

29 January 2020

Committee Secretary  
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Dear Committee Secretary,

**RE: Consultation on *Petroleum Legislation Miscellaneous Amendments Bill 2019***

Thank you for the opportunity to comment on the *Petroleum Legislation Miscellaneous Amendment Bill 2019*.

APPEA supports passage of this legislation. It provides important provisions and clarifications for industry, pastoralists, and the broader community in several areas and implements 9 recommendations of the Independent Scientific Inquiry into Hydraulic Fracturing.

Importantly, the Bill empowers the creation of regulations in relation to land access. APPEA welcomes this progress and recognises that both the pastoral industry and mineral and energy industries depend on access to land in order to encourage investment and deliver outcomes for the community, investors and the Northern Territory economy.

While industry has abided by this requirement through the memorandum of understanding, we welcome the certainty that this legislative amendment can provide to leaseholders, titleholders and the community. We strongly support the development of subsequent Regulations and look forward to continued engagement with the Government to finalise these legally binding provisions (including minimum provisions).

We raise for your consideration a few points in relation to the passage of the Bill:

Clause 8. In accordance with recommendation 14.10 of the Inquiry this clause amends section 18 to remove the limitation on who is entitled to lodge an objection to the grant of an exploration permit by amending section 18(1)(e) and omitting subsection (3). It also requires Minister to publish any objection to the grant of an exploration permit online. This is in accordance with recommendation 14.10 of the Inquiry and is for the purposes of increasing transparency and accountability. While we do not oppose this amendment, guidance should be given as to the grounds in which an objection should be made.

Clause 16. This clause relates to Recommendation 14.8 of the Inquiry to provide compensation in certain circumstances, and that this should be calculated by reference to the impact of the development on the pastoral lease and the pastoral lessee and outlines examples of the types of compensation.

This clause inserts subsection (1)(c) which provides that the heads of compensation payable to the owner or occupier of land who has a registered interest in land may now be increased by regulation to account for additional circumstances where compensation is payable by the holder of a petroleum interest. These clauses outline the heads of power required to regulate and facilitate compensation for certain petroleum activities occurring on a pastoral lease. APPEA notes that this has been the accepted practice by the onshore gas industry for many decades and we support the incorporation of this in regulations.



#### Section 82A

This section consolidates provisions regarding the Tribunal's jurisdiction to deal with disputes about compensation under the Act. APPEA notes that the NTCAT plays a role in both making determinations and in reviewing the merits of decisions made by decision-makers under relevant legislation. NTCAT can therefore review its own decisions under section 140 of the Northern Territory Civil and Administrative Tribunal Act 2014. APPEA recommends that NTCAT be required to provide original jurisdiction and is not required to review their own decisions. This is consistent with other pieces of NT legislation and still allows for the review of decisions by the Supreme Court.

APPEA notes that section 149 of the *Northern Territory's Mineral Titles Act 2010* makes it an offence for a person to interfere with authorised activities or rights being conducted on a mineral title; or the exercise by the titleholder of a right under the mineral title. For consistency and protection of the lawful rights of the petroleum titleholder, APPEA recommends that a commensurate provision be included in the Petroleum Act. This provision is consistent across most Australian jurisdictions and allows reasonable rights for a titleholder.

I can be contacted at [kknusden@appea.com.au](mailto:kknusden@appea.com.au) if you have any questions or require any clarifications to our comments.

Yours sincerely

A handwritten signature in blue ink, appearing to read "K Knudsen", is positioned above the printed name.

**Keld Knudsen**

Director – Northern Territory