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13 September 2017

Committee Secretary
Infrastructure, Planning and Natural Resources
Committee
Parliament House
George Street
Brisbane Qld 4000

By Email: ipnrc@parliament.qld.gov.au

Dear Committee Secretary

Mineral, Water and Other Legislation Amendment Bill 2017

Thank you for the opportunity to provide submissions on the abovementioned bill. We would be pleased if you would accept this letter as our submission.

We are a legal firm that practices extensively in the field the subject of the Bill and have extensive first-hand experience in the day to day workings of land access, its impact on people and property. We have been involved in negotiating hundreds of land access arrangements over the course of the last 10 years.

For the purposes of this submission we seek to focus on **Clause 37** of the Bill, particularly the manner in which it amends section 81(4)(a) of the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Those amendments have very serious ramifications for landholders and the lack of attention in the explanatory notes belies the importance of the issue.

Firstly, the proposed clause 37 unequivocally removes the existing obligation of resource authority holders to compensate landowners within their tenure area, who suffer a compensatable effect in circumstances where the activity is not actually being conducted on the land of the landowner. That is, it removes the right of neighbours who are within the tenement area to claim compensation for the impacts of activities carried on next door to them. Resource activity, particularly gas activity, typically has a huge and very widespread impact and does not only affect the landowner on whose land the activity is conducted. Given its nature it sometimes affects neighbouring landowners – and sometimes very significantly. This will be even more so as new forms of extraction, with potentially more significant and intrusive impacts, are developed and adopted.

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Secondly, the amendment also removes from both the existing and the (thereby) reduced compensation entitlement, impacts of activities on other lands of an affected landowner. For example, a landowner might own 2 blocks of land and operate them together but the resource activity might only happen on one of the blocks. Arguably the resource authority holder will have no liability to compensate with respect to the block on which the activity does not occur, even if the other block is part of an integrated operation and the overall farming business is adversely affected by the activities. Such a proposal is contrary to current requirements and longstanding compensation principles.

We are unable to fathom why the obligation to compensate in these circumstances would be removed. The removal is not identified in the explanatory notes but its form is very deliberate, subtle and effective.

We are concerned the parliamentary draftsman may not have appreciated the importance of the changes and ask they be reconsidered and the appropriate steps taken to effectively restore the existing wording (before the Bill).

The brevity of this submission should not be taken as a reflection of its importance to landholders and we would be more than willing to expand upon its logic as required.

If you have any queries please contact our Glen Martin or Peter Shannon.

Yours sincerely

Glen Martin
SHINE LAWYERS

Peter Shannon
SHINE LAWYERS