

GAS WATCH 239.

Agreed Principles of Land Access.

A document of “Agreed Principles of Land Access” in relation to coal seam methane gas projects was signed by Santos and AGL on 28th March.

This is a step forward in the protection of the environment, in the protection of landholders lands, businesses, futures and health and may give landholders some hope.

But there are some concerns:

1. The signed Agreement states that it is based on “values of respect, integrity and trust”. You don’t gain “respect, integrity and trust” merely by signing a document stating that it is so. You must earn them by your actions. To date AGL has given us nothing to inspire any respect or trust. AGL has breached its environmental licence conditions and other conditions on many occasions. AGL knows that it is not welcome in the vineyards of the Hunter Valley by the community, by Local Government or by the State Government, but still pursues its coal seam methane gas activities and has elected to have its own properties excluded from vineyard Critical Industry Cluster exclusion zones so that it can drill adjacent to other properties and immediately next door to the Critical Industry Clusters.
2. The signed Agreement only relates to coal seam methane gas operations “on” the landholders property. Consequently the Agreement does not discourage the CSG miner from mining under a landholders property with all the subsequent risks to the fresh water aquifers and the risks to the environment from methane leakage from the coal seams being accessed. Perhaps the CSG miners could be encouraged to sign an amended document extending to “on and under” a landholders land.
3. Coal seam methane gas miners agreeing that they wouldn’t go onto private land if the landholder didn’t want them is not new. At the Senate Enquiry into CSG mining the General Manager of Upstream Gas for AGL was asked:

Senator Heffernan “are you going to enforce your right to enter property”?

Moraza: “No, I think our inclination would be to move on. We are in the exploration phase. There is a lot of country out there that can be explored and we would move on.”

Senator: are you going to sneak up one morning and knock on the door and say, ‘You have got 21 days to agree or we are taking you to court’?

Moraza: No, that is not a practice or behaviour that is tolerable—

Senator: So you will set that in stone, will you, that you will not force entry onto a property where the property owner says no?

Moraza: If we do not have access rights, we are certainly not going to force entry onto a property.”

Yet, in 2012, not so long after giving this evidence, AGL was in the Land and Environment Court fighting the Barrington-Gloucester-Stroud Preservation Alliance seeking to enforce its approval for the establishment of a coal seam methane gas field in and around Gloucester.

4. The Agreement appears to have no force at law, and one wonders how it fits with the requirements of the Petroleum (Onshore) Act requiring exploration within Petroleum Exploration Licence areas.

A close examination of this Agreement and how it will be operating in the future is needed.

The one page Agreement can be found at:

http://www.nswfarmers.org.au/_data/assets/pdf_file/0008/35567/Agreed-Principles-of-Land-Access-280314.pdf



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