

# Land Access Code

Department of Resources

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1	November 2010	Original Publication
2	September 2016	Updated to reflect changes in legislation and departments
3	June 2023	Updated to reflect land access principles developed in consultation with stakeholders as part of the Queensland Resources Industry Development Plan (QRIDP). No changes were made to the mandatory conditions.

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## **PART 1 – INTRODUCTION**

### **1. Background**

Queensland’s resource and agricultural sectors are vital to our economy and the success of our regions. The Queensland Government’s coexistence framework seeks to balance the rights and interests of the resource sector with those of landholders so that resource activities can coexist with agricultural activities and other land uses.

Sustainable coexistence means finding a way to balance the rights and interests of industry with those of landholders, land users, communities and First Nations peoples who live on and care for country, to ensure a range of land use activities can continue to grow over the long term.

It requires arrangements to be put in place to support parties in the way they communicate and negotiate, so that mutually beneficial and lasting relationships can be fostered and sustained throughout the life of a resource project.

### **2. Purpose and application**

The Land Access Code (LAC) is made under 36 of the *Mineral and Energy Resources (Common Provisions) Act 2014*. It sets out best practice guidelines for communicating and negotiating with landholders and imposes mandatory conditions about conduct when entering and carrying out authorised activities on private land.

The best practice guidelines for communication and negotiations are set out in Part 2 of this document, including coexistence principles and practical guidance on how resources companies and landholders and occupiers should interact.

Part 3 explains the mandatory conditions required for specific resource authority holders in relation to the conduct of authorised activities on private land.

Part 4 of this document provides key contacts and further information sources that may assist parties dealing with coexistence issues.

## **PART 2 – BEST PRACTICE COMMUNICATION**

### **3. Positive Relations**

Positive relationships between resource companies, landholders, land users, community and First Nations peoples are essential for sustainable development and economic prosperity for all Queenslanders. To achieve this, the resources industry must nurture its social licence by demonstrating its strong environmental, social and governance performance.

The development of positive relations between landholders and resource authority holders requires parties to:

- Be proactive and engage early
- Interact respectfully and transparently
- Promote understanding; and
- Act with integrity.

## 4. Coexistence principles

The Queensland Government has developed coexistence principles which establish the minimum expectations for the behaviours between all resource authority holders and landholders (regardless of whether subject to this code). Additionally, these principles should also be followed where an entry to private land is authorised under section 386V of the *Mineral Resources Act 1989*. This authorisation allows a person to enter land to define the boundary of a mining tenement application and may require interactions with the owner or occupier of land where the proposed activity is to be carried out.

The government encourages parties to go above and beyond these minimum standards to ensure they form and nurture good working relationships that deliver mutually beneficial outcomes over the long-term.

	<b>Principles</b>	
<b>Values</b>	<b>Resource authority holder</b>	<b>Landholder</b>
Be proactive and engage early	<ul style="list-style-type: none"> <li>• Engage early with landholders about potential activities, potential impacts on their land and business activities, land access arrangements and other relevant considerations</li> <li>• Provide landholders with the information necessary to inform negotiations and decision-making</li> <li>• Provide regular progress updates to landholders and advise of any significant changes to operations or timing, and be forthcoming when issues arise</li> </ul>	<ul style="list-style-type: none"> <li>• Be open to meeting with resource authority holders and discuss proposed activities</li> <li>• Ask any questions and raise any potential concerns, or requests for additional information from resource companies</li> </ul>

	<b>Principles</b>	
<b>Values</b>	<b>Resource authority holder</b>	<b>Landholder</b>
Interact respectfully and transparently	<ul style="list-style-type: none"> <li>• Communicate openly, honestly and with empathy</li> <li>• Be respectful in all dealings with landholders - respect the rights, privacy, property and business activities of the landholder</li> <li>• Outline expectations for conduct and compensation arrangements to landholders</li> <li>• Negotiate in good faith, provide timely responses to requests for information and ensure timely decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate openly and honestly</li> <li>• Respect the rights of the resource company to carry out their activities</li> <li>• Outline expectations for conduct and compensation arrangements to resource authority holder</li> <li>• Negotiate in good faith and provide timely responses to requests or notices</li> </ul>
Promote understanding	<ul style="list-style-type: none"> <li>• Listen to landholders' questions and concerns and seek to resolve issues in a timely manner</li> <li>• Learn about the landholder's current business activities, succession dynamics and future aspirations and consider them in planning activities</li> <li>• Appreciate the impact of proposed activities on the landholder's property and business and seek to minimise impacts</li> <li>• Seek mutually beneficial arrangements and be open to alternatives that may be suggested</li> <li>• Ensure landholders share a common understanding and interpretation of conduct and compensation arrangements prior to finalisation</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate your current and future business and land use activities with the holder and discuss how the impact of the resource authority holder's activities can be mitigated or addressed</li> <li>• Seek information from the resource authority holder about proposed activities, including when and where they are going to occur and the likely impact on your property or business activities</li> <li>• Seek mutually beneficial arrangements and be open to alternatives that may be suggested</li> <li>• Ensure the resource authority holder shares a common understanding and interpretation of conduct and compensation arrangements prior to finalisation</li> </ul>

	<b>Principles</b>	
<b>Values</b>	<b>Resource authority holder</b>	<b>Landholder</b>
Act with integrity	<ul style="list-style-type: none"> <li>• Build reliability and trust by consistently acting and undertaking activities as agreed with landholders</li> <li>• Comply with relevant legislated frameworks and conduct and compensation obligations</li> <li>• Promptly pay compensation agreed with the landholder once milestones are reached</li> <li>• Promptly notify the holder of any damage caused and rectify it without any undue delay</li> <li>• Be responsible for all authorised activities and actions undertaken by employees and contractors of the holder</li> <li>• Regard information obtained about the landholder's operations as confidential</li> </ul>	<ul style="list-style-type: none"> <li>• Be open with resource authority holders about when significant changes to operations or management programs are likely to occur, so that they can plan to carry out activities in a way that will minimise impacts</li> <li>• Comply with relevant legislated frameworks and conduct and compensation obligations</li> <li>• Promptly notify the resource authority holder of any damage to property caused by authorised activities</li> <li>• Be responsible for all landholder activities, requests and actions undertaken on the property by landholder's employees and contractors</li> <li>• Treat information obtained about the resource authority holder's operations as confidential</li> </ul>

## 5. General Communication

To facilitate efficient communication from the outset, the resource authority holder and landholder should each appoint a responsible person with good interpersonal skills to negotiate conduct and compensation arrangements and undertake all communications in relation to land access. The resource authority holder should ideally appoint a competent representative such as the field supervisor or site manager who has knowledge of the land and experience in successfully liaising with landholders.

The responsible person:

- is the contact for the resource authority holder and landholder respectively
- for the resource authority holder, is responsible for all communication on behalf of their respective employees and contractors
- is responsible for negotiating any required agreement and should be authorised to make agreements and arrangements on behalf of the holder or the landholder
- should be familiar with all aspects and requirements of their operations.

The responsible person for the resource authority holder should provide the landholder with:

- contact details for themselves and a senior executive (who is contactable at any reasonable time)
- the resource authority number
- a description of the work program, including the extent and type of operations to be conducted and the duration of the program
- a description of vehicles and equipment to be used
- a detailed outline of the activity and a map including:
  - the location of fieldwork
  - proposed access routes and camp locations
  - any other relevant spatial information
- an overview of any existing environmental management plan including remediation/ rehabilitation works.

The landholder should provide the resource authority holder with comprehensive information about their property, including:

- the location of special features or special management requirements of the property
- advice on the best or preferred access routes
- suitable campsite locations
- water supply and location
- the timing and nature of significant farm programs (e.g., cropping, lambing, mustering)
- any property information relevant to the resource-related activities (e.g., tracks, fences, gates, bores, dams etc)
- any biosecurity issues on-farm or potentially in the area.

Provision of this information will assist in ensuring that the pre-planning and agreement negotiations can be undertaken based on full knowledge of both the proposed work program and the activities associated with use of the private land.

## **6. Negotiating agreements**

A conduct and compensation agreement is an agreement between a landholder and a resource authority holder where the authorised activities proposed to be undertaken will have more than a minor impact on the business or land-use activities of a property.

Agreements between the landholder and the resource authority holder should clearly articulate what has been agreed to between the parties and comply with the relevant



Resource Acts. In the course of negotiations, the parties should endeavour to stay in regular contact and work together to reach a mutually acceptable and practical agreement.

Whilst most negotiations will be conducted in good faith it is recommended that all parties seek legal advice when negotiating conduct and compensation agreements.

## **7. Before and during the carrying out of activities**

The responsible person for the resource authority holder should:

- ensure that contact is made with the landholder at least one week prior to the agreed commencement date for undertaking authorised activities
- accompany drilling and other contractors on site at the time of initial entry
- conduct an orientation, with input from the landholder if required, for all persons acting on behalf of the holder.

It is the responsibility of the resource authority holder to ensure authorised activities are conducted within the resource authority area according to best practice and the mandatory conditions of the Land Access Code.

The responsible person for the resource authority holder should ensure that all agents, contractors and field personnel:

- carry the required authorisation to be on the land
- are aware of and adhere to:
  - the resource authority holder's policies and procedures relevant to field activities
  - the resource authority holder's responsibilities under the Land Access Code, any agreement in place and any other relevant statutory requirements
  - potential compliance and enforcement actions associated with non-compliance with the Land Access Code.

Where practicable, the responsible person for the resource authority holder should maintain contact with the responsible person for the landholder throughout the work program, particularly:

- before commencing a new operational phase of a work program
- to obtain feedback from the landholder about the carrying out of the work program and any unforeseen impacts that the program is having on the landholder.

## 8. Communication after completion of activities

Upon completion of the work program, the responsible person for the resource authority holder should inform the landholder about:

- the potential use of incidental infrastructure following completion of any activities (e.g., drill pads, access tracks, borrow pits, casing etc)
- the likelihood of any subsequent activities occurring (e.g., seismic program, further drilling etc).

The responsible person for the resource authority holder should invite the landholder to inspect the work area when the project is finished so that any concerns can be discussed.

## PART 3 – MANDATORY CONDITIONS FOR RESOURCE AUTHORITIES<sup>1</sup>

Under the *Mineral and Energy Resources (Common Provisions) Act 2014* it is a requirement for a resource tenure holder to comply with the mandatory conditions of the Land Access Code. These mandatory conditions cannot be altered or waived by agreement with the Landholder.

The mandatory conditions are listed in Schedule 1 of the Mineral and Energy Resources (Common Provisions) Regulation 2016 and have been included in this Land Access Code for ease of reference. If there are any discrepancies between the conditions in this Land Access Code and Schedule 1 of the Mineral and Energy Resources (Common Provisions) Regulation 2016, Schedule 1 prevails.

See next page for full excerpt of ***Schedule 1 – Mandatory conditions relating to land access.***

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<sup>1</sup> These mandatory conditions relate to section 16 of the Mineral and Energy Resources (Common Provisions) Regulation 2016 and are detailed in schedule 1 to this regulation.

# Schedule 1 Mandatory conditions relating to land access

section 16

## Part 1 Preliminary

### 1 What this schedule is about

This schedule provides for mandatory conditions concerning the conduct of authorised activities on private land for each of the following resource authorities—

- (a) an exploration permit or mineral development licence under the Mineral Resources Act;
- (b) a resource authority under the P&G Act;
- (c) a resource authority under the 1923 Act, other than a water monitoring authority;
- (d) a resource authority under the Geothermal Act;
- (e) a resource authority under the Greenhouse Gas Act.

### 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—

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

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

**relevant person** means—

- (a) the holder of a resource authority; or
- (b) a person acting for a holder under a resource authority.

## 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 point, road or track, 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.
- (3) A relevant person must, for the period the access point, road or track is used by the person, ensure the access point, road or track is 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 an access point, road or track 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—
- (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.
- (3) Subsections (1) and (2) do not apply to the release of a declared pest authorised under the *Biosecurity Act 2014*.
- (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 plant or animal, other than a native species of plant or animal, that is—

- (a) invasive biosecurity matter under the *Biosecurity Act 2014*; or

*Notes—*

- 1 See the *Biosecurity Act 2014*, schedule 1, part 3 or 4 or schedule 2, part 2.
- 2 See also the notes to the *Biosecurity Act 2014*, schedules 1 and 2.

- (b) controlled biosecurity matter or regulated biosecurity matter under the *Biosecurity Act 2014*.

**reproductive material**, of an animal or plant, means any part of the animal or plant that is capable of asexual or sexual reproduction.

*Examples of reproductive material of an animal—*

semen, egg, or part of an egg

*Examples of reproductive material of a plant—*

- 1 seed or part of a seed
- 2 bulb, rhizome, stolon, tuber or part of a bulb, rhizome, stolon or tuber
- 3 stem or leaf cutting

**wash down**, a vehicle or machinery, means remove reproductive material from the vehicle or machinery 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 or 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.

## 10 Gates, grids and fences

- (1) A relevant person must, after using a gate on a landholder's land, 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 a 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.

## **PART 4 – KEY CONTACTS AND FURTHER INFORMATION**

Stakeholders can access a list of key contact and relevant information at <https://www.business.qld.gov.au/industries/mining-energy-water/resources/landholders/accessing-private-land/land-access-code>

Resource authority holders must provide a copy of the key contact list to landholders with the Land Access Code.