



Queensland

Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2010

Subordinate Legislation 2010 No. 297

made under the

Petroleum and Gas (Production and Safety) Act 2004

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1 Short title

This regulation may be cited as the *Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2010*.

2 Commencement

This regulation commences on the day the *Geothermal Energy Act 2010*, section 480 commences.

3 Regulation amended

This regulation amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

4 Insertion of new ch 1, pt 2A

Chapter 1—

insert—

‘Part 2A Land access code

‘4A Land access code—Act, s 24A

‘(1) For section 24A(1) of the Act, the land access code consists of—

- (a) the best practice guidelines stated in parts 1 and 2 of the document called ‘Land Access Code’, dated November 2010 and published by the department; and
- (b) schedule 1A.

‘(2) However, all of the following apply for compiling any copy of the land access code—

- (a) schedule 1A must be inserted into the document called ‘Land Access Code’, dated November 2010 and published by the department;
- (b) the reference to the authorising section may be omitted;
- (c) the part headings may be omitted;

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- (d) a reference to ‘this schedule’ may be substituted with a reference to ‘this part’;
 - (e) the compilation may use whatever numbering system the chief executive considers appropriate;
 - (f) each cross-reference must be amended to ensure a correct reflection of the numbering system used.
- ‘(3) A compilation made under subsection (2) is taken to be the code prescribed under subsection (1).’.

5 Insertion of new sch 1A

Before schedule 1—

insert—

‘Schedule 1A Mandatory conditions for resource authorities

section 4A

‘Part 1 Preliminary

‘1 What this schedule is about

‘This schedule provides for the mandatory conditions for the following (each a *resource authority*) under the following Acts (each a *resource Act*)—

- (a) geothermal tenures under the *Geothermal Energy Act 2010*;
- (b) GHG authorities under the *Greenhouse Gas Storage Act 2009*;
- (c) petroleum authorities under the *Petroleum and Gas (Production and Safety) Act 2004*;
- (d) 1923 Act petroleum tenures under the *Petroleum Act 1923*;

- (e) exploration permits and mineral development licences under the *Mineral Resources Act 1989*.

‘2 Giving notice

‘A relevant person who is required to notify a landholder under this schedule must give the notice—

- (a) orally in person; or
- (b) if oral notice is impractical—by written notice.

Example of it being impractical to give oral notice—

The landholder has migrated to a place outside Queensland.

‘3 Definitions

‘In this schedule—

access land, for a resource authority—

- (a) for a geothermal tenure—see the *Geothermal Energy Act 2010*, section 220(3); or
- (b) for a GHG authority—see the *Greenhouse Gas Storage Act 2009*, section 287(3); or
- (c) for a petroleum authority—see the *Petroleum and Gas (Production and Safety) Act 2004*, section 502(3); or
- (d) for any other resource authority—means land it is reasonably necessary to cross for access to land under the resource authority.

authorised activity, for a resource authority, means an activity that its holder is, under the authority of the relevant resource Act, entitled to carry out in relation to the resource authority.

holder means a person who, under a resource Act, holds a resource authority.

landholder means an owner or occupier of private or public land in the area of, or access land for, a resource authority.

relevant person means—

- (a) the holder of a resource authority; or

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(b) a person acting for a holder under a resource authority.

resource Act see section 1.

resource authority see section 1.

‘Part 2 Mandatory conditions

‘4 Induction training

‘(1) A holder must ensure each person acting for the holder, under the holder’s resource authority, receives information and training specific to the obligations of the holder and the person under each of the following for authorised activities that will be carried out by the person on a landholder’s land—

- (a) the resource Acts;
- (b) the land access code;
- (c) an agreement between the holder and the landholder.

‘(2) A holder must give each person mentioned in subsection (1) a document to show the person has received the appropriate information and training.

‘(3) A holder must, if asked by the landholder, give the landholder a copy of the document.

‘5 Access points, roads and tracks

‘(1) A relevant person must, if practicable, use an existing access point, road or track to enter a landholder’s land.

‘(2) If it is not practicable to comply with subsection (1), any new access points, roads or tracks, made by the relevant person, must be located at a place and in a way that minimises the impact of the access point, road or track on the landholder’s business or land use activities.

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- '(3) A relevant person must, for the period the access points, roads or tracks are used by the person, ensure the access points, roads or tracks are kept in good repair.
 - '(4) For subsection (3), the relevant person must have regard to the condition of the access point, road or track when the person started using them.
 - '(5) A relevant person must operate vehicles on a landholder's land at speeds that—
 - (a) are appropriate for the landholder's land; and
 - (b) minimise noise, dust and disturbance to the land.
 - '(6) A relevant person may operate a vehicle in wet conditions on a landholder's land only in a way that minimises damage to access points, roads and tracks on the land.
 - '(7) If a relevant person has caused damage to access points, roads or tracks on a landholder's land, the relevant person must, as soon as practicable—
 - (a) notify the landholder of the damage; and
 - (b) repair the damage.

'6 Livestock and property

- '(1) A relevant person must use a landholder's land in a way that minimises disturbance to people, livestock and property.
- '(2) If, in carrying out authorised activities, a relevant person becomes aware of any potential adverse impact, caused by the activities, on a landholder's livestock or property, the relevant person must immediately notify the landholder of the potential impact.
- '(3) If a relevant person injures or kills a landholder's livestock, the relevant person must immediately notify the landholder of the injury or death of the livestock.
- '(4) If a relevant person damages a landholder's property, the relevant person must—

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- (a) immediately notify the landholder of the damage; and
- (b) repair the damage as soon as practicable.

‘7 Obligations to prevent spread of declared pests

- ‘(1) A relevant person must take all reasonable steps to ensure that, in carrying out authorised activities, the person does not spread the reproductive material of a declared pest.
- ‘(2) A relevant person must take all reasonable steps to ensure that, in entering or leaving land in the area of a resource authority, the person does not spread the reproductive material of a declared pest.

Note—

For further information on preventing the spread of declared pests see the document called ‘Petroleum Industry–Pest Spread Minimisation Advisory Guide’ published by the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

- ‘(3) Subsections (1) and (2) do not apply to the release of a declared pest authorised under the *Land Protection (Pest and Stock Route Management) Act 2002*.
- ‘(4) A holder must ensure each person acting for the holder under a resource Act washes down vehicles and machinery before entering a landholder’s land in the area of the resource authority, if the risk of spreading a declared pest is likely to be reduced by the washing down.
- ‘(5) The holder must keep a record (the ***wash-down record***) of all wash-downs under subsection (4) carried out during the period in which the holder is allowed access to the landholder’s land.
- ‘(6) If asked by the landholder, the holder must give a copy of the wash-down record to the landholder.
- ‘(7) In this section—
declared pest means—
 - (a) a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3; or

- (b) an animal or plant declared under a local law to be a pest because the animal or plant is causing, or has the potential to cause, an adverse environmental, economic or social impact in all or part of the local government area.

reproductive material, of a declared pest, see the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3.

wash-down means the removal of reproductive material from a vehicle or machine using an appropriate cleaning process.

‘8 Camps

- ‘(1) If a holder intends to set up a camp on a landholder’s land, the holder and the landholder must, before the camp is set up, agree on the location and a plan for managing the camp.
- ‘(2) However, if the holder and landholder cannot agree on a location and plan for managing the camp, the holder must ensure the location of the camp is in a place that will minimise any impact on the landholder’s business or land use activities.

‘9 Items brought onto land

- ‘(1) A relevant person carrying out authorised activities must collect rubbish or waste produced in carrying out the authorised activities and deposit the rubbish and waste in a suitable local waste facility.
- ‘(2) A relevant person must not bring firearms, domestic animals or alcohol onto a landholder’s land without the landholder’s consent.
- ‘(3) In this section—

local waste facility means a waste facility owned, operated or otherwise controlled by a local government.

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‘10 Gates, grids and fences

- ‘(1) A relevant person must, after using a gate, return the gate to its original position unless advised otherwise by the landholder.
- ‘(2) If a relevant person damages a grid on a landholder’s land the person must—
 - (a) immediately notify the landholder of the damage; and
 - (b) replace or repair the grid as soon as practicable.
- ‘(3) A relevant person must—
 - (a) obtain the landholder’s consent before erecting a gate on the landholder’s land; and
 - (b) ensure any gate erected by the person is stock-proof.
- ‘(4) A relevant person must not cut a fence on the landholder’s land without the landholder’s consent.
- ‘(5) If the landholder allows a fence to be cut by a relevant person to carry out an authorised activity, the person must, immediately after carrying out the activity—
 - (a) repair the fence; or
 - (b) erect a stock-proof gate, as required by the landholder, where the fence was cut.’.

ENDNOTES

- 1 Made by the Governor in Council on 28 October 2010.
- 2 Notified in the gazette on 29 October 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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