



LAND ACCESS OMBUDSMAN →

ANNUAL REPORT **2023-24**

Letter of compliance

26 September 2024

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 2023 to 30 June 2024.

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 2023 to 30 June 2024. 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 (LAO)

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.



Reliability

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



Adaptability

We will adapt to industry changes and our operating environment.



Accountability

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



Communication

We will actively engage thorough open and transparent dialogue.



Respect

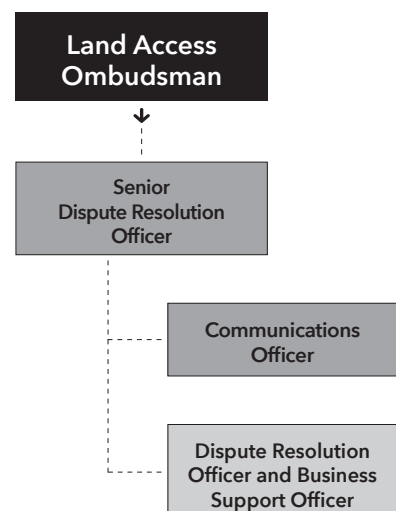
We will act fairly. Accepting the opinions and individuality of others.

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 2024, the Office is made up of three employees, two dispute resolution and investigation team members 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 two team members, the Dispute Resolution and Business Support Officer and the Communications Officer. The Communications Officer supports the business activities of the LAO by managing stakeholder engagement and communications activities to promote awareness of and access to the LAO service.

This year we commenced training and capability uplift for some team members. This program is focused on the skills needed for the changes to the LAO jurisdiction.



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
- » recommendations about how the dispute could or should be resolved
- » reasons for the advice and recommendations.

Ombudsman Message

As Land Access Ombudsman it is a pleasure to introduce the 2023-24 Annual Report for the Office of the Land Access Ombudsman (LAO).

This year we continued to provide independent, fair and accessible dispute resolution services while engaging with stakeholders in regions within Queensland. We have embraced the outcomes from the Department of Resources (DoR) consultation review and look forward to being able to provide support to stakeholders on a broader range of land access disputes once our jurisdiction expands.

During 2023-24 our team members travelled to Dalby, Chinchilla, Roma, Moura, Rolleston and Springsure. The aim of these visits was to build on and strengthen stakeholder engagement ties in these communities and provide a dispute resolution service in these regions of continued resource activity and industry expansion. We see great value in visiting these regions as they assist us to gain a better understanding of what is happening in these communities while allowing us to spread awareness about the services we provide.

In 2024-25, I look forward to preparing for the expansion to the LAO jurisdiction changes that will see our team able to provide alternative dispute resolution services, such as mediation or conciliation to parties engaged in disputes. This jurisdiction expansion will be a key focus for the coming 12 months bringing growth to the team physically and professionally. I look forward to being part of the change that will allow the LAO to further help Queensland's resource communities, landholders and authority holders.

Our landscape

Our Outcomes

This year, our office received 47 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. For 2023-24 year, of the 47 contacts received, there were five enquiries about the powers of the LAO where the complainant did not wish to pursue the matter further, and 38 dispute referrals were out of LAO jurisdiction. Preliminary enquiries commenced for four referrals but did not proceed to the investigation stage once assessed.

The number of enquiries into the LAO remained steady from the previous year. Similarly, many did not fall within the LAO's legislated ability to help with a dispute where a signed CCA or MGA is in place. Our dispute resolution officers were still able to provide alternative avenues to those that accessed our service. The LAO will continue to refer those who access our service to the appropriate government departments or organisations where they will receive the correct management or advice sought.

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 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

In 2023-24, no systemic issues were identified across the land access space. 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 to improve coexistence practices, land access and Make Good frameworks.

Our connections

In 2023 – 24 we continued to collaborate with the Department of Resources (DoR), Department of Environment and Science (DES), Coexistence Queensland and the Land Court allowing us to share information and reach out to regions that 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 this association, 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 Surat Basin and the Lower Bowen Basin.

Queensland Resources Industry Development Plan (QRIDP)

We look forward to sustainable change and growth in the industry and welcome the impending jurisdiction expansion of the LAO as a result of the QRIDP outcomes. Until we can provide land holders and resource authority holders with alternative dispute resolution pathways, we will continue to provide education on the land access space and how we can help with disputes with a CCA or MGA and continue to provide a service that is fair, impartial and accessible to those who need it. We will also continue to work with industry partners as they grow and change to understand the needs of the land access space and issues and concerns that arise from communities with high resource activity.

Our plans

Our key priorities for 2024-25 include:

- » Executing our 2024 – 2027 strategic plan
- » Working with government and key industry stakeholders to prepare for jurisdiction growth for the LAO as per the QRIDP outcomes
- » Continuing our community engagement activities to increase our reach into Queensland's key regions experiencing high resource activity and continued industry growth
- » Commence preparation of our first LAO Reflect Reconciliation Action Plan (RAP)

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 so that we continue to deliver an effective dispute resolution service.

To my LAO team, thank you for your accomplishments and for embracing the changes for our team moving forward. While continuing to provide a fair and independent service to our stakeholders we also committed to upskilling professionally to provide mediation services under the new jurisdiction changes. We have remained adaptable, accountable and professional in the face of change and never wavered from our vision. Expanding our services will provide opportunities for better relationships between Queensland's land holders and resources companies but also for us as a team.

In the coming year I look forward to further embracing and preparing for the LAO jurisdiction expansion. This, along with continued stakeholder engagement, will be at the forefront of our focus as we learn how we can further help our stakeholders by offering alternative dispute resolution pathways.



Jane Pires
Land Access Ombudsman

Dispute Referrals in 2023-24



Referrals received

Between 1 July 2023 and 30 June 2024, the office received 47 contacts about possible dispute referrals.

We received five enquiries about the powers of the LAO. Thirty-eight contacts were determined to be out of our jurisdiction and referred to other entities to provide help and support about the issue. Of the 47 dispute contacts received, we commenced preliminary enquiries on four referrals, which did not proceed to the investigation stage once assessed.



- » Enquiries where a breach of a CCA was anticipated but had not yet occurred
- » Civil disputes between neighbours
- » Requests for information about if there is an average rate for compensation across CCAs in Queensland
- » Complaint from a landholder about compensation not being agreed to, or not being paid as determined by the Land Court
- » Requests for advice regarding how to access an easement
- » A complaint about an electricity distributor regarding plans to install a power line through their property
- » Enquiries about Entry Notices received where a CCA had not yet been executed

Where dispute referrals were out of jurisdiction, the LAO referred the enquiry to the below organisation or body:

Referrals to other bodies

We received and referred 38 enquiries to other bodies as they were assessed by the team to be out of our jurisdiction under Section 36 of the Act.

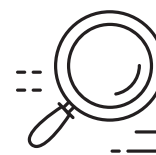
Some complainants were referred to more than one entity e.g. a complainant expressing their dissatisfaction with the actions of contractors undertaking work on a Windfarm, but also concerned about the potential for environmental laws being broken, was referred to the AEIC, but also to DESI for advice about Environmental Authorities.

Themes in out of jurisdiction enquiries include:

- » Enquiries about negotiating or renegotiating CCA's.
- » Objections to Land Valuation notices or attempts to contact the Valuer-General
- » An issue with a Biodiversity Offset Deed
- » Requests for Legal Advice
- » Complaints about a decision of a Queensland State Government Department or a local council
- » Complaints or enquiries about windfarms.
- » Complaints from a landholder about people accessing or having infrastructure on their land
- » Requests for information about which government department to contact issues

Organisation	Number of forwarded referrals
Department of Resources	10
Queensland Ombudsman	9
Legal Advice	5
Land Court	4
Valuer-General	3
Department of Environment, Science, and Innovation	3
Australian Energy Infrastructure Commissioner	2
Office of Fair Trading	1
Telecommunications Industry Ombudsman	1
Local Council	1
Interstate Ombudsman	1
Department of Regional Development, Manufacturing and Water	1
Energy and Water Ombudsman Queensland	1
Gasfields Commission Queensland	1
Real Estate Institute of Queensland	1
ACCC	1
Commonwealth Ombudsman	1

Investigations



The LAO did not undertake any full dispute resolution investigations in the 2023-24 financial year. However, four preliminary enquiries were undertaken. One of these cases was withdrawn by the complainant shortly after the preliminary enquiry commenced.

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's representative approached the LAO regarding a dispute to a Conduct and Compensation agreement held with a resource company.

They described the matter as:

- » The landholder approached the resource company about a review of the land value for production compensation calculation.
- » The resource company offered a new compensation amount based on a higher per hectare valuation figure created from the average of properties in the area.
- » The landholder elected to have an independent valuation completed advising the resource company they wanted their compensation to be based off the figures for their own property and not an averaged amount.

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

- » Adjust the production compensation calculation to the per hectare figure based on the landholder's sole property valuation.
- » A resolution to be reached before the date of the next compensation entitlements (approx. 4 months away)

Our actions

The LAO advised the representative that they could not decide how compensation may be calculated, or how the property is valued, they can only assist where a breach of an existing Conduct and Compensation Agreement or Make Good Agreement has occurred.

The LAO reached out to the resource company for comment on the issue presented by the landholder's representative. They advised they had received the landholder's request for review of compensation, but it had been made and received outside the timeframe stipulated in the CCA in which such a request could be received. Despite this, the resource company did offer the landholder an amendment to the compensation formula, included in the offer was the stipulation they would return to the property in 12 – 18 months to conduct another valuation and review of the compensation entitlements.

The LAO determined that:

- » The CCA may have been breached on two occasions (once by the landholder and once by the resource company) in requesting and offering a review of compensation outside the term stipulated in the CCA.
- » That the dispute would have likely occurred even if the CCA had been followed correctly.

The final recommendation was that the parties seek legal advice, as the dispute existed outside the directives of the CCA. It was made clear that should agreement not be met the Queensland Land Court has the power to make a binding determination.



Case two:

Amending a CCA for new access.

Case overview

A landholder's representative approached the LAO regarding a dispute to a Conduct and Compensation agreement held with a resource company.

They described the matter as:

- » The resource company approached the landholder to negotiate an amendment to the existing CCA.
- » The amendment was to create access through an existing fence to a coal seam gas well on a neighbouring property.

The landholder raised the following concerns:

- » Why the resource company needed to access the well via their property, rather than by agreement with neighbouring landholders.
- » There were no details for how additional traffic transversing the property may be compensated or monitored.

The landholder had hoped that:

- » The LAO could find why the resource company was not making an agreement for access with the neighbouring landholders.
- » The LAO could determine whether the new access was covered by a CCA variation or had to be a new Access Agreement.

Our actions

As part of the LAO's preliminary enquiries, the LAO reviewed a copy of the CCA, Variation Agreement, and correspondence between the parties.

The LAO determined that:

- » It did not appear that a breach of the CCA had occurred.
- » A clause in the CCA allowed the parties to make amendments if they both agreed.

A final recommendation for the parties was not reached in this case, because the resource company withdrew their CCA amendment request, and the investigation was closed.

Notice of investigation

As per the process and the Act, despite four preliminary enquiries being commenced in 2023-24, we did not issue a Notice of Investigation Outcome (section 51 notice) to the parties in the above-mentioned disputes.

Notice about legislation breaches

No formal referrals were made in 2023-24 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 2023-24 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 2023-24, 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 Consultation Paper – Coexistence institutions and subsidence management framework, and our feedback provided on draft LAO Act amendments.

The LAO also participated in the GFCQ’s State Agency Workshop on the Role and Function of Coexistence Queensland, as well as the GFCQ Landholder Negotiation Toolkit project. 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 Energy Charter Landholder Engagement Training dinner. The Ombudsman shared information and learnings on Social Licence and what we have seen heard during out conversations with various parties and their experiences in the coexistence landscape.

In the 2023-24 financial year, the LAO returned to the lower Bowen Basin holding four pop-up offices in the Moura, Rolleston, and Springsure regions with our dispute resolution service.

Due to staffing constraints, the LAO was unable to hold pop-up offices in regions of high resource activity in the first half of the 2023-24 financial year. This year the following community visits took place:

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											●	
Springsure											●	



Online engagement

In the 2023-24 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, 388 users accessed our News and Resources page, while 465 users accessed the LAO events page to find out when the LAO would visit the regions with our pop-up office. 265 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 10% 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 20% 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.

This year the LAO saw an increase in enquiries about issues closer to being within our jurisdiction. More enquiries related to negotiation or renegotiation of CCAs, complaints about land access agreements such as Offset Deeds or complaints about compensation matters related to CCAs. The increase in these types of enquiries highlights our consistent effort to promote the LAO service and is testament to the strength of our key stakeholder relationships and industry partnerships built on the foundation of 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.

Financial Information



The financial statements for the LAO are included in the Department of Resources 2023-24 Annual Report.
Separate financial statements are not required for the LAO.

Appendix one:

Glossary

Term	Definition
(The) Act	<i>Land Access Ombudsman Act 2017 (Qld)</i>
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 team members 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 team members 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



LAND ACCESS OMBUDSMAN

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Keep in touch 