

PART 1 – INTRODUCTION

1 Background

The Queensland Government is committed to balancing the interests of the agricultural and resource sectors to address issues related to land access for resource exploration and development. Good relationships between these groups, assisted by adequate consultation and negotiation, will improve transparency, equity and cooperation across the sectors involved and creates a more level playing field for all.

This Land Access Code has been developed by the Queensland Government in consultation with the resource and agricultural sectors through the Land Access Working Group.

2 Purpose and application

Section 24A of the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) provides for the making of the Land Access Code by regulation. Section 24A states that ‘a regulation may make a single code for all resource Acts (the **land access code**) that—

- (a) states best practice guidelines for communication between the holders of authorities and owners and occupiers of private land; and
- (b) imposes on the authorities mandatory conditions concerning the conduct of authorised activities on private land.’

‘All resources Acts’ means the *Geothermal Energy Act 2010* (GE Act), *Geothermal Exploration Act 2009*, *Greenhouse Gas Storage Act 2009* (GHG Act), *Mineral Resources Act 1989* (MRA), *Petroleum Act 1923* (PA1923) and the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act).

In relation to (a) above, Part 2 of this document provides the best practice guidelines for communication between the holders of authorities and owners and occupiers of private land.

In relation to (b) above, Part 3 of this document imposes on the following authorities mandatory conditions concerning the conduct of authorised activities on private land¹:

- (a) geothermal tenures under the *Geothermal Energy Act 2010*;
- (b) GHG authorities under the *Greenhouse Gas Storage Act 2009*;
- (c) petroleum authorities under the *Petroleum and Gas (Production and Safety) Act 2004*;
- (d) 1923 Act petroleum tenures under the *Petroleum Act 1923*;
- (e) exploration permits and mineral development licences under the *Mineral Resources Act 1989*.

The definitions contained in Part 3, section 11 apply to the entire Land Access Code document.

Part 4 of this document provides further details of information sources that may assist parties dealing with land access issues.

¹ See the *Petroleum and Gas (Production and Safety) Regulation 2004*, schedule 1A, part 1, section 1.

PART 2 – GOOD RELATIONS

3 Introduction

Establishing good relations between parties requires the use of common sense, a practical approach and mutual courtesy between all those involved in dealings between holders and landholders.

The development of good relations between landholders and holders requires recognition of the rights and obligations of both parties. Any person who enters property owned or managed by another party to undertake authorised activities on behalf of a holder should demonstrate common sense and courtesy, consult regularly, and comply with statutory and contractual obligations.

Below are general principles that should be followed by both parties when undertaking discussions and negotiations about land access and compensation.

4 General principles

Holder	Landholder
<ul style="list-style-type: none">• Liaise closely with the landholder in good faith• Advise the landholder of the holder's intentions relating to authorised activities well in advance of them being undertaken• Advise the landholder of any significant changes to operations or timing• Minimise damage to improvements, vegetation and land• Respect the rights, privacy, property and activities of the landholder• Rectify, without undue delay, any damage caused by the authorised activities• Promptly pay compensation agreed with the landholder once the agreed milestones are reached• Abide by this Code before, during and after undertaking activities• Be responsible for all authorised activities and actions undertaken by employees and contractors of the resource authority• Regard as confidential information obtained about the landholder's operations.	<ul style="list-style-type: none">• Liaise with the holder in good faith• Provide responses to requests or notices with minimum delay• Advise the holder of any significant changes to operations or management programs• Engage with the holder to identify issues such as values of property and operational considerations• Respect the rights and activities of holders and provide reasonable access• Promptly notify the holder of any damage to property caused by the holder• Engage in negotiations with the holder to determine appropriate conduct and compensation arrangements• Adhere to principles of the Code and good neighbourly relations• Be responsible for all landholder activities, requests and actions undertaken on the property by landholder's employees and contractors• Regard as confidential information obtained about the holder's operations.

5 Communication

To assist in the development of effective working relationships from the outset, the holder should make early contact with the landholder and arrange to visit and inspect the property well in advance of any planned commencement of authorised activities. The landholder should endeavour to actively engage with the holder and make time available to discuss relevant issues that require detailed discussions.

To facilitate efficient communication in the initial stages of the process, the holder and landholder should each appoint a responsible person with good interpersonal skills to negotiate the agreement and undertake all communications in relation to land access. The 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 holder and landholder respectively
- for the 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 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 the environmental management plan including remediation/rehabilitation works.

The landholder should provide the 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

Agreements between the landholder and holders 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.

7 Communication before and during the carrying out of activities

The responsible person for the 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 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.