

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

Explanatory Notes

Short Title

The short title of the Bill is the Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Act 2013.

Objectives of the Bill

The primary objectives of the Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Bill 2013 are to:

1. Prohibit all coal seam gas and exploration mining activities east of the Condamine River from Chinchilla to the New South Wales Border and from the Longitudinal line running directly through the Chinchilla Post Office east to the coast; and
2. Protect any land under the Strategic Cropping Land Act 2011.

Reasons for the Bill

Fundamentally the Bill is intended to protect prime agricultural land from coal seam gas exploration to ensure the sustainability of the agricultural industry and food security into the future for all Queenslanders. Importantly, the designated areas described in this Bill are identified as one of the richest agricultural areas in Queensland.

The current Liberal National Party Government and former Labor Governments alike, have failed to protect the agricultural land defined in this Bill. Accordingly, this Bill is intended, without discretion, to unreservedly protect the defined agricultural land.

It is held that there is an urgent need for a firm stance against the coal seam gas industry, pending the establishment of science to guarantee risk mitigation of Queensland's prime agricultural land including that defined within this Bill.

For the purposes of absolute clarity, this Bill does not seek to prohibit the coal seam gas industry but it specifically excludes coal seam gas exploration and mining in the areas designated in the Bill - including to protect underground water that may potentially be affected either for a particular period or irreversibly .

Importantly, the Bill is also intended to contribute to food security for all of Queensland.

Finally, the Bill seeks to provide representation for primary producers in rural and regional Queensland who have arguably been silenced and dismissed by the present and past Queensland Governments.

Of serious concern it was revealed that in 2010 employees of the Queensland Government were not given enough time or basic information to assess two Queensland projects worth \$38 billion. This information was exposed through documents obtained under Right to Information laws which showed that approval processes were rushed and arguably put commercial considerations ahead of the environment. This is just one of the key reasons for the Bill, however, it will also protect the long term sustainability of prime agricultural land in designated area.

Achievement of the Objectives

The Bill achieves the objectives by way of the proposed and set forth.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the reform to protect prime agricultural land.

Estimated Cost for Government Implementation

Any costs in relation to the amendments will be met from existing agency resources.

Consistency with Fundamental Legislative Principles

This protects the agricultural industry and citizens whose rights and liberties would otherwise be significantly and unjustifiably restricted or impacted because of environmental harm to prime agricultural land.

Consultation

There has been no formal consultation.

Notes on Provisions

Part 1 Preliminary

Clause 1 establishes the short title as the Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Act 2013.

Part 2 Purpose and Application of Act

Clause 2 provides for the protection of prime agricultural land from coal seam gas mining in the designated area as described and further ensures sustainability for future generations.

Clause 3 Identifies prime agricultural land and prohibits coal seam gas mining or any activity associated with it.

Clause 4 Act binds all persons but creates exceptions from prosecution in special cases.

Clause 5 This is an overruling Act.

Part 3 Interpretation

Clause 6 provide for specific definitions under the Act

Clause 7 defines the term Coal Seam Gas (CSG) activity

Clause 8 defines the meaning of prime agricultural land and other land defined within the Act.

Part 4 Protection of Prime Agricultural Land

Clause 9 specifies penalty provisions under the Act.

Part 5 Miscellaneous Provisions

Clause 10 Liability of Executive Officers specifies liabilities and penalties imposed under the Act.

Clause 11 Confirms no compensation is available under this Act.

Part 6 Transitional Powers

Clause 12 defines the commencement of the Act.

Clause 13 In the case that exploration has started, all reasonable steps must be taken to restore the environment and/or land as exploration will be prohibited from continuation under this Act.

Clause 14 Any petroleum or gas tenure paid for future exploration will be refunded if tenure is removed under this Act.

Schedule

Prime Agricultural Land Map:- trigger map for potential Strategic Cropping Land (SCL).