



PRESS RELEASE

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TO: EDITORS/CHIEF OF STAFF

NO CONFIDENCE IN LAND ACCESS FORUMS

The Basin Sustainability Alliance has labelled the government's first land access forum held in Dalby yesterday as inadequate in addressing the genuine concerns arising from the new land access laws. Chairman Ian Hayllor attended the first of the three scheduled forums and said he was extremely concerned about a number of issues discussed.

"If these forums were designed to instil confidence in landholders, the government has unfortunately got it very wrong," he said. "I think most landholders walked away more alarmed than before and this should be of huge concern to both companies and government."

The newly drafted land access legislation has been described as improving the rights of landholders when it comes to dealing with CSG companies.

"I acknowledge that government sat down and listened to landholder interest groups throughout the drafting process and am certain they have made some improvements, however it is clearly evident that there are a few issues that have not been adequately addressed," Mr Hayllor said.

A few issues arising from the forum concluded that if an access and compensation agreement cannot be negotiated within 40 business days, the CSG company can apply to take the landowner to the land court and is granted compulsory entry 10 days later. Once this happens CSG companies can march onto a property and do whatever they wish providing it is within the land access legislation.

"This could potentially mean a series of wells, pipelines or major infrastructure across the middle of some of your best paddocks, or gas wells and infrastructure close to yours, or your staff's homes," Mr Hayllor said.

The new land access legislation now allows for a mediation process if an agreement cannot be reached within 20 business days of the initial meeting. The mediation process is a step forward but two things about this process concerns landholders. The first one is that the mediators are mining registrars who would have a very good understanding of mining law, but very limited understanding of CSG impacts and financial costs to the farming business.

The second one is landholders cannot have legal representation when trying to negotiate an acceptable access agreement unless the gas company agrees. This puts most landholders at a tremendous disadvantage because the gas company representative will be a trained negotiator having access to their own in-house legal representatives, and may very well have legal qualifications themselves.

If a landholder demands legal representation and an independent mediator, the landholder has to pay for this service. Mediation also has to take place within 20 business days, and if access and compensation cannot be resolved, land court is the only option.

A CSG company may make a land court application entry notice and then automatically gains compulsory access after 10 business days.

“The fact that the government has given the CSG companies almost instant access to private land, despite the fact a land court ruling has not yet been delivered, really upset people attending this information session. Why shouldn’t the CSG companies be made to wait for the land court’s decision before being allowed access?” Mr Hayllor stated. “What’s worse is that many landholders believe that some CSG companies might opt for the land court path because it may well be advantageous to them. They can develop their business by the least cost and fastest method not having to play it fair by the landholder.”

As a result of Monday’s meeting, and ongoing concerns with CSG activity on private land, Mr Hayllor said the Basin Sustainability Alliance would now be calling for the following commitment from the CSG companies. “We want the companies to make a commitment to all landholders that they will not enter private property until the individual Land Court land access and compensation case is resolved,” he said.

ENDS

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