

LAND ACCESS OMBUDSMAN
ANNUAL REPORT
2022-23



Letter of compliance

29 August 2023

The Honourable Scott Stewart MP
Minister for Resources
1 William St
BRISBANE QLD 4000

Dear Minister,

I am pleased to present the Land Access Ombudsman's Annual Report for the financial year of 1 July 2022 to 30 June 2023.

This report is produced under the requirements of the Land Access Ombudsman Act 2017. It does not contain financial information.

Yours sincerely,



Jane Pires
Land Access Ombudsman

About this report

The Land Access Ombudsman (LAO) provides a dispute resolution service for landholders and resource authority holders with Conduct and Compensation Agreements or Make Good Agreements. For the benefit of our stakeholders and the Queensland public, this annual report provides information about our performance for the Financial Year of 1 July 2022 to 30 June 2023. It includes our activities and achievements for the financial year and summarises our future priorities.

Interpreter Service



The LAO is committed to providing accessible services to Queenslanders from culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact us on 1800 717 550 and we will arrange an interpreter to effectively communicate the report to you, free of charge.

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We acknowledge and pay our respects to the past, present and emerging Traditional Custodians and Elders of the state of Queensland and the land on which we operate. We respect the continuation of cultural, spiritual, and educational practices of Aboriginal and Torres Strait Islander peoples.

About us

Role of the Land Access Ombudsman

Our primary function is to investigate disputes involving alleged breaches of Conduct and Compensation Agreements (CCA) and Make Good Agreements (MGA). We assess all parties' positions, give advice, and make recommendations about how disputes could be resolved. We do this efficiently and as simply as possible. In the interest of improving or preserving the long-term relationship between parties, where

necessary, we will monitor the matter to ensure recommendations or agreements are carried out.

Importantly, we work to identify systemic issues. We report these issues and provide advice to government and industry to encourage best practice land access relations and improved relationships between Queensland's landholders and resource authority holders.

Our Values



Honesty

We will be accountable and responsible for our actions.



Accountability

We will be proactive. We will take ownership over our learning to enhance continuous improvement.



Reliability

We will be dependable. We will follow through on our actions and commitments.



Communication

We will actively engage through open and transparent dialogue.



Adaptability

We will adapt to industry changes and our operating environment.



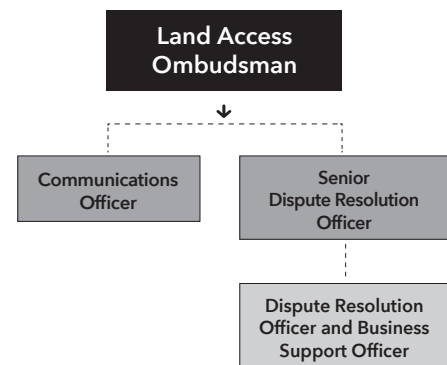
Respect

We will act fairly. Accepting the opinions and individuality of others.

Structure

The Land Access Ombudsman (the Ombudsman), Ms Jane Pires, is not subject to direction by anyone, but reports on the progress and activities of the Office to the Minister for Resources, the Honourable Scott Stewart MP.

As of 30 June 2023, the Office is made up of three employees, two dispute resolution and investigation staff and a communications officer. The dispute resolution team, led by the Senior Dispute Resolution Officer, works to manage enquiries, investigate and resolve disputes, and identify systemic issues and trends. The Senior Dispute Resolution Officer is responsible for managing one staff member, the Dispute Resolution and Business Support Officer. The Communications Officer reports directly to the Ombudsman and supports the business activities of the LAO by managing stakeholder engagement and communications activities to promote awareness of and access to the LAO service.



Our jurisdiction



Matters we can investigate

We investigate matters referred to us when the party:

- » has an existing CCA or MGA
- » believes the other party is not complying with their obligations under the agreement
- » has made a reasonable attempt to resolve the issue.



Matters we cannot investigate

We cannot investigate:

- » when the CCA or MGA is under negotiation, or subject to a minimum negotiation period or cooling off period
- » the content of legislation or government policies
- » a decision made by Cabinet, a Minister, or a chief executive of a government department
- » a matter that is, or has been, the subject of a court proceeding or an arbitration
- » a matter that is, or has been, the subject of an investigation by a department
- » compensation agreements for mining leases and mining claims under the Mineral Resources Act 1989
- » access agreements
- » matters outside of Queensland.

Our process



1. Assessment

When a dispute is referred to us, we first gather information to determine if we can investigate the issue. **This might include:**

- » finding out what (if any) attempts have been made to resolve the dispute (including if it has previously been before court or investigated by government)
- » requesting information from both parties
- » reviewing the CCA or MGA.

2. Investigation

If we can investigate the matter, our dispute resolution team will take reasonable steps to examine and help resolve the issue. **This could include:**

- » requesting information from both parties and (potentially) government departments
- » holding meetings and interviews with each party, separately or together
- » visiting and inspecting sites
- » providing alternative dispute resolution options
- » consulting with technical experts.

3. Facilitation

Our goal is to preserve the long-term relationship between parties to find a mutually beneficial outcome. Consequently, investigations may advance to a facilitation stage, where the case remains open, and our dispute resolution team regularly checks to confirm that the agreed upon actions are being fulfilled.

4. Outcome

On completing an investigation, the LAO will issue a Draft Notice of Investigation Outcome and invite both parties to respond. Comments from both parties are considered before the Ombudsman issues a final Notice of Outcome.

If a dispute is resolved through our investigation, the Notice will include details of the resolution.

If either party does not feel the dispute is resolved, the notice will include:

- » advice about the merits of each party's position
- » our recommendations about how the dispute could or should be resolved
- » reasons for the advice and recommendations.

Ombudsman Message

It is a pleasure to introduce the 2022-23 Annual Report for the Office of the Land Access Ombudsman (LAO).

The 2022-2023 year has been one of anticipation as we await the Department of Resources (DoR) consultation and review outcomes.

Last financial year, we welcomed the release of the Queensland Resources Industry Development Plan (QRIDP). Part of the QRIDP included the review of Queensland's land access and coexistence institutions; Investigating the scope and functions of both the LAO and the GasFields Commission Queensland (GFCQ) to determine if aligning or expanding the function of the institutions could provide better support to Queensland's landholders. We look forward to learning the outcomes of this process in the coming financial year and implementing changes that will create better coexistence, improving the relationships between industry and landholders across Queensland's resource communities.

Providing a dispute resolution service that is independent, fair, and accessible is at the heart of our service. With this in mind, we continue to take the LAO dispute resolution service to the regions where we see continued resource activity, industry expansion and enquiry for assistance. This year's engagement activities took us to the Surat and Bowen Basins. These activities allow us to build new connections in these regions and maintain relationships with community stakeholders that began with the commencement of the LAO service in 2018. These relationships are foundational to the LAO allowing us to share information about the LAO service through Queensland's high-resource activity regions; to support the communities that need us most.

As we move into the new financial year, I look forward to implementing the resulting changes from the QRIDP review. I look forward to being part of this change, change for the betterment of Queensland's resource communities, landholders, and authority holders.

Our Performance

This year, our office received 50 overall dispute enquiries. Through the continued promotion of our service across Queensland's resource activity regions, we continue to experience an ongoing level of enquiry into the service. Of the 50 enquiries received, 42 were out of our jurisdiction, with preliminary enquiries undertaken for two cases that did not proceed to the investigation stage once assessed.

With the LAO legislated to provide help with a dispute where a signed CCA or MGA is in place, we continue to manage a sum of enquiries that fall out of our authority. However, we can still provide those that access our service with the support they need. We regularly connect those that access our service to other stakeholders, referring issues to government departments and organisations for management and advice.

With regulatory review, industry expansion and the complexities of land use across our regions, we continue to learn about the dynamic environment we operate in and the varying degree of land access issues in the land access space. With this ever-changing environment, our team continue to adapt respectfully and professionally, managing the ongoing changes as they have worked through the year. I thank my team for their work and commitment to providing a service that is respectful, impartial, and adaptable as we navigate through this time of change for the LAO.

Systemic Issues

We strive to deliver a service that collaborates with key government departments, industry, and stakeholder groups— offering a service that provides solutions for the people of Queensland who seek our help.

Although we did not identify any systemic issues across the land access space this financial year, we continue to see and hear concerns from communities with high resource activity. These concerns are shared with and reported to the related Queensland Government department in aid of improving coexistence practices, land access, and Make Good frameworks.

Our landscape

Our network

Collaborating with industry, community groups and government to develop and maintain effective stakeholder relationships is vital to delivering our strategic objectives. Maintaining these relationships allows us to listen to the needs and interests of our customers and communities and to increase awareness of the LAO service across Queensland's resource communities.

In 2022 – 23 we continued to collaborate with the Department of Resources (DoR), Department of Environment and Science (DES), GasFields Commission Queensland (GFCQ) and the Land Court allowing us to share information and reach regions identified as needing support.

We continue to develop our industry relationships across the resources, farming, and agricultural sectors, encouraging stakeholders to share our information. Through these associations, we aim to strengthen our reach throughout the regions of Queensland experiencing higher resource activity. This year we have actively sought opportunities to develop key relationships with key stakeholders and community organisations in the Bowen Basin region.

Industry expansion

The QRIDP and the Queensland Critical Minerals Strategy highlight the industry's ever changing nature and the importance of the LAO service for landholders and resource authority holders.

We look forward to the continued change and growth in the industry and to working with our stakeholders as we navigate through changes in the land access space. We will continue to work to inform those starting out so that they can understand the land access space and land access agreements, to educate stakeholders about where to go when they have a dispute with a CCA or MGA, and to provide a service that is simple, effective impartial and accessible.

Our plans

Our key priorities for 2023-24 include:

- » Executing our 2022 – 2025 strategic plan.
- » Continuing our community engagement activities to increase our reach into the key regions of Queensland that are experiencing high resource activity and continued industry growth.
- » Working with government and key industry stakeholders to implement the QRIDP outcomes.

My thanks

I thank our community stakeholders, the landholders, and the people of the communities in Queensland that we engage with and operate in for sharing our information, their time and their efforts to promote our service across their communities. Without this on-the-ground support, the LAO would not be able to deliver an accessible service to the communities of Queensland that need us most.

Industry partnerships allow us to share information about our service, understand the needs of our customers and proactively manage emerging community issues and concerns. I thank our industry bodies, community leaders, government agencies, and resource authorities for collaborating with us this year.

To the customers that have accessed our service in this past year, I thank you for trusting us with your concerns and issues. It is through this process that we identify opportunities to enhance and adapt the LAO service to meet the needs of the Queensland community so that we can continue to deliver an effective dispute resolution service.

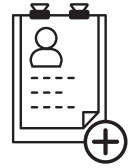
Finally, I thank my team for their accomplishments. Together we continue to provide a service based on a best-practice approach to land access that is adaptable, accountable, independent, and fair. A service with people at the heart that considers the communities of Queensland in which we operate and promotes sustainable working relationships between Queensland's landholders and resource companies.

I look forward to the coming year, to embracing the changes from QRIDP and working collaboratively with all of our stakeholders as we move towards improved coexistence and sustainable communities that will ensure the growth of Queensland's resources sector.



Jane Pires
Land Access Ombudsman

Dispute Referrals in 2022-23



Referrals received

Between 1 July 2022 and 30 June 2023, the office received 50 enquiries about a possible dispute referral.

We received five enquiries about the powers of the LAO, 13 enquiries about Land Valuation Notice queries/objections and one dispute referral from our Memorandum and Understanding partners (DoR and

DES). 29 of the enquiries received were out of our jurisdiction and referred to other entities to provide help and support about the issue.

Of the 50 dispute contacts received, we conducted preliminary enquiries from two referrals, which did not proceed to the investigation stage once assessed.



Referrals to other bodies

42 enquiries were received and referred to other bodies that were assessed by the team to be out of our jurisdiction under Section 36 of the Act.

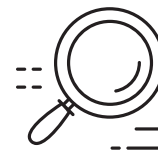
Themes in out of jurisdiction enquiries include:

- » Issues with Land Valuation notices
- » Seeking help/advice in negotiating or renegotiating CCAs/MGAs/ Alternative Arrangement Agreements (AAAs)
- » Seeking legal advice
- » Biosecurity concerns about foot and mouth disease
- » Deviated drilling complaints
- » Complaints about council decisions
- » Complaints about property developers
- » Complaints about body corporates
- » Seeking assistance in relation to scams
- » Complaints about interstate government agencies
- » Complaints about the decisions of Queensland Government Departments.
- » Complaints/enquiries about resource issues not related to CCA's or MGAs

In each case, the LAO referred the enquiry onto the below organisation or body:

Organisation	Number of forwarded referrals
Queensland Government Department of Resources (DoR)	12
Queensland Titles Office/Valuer General	13
Queensland Government Department of Agriculture and Fisheries (DAF)	1
Queensland Government Department of Environment and Science (DES)	2
Legal Advice	5
Australian Competition and Consumer Commission/ Office of Fair Trading	3
Queensland Ombudsman	5
Interstate Ombudsman	2
Body Corporate Commissioner	1

Investigations



The LAO did not undertake any full dispute resolution investigations in the 2022-23 financial year. However, one preliminary enquiry was completed.

The following are examples of cases that were referred to the LAO. After conducting preliminary enquiries, these cases were not investigated further.

Case one:

Renegotiation of compensation set out in a CCA

Case overview

A landholder with a CCA contacted the LAO with the following concerns:

The landholder alleged:

- » their neighbour was receiving almost four times more compensation under a CCA than they were receiving
- » a request was made to the resource company to revisit the CCA to discuss an increase in the compensation amount. However, the resource company refused to discuss an increase in compensation above the CPI
- » The landholder was concerned about safety and security as the resource company and/or their contractors were leaving gates open on the property.

The outcome the landholder was looking for was for the resource company to:

- » Increase the compensation amount in the CCA
- » Ensure that gates on the property were closed.

Our actions

The LAO advised the landholder that the LAO service could not assist with the negotiation or re-negotiation of a CCA. However, the LAO could provide support regarding the disputes about the gate not being shut accordingly.

In preliminary enquiries the CCA, documentation, correspondence exchanged between the parties, and discussions with the resource company were used to determine if the case could be investigated further.

Our enquiry concluded that:

- » The agreement had been inherited from a previous owner of the property. While the agreement did not specify actions required in relation to the opening and shutting of gates, there were clauses in the agreement regarding behaviours that could be interpreted to include gate shutting procedures.
- » There had been some issues in the past with gate shutting on the property, yet the resource company had not been aware that the issue remained, stating that they had not received contact from the landholder about gates being left open for almost three years.

The LAO determined that:

- » the resource company had not been afforded a reasonable opportunity to resolve the issue, and it would be premature that further action by the LAO be taken at this point.
- » the landholder should contact the LAO again if unable to resolve this issue.
- » The landholder should seek legal advice about the review of the compensation amount in the CCA.

As a result of the LAO's preliminary enquiries the resource company advised that these matters are taken seriously and that the company would commit to working with the landholder to resolve their concerns.

Case two: Enquiry about the legitimacy of a CCA.

Case overview

A landholder experiencing issues with a resource company contacted the LAO with concerns about the conduct of a resource company. The landholder held a Deed Agreement with the resource company and believed this to be a CCA.

The agreement stipulated that:

- » the resource company could use an allocated parcel of the landholder's land.
- » that fences were required to be built.

The landholder raised the following concerns:

- » The resource company was using additional land outside of the land allocation outlined in the agreement.
- » Fences required to be built as part of the Deed Agreement had not been built.
- » DoR had investigated the additional use of land and communicated the findings to the landholder. However, the landholder believed the outcomes of DoR's investigation were not being followed by the resource company.
- » A fence had been damaged in a fire that was supposed to be repaired by the resource company, this had not occurred.

The landholder had hoped that:

- » the LAO could make DoR enforce the findings of their investigation.
- » the LAO could assist in having the fences built or repaired.

Our actions

As part of the LAO's preliminary enquiries, the LAO reviewed a copy of the deed agreement and correspondence between the parties. Additional consultation with the DoR (under the Memorandum of Understanding (MoU) with the LAO) helped determine the type of agreement in place and if the LAO had jurisdiction to help the landholder with this issue.

The LAO established that the agreement in place was a Biosecurity Offset Deed, an agreement that is not directly related to preliminary or advanced activities on the landholder's property. Therefore, the LAO could not help the landholder with the issues associated with this type of agreement.

Later discussion with the landholder revealed that after contacting the LAO, the landholder had additional discussions with DoR and/or DES who assisted the landholder further with the issues

Notice of investigation

As per the process and the Act, despite a preliminary enquiry being completed in 2022-23, we did not issue a Notice of Investigation Outcome (section 51 notice), to the parties in the above-mentioned dispute (case one).

Notice about legislation breaches

No formal referrals were made in 2022-23 regarding any investigations under section 53 (breach of a Resource Act), section 54 (breach of Water Act 2000) or section 55 (breach of Environmental Protection Act 1994) of the Act.

Engagement



Our priority under the Act is to promote an understanding of the benefits and functions of the LAO service to ensure that Queenslanders know who we are and how we can help with land access issues.

In 2022-23 the LAO continued to build our presence in Queensland’s resource activity regions. Getting out and about and being active in the regions allows Queenslanders experiencing a land access dispute to access our service directly and speak with our dispute resolution team in person.

This section provides an overview of key activities.

Community engagement

In 2022-23, the LAO worked to:

- » Continue our pop-up office and community engagement activities in the regions to build on community knowledge of the service in key Queensland communities.
- » Continue to engage with key stakeholders and develop new relationships in high-resource activity communities.
- » Strengthen industry partnerships.

Activities for the year included our participation in the QRIDP consultation with a response provided to the DoR on Land Access and Coexistence: A Review of Coexistence Principles and Coexistence Institutions.

The LAO also participated in the GFCQ’s consultation on Surat and Bowen Basin stakeholder engagement activities, responding to the Commission’s discussion paper. This consultation allowed us to contribute to a discussion on Queensland’s land access space and to provide insight into dispute resolution support for communities based on our evidence gathered through

community contact with the LAO and enquiries for assistance or support.

In February 2023, the Ombudsman presented at the Department of Energy and Public Works (DEPW) CEO Breakfast: Social Licence workshop about changing perspectives in relation to the energy industry. The Ombudsman shared LAO’s insights and learnings about collaboration and social licence with the group. Through this breakfast, the LAO connected with stakeholders from the energy sector. The Ombudsman heard about learnings in social licence from other parties, applying this to the energy space and how this fosters positive coexistence for invested parties.

Over the year, the LAO has expanded our pop-up office activities into the Bowen Basin, visiting the Moura, Rolleston, and Emerald region with our dispute resolution service. This visit also took the team to smaller towns, including Blackwater, Dingo and Daringa.

This year the following community visits took place:

Location	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Dalby		●			●						●	
Chinchilla		●			●						●	
Roma											●	
Moura												●
Rolleston												●
Emerald												●

Engagement with regulatory groups

The LAO continues to attend a fortnightly engagement meeting led by the GFCQ. These meetings allow information sharing between the Commission, the LAO and related Queensland Government departments (DoR and DES). The meetings provide an opportunity to hear about issues on the ground in Queensland's resource regions, to understand where the LAO can support community members in this space and learn of opportunities to collaborate with related stakeholders that benefit communities experiencing land access issues.

Enquiries to the LAO continue to grow. Although not always in our jurisdiction, the increase in inquiry into the service highlights our consistent effort to promote the benefits of the LAO service and the strength of our key stakeholder relationships and industry partnerships that support sharing information about the LAO, our resources and engagement activities. In the coming year, we will continue to increase the LAO profile and build awareness of the service in Queensland's growing resource activity regions.

Online engagement

In the 2022-23 financial year, the LAO has continued to promote the LAO website as a channel to access all you need to know about seeking help with a land access dispute.

This financial year, 55% more users accessed our News and Resources page, while 36% more users accessed the LAO events page to find out when the LAO would visit the regions with our pop-up office. 224 users accessed the site to learn about CCAs and MGAs and how the LAO could help with disputes with land access agreements. This data indicates that Queenslanders are actively seeking information to support their need for help with a land access dispute. Additionally, users seek information about the LAO service, how we can help as a dispute resolution service, what a CCA is and where to go for help with a dispute about an agreement.

The LAO's social media presence has grown this financial year. Our social media channels remain a direct channel for communicating with stakeholders across Queensland, sharing information about our community engagement activities, LAO resources and the support available through the LAO's free dispute resolution service.

The LAO Facebook channel experienced an 18% growth this financial year, with our audience located across Queensland and in key resource activity regions (Mackay, Dalby, Emerald, Toowoomba, Bundaberg, Chinchilla, Townsville, and Kingaroy). Similarly, the LAO LinkedIn page experienced a 53% growth in followers in the last financial year, with our LinkedIn audience located across Queensland, including the resource activity regions of Townsville and Rockhampton.

Engagement through social media allows us to connect directly with our high-resource activity regions. Sharing LAO resources, providing industry updates, and sharing news and information from government, community stakeholders, and industry associations not only contributes to a more significant online presence for the LAO but also strengthens our working relationships with the community services and industry partners on the ground in our regions.

Financial Information



The financial statements for the LAO are included in the Department of Resources 2022-23 Annual Report.
Separate financial statements are not required for the LAO.

Appendix one: Glossary

Term	Definition
(The) Act	Land Access Ombudsman Act 2017 (Qld)
Case	The issues, situation and context surrounding a given land access dispute referral or investigation.
Dispute	A conflict-based issue brought to the Land Access Ombudsman
DoR	Department of Resources
DES	Department of Environment and Science
DAF	Department of Agriculture and Fisheries
GFCQ	GasFields Commission Queensland
Investigation	The process of LAO staff formally investigating a land access dispute referral that is found to be within the LAO's jurisdiction.
Landholder	The individual or business who owns or leases the land on which the disputed activity is taking place.
LAO	Land Access Ombudsman
Out of jurisdiction	A matter that is not, under legislation, within the Land Access Ombudsman's authority to investigate or manage.
Referral	The contact a landholder, resource authority holder or their representative makes with the Office of the Land Access Ombudsman regarding a dispute and our ability to investigate it. Depending on context, it can also mean the action of LAO staff referring out of jurisdiction matters to another entity.
Resource Authority Holder	The company or organisation who has authority to access land for resource exploration, production, or extraction.
(The) State	The State of Queensland

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Keep in touch   



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