

## FACT SHEET 2 - HOW TO DEAL WITH ARROW'S EXPANSION - 8 Dec 2019 - vs. 3 'WHAT TO DO BEFORE THEY COME CALLING'

### Factsheet series about Arrow's expansion

This Factsheet series gives an overview of the many aspects of Arrow's expansion, based on recent local experience. This can differ markedly from what industry and government present.

Factsheets draw on many sources and are comprehensive, but inevitably wordy.

Factsheet 1 lists "*The Effects of gas wells - Arrow's Warra-Brigalow-Chinchilla Expansion*".

No 3 discusses '*Negotiations*'.

### Preparing within the family

Ask all your family members to read the above factsheet and seek further information if required.

Then in a family meeting:

Decide your general position about CSG.

Decide who will be the only point of call for all contacts with the company - to make sure that there is no confusion about who said what to the company and no issues fall through the cracks.

- Agree that ALL discussion with the company are to be submitted in writing and NO discussion will be had by telephone, on the property, at incidental meetings in town or anywhere else.
- Agree that NOTHING will be signed without having ALL the required information and advice.
- Agree on NOT signing any piece of paper for any purpose, no matter how small or insignificant it may seem without first checking with your legal adviser.
- Establish a value on your time and require your time to be paid for by the company for all matters related to the matter of access to your property by the company.
- Get a Bio-security plan in place, which includes base-line data on water, air, noise, light, weed/pests etc. (Advice about this can be obtained at <https://www.daf.qld.gov.au/business-priorities/biosecurity>).
- Set strict requirements for gas company access at any time and under any circumstances.
- Decide to NOT give permission for "urgent access" under any circumstances.
- Put signs up on all publicly accessible boundaries, both Trespass and Biosecurity.
- Record all decisions made by the family and have this record checked by and available to all family members at all times to prevent misunderstandings and the inevitable memory lapses.
- Keep copies of all correspondence, in and out, and take written notes of discussions with advisers and of every attempt by the company to contact you other than in writing.

### Joining forces with neighbours

Individual farmers have limited power and can be forced into negotiation, then mediation and finally the Land Court. That process can take a heavy mental toll. Working with others in similar circumstances can be a huge boost in morale. It can also save much in time and expenses e.g. by sharing information, access to data, engaging paid advisors etc.

The next step can be to form a Local Community Group. As groups, people have much more power than as individuals. Companies have walked away as access became too difficult and too costly. (E.g. in Wide Bay Burnett the gas-exploration company Blue Energy did not apply for renewal of their Exploration permits due to strong united action by several community groups.

Blue Energy explained to its shareholders that '*The environmental cost had become too high*'.)

A Local Community Group can be simple but effective.

- Decide on a name identifying the area you aim to cover.
- Decide on a coordinator to call meetings, keep a telephone/email/other social media contact list of interested people, and open and close the meetings.

- Share the responsibility of maintaining focus on each topic under discussion till a decision has been made, and on sticking with the agenda.
- Record only the decisions made: Who was present, What was decided, Who will do it, by When, and How findings or results will be made known to members. Distribute this to all members.
- Keep a file of those records and have that available at all meetings.
- When all agenda topics have been decided, encourage open discussions about any idea or issue.
- Leave time to socialise, relax and maybe plan a social event. Having fun is important.

### **Network Local Community groups**

Local Community Groups can become an effective network to share information and experiences and to prevent the company from trying to play one group against another. Together, they can also become very effective lobbying groups or engage specialist's services at affordable cost.

### **Negotiating with large companies**

The values by which large companies work and negotiate are different from those of country people. Companies are driven by the profit motive and are here for one or two decades only. Country people value relationships, care for future generations, and often have a time horizon of many decades. It is important to be aware of those differences. Company negotiators have only one goal: to get landholders to sign a binding contract as quickly as possible and on the best terms for the company.

To try and reconcile these differences, the Queensland Government has established and funds the GasFields Commission Queensland (\$2.5 million in 2017/18). The government is strongly committed to a QLD CSG industry. The commission, <http://www.gasfieldscommissionqld.org.au>, has published *The Gas Guide*, available as hard copy or digital. The Guide is an outline of an "ideal" negotiation process; it has no legal power. Companies' practices can be different from what the Guide states.

### **What the guide states and what companies do**

#### First contact

The Guide: *The resource company should request an introductory face-to-face meeting with the landholder, preferably convened on the property and at a time convenient to the landholder. (Chapter 4 "Knock knock" page 3.)*

Practice: Access liaison officers employed by the company turn up un-announced. Land holders can refuse access, demand a written request and specify a location other than the property.

The Guide: *This could be the start of a long-term business relationship. (Chapter 4 "Knock knock" page 3.)*

Practise: Local access liaison officers who know the area can be replaced by new ones without local knowledge or understanding of daily life on farms.

The Guide: *Professional services are not usually required at this stage – if you choose to obtain ... (them) ... at this stage the resource company may not be required to pay any costs you incur. (Chapter 4 "Knock knock" page 4 last paragraph.)*

Practice: The first meeting sets the tone for following ones. Being friendly and cooperative can lead to irreversible serious mistakes. Saving on professional advice at this stage could be very costly later.

#### First access

The Guide: *The entry notice is an important step in allowing – within defined limits – physical access to your land by a resource company. (It) ... must be in the hands of the landholder at least 10 business days before the ... nominated date of entry to the property (usually agreed in advance). (Chapter 4 "Knock knock" page 5.)*

Comment: Right to consent to entry to areas of restricted land is not limited by the receiving of a valid entry notice.

Factsheet no 3 'Negotiations' comments on Chapters 5, 6 and 9 of the Gas Guide.