

Negotiating a Conduct and Compensation Agreement



Your rights

The gas under your land is owned by the people of Queensland and managed by the Queensland Government.

If a gas company wishes to access your private land to undertake advanced activities (such as levelling, trenching, constructing or excavating) it must follow the Land Access Code. This involves first discussing the proposed activities with you and negotiating a land access agreement, known as a [Conduct and Compensation Agreement \(CCA\)](#).



Your goal is to negotiate the best deal possible for yourself and your family.

Tips for success

1. Take time

Commit time up front to understand the gas company you are dealing with, their proposed timeline and program of proposed activities on your property. Take time to work with the company to plan the layout and location of infrastructure on your property.

2. Get advice

Pull together your own advisory team of experts across a wide range of disciplines and share experiences with your neighbours. Most reasonable costs for professional advice are required to be reimbursed by the gas company.

3. Keep talking

Maintain communication, even if negotiations hit roadblocks or get stressful or frustrating. This will help both sides better understand each other and find solutions to move forward.

4. Think business-to-business

Treat negotiations with gas companies like any other business partnership. Focus on opportunities to diversify your business and positively align gas company activities with your business plans.

5. Use your property plan

Have on hand a documented plan for the future development of your property and business when undertaking negotiations. Provide maps of your property detailing no-go zones, infrastructure, production cycles and any biosecurity risks.



6. Measure baseline impacts

Keep a simple record of the state of your land, soils, pastures, weeds, vegetation, roads and infrastructure before and after a resource company undertakes activities. This will help quantify and measure impacts and disturbance to your business over time.

7. Know key contacts

Seek details of key contacts for sources of information such as your local CSG Compliance Unit (CSGCU) officer. Phone 07 4529 1500 or email csq.enquiries@dnrm.qld.gov.au.

For more information:

 enquiries@gfcq.org.au  gasfieldscommissionqld.org.au  (07) 3067 9400

PROFESSIONAL COSTS

81 General liability to compensate- existing MERCPC Act

(4) In this section—

compensatable effect means all or any of the following—

(a) all or any of the following relating to the eligible claimant's land—

(i) deprivation.....

(ii) diminution of

(iii) diminution of the use made.....

(iv) severance of any part of the land.....

(v) any cost, damage.....

(b) accounting, legal or valuation costs the claimant **necessarily and reasonably incurs to negotiate or prepare a conduct and compensation agreement**, other than the costs of a person facilitating an ADR;

91 Recovery of negotiation and preparation costs- MWOLA Bill

(1) This section applies if an eligible claimant necessarily and reasonably incurs **negotiation and preparation costs** in entering or seeking **to enter** into a conduct and compensation agreement or deferral agreement with a resource authority holder.

(2) The resource authority holder is liable to pay to the eligible claimant the negotiation and preparation costs necessarily and reasonably incurred.

negotiation and preparation costs—

(a) means—

(i) accounting costs; or

(ii) legal costs; or

(iii) valuation costs; or

(iv) the costs of an agronomist; and

NEIGHBOUR CLAIM / HEADS OF COMPENSATION

81 General liability to compensate- Existing MERC Act

- (1) A resource authority holder is liable to compensate **each owner and occupier of private land** or public land that **is in the authorised area** of, or is access land for, **the resource authority** (each an **eligible claimant**) **for any compensatable effect the eligible claimant suffers caused by authorised activities carried out by the holder or a person authorised by the holder.**
- (2) The resource authority holder's liability to compensate an eligible claimant is the holder's **compensation liability** to the claimant.
- (3) This section does not apply in relation to a public land authority for a notifiable road use.
- (4) In this section—
compensatable effect means all or any of the following—
 - (a) **all or any of the following relating to the eligible claimant's land—**
 - (i) deprivation of possession of its surface;
 - (ii) **diminution of its value;**
 - (iii) diminution of the use made or that may be made of the land or any improvement on it;
 - (iv) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;
 - (v) any cost, damage or loss arising from the carrying out of activities under the resource authority on the land;
 - (b) accounting, legal or valuation costs the claimant necessarily and reasonably incurs to **negotiate or prepare a conduct and compensation agreement**, other than the costs of a person facilitating an ADR;
 - (c) consequential damages the eligible claimant incurs because of a matter mentioned in paragraph (a) or (b).

81 General liability to compensate- MWOLA Bill

- (1) A resource authority holder is liable to compensate the following persons (each an **eligible claimant**) for each compensatable effect suffered by the eligible claimant because of the holder—
 - (a) **an owner or occupier of private land that is—**
 - (i) **in the authorised area of the resource authority; or**
 - (ii) access land for the resource authority;
 - (b) an owner or occupier of public land that is—
 - (i) in the authorised area of the resource authority; or

- (ii) access land for the resource authority.
- (2) The resource authority holder's liability to compensate an eligible claimant under subsection (1) is the resource authority holder's **compensation liability** to the eligible claimant.
- (3) This section does not apply to a public road authority for a notifiable road use.
- (4) In this section—
compensatable effect, suffered by an eligible claimant because of a resource authority holder, means—
 - (a) **any of the following caused by the holder, or a person authorised by the holder, carrying out authorised activities on the eligible claimant's land—**
 - (i) deprivation of possession of the land's surface;
 - (ii) diminution of the land's value;
 - (iii) diminution of the use made, or that may be made, of the land or any improvement on it;
 - (iv) severance of any part of the land from other parts of the land or from other land that the eligible claimant owns;
 - (v) any cost, damage or loss arising from the carrying out of activities under the resource authority on the land; and
 - (b) consequential loss incurred by the eligible claimant arising out of a matter mentioned in paragraph (a).