

Statement of compatibility with human rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Petroleum Legislation Miscellaneous Amendments Bill 2019

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed at the definition of **human rights** in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

Overview of the bill

The Bill amends the *Petroleum Act 1984* and the *Petroleum (Environment) Regulations 2016* to implement further recommendations of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory. In summary the Bill:

1. empowers the Administrator to make regulations in relation to land access, compensation and environmental security bonds associated with a regulated activity; and
2. provides for engagement by members of the public in the land release process for exploration and permitting objections from members of the public to the grant of an exploration permit; and
3. requires the Minister to consider the principles of ecologically sustainable development in making decisions under the Act and the *Petroleum (Environment) Regulations 2016*; and
4. prescribes set-backs of certain petroleum infrastructure from certain pastoral improvements.

Human rights implications

This Bill does engage with applicable rights and freedoms; specifically the Bill engages the rights and freedoms associated with Article 17 of the International Covenant on Civil and Political Rights (described at paragraph (c) of the definition of **human rights** in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth)) – being the freedom from arbitrary or unlawful interference with privacy and reputation.

Article 17 prohibits unlawful or arbitrary interference with a person's privacy, family, home and correspondence (including unlawful attacks on a person's reputation). The Bill provides for objections to the grant of an exploration permit to be published online, which given the broad understanding of what 'privacy' encompasses, means the Bill has human rights implications. The publication of objections was recommended by the Inquiry for the purposes of transparency and accountability. Similar issues were canvassed in the introduction of the *Environment Protection Act 2019* and the publication of information under that Act, and this Bill, is relevant to delivering on the legitimate objective of transparency and accountability in the regulatory system. Furthermore if the information is personal, existing legislation (including the *Information Act 2002*), prevents personal information from being made publically available and ensures that such information is managed appropriately.

The Bill is compatible with Article 17 because the provisions are authorised by law, are not arbitrary and seek to achieve a legitimate policy objective.

Conclusion

This Bill is compatible with human rights because any limitations imposed are reasonable, necessary and proportionate.