

Andrew Williams
 Emma McGrath
 Clare Norris
 Kate McLean
 Adam Phillips



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Senate Standing Committee on Environment
 and Communications

BY EMAIL: ec.sen@aph.gov.au

Dear Committee

ADDITIONAL MATERIAL– LEGAL REPRESENTATION DURING NEGOTIATIONS

I refer to the Senate Inquiry on the *Landholders' Right to Refuse (Gas and Coal) Bill 2015* held in Brisbane on 27 July 2015.

During the inquiry evidence was given by Miss Nicholson that changes to legislation had meant that landholders could not be represented by lawyers when negotiating a Conduct and Compensation Agreement (CCA). I was later asked by the Committee about this change and whether or not landholders were able to have a lawyer present during negotiations. I undertook to provide additional information to the Committee on this point.

The *Petroleum and Gas (Production and Safety) Act 2004* (Qld) (PAG Act) requires gas companies to negotiate and enter into a Conduct and Compensation Agreement (CCA) with landholders who are impacted by gas activities. There is a minimum negotiation period of 20 business days from the giving of a negotiation notice (s536A).

If agreement has not been reached within the 20 business day period, either party may elect to hold a 'conference' or 'independent ADR' to facilitate negotiations (s537A).

If a 'conference' is elected, the parties cannot be represented by a lawyer unless the other party agrees and the authorised officer is satisfied there is no disadvantage to a party (s734D). The conference is chaired by an 'authorised officer,' that being someone appointed by the Chief Executive. Alternatively, legal representation is permitted where the parties elect the 'independent ADR' option.

The Committee should keep in mind that officers acting for the gas companies may not be legally trained, however could have extensive experience in negotiations. This is an immediate disadvantage to a landholder who participates in a 'conference.'

Yours faithfully

Lestar Manning LLB

Director - Maroochydore Office
 e lestar@paelaw.com

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cairns po box 2337 cairns qld 4870 > 211 draper street cairns qld 4870 > t 07 4041 7622 > e cairnsreception@paelaw.com

sunshine coast po box 2015 sunshine plaza qld 4558 > suite 2, 37 dalton drive maroochydore qld 4558 > t 07 5479 0155 > f 07 5479 5070

> e reception@paelaw.com > w www.paelaw.com > ABN 97 836 362 898