

Land Access Ombudsman Act 2017

Explanatory notes for SL 2018 No. 134

made under the

Land Access Ombudsman Act 2017

General Outline

Short title

Land Access Ombudsman Act 2017

Authorising law

Section 2 of the *Land Access Ombudsman Act 2017*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence the following sections in the *Land Access Ombudsman Act 2017*:

- sections 3 to 31
- part 6, other than section 63
- part 8, divisions 3 and 7, and
- schedule 1.

The *Land Access Ombudsman Act 2017* is an Act to establish an independent Land Access Ombudsman, with the jurisdiction to provide an independent service that applies to disputes relating to an alleged breach of a conduct and compensation agreement or a make good agreement.

The sections to commence relate to the appointment and powers of the Land Access Ombudsman and the establishment of the Office of the Land Access Ombudsman.

Achievement of policy objectives

The policy objectives of the relevant provisions of the *Land Access Ombudsman Act 2017* will be achieved by fixing a commencement day of 31 August 2018.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the *Land Access Ombudsman Act 2017*.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objectives of any other legislation.

Benefits and costs of implementation

The Proclamation does no more than commence particular sections about the appointment of the Land Access Ombudsman, and the establishment of the Office of the Land Access Ombudsman.

According to the Gasfields Commission Queensland, there are over 5700 conduct and compensation agreements in place in the petroleum and gas sector alone, with over \$387 million paid in compensation to landholders as at 30 June 2017. Based on 2018 data from the Department of Environment and Science, the Gasfields Commission also advises that there are also 73 bores under make good agreements. The Land Access Ombudsman will provide the parties to these agreements with a low cost service aimed at resolving disputes as quickly and amicably as possible.

The Land Access Ombudsman will be funded from within the existing budget allocation for the Department of Natural Resources, Mines and Energy.

Consistency with fundamental legislative principles

The Proclamation does not raise any issues regarding fundamental legislative principles.

Consultation

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) - Regulatory proposals that are of a machinery nature).

Consultation occurred with industry throughout the development and passage of the *Land Access Ombudsman Act 2017*.