



Queensland

Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Bill 2013



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2013

A Bill

for

An Act to protect particular land, including prime agricultural land, for future generations by prohibiting the carrying out on such land of coal seam gas exploration and mining and associated activities

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Act 2013*. 4
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Part 2 Purposes and application of Act 6
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2 Purposes 8

The purposes of this Act are to— 9

(a) protect certain land, in particular Queensland’s prime agricultural land, from the destructive effects of coal seam gas exploration and mining, and activities associated with coal seam gas exploration and mining; and 10
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(b) preserve the productive capacity of Queensland’s agricultural land for future generations. 15
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3 How the purposes are achieved 17

To achieve its purposes, this Act— 18

(a) identifies land that is protected land; and 19

(b) prohibits the carrying out on that land of coal seam gas exploration or mining, or activities associated with coal seam gas exploration or mining. 20
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4	Act binds all persons	1
(1)	This Act binds all persons including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.	2 3 4
(2)	However, the Commonwealth or a State can not be prosecuted for an offence against this Act.	5 6
5	Relationship with other Acts	7
(1)	This Act applies despite any other Act.	8
(2)	If there is an inconsistency between a provision of this Act and a provision of another Act, the provision of this Act prevails to the extent of the inconsistency.	9 10 11
Part 3	Interpretation	12
6	Words have same meaning as in <i>Petroleum and Gas (Production and Safety) Act 2004</i>	13 14
	A word used in this Act and defined in the <i>Petroleum and Gas (Production and Safety) Act 2004</i> has the same meaning in this Act as it has in the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , unless a contrary intention appears.	15 16 17 18
7	Meaning of <i>CSG activity</i>	19
	<i>CSG activity</i> means any of the following activities—	20
(a)	exploring for coal seam gas;	21
(b)	evaluating the feasibility of producing coal seam gas;	22
(c)	testing for the production of coal seam gas;	23
(d)	extracting, mining for or producing coal seam gas;	24

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- (e) mining and using incidental coal seam gas within the meaning of the *Mineral Resources Act 1989*, chapter 8, part 8; 1
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- (f) investigating or surveying the potential suitability of land for the construction and operation of a pipeline or petroleum facility exclusively or principally for transporting or processing coal seam gas; 4
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- (g) constructing or operating a pipeline or petroleum facility exclusively or principally for transporting or processing coal seam gas; 8
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- (h) anything necessary for, or incidental to, an activity mentioned mentioned in paragraphs (a) to (g). 11
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8 Meaning of *protected land* 13

- (1) ***Protected land*** means— 14
 - (a) excluded land; and 15
 - (b) prime agricultural land. 16
- (2) ***Excluded land*** means all land east of the Condamine River between— 17
18
 - (a) a line running lengthwise, directly through the Chinchilla Post Office, to the east coast of Queensland; and 19
20
21
 - (b) the border between Queensland and New South Wales. 22
- (3) ***Prime agricultural land*** means land, other than excluded land, that is in an area shown, immediately before this section commences, on the trigger map as being potential SCL. 23
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25
- (4) To remove any doubt, it is declared that it does not matter for subsections (2) and (3) whether the land— 26
27
 - (a) has a required cropping history; or 28
 - (b) is, immediately before this section commences, SCL or decided non-SCL. 29
30
- (5) In this section— 31

<i>decided non-SCL</i> see the SCL Act, section 9(3).	1
<i>potential SCL</i> see the SCL Act, section 10.	2
<i>required cropping history</i> see the SCL Act, section 49.	3
<i>SCL</i> see the SCL Act, section 9(2).	4
<i>SCL Act</i> means the <i>Strategic Cropping Land Act 2011</i> .	5
<i>trigger map</i> see the SCL Act, section 25.	6

Part 4 Protected land 7

9 Offence to carry out CSG activity on protected land	8
A person must not carry out, or attempt to carry out, a CSG activity on protected land.	9 10
Maximum penalty—10000 penalty units or 5 years imprisonment.	11 12

Part 5 Miscellaneous provisions 13

10 Liability of executive officers	14
(1) An executive officer of a corporation commits an offence if—	15
(a) the corporation commits an offence against section 9; and	16 17
(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence against section 9.	18 19 20
Maximum penalty—the penalty for a contravention of section 9 by an individual.	21 22

[s 11]

- (2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 9; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 9; and
 - (c) any other relevant matter.
- (3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 9.
- (4) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 9;
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 9.
- (5) In this section—
- executive officer*, of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person's position is given the name of executive officer.

11 No compensation etc.

Except as provided in section 14(3), no amount, whether by way of compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with the enactment or operation of this Act.

Part 6	Transitional provisions	1
12	Definition for pt 6	2
	In this part—	3
	<i>commencement</i> means the commencement of this section.	4
13	Existing petroleum tenures etc.	5
(1)	This section applies if, immediately before the commencement, a person is authorised under any of the following to carry out a CSG activity on land mentioned in section 8(2) or (3)—	6 7 8 9
(a)	a 1923 Act petroleum tenure (the <i>tenure</i>);	10
(b)	a petroleum authority (the <i>authority</i>);	11
(c)	a coal or oil shale mining lease (the <i>lease</i>);	12
(d)	a coordination arrangement (the <i>arrangement</i>).	13
(2)	The provisions of the tenure, authority, lease or arrangement cease to be valid and are of no effect to the extent any of them purports to authorise the person to carry out the CSG activity on the land.	14 15 16 17
(3)	If, immediately before the commencement, the person had carried out, or was carrying out, the CSG activity on the land, the person—	18 19 20
(a)	must take all reasonable steps to restore, to the extent possible, the land to the condition it was in before the CSG activity started; and	21 22 23
(b)	is responsible for the costs of taking the steps mentioned in paragraph (a).	24 25
14	Existing applications for petroleum tenure etc.	26
(1)	This section applies if, immediately before the commencement—	27 28

[s 14]

- (a) a person has applied (the *application*) for the grant, 1
continuation or renewal of a petroleum tenure, 2
petroleum authority or coal or oil shale mining lease that 3
authorises the person to carry out a CSG activity on land 4
mentioned in section 8(2) or (3); and 5
- (b) the application is not finally decided. 6
- (2) The application is taken to be withdrawn to the extent it 7
relates to authorisation to carry out a CSG activity on the land. 8
- (3) An application fee paid for the application must be refunded 9
to the extent it relates to the application to authorise the 10
carrying out of a CSG activity on the land. 11

Authorised by the Parliamentary Counsel