

SUBMISSION

Proposed Petroleum Regulations

EXECUTIVE SUMMARY

Thank you for the opportunity to submit in relation to the draft Petroleum Regulations. [Redacted] has advocated on land access issues in relation to mining and petroleum for several decades, and was included in the [Redacted]. Land access issues are of critical importance as it allows use and development on private land. For VFF members this not only impacts on their life but their livelihoods. As one of our members said, “our land is our business”.

It is both surprising and disappointing that the regulations and the Regulatory Impact Statement fail to address key principles within the Act, or understand the need to actively engage with landholders. They are not ‘community’. They are parties who are directly impacted and it is only fair that their rights are respected in the process.

Section 3(2) of the Petroleum Act establishes a range of principles which should be reflected in the regulations. [Redacted]’s Entry to Farms / Land Access Policy Statement addresses the range of considerations that should be considered in the Regulatory Impact Statement and content of the final Regulations to ensure section 3(2)(b), (c) and (d) are complied with in a way that gives fair regard to the landholders economic, social and environmental interests.

- 3(2) *In encouraging petroleum exploration and production, this Act seeks to have regard to economic, social and environmental interests by ensuring—*
- (a) the efficient exploration for, and production of, petroleum; and*
 - (b) that the impacts on individuals, public safety, public amenity and the environment as a result of petroleum activities will be minimised as far as is practicable; and*
 - (c) that land affected by petroleum activities is rehabilitated; and*
 - (d) that there will be just compensation for access to, and the use of, land; and*
 - (e) that petroleum explorers and producers will comply with all authority conditions that apply to them.*

One of the few mentions of impacts on private property rights / beneficial use of land in the regulatory impact statement demonstrates the failure of the RIS to understand a landholder is different from the community.

Members of the farming community requested that agricultural landholders are given different provisions for stakeholder engagement so that their specific needs can be better understood and addressed.

[Redacted], in respect to both the Mineral Resources (Sustainable Development) Act and regulations, and the Petroleum Act and regulations, has repeatedly called for specific reference to landholder as they are directly impacted by the activities. The Act predates the Human Rights

Charter however the principle of fair notice, consultation and compensation where property rights are impacted should be given due consideration in regulation.

Although referenced in the RIS the detail of the South Australian Multiple Land Use Policy Framework' is no longer available online. The [Redacted] believes significant work is required to ensure that the Regulations deliver trust in the industry and procedural fairness. For example Regulation 1 Objectives makes no mention or consideration of landholder rights or considerations. Section 20 of the Charter of Human Rights and Responsibilities should be considered in considering procedural fairness. Landholders should expect regulations to ensure they are explicitly considered.

Impacts on land uses are not considered in development plan regulations. Landholders are not referenced in regulations dealing with engagement. For example Regulation 16 (1) states that *A work program must contain details regarding how the authority holder intends to engage, over the term of the authority, with the community and, if relevant, Traditional Owners.*

Although access / compensation agreements are required with landholders there is very little guidance as to what is considered, and no reference to biosecurity which should be a mandatory consideration in all plans. Rent considerations are outlined for crown land in Regulation 21 but no specific consideration is given to private land.

Regulations 22 (operational plan), 23 (notice of operational plan) and Regulation 28 (test well) are examples of failure to discuss notice to and consent of the landholder. Similarly Division 2 – Environment management plan fails to consider impacts on landholders and land access considerations such as biosecurity.

Despite the landholder owning the land, Division 4—Rehabilitation plans, fails to consider the need for the consultation and agreement to rehabilitation plans by the landholder. The draft code of practice for decommissioning also fails to address these considerations. It includes 2 objectives related to rehabilitation *(e) recovery/removal of surface equipment and infrastructure minimising any interference with activities of the landholder on their land e.g. farming activities; (f) the site is left in a safe, stable and sustainable condition and free of contaminants.* Neither seeks to ensure that the land is returned to its previous condition – including soil profile and attributes and vegetation cover.

The [Redacted] recommends that the regulations be reviewed in relation to each element of its Entry to Farms / Land Access Policy Statement.

Managing Entry to Farms Policy Statement

Executive Summary

1. The [Redacted] seek Government recognition of the high level of stewardship occurring on Victorian farms through financial and in kind assistance to ecosystem services provided on farm.
2. Public Land Management standards will include assessments of potential risks to private land emanating from public land. This includes fire risk, prevalence of pest plant and animals including overly abundant wildlife, biosecurity risks and risk to life and property from vegetation on boundaries or unauthorised access onto private property.

3. The **[Redacted]** seeks a commitment from the Victorian Government that Public Land Management standards shall be equivalent to those required of private landholders, including recurrent funding for management of identified risks.
4. The **[Redacted]** seeks a commitment to recurrent funding of the management of pest plants and animals on public land, so as to reduce the risk of weed incursions from public to private land.
5. Differential standards based on tenure that lead to additional risks / costs to the private land holder should be removed. For instance safety considerations in relation to vegetation and property boundaries should apply equally to public and private landholders and fencing costs should be shared.
6. Private landholders should have the right to protect their assets, including being able to request appropriate risk reduction actions on crown land.

Consultation

7. **[Redacted]** seeks a commitment from Government to ensure a VFF representative is included in the Stakeholder Reference Group for any Park Management plan or policy / statute review process where the park adjoins land actively farmed or where the policy or legislation has the potential to have an impact on farming.
8. The **[Redacted]** seeks to ensure a representative is included in any emergency management processes, for example fuel reduction plans or flood mitigation strategies.

Crown land interface

9. The **[Redacted]** seeks a commitment to the provision of appropriate buffers on Crown land boundary fence lines, to help with the overall management of fire, weeds and pests and in the maintenance of fencing. The width should allow for emergency access / staging within the crown land and minimise the likelihood of damage to private property.

Fencing and Safety

10. The **[Redacted]** seeks a commitment to the Government accepting responsibility to contribute half the cost of constructing and replacing dividing fence lines between crown land and private property.
11. Where animals are using crown land to access private property and that access is leading to lost production the **[Redacted]** seeks crown grants for the additional cost to construct exclusion fencing.
12. The **[Redacted]** seeks a commitment for Government to consider risk to life and property in consideration of native vegetation applications and to accept the legal and financial consequences of management actions not being undertaken.
13. The **[Redacted]** seeks a risk management program requiring inspection by a qualified arborist of any tree deemed a risk by an adjoining owner and a program to implement the appropriate risk management activities.

Fire and Emergency Management

14. The **[Redacted]** seeks a commitment to conduct fuel reduction along all national park and state forest boundary areas at a minimum interval of once in every 10 years, and development of a community education program to explain the importance of fire in reducing fuel loads and maintaining forest biodiversity into the future.
15. State Emergency Management Priorities include farm businesses in the definition of property however fire risk and management is based on a dwelling as a default for life and property. This leads to failure to consider impacts of fire on farms in preparedness, response and recovery. As a dwelling is not the only indicator for risk to life and property on farms **[Redacted]** seeks the use of State Emergency Management Priorities in all fire and emergency management strategies and actions prepared by Government agencies.

16. The **[Redacted]** seeks a commitment to ensuring that the development and maintenance of fire access tracks on public land meets appropriate safety standards and bushfire response preparedness.

17. The **[Redacted]** seeks amendments to Native Vegetation Regulations to ensure that vegetation along roads can be managed to ensure safe access and egress by the public and emergency services.

This policy should be read in conjunction with:

VFF Pest Plant and Animal Policy Statement

VFF Right to Farm Policy Statement

Endnotes