

***At the heart of BSA's concern about the land access framework is the imbalance of power. BSA believes that the current framework does not fully recognise or acknowledge that CSG exploration and production infrastructure and activities are not voluntary for landholders. The framework needs precursor to recognise that there is an imbalance of power.***

**BSA's response is guided by Principles relating to land access as outlined in "Not at any cost: A Blueprint for Sustainable CSG Operations." (March 2011).**

- More certainty and transparency is required. We have reports of poor detail of activities being given by the companies which makes it difficult for Landholders to understand what they are facing. The companies should also be required to give as much insight into their overall plans for each property as soon as they are reasonably available with a good general description of what might be involved for the Landholder (i.e. how long the activities will go, the full range of activities that might be expected etc). The companies are the ones that know that as Landholders have no prior experience of it.
- Legal representation at all times through the negotiation process should be the option of the Landholder and in particular at the conference called under section 537A..There can be no justification for making legal representation the option of the CSG companies ( see section 734 D (3) ) in a conference under section 537A . The imbalance of bargaining power is so great and the consequences of poor outcomes so long-lasting for Landholders. It is inequitable that the CSG companies have the power to deny Landholders legal representation.
- Fair compensation must be offered to any and all affected landholders. CSG companies must be able to pay full compensation and have the capacity to fund make-good arrangements. We are very worried for Government to make sure that companies are financially capable of honouring Conduct and Compensation Agreements or compensating for breaches, such as environmental damage. The industry will last a long time but the companies might not especially if they use \$2 subsidiaries.
- Landholders also want protection against unforeseen on-farm impacts. CSG Companies must carry insurance or have some other surety to be able to meet any such contingencies in future. We also demand public disclosure of bonds and insurance policies. Any insurance policies must not have "outs" that make them useless or mean that the insurance company can refuse to pay – eg. breaching an Environmental Authority. Landholders should be able to access government bonds etc to ensure the companies have a capacity to pay for damage they cause to individual properties.
- Recognition of and a commitment by CSG companies to respect the landholder's tenure rights associated with the land. Whilst petroleum and gas tenures in Queensland give CSG companies the right to extract CSG, current landholders enjoy the right to utilise the surface resources of their land. CSG companies must avoid unreasonably interfering with a landholder carrying out their lawful business. The temporary and "once only" activity of gas extraction must be done in a sensitive way , especially given the crown – the model citizen- is the owner of the resource and grants an exceptional monopoly privilege to a third party to extract it . Extraction must be done in a way that preserves the ability of the landholder to continue after the extraction is done and leave the Landholder still able to be viable as the activity occurs.

**The Basin Sustainability Alliance (BSA) Committee has identified the following issues in response to the land Access Review.**

**Notification of EISs / EMPS / changes to conditioning / CSG activities**

- Landholders whose property may be potentially impacted by an EIS or EMP (even if that impact may or may not occur, or may occur in many years time) should be notified directly via personal letter rather than relying on landholders to “find out” via a public notice process.
- Naming of fields/areas in public notices and letters to landholders should be identified in a way that the landholder clearly recognises the location
- Landholders should be notified-directly about any changes / activity on their region.
- Notification of neighbours – landholders on neighbouring properties to CSG companies should be notified regarding CSG activities (just as neighbours to a development application such as a renovation of a business premises would need to be notified).

**Holistic Planning**

- Landholders need better knowledge of what’s planned and what’s coming.
- There should be a requirement for CSG to provide indicative area wide plans – holistic management plans
- More Transparency for CSG future planning
- Operational plans should be provided - Life of project plans – operational plan which includes details of land impacts
- Govt/companies should provide resources for landholders for advice such as independent property management planning – post notification / prior to agreement to ensure better property planning.
- Staged development plan showing maximum development / scale – timing

**Access Arrangements**

- Disclosure of agreement details be at landholder’s discretion.
- There should be a clearly identified invoicing process - Onus should not necessarily be on the landholder to generate an invoice. (at the landholder’s discretion)

**Enforcement**

- Landholders need to have some way better confidence in ensuring coal seam gas companies meet their obligations

### **Review of Agreements**

- Review of all existing access agreements (if required by landholder). Framework should require all companies to agree to review existing agreements – CSG companies must invite landholders to review if they wish. (BSA recognises that some CSG companies are reportedly doing this voluntarily. However, there needs to be a enforceable consistent approach. QGC has sent letter to all landholder inviting them to review – but we know of landholders who have not received an invitation to do so.
- Right to include review periods in agreements
- Avoid blanket formulas /formulas linked to number of wells /well production
- Prefer framework to encourage move away from a per well compensation
- Ensure framework disallows Compensation that is tied to well production (the infrastructure and activity impacts landholder regardless of well output)
- Keeping the framework in a way that landholders can determine individual needs / expectations when it comes to right of way (for on farm activities like spraying etc).
- Avoiding any blanket equations for compensation – recognising that each landholders circumstance is different.

### **General Issues**

- Don't want to see section P&G Act 804 undermined. Must remember landholder's right to demand no Unreasonable interference
- Section 804 of the P&G Act should be given equal coverage/weighting in practice as 805 – in terms of education and police enforcement
- Need better review process. Better mediation process. Better funded. Better education.
- Strongly support recommendation 18 of interim senate report. Must Give priority to the maintenance of agricultural production with minimal disruption in deciding any dispute
- Also support recommendation 21 of interim senate report – which highlights the involuntary nature of landholders dealings with CSG companies
- Any framework must show that scientific research proceeds development and must demonstrate a capacity to mitigate risk