty Limited*, (TOR for proposed Surat Basin CSS Project) July 2022, p 2. Accessed at

near the town of Moonie in the GAB area of Queensland. This exploration supported CTSCo's plans for its Surat Basin Carbon Capture and Storage (CCS) project – aiming to 'demonstrate the effective permanent storage of the captured CO₂' and reduce GHG discharge into the atmosphere.⁶ Although permitting exploration, Condition 1(a) of the environmental authority document stated that it 'does not authorise the carrying out of CO₂ injection tests on EPQ10 or EPQ12'.⁷

CTSCo application to conduct GHG test injections

In 2021, CTSCo applied for an amendment to the environmental authority, to permit CTSCo to progress to the next stage of feasibility assessment and conduct GHG (predominantly CO₂) test injections into the Precipice Sandstone aquifer below the surface (the CTSCo Project).⁸ The Department of Environment, Science and Innovation (DESI) advised CTSCo that an environmental impact assessment under the *Environmental Protection Act 1994* (Qld) would be required.⁹

In January 2022, CTSCo referred the project to the Australian Government for review under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) to determine whether the project would be considered a controlled action.¹⁰ In February, the Australian Government gave CTSCo notice of its decision that the CTSCo Project was not a controlled action under the EPBC Act.¹¹

Senate inquiry and environmental impact statement refusal

On 25 March 2024, the Australian Senate referred an inquiry into the CTSCo Project to the Senate Environmental and Communications References Committee (the Senate Committee).¹²

<https://www.qld.gov.au/__data/assets/pdf_file/0029/274475/surat-basin-carbon-capture-storage-project-final-tor.pdf#page=6>

⁶ CTSCo, TOR for proposed Surat Basin CSS Project, p 2.

⁷ Department of Environment and Resource Management, *Environmental authority EPPG00646913*, <<https://storagesolutiondocsprod.blob.core.windows.net/register-documents-ea/EPPG00646913.pdf>>.

⁸ Carbon Transport and Storage Corporation (CTSCo) Pty Limited, *CTSCo Surat Basin Carbon Capture and Storage Project: Initial advice statement* (IAS), (Document No: CTS-ENV-REP-0009), 2021, p 10, <https://www.qld.gov.au/__data/assets/pdf_file/0025/253357/surat-basin-carbon-capture-storage-ias.pdf>.

⁹ CTSCo, TOR for proposed Surat Basin CSS Project, p 7.

¹⁰ The Senate, Environment and Communications References Committee, *Glencore's proposed carbon capture and storage project* (Senate Report), Final Report, July 2024, p 3, <https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000388/toc_pdf/Glencore%e2%80%99s%proposedcarboncaptureandstorageproject.pdf>.

¹¹ Department of Climate Change, Energy, the Environment and Water (Cth), *Statement of Reasons for a Decision on not Controlled Action Under the Environment Protection and Biodiversity Conservation Act 1999*, 20 February 2024, p 1, <<https://www.aph.gov.au/DocumentStore.ashx?id=265bc558-2a3d-48c2-8262-3c36cb6e8165&subId=755853>>; Senate Report, pp 3-4.

¹² Parliament of Australia, Senate Standing Committees on Environment and Communications, 'Glencore's proposed carbon capture and storage project', n.d., accessed 29 August 2025, <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/GlencoreCCS>.

In May 2024, DESI announced that the CTSCo Project was not suitable to proceed and the EIS was refused due to potential impacts on groundwater resources in the GAB.¹³ Amongst its conclusions, the environmental impact statement assessment report found that the proposed injection of CO₂ would 'likely cause an irreversible or long-term change in water quality and aquifer characteristics.'¹⁴

In July 2024, the Senate Committee released its Final Report, recommending that 'states and territories consider a legislated ban on [carbon capture and storage] activities across the GAB to ensure this important natural asset is uniformly preserved'.¹⁵

MEROLA Act carbon capture and storage ban in the GAB

In June 2024, the MEROLA Act was passed introducing a ban on carbon capture and storage in the GAB in Queensland. EPQ10 was ended pursuant to the Act. As per amendments the MEROLA Act made to the GGS Act, CTSCo became responsible for decommissioning existing wells, monitoring bores, and rehabilitating sites.¹⁶

1.3. Consultation

The explanatory notes state that the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD/the department) undertook target consultation with the following agencies:

- Department of the Premier and Cabinet
- Department of Local Government, Water and Volunteers
- Department of Primary Industries
- Resources Safety and Health Queensland
- Department of the Environment, Tourism, Science and Innovation
- Department of State Development, Infrastructure and Planning.¹⁷

The explanatory notes state that all agencies were supportive of the proposed amendments, and that the department also consulted directly with CTSCo and the

¹³ DESI, Media Release, 'CTSCo project not suitable to proceed', 24 May 2024 <<https://www.detsi.qld.gov.au/our-department/news-media/mediareleases/2024/ctsco-project-not-suitable-to-proceed>>.

¹⁴ DESI, *EIS assessment report for the Surat Basin Carbon Capture and Storage Project*, 24 May 2024, p 44 <https://www.qld.gov.au/__data/assets/pdf_file/0040/483799/surat-basin-carbon-capture-storage-project-eis-assessment-report.pdf>.

¹⁵ The Senate, Environment and Communications References Committee, *Glencore's proposed carbon capture and storage project* (Senate Report), Final Report, July 2024, p vii, <https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000388/toc_pdf/Glencore%e2%80%99sproposedcarboncaptureandstorageproject.pdf>.

¹⁶ Explanatory Notes, Mineral and Energy Resources and Other Legislation Bill 2024 (Qld), p 3; *Mineral and Energy Resources and Other Legislation Amendment Act 2024* (Qld), s 37A; *Greenhouse Gas Storage Act 2009* (Qld), Part 7.

¹⁷ Explanatory notes, p 3.

affected landholders, each of which have confirmed they are supportive of the proposed amendments.¹⁸

1.4. Inquiry process

The committee launched its inquiry on Friday 29 August 2025 and received 5 submissions by the deadline. The committee held a public briefing with officers from the DNRMMRRD, the Department of Local Government, Water and Volunteers, and Resources Safety and Health Queensland (RSHQ).

1.5. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (LSA),¹⁹ and the *Human Rights Act 2019* (HRA).²⁰



1.5.1. *Legislative Standards Act 1992*

Assessment of the Bill's compliance with the LSA identified issues listed below which are analysed in Section 2 of this Report:

- whether the Bill has sufficient regard to the institution of Parliament; specifically, in relation to:
 - the amendment of an Act by regulation
 - delegation of legislative power.
- whether the Bill has sufficient regard to rights and liberties of individuals; specifically, in relation to:
 - retrospectivity.



1.5.2. *Human Rights Act 2019*

Assessment of the Bill's compatibility with the HRA identified issues with the following, which is analysed further in Section 2:

- the right to property.

The committee found that the Bill is compatible with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.6. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

¹⁸ Explanatory notes, p 3.

¹⁹ *Legislative Standards Act 1992* (LSA).

²⁰ *Human Rights Act 2019* (HRA).

**Recommendation 1**

The committee recommends that the Bill be passed.

2. Examination of the Bill

This section discusses key themes which were raised during the committee's examination of the Bill.²¹

2.1. Conversion process and the rights of landholders

The Bill aims to enable the transfer of ownership of a converted water supply bore, and to streamline the development approval process for conversion works and water licencing.²²

According to the department, the Bill would require CTSCo to obtain a signed statement from a landowner with their written consent and agreement to the conversion and transfer. CTSCo would negotiate and enter into a Well Transfer and Consent Deed with a landowner as part of the conversion and transfer process. The signed statement would need to be obtained during these negotiations.²³

The Bill would also provide CTSCo with the right to enter the landowners' properties to carry out necessary activities in order to facilitate the conversion works. CTSCo must still comply with the relevant entry notification requirements under the *Mineral and Energy Resources (Common Provisions) Act 2014* when entering private land to carry out these activities.²⁴

**2.1.1. Human rights - property rights****i. Right of entry**

The right to property in the HRA protects persons from being arbitrarily deprived of their property.²⁵ The right includes a person being able to enjoy uninterrupted possession of their land.²⁶

The Bill may limit the right to property because it provides CTSCo with a right of entry to land on which decommissioning or rehabilitation must be carried out (primary land) and to any other land (access land) it is reasonably necessary to cross for access to the primary land.²⁷ This may result in landowners temporarily losing access to some of their property.²⁸

²¹ Note that this section does not discuss all consequential, minor, or technical amendments.

²² Explanatory notes, p 1.

²³ Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD), correspondence, 9 September 2025, p 3.

²⁴ DNRMMRRD, correspondence, 9 September 2025, p 3.

²⁵ HRA, s 24(2).

²⁶ Queensland Government, *Guide: nature and scope of the human rights protected in the Human Rights Act 2019*, version 3, June 2025, p 78.

²⁷ Bill, cl 6 (GGS Act, new ss 469, 482). See also GGS Act, s 459.

²⁸ Statement of compatibility, p 2.

This limitation on property rights would not be considered arbitrary because it would not be unlawful, random or capricious.²⁹ The purpose of the limitation on property rights is to allow CTSCo to carry out the proposed conversion process for a GHG well or to comply with the rehabilitation conditions.

The statement of compatibility provides that the potential limitation on property rights only arises ‘where landowners agree to the conversion and transfer of a bore or where CTSCo needs to comply with its rehabilitation conditions following the plugging and abandonment of a GHG well’.³⁰ The statement of compatibility adds that CTSCo is required to provide at least 10 business days’ notice prior to entering private land to carry out activities, and that the landowner’s consent is required before the conversion and transfer process.³¹ The statement of compatibility asserts that there are no suitable alternative ways to achieve the purpose of the Bill that are less restrictive on property rights.³²



2.1.2. Stakeholder submissions and department advice

In its submission to the committee, Queensland Farmers’ Federation (QFF) sought assurance that the conversion process would be clear and transparent and centred on landholder consent.³³ The Association of Mining and Exploration Companies (AMEC) similarly stated that its interest in the Bill lies in ensuring that ‘negative impacts on landholders are minimal, and only those landholders who are legitimately willing to take ownership of the water bore are required to do so, and rehabilitation occurs in a timely manner for holes where there is no interest in taking ownership or environmental liability’.³⁴

In response to these concerns, the department reiterated that ‘ownership of a converted water supply bore can only occur with the written consent of a landowner’.³⁵ Where no landholder consent is provided, ‘CTSCo remains responsible for decommissioning and rehabilitating the well in line with its existing obligations’.³⁶

Committee comment



The committee considers the Bill provides adequate protection to the rights of landholders, and notes that CTSCo would remain responsible for decommissioning and rehabilitation should landholder consent for conversion not be received.

The limitation on property rights is not likely to be significant, and would be offset by the benefits to landholders of CTSCo converting GHG wells to water supply bores.

²⁹ ‘Arbitrary’ means unlawful, unjust, random or capricious. Nicky Jones and Peter Billings, *An annotated guide to the Human Rights Act 2019 (Qld)*, LexisNexis, 2023, para 4.419 (pp 249-250).

³⁰ Statement of compatibility, p 3.

³¹ Statement of compatibility, p 3.

³² Statement of compatibility, p 3.

³³ Submission 1, p 3.

³⁴ Submission 5, p 1.

³⁵ DNRMMRRD, correspondence, 17 September 2025, p 3.

³⁶ DNRMMRRD, correspondence, 17 September 2025, p 3.

2.2. Decommissioning obligations

The Bill would oblige CTSCo to either plug and abandon a GHG well or convert it to a water supply bore and transfer ownership to a relevant landowner.³⁷



2.2.1. Stakeholder submissions and department advice

Stakeholders sought assurance that CTSCo would bear responsibility for costs for all decommissioning pathways.³⁸ QFF stated that the conversion ‘must be conducted at no cost to the landholder, as it is a remediation of an existing liability on their property’.³⁹ AgForce Queensland Farmers Limited (AgForce) similarly stated that ‘all costs associated with the rehabilitation of gas wells and their subsequent conversion to landholder water supply infrastructure must be borne by CTSCo’ and that ‘[t]his is consistent with the long-standing principle of “polluter pays” and reflects the responsibility of the company as the operator’.⁴⁰

The department advised that ‘[n]either the affected landowners, nor the State, will bear any costs associated with either of the decommissioning pathways (conversion and transfer or plugging and abandonment)’ and that ‘[t]he full cost of decommissioning the GHG wells located on the former exploration permit, EPQ10, will be borne by CTSCo’.⁴¹ However, should the landholder elect to convert and transfer the GHG well, they will need to install a watertight delivery system post conversion and transfer.⁴²

2.3. Long-term benefits to landholders

According to the department, converting the GHG wells to water bores is ‘a pragmatic and environmentally responsible alternative to plugging and abandonment’ that ‘delivers mutual benefits for both CTSCo and landowners’.⁴³

2.3.1. Stakeholder submissions and department advice

All stakeholders who provided written submissions to the committee were supportive of the proposed conversion of GHG wells to water bores. QFF, AgForce, and AMEC expressed support for the provisions.⁴⁴ Landholders impacted by the legislation provided submissions expressing their support for the conversion of the GHG wells on their properties.⁴⁵ Landholders noted that water bores are expensive to drill, and would provide significant benefits in terms of water security and drought resilience.⁴⁶ Landholder Glen Gray noted that:

³⁷ Explanatory notes, p 1.

³⁸ Submissions 1 and 4.

³⁹ Submission 1, p 3.

⁴⁰ Submission 1, p 1.

⁴¹ DNRMMRRD, correspondence, 17 September 2025, p 2.

⁴² DNRMMRRD, correspondence, 17 September 2025, p 5.

⁴³ DNRMMRRD, correspondence, 9 September 2025, p 1.

⁴⁴ Submissions 1, 4, 5.

⁴⁵ Submissions 2 and 3. See also: Anthony and Amy Wallis, correspondence, 1 October 2025.

⁴⁶ Submissions 3.

*Conversion to a water supply bore was considered as a much more valued use of the cost of drilling than plugging. A water bore would be an asset to me in these times of climate variability.*⁴⁷

The department thanked the landholders for their feedback and for their engagement during the Bill's development.⁴⁸

2.4. Decommissioning requirements prescribed by transitional regulation

According to the explanatory notes, technical decommissioning requirements would be prescribed by transitional regulation.⁴⁹ The department explained that:

*... the details of the various notices, conversion report and minimum technical requirements for the conversion process, as well as the plugging and abandonment requirements for any GHG wells not converted, will be prescribed in a transitional regulation.*⁵⁰

In the public briefing, the department elaborated on the intent of the proposed transitional regulation, reiterating that its purpose is to provide for adaptability with regards to technical standards:

*The reason for the transitional regulation is due to the fact that there may be two things which may change. The decommissioning must occur by 18 June 2027. While there could have been a moment where we would put that into the bill, it was thought that if there are changes, depending on better understanding of technical requirements, which may mean that the requirements for the conversion could be updated in a way to improve technical feasibility, safety et cetera that then there would be an easy ability to update those as those requirements change.*⁵¹

The department emphasised that the intention of the transitional regulation provision is 'certainly not to change in any way what the landowner's understanding would be of the conversion process'.⁵²



2.4.1. Fundamental legislative principles - amendment of an Act by regulation

i. Henry VIII clause

A Henry VIII clause is a clause which enables an Act to be expressly or impliedly amended by subordinate legislation.⁵³ The presence of such a clause in a Bill may mean that the Bill does not have sufficient regard to the institution of Parliament because it allows the executive to effectively amend an Act passed by the Queensland Parliament.⁵⁴

The Henry VIII clause in the Bill provides that a transitional regulation may make provision about another matter for which:

⁴⁷ Submission 3, p 1.

⁴⁸ DNRMMRRD, correspondence, 17 September 2025, p 4.

⁴⁹ DNRMMRRD, correspondence, 9 September 2025, p 3.

⁵⁰ DNRMMRRD, correspondence, 9 September 2025, pp 4-5.

⁵¹ Public briefing transcript, Brisbane, 17 September 2025, p 3.

⁵² Public briefing transcript, Brisbane, 17 September 2025, p 3.

⁵³ Or executive action. Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of "Henry VIII clauses" in Queensland legislation*, 1997, p 23.

⁵⁴ See LSA, s 4(4)(c); Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of "Henry VIII clauses" in Queensland legislation*, 1997, p 24.

- it is necessary to make provision to allow or facilitate the doing of anything to achieve the operation of part 8 (Transitional provisions for Greenhouse Gas Storage Amendment Act 2025) of the *Greenhouse Gas Storage Act 2009*, and
- part 8 does not provide or sufficiently provide.⁵⁵

Henry VIII clauses are commonly included in Bills, particularly in transitional provisions,⁵⁶ in case the powers are needed,⁵⁷ but there should be good justification provided for such clauses. The explanatory notes provide the following justification for the Henry VIII clause:

*This Henry VIII clause is justified on the basis that the amendments involve complex technical requirements for the conversion and decommissioning of GHG wells. The transitional regulation-making power provides flexibility to respond to unforeseen issues that may arise during implementation and enables immediate action to support the intended policy outcome.*⁵⁸

It is best practice for transitional regulation-making powers to be subject to a sunset clause.⁵⁹ Under the Bill, the transitional regulation-making power and any transitional regulations expire on 18 June 2029.⁶⁰

Committee comment



The committee notes that a Henry VIII clause was included in the MEROLA Bill. Clause 129 proposed to insert new section 108 (Transitional regulation-making power) in the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.⁶¹

The MEROLA Act included provisions that were not in the MEROLA Bill. Amongst other things, these provisions inserted transitional regulation-making powers into a range of Acts, including the GGS Act. These were also Henry VIII clauses.⁶² These provisions were moved by then-Minister Hon. Scott Stewart MP during Consideration in Detail for the MEROLA Bill.⁶³ Of relevance to this inquiry, section 37A of the MEROLA Act inserted new section 463 in the GGS Act. This transitional regulation-making power is

⁵⁵ Bill, cl 6 (GGS Act, new s 483(1)(b)).

⁵⁶ For example, *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024*, s 26 (*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, s 115); *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, s 34 (*Work Health and Safety Act 2011*, s 361); *Energy (Renewable Transformation and Jobs) Act 2024*, s 180.

⁵⁷ Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of 'Henry VIII clauses' in Queensland legislation*, 1997, pp 11, 47.

⁵⁸ Explanatory notes, p 3.

⁵⁹ Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of 'Henry VIII clauses' in Queensland legislation*, 1997, p 50.

⁶⁰ Bill, cl 6 (GGS Act, new s 483(4)).

⁶¹ MEROLA Bill, cl 129 (Mineral and Energy Resources and Other Legislation Amendment Act 2024, new pt 7, div 2).

⁶² See sections 5D, 37A, 156A and 171 of the MEROLA Act.

⁶³ Queensland Parliament, Record of Proceedings, 12 June 2025, pp 2132-46; MEROLA Bill 2024, Explanatory notes for Amendments during consideration in detail to be moved by the Honourable Scott Stewart MP.

similar to clause 6 in the GGS Act Amendment Bill 2025 (proposed new section 483 of the GGS Act).

ii. Retrospectivity

To have sufficient regard to the rights and liberties of individuals, legislation should not adversely affect rights and liberties, or impose obligations, retrospectively. The Bill would allow a transitional regulation to have retrospective operation to a day not earlier than the day of commencement of section 483 (Transitional regulation-making power) of the proposed Act.

Landholders are likely the individuals who would be most affected by the possible retrospective operation of any transitional regulations. The explanatory notes do not directly address this potential inconsistency with fundamental legislative principles, but they do state that each affected landholder has ‘confirmed their support of the proposed amendments’.⁶⁴

Committee comment



The committee is satisfied that the proposed transitional regulation-making power is consistent with fundamental legislative principles. The committee notes the technical nature of the decommissioning process, the support of the affected individuals for the proposed amendments, and that the regulations are limited in their retrospectivity and are subject to a sunset provision.

The inclusion of the transitional regulation-making power would provide for adaptability with regards to technical standards, including unforeseen issues that may arise during the decommissioning process.

2.5. Water bore construction codes

According to the explanatory notes, the Bill would require a licensed water bore driller to convert a GHG well to a water supply bore in accordance with the requirements in the following water bore construction codes:

- *Minimum Construction Requirements for Water Bores in Australia*
- *Minimum Standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland.*⁶⁵

The Bill provides that the most current version of these two documents, which may be amended from time to time, would apply.⁶⁶

⁶⁴ Explanatory notes, p 3.

⁶⁵ Explanatory notes, p 3.

⁶⁶ Explanatory notes, p 3.



2.5.1. Fundamental legislative principles - delegation of legislative power

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons. The Bill would delegate legislative power by defining ‘water bore construction codes’ with reference to two non-legislative documents published on a Queensland Government website.⁶⁷

The inclusion of this definition in the GGS Act would mean that a water driller must comply with the requirements in the documents when converting a GHG well to a water supply bore.⁶⁸ However, changes to these documents can be made at any time without parliamentary oversight.⁶⁹ The explanatory notes provide the following justification for the delegation of legislative power:

The water bore construction codes are developed and maintained by recognised industry bodies to reflect best practice bore construction standards. Applying the most current versions ensures that the highest available standards are used in converting the GHG wells to water supply bores ...⁷⁰

Committee comment



Given the technical nature of these documents, and noting that the authors are ‘recognised industry bodies’, the committee is satisfied that the delegation of legislative power has sufficient regards to the institution of Parliament.

⁶⁷ The *Minimum Construction Requirements for Water Bores in Australia* and the *Minimum Standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland*. Bill, cl 6 (GGS Act, new s 467(4)). These documents are currently accessible online.

⁶⁸ Explanatory notes, p 3; Bill, cl 6 (GGS Act, new s 467).

⁶⁹ Explanatory notes, p 3.

⁷⁰ Explanatory notes, p 3.

Appendix A – Submitters

1	Queensland Farmers' Federation
2	Anthony and Kylee Curtis
3	Glen Gray
4	AgForce Queensland Farmers
5	Association of Mining and Exploration Companies

Appendix B – Public Briefing, 17 September 2025

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

Claire Cooper

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