LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 256

WRITTEN QUESTION

J Davis to the Minister for Lands, Planning and Environment, Hon Joshua Burgoyne MLA:

Pepper Inquiry and Cumulative Impacts

1. **Recommendation 15.1 of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory (NT) is "That a strategic regional environmental and baseline assessment (SREBA) be undertaken prior to the granting of any further production approvals".**

   a. **Has a SREBA been completed for the Beetaloo Sub-basin; if so, on what date was it completed and published?**

      The final Strategic Regional Environmental and Baseline Assessment is documented at Strategic Regional Environmental and Baseline Assessment (SREBA) | Department of Lands, Planning and Environment.

   b. **Have any production approvals been granted since that recommendation was made and, if so, how many and on what dates?**

      Details of all Environment Management Plan decisions and when they were approved are available at: Environment management plan decisions | Department of Lands, Planning and Environment.

   c. **What does the Government identify as having implemented Recommendation 15.1, and in which document is that recorded?**

      The final SREBA Regional Report is documented at: Regional report | Department of Lands, Planning and Environment.

      The final Implementation Report is documented at: Final Implementation Report | Hydraulic Fracturing in the Northern Territory.

2. Is there a completed strategic development plan for the Beetaloo Basin?

a. If so, on what date was it completed, and is it published?

The Inquiry did not recommend that a Strategic Development Plan be prepared for the Beetaloo Basin, although it canvassed options for area-based assessment in Chapter 14 of its Report. It is notable that recent reforms to the *Environment Protection and Biodiversity Conservation Act 1999* have excluded fossil fuel developments from bioregional planning under section 177AA, which would otherwise be a potentially suitable area-based planning mechanism.

The Australian Government's 2021 Beetaloo Strategic Basin Plan published under the previous Australia Government, outlined a strategy to develop the Beetaloo Sub-basin and is documented at: Beetaloo Strategic Basin Plan | Department of Industry Science and Resources.

The Territory Gas website refers to the planned development of the Beetaloo Sub-basin Beetaloo Sub-basin | Territory Gas.

b. If not, have approvals been considered or granted in the absence of one?

There was no recommendation of the Pepper Inquiry that a Strategic Development Plan was required for the Beetaloo Basin. All EMP decisions and statement of reasons are at: Environment management plan decisions | Department of Lands, Planning and Environment.

3. At what point would cumulative impacts trigger a decision not to approve further development?

The cumulative impact of a proposal is taken into consideration when determining potential for significant impact on the environment under the *Environment Protection Act 2019*. This is documented at: Environmental impact assessment | NTEPA and in this guidance document NT EPA Environmental factors and objectives.

The cumulative effects of the impacts and risks of a regulated activity forms part of the risk assessment information requirements of an Environment Management Plan as referred to in Schedule 1 of the Petroleum (Environment) Regulations 2016 and is taken into consideration for EMP decisions.

4. **How is the Government assessing cumulative impacts from both agricultural expansion and gas development across the Beetaloo Basin?**

   a. **Has the Department undertaken any cumulative impact assessment covering all approved and proposed projects?**

      No.

   b. **Can that assessment be tabled?**

      Not applicable.

   c. **If no cumulative assessment exists, how does the Government determine whether current approvals are environmentally sustainable?**

      The Pepper Inquiry, the SREBA, the Geological and Bioregional Assessment Program (GBA), the development of the Georgina-Wiso Water Allocation Plan (WAP) and various targeted studies undertaken through the CSIRO GISERA program have all contributed to assessing potential environmental impacts in the Beetaloo Sub-basin. The GBA Program's causal networks assessed potential regional scale impacts of gas development in the Beetaloo Sub-basin and provides a transparent and interactive tool to understand potential impacts, management, mitigation and monitoring requirements of gas development.

      Agriculture and gas developments that extract water require water extraction licences and both regulators take cumulative impacts into account when reaching their decisions:

      - Water licence and notice portals | NT.GOV.AU; and
      - Environment management plan decisions | Department of Lands, Planning and Environment.

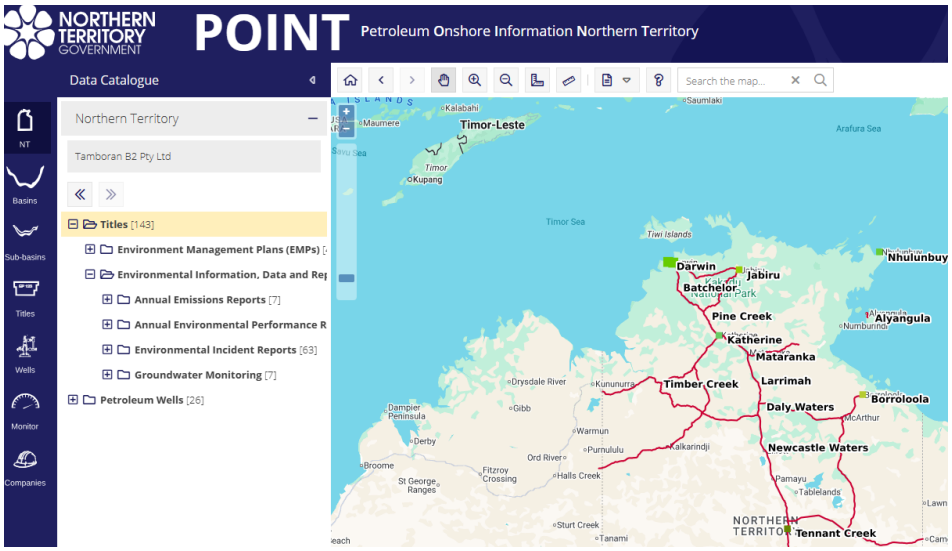
5. **In his final report to the Chief Minister dated 10 March 2023, the Independent Officer overseeing implementation of the Inquiry's recommendations, Dr David Ritchie, recorded on Recommendation 9.8 that "there has been no progress on the crux of this recommendation, that is: to develop a system that would allow the public to see how a specific reduction in GHG elsewhere in the Australian economy is directly attributed to offset GHG emitted in Australia from production and consumption of shale gas produced in the NT", and concluded that the two governments "have not yet been able to ensure no net increase in the life-cycle GHG emissions emitted in Australia from any onshore shale gas produced in the NT".**

   a. **Does a system of the kind Dr Ritchie described - allowing the public to see how a specific reduction in greenhouse gas emissions elsewhere in the Australian economy is directly**

attributed to offset emissions from NT shale gas - now exist? If it does, where can the public see it; if it does not, what is being developed in its place?

Annual Total Emission Reports from NT gas developments are reported on the Petroleum Onshore Information NT public portal: POINT.

The Australian Government publishes annual emission data at: NGER reporting data and registers | Clean Energy Regulator.



b. On what date did the Government first form the view that Recommendation 9.8 had been implemented, and in which document is that view recorded?

Refer to the progress and completion of the Hydraulic Fracturing Inquiry (HFI) action item 9.8: 9.8 | Hydraulic Fracturing in the Northern Territory.

c. Does the position of Independent Officer overseeing implementation still exist? If it does not, on what date did it cease, by what decision, and which body now performs that function?

No. The Final Implementation Report is at: Final Implementation Report | Hydraulic Fracturing in the Northern Territory.

d. **Has any further advice on the implementation of Recommendation 9.8 been received from an independent officer, the NT Environment Protection Authority or any other body since 10 March 2023? If so, on what date, and will it be published?**

The NT EPA has published an Environmental Factor Guidance: Atmospheric Processes that includes how lifecycle emissions are considered by the NT EPA: Environmental Factor Guidance.

6. **In the same report, Dr Ritchie recorded that risks to Aboriginal people and their culture identified by the Inquiry "remain at an unacceptable level", the comprehensive cultural impact assessment recommended by Recommendation 11.8 not having been completed.**

a. **Has that assessment since been completed? If so, on what date, by whom, and will it be published?**

b. **If it has not been completed, what is the expected completion date, and what funding is allocated to it?**

Information on the social, cultural and economic studies in the Beetaloo Sub-basin are at: Social, cultural and economic studies for the Beetaloo Sub-basin | Department of Lands, Planning and Environment.

University of Queensland has been engaged by CSIRO to conduct further research on pathways for Indigenous socio-economic development in the Beetaloo Sub-basin: Pathways for Indigenous socio-economic development in the Beetaloo region of the Northern Territory – GISERA.

7. **Statements of reasons for the approval of environment management plans for onshore gas activity, including the plan recorded on the Department's register as TAM2-3, record the decision-maker as noting "the NT Government's implementation of all the recommendations of the HFI". Recommendation 9.8 is expressed in terms of life cycle greenhouse gas emissions. The Department's Regulatory Statement: Regulation of Greenhouse Gas Emissions in the NT records the Commonwealth requirement "for all new onshore petroleum facilities in the Beetaloo Sub-basin to have net zero scope 1 emissions from entry (i.e. once their annual emissions exceed 100,000 tCO2-e per year)".**

a. **Recommendation 9.8 is expressed in terms of life cycle emissions. The requirement described in the Regulatory Statement is expressed in terms of scope 1 emissions. Does the Government accept that the scope 1 requirement gives effect to Recommendation 9.8? On what analysis, and in which document is that analysis recorded?**

The Final Implementation Report is at: Final Implementation Report | Hydraulic Fracturing in the Northern Territory (section 7.2.2.4).

The Regulatory Statement: Regulation of Greenhouse Gas Emissions in the NT details the Safeguard Mechanism has special requirements for all new onshore petroleum facilities in the Beetaloo Sub-basin to have net zero scope 1 emissions from entry (i.e. once their annual emissions exceed 100,000t-e per year): Regulatory Statement: Regulation of Greenhouse Gas Emissions in the NT.

b. **The Regulatory Statement runs to four pages and describes the regulation of greenhouse gas emissions in the Territory under national law, the Environment Protection Act 2019, the Petroleum (Environment) Regulations 2016, the Waste Management and Pollution Control Act 1998 and the offsets policy. It does not refer to Recommendation 9.8, to the Scientific Inquiry, or to life cycle emissions. Is that omission deliberate, and is there a published document that does describe how Recommendation 9.8 is given effect in the Territory?**

Greenhouse gas emissions and development activities are regulated through applicable Australian and NT legislation.

The Code of Practice: Environment requires interest holders to maintain a register of all scope 1 and 2 emissions for the activities covered in an EMP and prescribes mandatory environmental outcome CEO-13 “Regulated activities are conducted so that greenhouse gas emissions are identified, monitored and mitigated”: Code of Practice: Environment.

c. **The Commonwealth - NT Bilateral Energy and Emissions Reduction Agreement, dated April 2022, provides at clause 19 that "Working with the Commonwealth, the Territory will finalise its approach to recommendation 9.8 by the end of 2022", and that "The Parties are focussed on an economy-wide approach to emissions reduction". Was that approach finalised by the end of 2022? If so, in which document is it set out and on what date was it settled. If not, on what date was it finalised, or does it remain outstanding? Is that Agreement still in force?**

The implementation approach is documented in the Final Implementation Report | Hydraulic Fracturing in the Northern Territory.

d. Clause 20 of that Agreement lists the commitments the Territory said were progressing delivery against Recommendation 9.8, including at clause 20(c) "releasing the Greenhouse Gas Emissions Management for New and Expanding Large Emitters policy". The consultation draft of that policy, published for consultation in November and December 2020, states that it "applies to scope 1 and scope 2 greenhouse gas emissions only" and "does not apply to scope 3 emissions". Recommendation 9.8 is expressed in terms of life cycle emissions. How does a policy that does not apply to scope 3 emissions deliver against a recommendation about life cycle emissions?

The former Large Emitters Policy applied from 2021 to 2024. It was replaced following the introduction of Commonwealth Safeguard Mechanism reforms, which established requirements under the *National Greenhouse and Energy Reporting Act 2007* (Cth).

The NT's current approach to greenhouse gas emissions regulation is outlined at: Regulatory Statement: Regulation of Greenhouse Gas Emissions in the NT and the Climate Change Resilience Plan is available at: Northern Territory Climate Resilience Plan.

Australia's mandatory climate-related financial disclosure regime also includes requirements for large entities to report material scope 3 emissions across their value chains. For more information refer to the Australian Sustainability Reporting Standard AASB S2 Climate Related Disclosures AASBS2_09-24 | AASB.

e. Does the Government hold any estimate of the life cycle greenhouse gas emissions of onshore shale gas produced in the Territory, as distinct from scope 1 emissions? If so, what is that estimate, in which document is it recorded, and can it be provided?

The EMPs provide estimates for scope 1 and 2 emissions and can be found at: Environment management plan decisions | Department of Lands, Planning and Environment.

f. Is it the Government's position that responsibility for Recommendation 9.8 rests with the Commonwealth, with the Territory, or with both? If with both, what is the Territory's share, and where has that division been agreed and recorded?

The NT is responsible for the Territory laws, agencies and initiatives developed in response to Recommendation 9.8. Refer the Final Implementation Report at: Final Implementation Report | Hydraulic Fracturing in the Northern Territory (section 7.2.2.4).

g. **The Northern Territory Environment Protection Authority's Environmental Factor Guidance: Atmospheric Processes, version 3.0 approved 1 August 2025 and recorded as "Revised in light of policy and regulation changes", states that the Authority "acknowledges the Safeguard Mechanism and the desirability of avoiding duplication or conflict with this scheme" and expects that reductions required under it "in most cases meet the NT EPA's objective for the Atmospheric Processes factor for those emissions". The same document records that the Safeguard Mechanism applies to facilities emitting more than 100,000 tonnes of scope 1 emissions a year and that it "does not require details of how emissions will be reduced". Under that guidance, scope 3 information is sought "on a case-by-case basis". Which Territory instrument now regulates the life cycle greenhouse gas emissions that Recommendation 9.8 is expressed in terms of?**

Greenhouse gas emissions from facilities and development activities in the NT are regulated through a combination of Commonwealth and NT legislation, including the *National Greenhouse and Energy Reporting Act 2007,* the *Environment Protection Act 2019* and the *Petroleum Act 1984.*