



Mining Review – Access rights

Landowners currently can not stop mining and exploration companies gaining entry to their land. This law exists so society can always get access to the resources of the country so as to enhance its economic development.

These laws are now looking rather anachronistic as not only are our mineral and petroleum resources sought but also wind and sunlight. Yet when an energy company wishes to build a wind or photovoltaic farm it does not have an automatic right of access to the land to harvest the wind or sunlight resource encompassed by the land. The energy company has to negotiate with the landowner for access with the landowner having the right of veto.

So what we have now are different access rights for different resources. There needs to be consistency for all resources. It is recognised this is a twenty-first century problem as wind and sunlight resources were once considered not to be economic resources but this has now changed. To be consistent either access to wind and sunlight need to be given the same legislative authority minerals and petroleum currently have or conversely landowners have the power of veto for all types of resource development on their properties.

Treating different resources differently is simply an historical anachronism. The access laws need to be updated to be consistent with conditions in the twenty-first century. The current access laws simply give an advantage to fossil fuel extraction over harvesting the wind or sun. Understandably, this has the effect of lowering the cost of fossil fuels and increasing the cost of renewable energy – we are favouring one form of energy production over another. We should be aiming for a level playing field where different forms of energy production are promoted on their merits not on historical anomalies.

