

Communication

Subject: *Land Access Ombudsman Act 2017*

Audience: Land Court Users

Commencing: Provisions that save transitional provisions under *Mineral and Energy (Common Provisions) Regulation 2016* commence 28 September 2017. Remaining provisions, including additional jurisdiction for the Land Court, commence upon proclamation.

Legislation: *Land Access Ombudsman Act 2017*

BACKGROUND

The *Land Access Ombudsman Act 2017* (“LAOA”) was passed by Parliament and assented to on 13 September 2017.

The LAOA creates the independent statutory office of the Land Access Ombudsman which has the function of investigating and making recommendations to resolve land access disputes between resource authority holders and landholders involving an alleged breach of :

- Conduct and Compensation agreements (“CCA”) under the *Mineral and Energy Resources (Common Provisions) Act 2014*
- Make Good Agreements (“MGA”) under the *Water Act 2000*.

The LAOA will also provide the Land Court with jurisdiction to decide disputes between parties to a CCA regarding an alleged breach of contract. Parties will be able to apply for an order in the Land Court in relation to the alleged breach either during the term of the CCA or after its expiration. Prior to the commencement of this additional Land Court jurisdiction, those matters were heard in the court of competent jurisdiction (typically the District or Supreme Court).

The benefit of vesting the Land Court with this jurisdiction is that the Land Court has experience specific to CCAs, and extending this jurisdiction to the Land Court will simplify the dispute process by providing a single court with the jurisdiction to hear matters relating to a CCA throughout the lifecycle of a CCA (including its negotiation). The Land Court already has jurisdiction to hear matters relating to a dispute over whether a party to a make good agreement has complied with the agreement under the *Water Act 2000*.

This Act will also save transitional provisions in the *Mineral and Energy (Common Provisions) Transitional Regulation 2016* that would otherwise expire in September 2017.

COMMENCEMENT

Some provisions of the LAOA (those that save the transitional provisions in the *Mineral and Energy (Common Provisions) Transitional Regulation 2016*) will commence on 28 September 2017. The remainder of the provisions, including those that vest jurisdiction in the Land Court to decide disputes between parties to CCAs, will commence upon proclamation.

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Date Issued: 28 September 2017
