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LEGISLATIVE SCRUTINY COMMITTEE INQUIRY INTO PIPELINE AND PERTROLEUM LEGISLATION AMENDMENT (INDUSTRY DEVELOPMENT) BILL 2026

About the Northern Land Council

The Northern Land Council (**NLC**) was established in 1973. Following the enactment of *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), the NLC became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage their traditional lands and seas. The Land Rights Act combines concepts of traditional Aboriginal law and Australian property law, and sets out the functions and responsibilities of the land councils.

The NLC is also a Native Title Representative Body under the *Native Title Act 1993* (Cth) (**Native Title Act**), with main functions relating to progressing native title claims, consulting with native title holders, negotiating Indigenous Land Use Agreements (**ILUAs**), and resolving disputes about native title.

Approximately 30% of the NT population is Aboriginal. Over 50% of the NT's land mass is owned by Traditional Owners under the Land Rights Act (**Aboriginal Land**) (including around 85% of its coastline), with much of the remainder being subject to native title interests. Hence, Traditional Owners have an enormous stake in the economic development of the NT and should be at the forefront of any policy development.

A significant function of the NLC is to express the wishes and protect the interests of Aboriginal people who are Traditional Owners under the Land Rights Act or native title holders under the Native Title Act (collectively referred to as **Traditional Owners**) throughout its region. The NLC represents more than 36,000 Aboriginal people.

The NLC's vision is a Northern Territory in which the rights and responsibilities of Traditional Owners are recognised and in which Aboriginal people benefit economically, socially and culturally from the secure possession of their lands, seas, and intellectual property.

Introductory remarks

The Northern Land Council **(NLC)** welcomes the opportunity to provide input to the Legislative Scrutiny **Committee** inquiry into the *Pipeline and Petroleum Legislation Amendment (Industry Development)* ***Bill*** *2026.*

NLC views the Bill as part of the Northern **Territory** Government's broad strategy at increasing economic activity across the Territory. Through NLC's statutory functions outlined in the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), and other enabling pieces of legislation the Land Council supports Aboriginal people to permit development on their land in the comfort that their sacred sites and cultural heritage will be adequately protected during the course of such developments.

The Committee released the Bill and Explanatory Statement for public comment for just over one week. Given the potential impact of the Bill on the rights of Aboriginal Territorians, this truncated timeframe is inappropriate and inconsistent with principles of good governance and participatory democracy.

Unless otherwise defined, terms used in this Submission have the same meaning as those given in the Bill.

New definition of regulated substance

The Bill introduces a new definition of regulated substance to include any *'hydrogen compound, precursor or hydrogen carrier and carbon dioxide'*. This is presumably intended to permit the expanded construction and use of energy pipelines to convey a wider range of gases including novel technologies such as Carbon Capture and Storage as well as the transmission of ammonia.

This change exposes Aboriginal people in the Northern Territory and their affected lands and waters and sacred sites and cultural heritage (including in respect of undetermined Native Title on Sea Country) to novel risks of these untried technologies, without adequate consultation.

NLC's position is that Carbon Capture and Storage as an emerging industry should be subjected to a standalone regulatory regime and not incorporated onto the regime that regulates onshore petroleum.

Power of entry

The new Parts 5B and 5C, comprising sections 58J- ZH and 58ZI – 58ZQ provide new powers for persons to enter land for certain compliance and enforcement purposes. These provisions interfere with the land rights and civil liberties of Traditional Owners. These provisions are contrary to the enabling provisions in the Land Rights Act.

There has been no genuine consultation on these provisions with bodies such as the NLC, charged with responsibilities under the Land Rights Act to *"assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites on land (whether or not Aboriginal land) in the area of the Land Council"*[1].

The lack of genuine consultation on the Bill represents a missed opportunity to co-design effective legislation to effectively streamline processes of development approval on Aboriginal land. It prioritises the interests of land users and developers over the rights and interests of Aboriginal people in the Territory.

Statutory protections in the *Northern Territory Aboriginal Sacred Sites Act 1989* and *Heritage Act 2011* work with recognition of Aboriginal people in the NT in the Land Rights Act to permit Aboriginal people to safely support development on their land in the comfort that their sacred sites and cultural heritage will be adequately protected during the course of such developments.

The NLC holds the view that sacred site and cultural heritage protection benefits all Territorians. This includes industry and proponents who are required to interact with the legislation and listen to Traditional Custodians in relation to cultural heritage protection.

Developers largely understand there is a significant but manageable risk with each project of unlawfully interfering with sacred sites and Aboriginal cultural heritage. Sensible developers work with the Aboriginal Traditional Owners through their representative bodies such as the NLC to identify and appropriately manage these risks well before they allow people on country under the Part II Permit regime.

Giving inspectors and others new general powers of entry on to land (including in some circumstances) without notice or consent combined with very broad powers to interfere with land, premises, people and to dig up and take things from the land affected by a project creates an unacceptable risk of damage to sacred sites, cultural heritage and interferes with the rights and liberties of Aboriginal people in the Territory.

No justification is provided for overriding protections in the Land Rights Act and elsewhere requiring persons entering or remaining on Aboriginal land to generally give notice and obtain a permit in circumstances other than an emergency.

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[1] Land Rights Act, s23(1)(ba)

Permits

The Bill retains the approvals regime of the current Act. This divides into a permit phase (Part 2) and a pipeline license phase (Part 3). Permits are concerned with investigating and determining:

- a suitable route for a proposed pipeline, and
- the access needed to construct and operate it.

Parts 5B and 5C are concerned with compliance and enforcement. There is no legitimate forensic purpose consistent with functions of compliance and enforcement for giving inspectors a general power to enter land during the permit phase.

For example, what possible forensic purpose could an inspector have to dig up land, or seize an object from land during the permit phase? Subsection 58ZD should be omitted from the Bill to ensure that under both the permit phase and the license phase access to Aboriginal land remains subject to require to give notice and obtain a valid permit to enter Aboriginal land, other than in an emergency.

Giving notice and obtaining a permit shows respect to Traditional owners. The powers to enter and interfere with land should be confined to emergencies after a licence is issued and be made expressly subject to protections in the Sacred Sites, Heritage and Land Rights Acts.

Review Rights

The Bill misses an opportunity to introduce review rights in respect of the decision to issue a permit to investigate the development of a pipeline, or grant a pipeline license for persons with an interest in the affected land or waters.

In conjunction with the devolution of decisions from the Minister to the CEO, this magnifies the risk of errors and poor decisions in determining permit and license applications and the risk to Sacred Sites and Cultural Heritage.

Variations to pipeline licenses

A variation to a pipeline license that include any new area to be included in the pipeline license area will be a future act, requiring notice to given to the representative body under section 21A(4)(d) of the Bill. The Bill should be amended to omit the words '*unless the variation is not a future act',* to ensure notice of such a variation application is always required to be given to the representative body if the license area is proposed to be varied.

Recommendations

1. The Bill be amended to require that a permittee/licensee/applicant notify the representative body in relation to any affected land or waters of any material change to the risk to people, sacred sites or cultural heritage posed by a variation to the regulated substance conveyed under a pipeline license.

2. Consultation should be undertaken with the Land Councils regarding new powers for persons to enter land for certain compliance and enforcement purposes to ensure the rights of Traditional Owners are not infringed upon.

3. Subsection 58ZD should be omitted from the Bill to ensure that under both the permit phase and the license phase access to Aboriginal land remains subject to requirements to give notice and obtain a valid permit to enter Aboriginal land, other than in an emergency.

4. The Bill should include a right to review decisions to issue a permit to investigate the development of a pipeline or a grant a pipeline license for persons with an interest in affected land or waters.

5. The Bill be amended to remove the words '*unless the variation is not a future act',* to ensure notice of such a variation application is always required to be given to the representative body if the license area is proposed to be varied.