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May 27<sup>th</sup>, 2015  
The Senate  
Environment and Communications Legislation Committee  
Christine McDonald, Secretary  
PO Box 6100  
Parliament House, Canberra ACT 2600  
Email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Ms McDonald,

### **RE: Landholders' Right to Refuse (Gas and Coal) Bill 2015**

People for the Plains is a group of people from North West NSW, based around the town of Narrabri who are interested in transparent and factual information in regards to the CSG industry in our region. We host a range of events, some of which have attracted over 1,000 people and we maintain a database of over 400 people. We hold regular meetings to discuss the issues surrounding CSG and coal mining in our region.

We thank you for the opportunity to present here some of the comments and feedback from our members in regards to the Landholders' Right to Refuse (Gas and Coal) Bill 2015.

### **Support for the Bill**

We find this Bill of great comfort to our members and residents. Primarily because this is a general assumption of our community already; if you own land, you have a right to stop the entry of anyone you choose. For this reason, we have faced challenges in engaging landholders in this issue as they feel confident that they can say "no". This, however is an incorrect assumption, but this Bill goes some way towards levelling this playing field.

Secondly, it is our belief that even some Gas and Coal companies believe this assumption should be correct. Coal Seam Gas exploration and production company Santos, has stated publicly in our region that they will not enter landholders' properties unless they have permission. This has not yet been tested so at present is simply their word. This Bill would however go some way towards ensuring that they stick to their word.

We fully support this Bill as a means for ensuring legislation at a Federal level. We appreciate that the Bill is not intended to exclude or limit the operation of any state or territory laws which means "the written authorisation" required may take the form of a Conduct and Compensation Agreement (CCA) as is already the industry standard, however we believe that this Bill would mean that if negotiations on the CCA failed within the mandatory period, resources companies would have no further rights to force access. At present the reality is very different, where a landholder's only options are to negotiate a CCA or face going

to the Land and Environment Court. This is a totally unsatisfactory option and one that has caused countless landholders to make a choice that they have regretted. This is essentially a bully tactic and it is unconstitutional even though it is presently allowed by State laws.

The implementation of this Bill would mean that landholders who do not wish to sign a CCA for Coal or Gas activities have that option. This gives appropriate levels of rights back to landholders, levelling the playing field between Coal and Gas Companies and landholders and reintroducing respect and dignity to the process.

Having a genuine option for landholders to say "no" means resource companies would have to offer commercial terms that suit the landholder to allow activities to go ahead. It would require an equal-footed, true, open and honest negotiation process which presently does not exist.

Our government continues to spruik the "benefits of co-existence", whilst standing behind legislation that doesn't allow genuine, balanced coexistence where both parties get equal say in the decision. This Bill would go a long way towards creating that genuine balance.

### Ability to Compulsorily Acquire

We do not support the second reading speech that proposes the state or federal government can seek to compulsorily acquire land where they consider the resources to be vital. We believe this is a direct violation of landholders rights and is unconstitutional.

### Incorporation of Infrastructure

This Bill needs to fully stipulate that it includes all infrastructure associated with Coal and CSG, such as powerlines, gas and water pipelines, quarries, borrow pits, gas processing and compressing stations, water treatment facilities, roads, accommodation support camps for staff, fuel storage areas, compressor stations, flare pits, ponds, fences etc. Presently there is no mention of the other infrastructure in the Bill and this needs to be included.

### Transparency and Accountability

Mining companies should be legally subject to the highest standards of openness, transparency and accountability. The company should be required to table all approvals, licences and insurances in full, up front to enable the landholder to have a complete understanding of what is proposed. Landholders should not be pushed into the formal legal process very quickly.

The Code appears to impart some confidentiality to an access agreement, thus preventing landholders from speaking out, sharing information with friends and neighbours and giving unfair advantage to gas and coal companies in the negotiation process.

All landholders should be encouraged to seek legal and other advice before deciding either way. Legal advice sought by the landholder should be but paid for by the mining companies.

## Neighbour Consent

The continual development of directional drilling technologies means permission may be sought on one landholding and impacts can be created on neighbouring lands. For this reason companies should also seek consent from landowners who are being drilled under, despite a lack of surface disruption.

Contamination of our water resources, our air and soils does not respect property boundaries. Potentially one could be faced with a situation where access is refused, but a neighbour grants access. This granting of access by the neighbour absolutely has the potential to cause devastating impact. Insurance companies have indicated they will NOT insure against CSG contamination arising from another farm.

Discussions with residents in the Narrabri Gas Project area has borne out that Santos is strategically picking landholders to work with, thereby creating a situation where landholders feel they have no choice but to also sign up, and this can never be legislated against.

## Ban on Hydraulic Fracturing

The second part of the Bill addresses the complete ban on hydraulic fracturing. Whilst we recognise that such a ban in fact undermines landholders' rights by not allowing them the right to allow fracturing, we believe the negative impacts caused by fracturing reach well beyond an individual landholders' land, therefore in the community's best interests we support this aspect of the Bill.

Impacts created beyond one individual's land include but are not limited to:

- Causation of earthquakes as now well documented in USA ref. <http://www.eenews.net/stories/1060011066> , [http://www.seismosoc.org/society/press\\_releases/BSSA\\_105-1\\_Skoumal\\_et\\_al\\_Press\\_Release.pdf](http://www.seismosoc.org/society/press_releases/BSSA_105-1_Skoumal_et_al_Press_Release.pdf)
- Hydraulic Fracturing fluids brought to the surface with gas and released into surrounding groundwater or underground water ref. <http://www.bloomberg.com/news/2014-07-16/-saltwater-from-fracking-spill-is-not-what-s-found-in-the-ocean.html>

Landholders and their neighbours should have the right to refuse any access by CSG and/or coal companies that can impact on daily lives, water, soil and air quality and the wider environment in which they live.

Kind regards

Sally Hunter B.Bus

President, People for the Plains