Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

Inquiry into the Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026

April 2026

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Legislative Assembly of the Northern Territory

Parliament House
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Contents

Chair's Preface

This report details the Committee's findings regarding its examination of the Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026. Amending the *Petroleum Act 1984, Energy Pipelines Act 1981* and the *Petroleum (Submerged Lands) Act 1981*, the Bill seeks to promote and enable industry development in key onshore gas projects in the Beetaloo Sub-basin, and support and facilitate broader carbon capture and storage initiatives by allowing carbon dioxide to be transmitted through pipelines in the Northern Territory, to offshore areas for permanent storage in greenhouse gas storage locations within Commonwealth waters.

To support these objectives, the Bill introduces a new compliance framework, including provisions for the appointment of inspectors with expanded powers, including using reasonable force, as well as powers for the Chief Executive Officer to issue compliance directions and stop work notices, and to delegate these powers to 'a person'.

Following its examination of the Bill, the view of the Committee is that the Assembly should pass the Bill, subject to amendments in both the Bill and the Explanatory Statement. In particular, the Committee considers it essential that inspectors possess appropriate skills, training and experience, and that the scope of their powers is clearly defined. While recognising the need for flexibility in appointments, the Committee recommends that the Explanatory Statement be amended to provide greater detail regarding qualifications required for inspectors and to clarify that any use of force is limited to reasonable force against things, not persons.

The Committee also examined provisions enabling the delegation of significant administrative powers by the Chief Executive Officer and the Minister. While acknowledging that such delegations are necessary for administrative efficiency, the Committee recommends that the Bill be amended to ensure that these powers may only be delegated to suitably qualified and experienced persons.

On behalf of the Committee, I would like to thank all those that made submissions to the Inquiry. The Committee also thanks the Department of Mining and Energy who briefed the Committee on the Bill and provided comprehensive responses to written questions. I would also like to thank my fellow Committee members for their bipartisan commitment to the legislative review process.

Mrs Oly Carlson MLA

Chair

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Acknowledgments

The Committee acknowledges all those that provided written submissions to its inquiry and the Department of Mining and Energy for briefing the Committee and providing comprehensive responses to written questions.

Acronyms and Abbreviations

CCS	Carbon Capture and Storage
CEO	Chief Executive Officer
CLC	Central Land Council
CO_2	Carbon dioxide
Committee	Legislative Scrutiny Committee
Department	Department of Mining and Energy
Native Title Act	the *Native Title Act 1993* (Cth)
NT	Northern Territory
Petroleum Act	the *Petroleum Act 1984*
Petroleum Regulations	Petroleum Regulations 2020
Pipelines Act	the *Energy Pipelines Act 1981*
Pipelines Regulations	the Energy Pipelines Regulations 2001
Submerged Lands Act	the *Petroleum (Submerged Lands) Act 1981*

Terms of Reference

Sessional Order 14

Establishment of Legislative Scrutiny Committee

(1) The Assembly appoints a Legislative Scrutiny Committee

(2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.

(3) The functions of the scrutiny committee shall be to inquire into and report on:

(a) any bill referred to it by the Assembly;

(b) in relation to any bill referred by the Assembly:

(i) whether the Assembly should pass the bill;

(ii) whether the Assembly should amend the bill;

(iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:

(A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and

(B) is consistent with principles of natural justice; and

(C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and

(D) does not reverse the onus of proof in criminal proceedings without adequate justification; and

(E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and

(F) provides appropriate protection against self-incrimination; and

(G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and

(H) does not confer immunity from proceeding or prosecution without adequate justification; and

(I) provides for the compulsory acquisition of property only with fair compensation; and

(J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and

(K) is unambiguous and drafted in a sufficiently clear and precise way.

(iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:

(A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and

(B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and

(C) authorises the amendment of an Act only by another Act.

(4) The committee will provide an annual report of its activities to the Assembly.

Adopted 15 October 2024

Recommendations

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 with the proposed amendments set out in Recommendations 4 and 5.

Recommendation 2

The Committee recommends that the Explanatory Statement be amended to contain additional detail about the skills, training and experience required by a person to be appointed as an inspector under proposed sections 58R and 137G.

Recommendation 3

The Committee recommends that the Explanatory Statement be amended to clarify that an inspector may only exercise 'reasonable force' against a thing and not against a person under proposed sections 58V(8) and 137L(8).

Recommendation 4

The Committee recommends that clauses 32 and 85 of the Bill be amended to provide that the CEO's powers and functions under the *Energy Pipelines Act 1981* and the *Petroleum (Submerged Lands) Act 1983* may only be delegated to 'a suitably qualified and experienced person'.

Recommendation 5

The Committee recommends that clause 70 of the Bill be amended to provide that the Minister's powers under the *Petroleum (Submerged Lands) Act 1983* may only be delegated to 'a suitably qualified and experienced person'.

1 Introduction

Introduction of the Bill

1.1 The Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Minister for Mining and Energy, Hon Gerard Maley MLA, on 18 March 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee (the Committee) for inquiry and report by 30 April 2026.[1]

Conduct of the Inquiry

1.2 On 19 March 2026, the Committee called for submissions by 27 March 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. The Committee received 20 submissions (see Appendix 1).

1.3 On 24 March 2026, the Committee held a public briefing with representatives from the Department of Mining and Energy (the Department).

1.4 On 7 April 2026, the Committee requested the Department provide additional information in writing by 14 April 2026. The Committee thanks the Department for their assistance.

Outcome of Committee's Consideration

1.5 Sessional Order 14 requires that the Committee after examining the Bill determine:

> whether the Assembly should pass the bill;
>
> (ii) whether the Assembly should amend the bill;
>
> (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
>
> (iv) whether the bill has sufficient regard to the institution of Parliament.

1.6 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill with the proposed amendment set out in Recommendation 4.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 with the proposed amendments set out in Recommendations 4 and 5.

[1] Hon Gerard Maley MLA, Minister for Mining and Energy, Draft Daily Hansard – Wednesday 18 March 2026, https://territorystories.nt.gov.au/10070/1030209.

Report Structure

1.7 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement.

1.8 Chapter 3 considers the main issues raised in evidence received.

2 Overview of the Bill

Background to the Bill

2.1 The regulation of pipelines and petroleum activities and infrastructure in the Northern Territory (NT) is governed by a combination of onshore and offshore legislative frameworks, including:

- the *Energy Pipelines Act 1981* (Pipelines Act), which applies to pipelines located onshore and up to the sea baseline
- the *Petroleum (Submerged Lands) Act 1981* (Submerged Lands Act), which applies to the portion of pipelines in NT coastal waters from the sea baseline and extending three nautical miles offshore
- the *Petroleum Act 1984* (Petroleum Act), which applies to upstream petroleum activities and infrastructure, including wells.

Carbon capture and storage

2.2 Carbon capture and storage (CCS) is a process targeted at reducing the amount of carbon dioxide (CO_2), present or being released into the Earth's atmosphere. It involves capturing CO_2, compressing it to a liquid or super critical fluid state, transporting the CO_2 via pipelines and injecting it underground for permanent storage into geological formations.[2] CCS has been legislated in some other Australian jurisdictions.[3]

2.3 In his first reading speech, the Minister for Mining and Energy explained the Bill is intended to support Territory-based CCS projects that require CO_2 to be conveyed through pipelines to permanent geological storage offshore.[4] The Department further advised at the public briefing that these amendments are critical to enabling several Middle Arm and CCS projects:

> For clarity, this Bill does not create a regime for the geological storage of carbon dioxide onshore or within NT coastal waters; it simply allows for the transmission of CO_2 (carbon dioxide) through pipelines within the Territory. The Commonwealth Government's *Offshore Petroleum and Greenhouse Gas Storage Act 2006* establishes a licensing and authorisation regime for the offshore storage of carbon dioxide. However, there is currently no legal ability to transport carbon dioxide from and through the Territory via pipelines into Commonwealth waters for permanent underground storage. This Bill corrects that deficiency by [allowing] carbon dioxide to be transported through pipelines.
>
> This regulatory change is key to several projects based at Middle Arm, including INPEX's carbon capture storage in the Bonaparte Basin west of Darwin, Santos' CCS project at its Bayu-Undan field and Vopak's multi-user carbon dioxide import storage and handling terminal. Both INPEX and Santos have foreshadowed final investment decision timelines for these projects in 2027, and having a regulatory

[2] NT Government, *Carbon Capture and Storage* (2026), https://territorygas.nt.gov.au/carbon-capture-and-storage.
[3] Geoscience Australia, *Carbon capture and storage* (2025), https://www.ga.gov.au/aecr2025/carbon-capture-and-storage.
[4] Hon Gerard Maley MLA, Minister for Mining and Energy, Draft Daily Hansard – Wednesday 18 March 2026, https://territorystories.nt.gov.au/10070/1030209, p 10.

framework in place for CO_2 transmission in pipelines is one of the key items in making those decisions.[5]

Purpose of the Bill

2.4 As noted in the Explanatory Statement, the Bill seeks to:

> promote and enable industry development in key onshore gas projects in the Beetaloo Sub-basin, and support and facilitate broader carbon capture and storage initiatives by allowing carbon dioxide to be transmitted through pipelines in the Territory, to offshore areas for permanent storage in greenhouse gas storage locations within Commonwealth waters.[6]

2.5 The Bill seeks to:

- amend the Pipelines Act and the Submerged Lands Act to allow for the conveyance of regulated substances through pipelines and create a compliance and enforcement regime for the regulation of onshore and offshore pipelines, including expanding inspector powers and functions
- amend the Petroleum Act to modernise retention licence arrangements to encourage investment in the Beetaloo Sub-basin
- make consequential amendments to other NT legislation to align with updated terminology.

[5] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__ata/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, pp. 2-3.

[6] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 1.

3 Examination of the Bill

Introduction

3.1 The Committee received 20 submissions to the Inquiry. The following Chapter considers issues that were raised in submissions, at the public hearing, and in written responses provided by the Department.

Definitions

3.2 Clauses 6 and 67 seek to amend the Pipelines Act and the Submerged Lands Act to amend existing, and insert new, definitions.[7]

'Regulated substance'

3.3 Amongst other matters, clause 6 seeks to amend section 3(1) of the Pipelines Act to omit definitions of 'energy-producing hydrocarbon' and 'petroleum' and insert a new definition of a 'regulated substance'.[8] Clause 67 further seeks to amend section 4(1) of the Submerged Lands Act to insert a new definition of a 'regulated substance'.[9] Collectively, these amendments have the effect of enabling the transmission of substances other than energy-producing hydrocarbons through pipelines within the NT to support CCS projects.

3.4 Many industry stakeholders supported the proposed definitional amendments, citing the potential for industry growth in the NT.[10] Industry stakeholders noted the proposed amendments will:

- remove historic limitations on necessary infrastructure and investment[11]
- support long-term energy security for the NT[12]
- attract international investment and position the NT as a world leader in emission reduction technologies.[13]

3.5 NT law firm, Ward Keller, highlighted these amendments as the 'most important reform in the Bill', noting 'there is no other Territory legislation under which a pipeline

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[7] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, pp. 2-3.

[8] For the purposes of the Pipelines Act, a 'regulated substance' is an energy-producing hydrocarbon, hydrogen, any hydrogen compound, precursor or hydrogen carrier that is used for the transmission of hydrogen, CO_2, or a gas or other substance prescribed by regulation.

[9] For the purposes of the Submerged Lands Act, a 'regulated substance' is petroleum, hydrogen, any hydrogen compound, precursor or hydrogen carrier that is used for the transmission of hydrogen, a greenhouse gas substance,[9] a gas or other substance prescribed by regulation.

[10] Submission 1 – Echelon Resources Limited; Submission 2 – Vopak Australia; Submission 3 – Daly Waters Energy; Submission 4 – Beetaloo Energy Australia; Submission 5 – Energy Club NT; Submission 6 – Minerals Council of Australia; Submission 7 – Jemena; Submission 8 – APA Group; Submission 10 – Australian Energy Producers; Submission 12 – INPEX; Submission 19 – Santos.

[11] Submission 1 – Echelon Resources Limited, p. 1; Submission 19 – Santos, p. 3; Submission 4 – Beetaloo Energy Australia Limited, p. 2.

[12] Submission 7 – Jemena, p. 1; Submission 6 – Minerals Council of Australia, p. 1.

[13] Submission 2 – Vopak, p. 2; Submission 7 – Jemena, p. 1; Submission 10 – Australian Energy Producers, p. 1.

for these substances can be licenced' and it 'will assist in security project financing and offtake arrangements'.[14]

3.6 Whilst there was broad support for the amendments, some stakeholders expressed concerns about potentially negative environmental and social impacts.[15] These stakeholders argued:

- there may be some safety and environmental risks[16]
- there are insufficient safeguards to support the expansion of substances conveyed through pipelines[17]
- the regulatory framework is inadequate and may result in uncertainty for investors.[18]

3.7 At the public briefing, the Department commented on the safety of transporting new substances via pipelines:

> We already have rigorous standards that are applied. This is just allowing a new substance to go through a pipeline. We have pipeline management plans in place, inspectors, integrity and reporting, so I am very confident that allowing the transmission of carbon in a pipeline will not result in any untoward effect.[19]

3.8 Stakeholders provided mixed views on the appropriateness of expanding the existing framework to transport 'regulated substances' rather than creating a standalone framework for CO_2 transmission. Highlighting the impact on Aboriginal people and land, the Northern Land Council (NCL) argued that CCS 'should be subjected to a standalone regulatory regime and not incorporated onto the regime that regulates onshore pipelines'.[20]

3.9 By contrast, Vopak supported the incorporation of the CCS via the existing framework:

> Taking the existing framework for transmission of hydrocarbons by pipeline that has been tried, tested and enhanced over time is an appropriate, effective and efficient way to provide a robust framework for CO_2 transmission. Vopak commends the approach taken by the NT Government with this Bill in adapting the existing legislation to enable the pipeline transmission of CO_2 and allow the timely development of CO_2 sequestration projects.[21]

3.10 Regarding the suggestion that a separate regulatory regime be set up for CCS, the Department advised:

> A standalone CCS regulatory regime for the NT was not developed as that is not the purpose of the Bill.

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[14] Submission 9 – Ward Keller, p. 1.
[15] Submission 14 – Frack Free NT; Submission 15 – Arid Lands Environment Centre.
[16] Submission 15 – Arid Lands Environment Centre, pp. 1, 3; Submission 17 – Environment Centre NT, p. 2.
[17] Submission 14 – Frack Free NT, p. 2; Submission 16 – Central Land Council, p. 4; Submission 17 – Environment Centre NT, p. 3.
[18] Submission 16 – Central Land Council, p. 2.
[19] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 8.
[20] Submission 20 – Northern Land Council, p. 2.
[21] Submission 2 – Vopak, p. 2.

> The Bill enables the transmission of carbon dioxide through two Acts that govern NT pipeline legislation. The Bill will allow the transmission of carbon dioxide through pipelines in the NT for ultimately its storage offshore in geological formations in Commonwealth waters. This storage of liquid carbon dioxide offshore is regulated by the National Offshore Petroleum Safety and Environmental Management Authority, the National Offshore Petroleum Titles Administrator and the Australian Government.
>
> There is currently no regulatory framework in place for onshore CCS in the NT. A separate body of work will be required, if there was policy authorisation from the NT Government to develop a regulatory framework for CCS activities onshore in the Northern Territory.
>
> Currently the Commonwealth, South Australia and Western Australia (yet to commence) have CCS provisions merged within their respective petroleum and energy legislation. Victoria and Queensland have dedicated (standalone) CCS legislation. South Australia and Victoria have current onshore research and operational CCS activities underway. Queensland has no current projects underway. The Gorgon CCS project in Western Australia is currently administered under the *Barrow Island Act 2003*.[22]

'Pipeline'

3.11 Clause 6 also seeks to replace the definition of 'pipeline' in the Pipelines Act, defining it as a pipe or system of pipes that is used, or intended to be used, for the conveyance of a regulated substance, whether or not the regulated substance is mixed with any other substance, including all apparatus and works for the pipeline.[23] This is intended 'to simplify and capture all matters technically related to the operation of a pipeline required to enable this Bill, including the conveyance of regulated substances'.[24]

3.12 Clause 7 further seeks to amend section 4(1)(a) of the Pipelines Act to add additional classes of pipelines that are exempt from requiring a licence under the Pipelines Act. These include:

- a pipeline that forms part of a gas distribution line or network[25]
- a pipeline of a class that is prescribed by regulation
- a pipeline constructed or to be constructed under the Submerged Lands Act.[26]

3.13 The Explanatory Statement explains:

> This clause amends section 4 of the Act, which is an application and carve-out provision to delineate the boundary between this Act and other legislative schemes, with reference to the new proposed definition of a pipeline in section 3.

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[22] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, pp. 14-15.

[23] Section 3(1) of the Pipelines Act currently defines a pipeline as

[24] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 3.

[25] Proposed section 4(4) defines gas distribution line or network as a pipeline that: is located downstream of a city gate station; and has a maximum allowable operating pressure of no more than 1050 kPa and a hoop stress that is equal to or less than 20% of the specified maximum yield stress of the pipe.

[26] Previously section 4(1)(a) provided that nothing in the Pipelines Act requires a person to hold a licence in respect of a pipeline constructed or to be constructed under an Act that is not the Pipelines Act.

> The purpose of the amendment is to remove duplication and describe the limited circumstances where a pipeline is not required to be licenced under this Act.[27]

3.14 Whilst some stakeholders supported the new definition of pipeline in clause 6,[28] others questioned the effect of the exemptions set out in clause 7. Frack Free NT stated:

> The Bill introduces greater exemptions for pipelines that form part of a gas distribution line or network (a newly introduced and defined term) or a pipeline prescribed by regulation (the regulations have not yet been finally drafted, if we are to understand correctly from the Committee hearing on Tuesday) or a pipeline constructed/to be constructed under the Petroleum and Pipelines (Submerged Lands) Act 1981. It is unclear to us why a licensing process, aimed to regulate and ensure the proper development of pipelines in the NT, is now proposed to not be required for a gas distribution network or line and any number of pipelines either prescribed in a regulation or used to convey petroleum resources offshore. The pipeline licensing scheme is in place to ensure that such large and significant infrastructure, often conveying dangerous substances, are built by those with technical expertise, with the resources to do so and that plans are sound. In addition, and significantly, the licensing process also requires consultation with affected landowners. The expansion of exemptions for pipeline licences will mean that there are now more opportunities for landholders who are likely to be impacted by significant works, now need not be consulted. This is a curtailment of landholder rights in the NT.[29]

3.15 Regarding the practical effect of clause 7 in exempting these categories of pipelines from the Pipelines Act, the Department advised:

> The amendments simplify and clarify the definition of a pipeline, which is currently defined with reference to the maximum allowable operating pressure of the pipeline and duplicates some of the exclusions that are set out in section 4 of the *Energy Pipelines Act 1981*.
>
> The current definition means that unless a pipe or system of pipes has a maximum allowable operating pressure of over 1050 kilopascals or a hoop stress of over 20% of the specified minimum yield stress – it is not a pipeline.
>
> The definition of pipeline incorporates the term 'apparatus and works', to ensure all components of a pipeline that are necessary for the operation of a pipeline are captured as part of the pipeline. Apparatus and works have been defined separately, with examples to provide clarity rather than a prescriptive list of components.[30]

3.16 The Environment Centre NT argued the exemptions 'may also undermine the rights of native title holders by removing the requirement to obtain tenure for such pipelines (which would ordinarily comprise a "future act" under the [*Native Title Act 1993* (Cth)])'.[31]

3.17 With regard to the interaction between the exempt pipelines and the requirements of the *Native Title Act 1993* (Cth) (Native Title Act), the Department advised:

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[27] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 3.
[28] Submission 12 – INPEX, p. 3.
[29] Submission 14 – Frack Free NT, pp. 2-3.
[30] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 2.
[31] Submission 17 – Environment Centre NT, p. 3.

> There is no intention to circumvent any federal legislative requirements through the amendments proposed to the *Energy Pipelines Act 1981* by this Bill, including the *Native Title Act 1993* (Cth).
>
> Licences granted under the *Energy Pipelines Act 1981* do not provide tenure over land, and proponents need to obtain their own tenure to support the pipeline. DME encourages proponents to engage directly with Land Councils/native title holders regarding their projects. Depending on the land, tenure may be through a section 19 agreement under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), a sub-lease granted under the *Pastoral Land Act 1992* or via easements granted over Crown lands or pastoral leases.
>
> There are a range of [processes] under the *Native Title Act 1993* (Cth) which, if relevant, can validate future acts associated with pipelines. This may include processes under section 24KA (facilities for services to the public), or section 24MD (acts that pass the freehold test) or the parties may negotiate an indigenous land use agreement. Whether a licence is required (or not) under the *Energy Pipelines Act 1981* - a proponent will need to secure tenure for the pipeline (including to ensure access and safety of the pipeline).[32]

'Apparatus and works'

3.18 Clause 6 further seeks to replace the existing definition of 'apparatus or works' with a new definition of 'apparatus and works', defined as a thing that is connected or associated with the pipeline that is necessary for its operation. The clauses set out examples of the definition, including meter stations, scraper stations, valve stations and pumping stations, corrosion protection apparatus, and communications equipment and towers.

3.19 The Explanatory Statement explains the new definition 'works with the definition of pipeline to ensure that all apparatus and works are part of the pipeline, and must be contained within a pipeline licence area'.[33]

3.20 The Committee received some supportive feedback on the insertion of this new definition. INPEX submitted:

> INPEX is generally supportive of the proposed definition of "apparatus and works" and considers that "apparatus and works" generally includes apparatus downstream of the primary valve; equipment and vehicles for the operation of any apparatus; and other facilities used in connection with the pipeline including loading terminals and stations, works, buildings, fittings, pumps, tanks, appurtenances, and appliances.[34]

3.21 However, Frack Free NT considered the definition to be unclear:

> Whilst on the face of it, the definition is limited to apparatus and works related to a pipeline, the example of a communications tower has no logical connection to necessary infrastructure for a pipeline and it appears as though "apparatus and works" is more than just development ancillary to a pipeline. The definition needs to be amended to require a direct and clear connection between apparatus and works and the relevant pipeline. The broadness of this definition could allow any such apparatus that is indirectly related to a pipeline to be defined in this way.[35]

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[32] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 4.
[33] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 2.
[34] Submission 12 – INPEX, p. 3.
[35] Submission 14 – Frack Free NT, p. 2.

3.22 In a written response to the Committee, the Department advised:

> The definition of 'apparatus and works' (including the examples provided) is derived from the definition of a pipeline in section 16 of Queensland's *Petroleum and Gas (Production and Safety) Act 2004*. This definition is deliberately broad but only within a narrow range of application as the apparatus and works must be, "…a thing that is connected to or associated with the pipeline that is necessary for its operation."[36]

Committee comments

3.23 The Committee is satisfied with the Department's advice that, in this instance, it is appropriate for CCS to be incorporated into the existing legislative framework, as is also the case in the Commonwealth, South Australia and Western Australia, rather than being implemented by a standalone framework.

3.24 The Committee acknowledges that, in this context, it is neither practical nor desirable for definitions to be overly prescriptive, as doing so may limit the effectiveness and adaptability of the regulatory framework. On balance, the Committee is satisfied that the provisions are appropriate and that stakeholder concerns have been adequately addressed by the Department's response.

Pipeline licences and permits

3.25 The Bill seeks to make a number of amendments to the requirements for applications for, and variations to, pipeline licences and permits for scoping land under the Pipelines Act.

Fit and proper person test

3.26 Proposed sections 8(1), 15(1)(b), 16A(1), 43(5A) and 46(7) require the Minister to be satisfied that an applicant is a fit and proper person to hold a permit or pipeline licence under the Pipelines Act. Proposed sections 8(1A), 15(1A), 16A(2), 43(5B) and 46(8) create exemptions if the applicant 'was determined to be a fit and proper person under other legislation prescribed by regulation, within the period prescribed by regulation'.[37]

3.27 Proposed section 4B sets out matters the Minister must consider in determining whether a person is fit and proper, including:

- whether there are reasonable grounds to believe that the person has contravened or committed an offence against certain laws of the Territory or another jurisdiction[38]

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[36] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 2.

[37] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 5.

[38] These matters include: whether there are reasonable grounds to believe that the person:
(i) has contravened a law of the Territory or another jurisdiction that relates to the regulation of pipelines or 10 the physical or biological environment, including matters relating to pollution, biodiversity, natural resources, planning, development or waste; or (ii) has contravened a law of the Territory or another jurisdiction that relates to heritage, health or cultural 15 matters, including matters relating to sacred sites; or (iii) has contravened a law of the Territory or another jurisdiction that relates to work health and safety; or (iv) has

- whether there are reasonable grounds to believe that the person has behaved or is likely to behave in a way that is inconsistent with the person's duties as a licence or permit holder
- matters prescribed by regulations
- any other matter the Minister considers relevant.

3.28 Proposed section 4B(2) provides that the Minister is not required to conduct an investigation to determine whether a person is a fit and proper person. The Explanatory Statement explains:

> The purpose of the test is to allow the Minister to consider…the information that comes before them; it is not to require the Minister to undertake investigations about the person. This ensures that the Minister can act when information comes before them that indicates that a person is not fit and proper, without imposing an additional administrative burden to investigate a person prior to making a positive determination about their fit and proper status.
>
> The test is broadly consistent with the equivalent tests in the *Petroleum Act 1984*, the *Mineral Titles Act 2010* and the *Environment Protection Act 2019*.[39]

3.29 The Committee observes clause 71 seeks to insert an equivalent fit and proper person test into the Submerged Lands Act.

3.30 At the public briefing, the Department explained the fit and proper test has been applied to decisions under departmental policy since 2019 and the legislation is formalising the test.[40]

3.31 In general, submitters supported the inclusion of a fit and proper person test in the legislation.[41] Ward Keller commended the inclusion of exemptions for applicants found to be fit and proper under other legislation but noted its effectiveness will rely on the period prescribed via regulation:

> Proponents in the Territory commonly hold titles under multiple Acts. A company applying for a pipeline licence will often already hold an exploration permit or environmental approval that required a fit and proper person assessment. The cross-recognition mechanism at proposed sections 8(1A), 15(1A), 16A(2), 43(5B) and 46(8) avoids requiring the same company to be reassessed on substantially the same criteria for each application. Its effectiveness will depend on the prescribed period being set at a reasonable interval in the regulations. Too short a period would negate the benefit.[42]

3.32 By contrast, the Committee heard there are concerns about the scope of matters the Minister may consider. Frack Free NT stated:

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contravened a law of the Territory under which a tax or royalty is payable to the Territory; or 20 (v) has committed an offence against any law of the Territory or another jurisdiction that involves an element of fraud or dishonesty.

[39] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 4.

[40] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 4.

[41] Submission 14 – Frack Free NT, pp. 3-4; Submission 15 – Arid Lands Environment Centre, p. 2; Submission 9 – Ward Keller, p. 2.

[42] Submission 9 – Ward Keller, p. 2.

> In our view, these provisions are tokenistic - if such significant infrastructure is being proposed in the NT, then efforts need to be made to ensure that persons intending to own/construct/operate such pipelines are fit to do so. This needs to be an active duty for the Minister to comply with.
>
> In addition, considerations that the Minister may take into account when consider[ing] whether a person is fit and proper ought to be expanded to include the person's (or an agent's) conduct with relevant landholders in negotiating access to land.[43]

3.33 The Committee sought further information from the Department regarding what matters would be considered 'relevant' for the purposes of proposed section 4B(1)(c) and whether any guidelines would be developed. The Department advised:

> Section 4B(c) provides the Minister with discretion to consider any additional matters beyond those expressly prescribed where they are considered relevant to a particular assessment. This inclusion is consistent with the fit and proper person tests within the *Environment Protection Act 2019* and the *Mineral Titles Act 2010*. It means the Minister is not restricted to considering only the listed matters but could consider unexpected or new matters that might arise and become relevant after the amendments are in place…
>
> While no separate guidelines are proposed, the matters prescribed in proposed section 4B, together with the information required to be disclosed through the comprehensive application form to be developed and published on DME's website, will provide a clear and structured framework to inform the Minister's discretion.[44]

3.34 Whilst acknowledging the need for a fit and proper person test, Arid Lands Environment Centre considered the exclusion of investigation requirements may undermine effective application to industry:

> The Bill introduces a "fit and proper person" test across multiple licences. However, the Bill explicitly states the Minister is not required to investigate whether a person meets this test — they need only consider information placed before them. This is a low bar that places the compliance burden on regulators receiving information rather than proactive vetting of industry actors.[45]

3.35 The Committee observes that the fit and proper person tests in the *Mineral Titles Act 2010* and the *Environment Protection Act 2019* also expressly exclude a requirement for the Minister to undertake an investigation.[46]

Committee comments

3.36 Noting the provisions will formalise a departmental policy that has been in place since 2019, the Committee considers it appropriate that the fit and proper person test is set out on the face of primary legislation. This will enable greater oversight and transparency.

3.37 The Committee acknowledges concerns raised by stakeholders regarding the scope of matters considered and the lack of investigation requirements. However, the Committee considers the provisions to be appropriate as currently drafted, noting they are drafted consistently with other related legislation.

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[43] Submission 14 – Frack Free NT, p. 3.
[44] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 6.
[45] Submission 15 – Arid Lands Environment Centre, p. 2.
[46] *Mineral Titles Act 2019*, s 70A(2); *Environment Protection Act 2019,* s 62(2).

Application for a pipeline licence

3.38 Clause 14 seeks to make a range of amendments to section 13 of the Pipelines Act to modernise the application process for pipeline licences.[47] This includes:

- requiring an application to be made in the approved form[48]
- inserting a requirement for the Minister to publish notice of a new application as soon as practicable in the Gazette, on the Department's website, in a daily newspaper circulating generally in the NT, and any other newspaper the Minister considers appropriate.

3.39 The Committee received limited comment on these amendments from submitters. The Environment Centre NT called for greater consultation requirements:

> The Pipeline and Petroleum Bill introduces a new requirement to publish a notice about an application for a pipeline licence on the department's website (as well as in the Gazette and paper). This does not go far enough. There are no provisions for public consultation about pipeline licences, or requiring the Minister to take into account the public's views. Given the climate, environmental and public health risks associated with pipelines, there should be provisions requiring comprehensive public consultation consistent with (for example) the Petroleum (Environment) Regulations.[49]

3.40 The Committee sought further advice from the Department in relation to whether mandatory consultation requirements were considered in development of the Bill. In a written response to the Committee, the Department advised:

> The amendments proposed to the *Energy Pipelines Act 1981* do not change the established pipeline licence application process, or consultation requirements. They will add a requirement to publish a notice of a licence application on the DME's website, in addition to the existing requirement to publish the notice in the Gazette and in a relevant daily newspaper. This amendment modernises the existing notification provision by requiring the notice to be published on the DME's website to ensure it is widely published across contemporary available mediums.
>
> The notification must include a statement that a map showing the proposed route of the proposed pipeline may be examined at the place and time specified in the notice. An amendment to section 13 provides that the place may be a website or other publicly accessible electronic format, which will allow the map to be examined online rather than having to physically attend a location to view it.
>
> Consultation requirements remain unchanged, with affected parties notified of the licence application and given a period of 28 days during which to submit to the Minister representations or comments in relation to the grant of the licence. The Minister must consider any representations or comments submitted in response to the notice before granting the licence.
>
> The list of affected parties comprises relevant local government councils, owners and occupiers of relevant land, registered native title claimants and registered native title bodies corporate in relation to affected land or waters and representative Aboriginal/Torres Strait Islander bodies in relation to the affected land or waters unless the grant of the licence is not a future act.

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[47] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 6.

[48] Proposed section 67D provides for the CEO to approve forms for the purpose of the Pipelines Act and requires the CEO to publish the approved form on the Department's website.

[49] Submission 17 – Environment Centre NT, p. 3.

> Determining the most appropriate location and route of a pipeline is a highly technical process that must be informed by detailed safety, engineering feasibility, environmental, cultural and heritage considerations, legal constraints, and cost. Therefore, direct consultation with affected parties, rather than mandatory public consultation, continues to be the preferred option for identifying concerns and bringing matters to the Minister's attention before the Minister decides on an application.[50]

Committee comments

3.41 The Committee considers the amendments are appropriate in modernising the application process for pipeline licences.

Variation of conditions of a pipeline licence

3.42 Clause 20 seeks to replace section 21A of the Pipelines Act to modernise and simplify the process for licensees to apply to vary, suspend or waive a condition of their pipeline licence.[51] This includes:

- allowing for a new area of land to be included in a pipeline licence area
- requiring affected stakeholders to be notified of a variation, including representative Aboriginal or Torres Strait Islander bodies unless the variation is not a 'future act' under the Native Title Act
- allowing affected stakeholders seven days to provide comments on the variation application.

3.43 The Explanatory Statement states:

> There is no restriction on when a licensee can apply for a variation, an application can be made at any time. Previously, a pipeline licence area could only be reduced and not increased after construction was completed (but could be increased during construction). This was problematic, for example, where a compressor station or cathodic protection equipment was added to a pipeline post construction.[52]

3.44 Some submitters supported the amendments to licence variation requirements.[53] Jemena submitted that the 'transparent, predictable and proportionate application of licence variations… will be critical to enabling operators to respond to changing gas specifications, maintain system integrity and invest with confidence over the long term'.[54]

3.45 Ward Keller noted the amendments to section 21A resolve a practical problem that effects pipeline licensees:

> Under the current [Pipelines Act], a licence area can be reduced after construction but not expanded. Where a licensee needs to add a compressor station, cathodic protection unit or other ancillary infrastructure outside the

[50] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 5.
[51] Hon Gerard Maley MLA, Minister for Mining and Energy, Draft Daily Hansard – Wednesday 18 March 2026, https://territorystories.nt.gov.au/10070/1030209, p 10.
[52] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 8.
[53] Submission 19 – Santos, p. 2; Submission 9 – Ward Keller, p. 2; Submission 7 – Jemena, p. 2.
[54] Submission 7 – Jemena, p. 2.

> existing licence boundary, there is no mechanism to accommodate it without applying for a new licence. That is disproportionate to the nature of the change. Proposed section 21A allows variations at any time and on application, which is the right approach.[55]

3.46 However, Ward Keller suggested that allowing 7 days for representations to be made in writing to the Minister is too short, and a 28-day period would be more appropriate.[56] The Committee notes that the 7-day period is consistent with the current provisions of the Pipelines Act.[57]

3.47 By contrast, the Central Land Council (CLC) critiqued the notification requirements, noting the unclear interaction between the proposed provisions and the *Aboriginal Land Rights Act 1976* (NT):

> Notice is only required to native title representative bodies like the CLC if the act is a future act. A variation that includes new areas not covered by the original licence will be a future act and notice must be given. For clarity, the Bill should be amended to require unconditional notification to the representative body if the licence area is varied.
>
> The CLC also observes that the "suitable arrangements for the acquisition of land" of which the Minister must be satisfied (section 21A(7)(a)(iii)) must be either a s19 [*Aboriginal Land Rights Act 1976* (NT)] agreement on Aboriginal land or an indigenous land use agreement (or similar) on areas where native title exists, whether declared on not.[58]

Committee comments

3.48 The Committee accepts the proposed framework aligns with existing legal requirements and that variations involving additional land will, in practice, trigger relevant notification obligations. On balance, the Committee is satisfied that the provisions are appropriate as drafted.

Pipeline management plans

3.49 Proposed section 18A(1) provides for the preparation of pipeline management plans under the Pipelines Act. A pipeline management plan is a plan prepared by a pipeline licensee that demonstrates to the Minister that a pipeline will be designed, constructed, operated, modified and decommissioned in accordance with 'good industry practice' and the 'standards specified in the plan' to ensure the integrity of the pipeline is maintained throughout its operating life and the pipeline is appropriately decommissioned. Proposed section 18A(2) provides for requirements for the preparation, submission, acceptance, revision and withdrawal of acceptance to be set out in regulations.

3.50 Proposed section 18A(3) provides that regulations may provide for the circumstances in which the Minister may, on conditions specified by the Minister, exempt a licensee from, or modify, a requirement under a pipeline management plan.

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[55] *Energy Pipelines Act 1981* (NT), s 21B(2A)(b)(i).
[56] Submission 9 – Ward Keller, p. 2.
[57] *Energy Pipelines Act 1981* (NT), s 21B(2A)(b)(i).
[58] Submission 16 – Central Land Council, p. 4.

3.51 The Committee notes that Part 4 of the Energy Pipelines Regulations 2001 (Pipelines Regulations) currently sets out a range of requirements for pipeline management plans, including requirements for the acceptance, revision and withdrawal of acceptance of a pipeline management plan. This includes requiring a description of Australian and international standards that will be applied to be included in the plan.[59] The Department advised at the public briefing that amendments to the regulations are currently being drafted and the Bill will not commence until then.[60]

3.52 The inclusion of pipeline management plans in the Pipelines Act was supported by some stakeholders. INPEX supported the proposed wording, noting it aligns with the existing provisions in the Pipeline Regulations.[61] Ward Keller further argued that pipeline management plans 'are a sound regulatory tool that will align the Territory's pipeline regulation with accepted industry practice in other Australian jurisdictions'.[62]

3.53 However, other submitters suggested there is a lack of clarity in the provisions. The Environment Centre NT argued that 'good industry practice and standards specified in the plan' should be more clearly defined:

> The provisions regarding pipeline management plans (the key regulatory document that governs pipelines) are not prescriptive enough and give pipeline operators wide latitude to self-select the standards that they will comply with. There is only a requirement that pipeline management plans comply with "good industry practice and the standards specified in the plan". There is no requirement to comply with any specific standards and codes, for example with respect to the construction and operation of compressor stations or the fugitive emissions monitoring. There are no policies guiding the approval of CCS in the Northern Territory, or the exercise of the powers granted under the Act. The Bill should be amended to require specific environmental outcomes to be achieved, and enforceable codes of practice and policies developed to guide the development and approval of pipeline management plans.[63]

3.54 The Committee sought further information from the Department regarding the meaning of 'good industry practice', what industry standards may apply and whether any policy guidance would be developed. The Department advised:

> Good industry practice is one of a series of similar terms used by industry and regulators in Australia and throughout the world. For example, section 87 of the *Energy Resources Act 2000* (SA) specifies that licensees must carry out regulated activities with due care and in accordance with good industry practice.
>
> In petroleum legislation including the *Petroleum Act 1984* (NT), the Offshore *Petroleum and Greenhouse Gas Storage Act* (Cth) (OPGGSA), the *Petroleum and Geothermal Energy Resources Act 1967* (WA) the term 'good oilfield practice' is used to mean all the things that are generally accepted as good and safe in the carrying out of exploration for petroleum or the recovery of petroleum. The OPGGSA also uses the term 'good processing and transport practice' to mean all the things generally accepted as good and safe in the processing,

[59] Energy Pipeline Regulations 2001 (NT), reg 30.
[60] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 4.
[61] Submission 12 – INPEX, p. 3.
[62] Submission 9 – Ward Keller, p. 2.
[63] Submission 17 – Environment Centre NT, p. 3.

conveyance, transport and storage of petroleum and the preparation of petroleum for transport.

Good industry practice are those practices which can reasonably and ordinarily be expected from a skilled and experienced person or organisation engaged within the pipeline industry. The term provides coverage of areas, which may not necessarily be included in standards such as the licensee's performance in areas such as competency levels, management systems, as well as the characteristics of the organisation such as the carefulness, prudence, efficiency, foresight and timeliness exhibited to safely and effectively manage the construction and operation of a pipeline.

It also provides a catch all for practices that are not captured in standards whether because they are new, have not been incorporated yet or potentially the practice is not considered systemic enough to be included. In this case industry experience in the use of the practices, risk assessments (as part of the pipeline management plan (PMP)) and the principle of ALARP (reducing risk to as low as reasonably practicable) are relied upon to approve and regulate their use.

The key industry standard which a PMP will specify is Australian Standard 2885: Pipelines – Gas and liquid petroleum (AS 2885), which is a series of technical standards for high-pressure pipelines. The AS 2885 series of standards is considered the governing standard for pipelines in Australia.[64]

3.55 Arid Lands Environment Centre argued proposed section 18A(3) gives the Minister inappropriate discretion that could limit regulatory oversight of pipelines:

> The Bill also enables regulations to be created which would empower the Minister to determine that a pipeline management plan is not needed at all, or would give the Minister a broad power to exempt a licensee from the requirement to comply with a pipeline management plan. This could mean that pipelines (for gas or carbon dioxide) may conceivably lack any regulatory oversight whatsoever. The Bill should be amended to require compliance with objective standards and codes in accordance with industry best practice, and the provisions enabling the Minister to exempt pipelines from requirements to produce pipeline management plans should be removed.[65]

3.56 In relation to proposed section 18A(3), the Department advised:

> The intent of the regulation-making power included in proposed section 18A(3) is to allow a process to be designed and incorporated into the regulations for licensees to apply to the Minister for approval to conduct a pipeline activity that is not currently included in the accepted PMP, or in a way that differs from the accepted PMP. This will provide flexibility to ensure that new or one-off activities can be approved if it is necessary to undertake the activity and it is not feasible to update the plan prior to the activity being undertaken.
>
> The process will be modelled on the equivalent process within the Petroleum Regulations 2020 (Petroleum Regulations) that allows petroleum interest holders to apply to the Minister for approval to conduct an activity that is not covered by an approved well operations management plan (WOMP) or approved petroleum surface infrastructure management plan (PSIP) or in a way that differs from the approved WOMP or PSIP.
>
> In line with the process established under the Petroleum Regulations, the licensee will need to provide the Minister with comprehensive information about the proposed activity and how any associated risks have been identified, evaluation and how they are to be eliminated or controlled.

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[64] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, pp. 6-7.
[65] Submission 15 – Arid Lands Environment Centre, p. 2.

> Relevant approval criteria will be set out in the regulations to ensure the Minister can only approve the activity being conducted if satisfied that the risks associated with the activity have been eliminated or reduced to as low as is reasonably practicable and acceptable; the activity is either a one-off occurrence or the first time the activity has been identified or considered; and it is not feasible or warranted to update the PMP to incorporate or address the activity before it is undertaken.
>
> The Minister will be able to approve an exemption or modification under the regulations subject to conditions and impose time limits on approvals.
>
> As the process will be incorporated into regulations, the proposed regulations will be considered through Executive Council processes and must be tabled in the Legislative Assembly within 6 Sitting days after the making of the regulations. The regulations are then subject to review by the Legal and Constitutional Affairs Committee and may be subject to a disallowance motion in the Legislative Assembly.[66]

Committee's Comments

3.57 The Committee notes the Department's advice that 'good industry practice' is a well-established term used by industry and regulators. The Committee further notes the existing requirements relating to pipeline management plans are set out in the Pipeline Regulations, and amendments are being progressed which may include requirements for the Minister to approve an exemption or modification. The Committee notes these amendments will align with equivalent processes in the Petroleum Regulations 2020.

3.58 On balance, the Committee considers that the planned amendments to the Pipelines Regulations will ensure there is adequate regulatory oversight. The Committee considers the provisions to be appropriate.

Compliance framework

3.59 Clause 30 seeks to insert new Part 5B into the Pipelines Act and clause 83 seeks to insert new Part II, Division 6B into the Submerged Lands Act to provide for a new compliance framework.

Minister's directions

3.60 Proposed section 58J provides that the Minister may, by written notice served on a licensee, give the licensee directions as to any matter in respect of which regulations may be made under the Pipelines Act. Failure to comply with a direction is an offence with a maximum penalty of 1300 penalty units and a regulatory offence with a maximum penalty of 200 penalty units.

3.61 The Explanatory Statement explains:

> This section relocates and replaces current section 40 of the Act, which establishes the ability for the Minister to issue directions in relation to any matter in respect of which regulations may be made under the Act. This provision is moved out of Part 4 of the Act and into a more appropriate location in new Part 5B so it sits within the new compliance provisions.

[66] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 8.

> The offence for non-compliance with a Ministerial direction has been redrafted in a tiered structure, with the more serious offence requiring the prosecution to prove that the conduct was intended or foreseen as a possible consequence of the conduct, in line with the criminal responsibility provisions in Part II of the *Criminal Code Act 1983*.[67]

3.62 Ward Keller drew the Committee's attention to the lack of merits review of directions under section 58J:

> A direction under section 58J can require a licensee to take, or refrain from taking, action in respect of any matter for which regulations may be made. That is a broad power with significant financial and operational consequences. Inclusion of merits review may be warranted.[68]

3.63 The Committee put these concerns to the Department, who advised:

> The Bill includes a range of compliance and enforcement mechanisms, to address non-compliance that will be selected and used as appropriate in the circumstances. This enables a progressive approach to managing compliance. For example, where non-compliance is minor in nature, lower-order tools such as inspector directions may be used to achieve compliance. Conversely a ministerial direction is a powerful regulatory tool that can be used to urgently achieve compliance.
>
> Section 58J enables the Minister to issue broad directions that may only be deemed necessary when lower order tools, including directions made by an inspector, or compliance directions issued by a CEO, have been ineffective in securing compliance. A hypothetical example of a ministerial direction could include a direction for a pipeline company to investigate and report on the integrity of certain pipelines, and urgently undertake all necessary remedial works, including the repair or replacement of any section of pipe deemed to be defective.
>
> It is not appropriate that a Minister's decision to issue a direction is made subject to review given the importance of this regulatory tool. It is noted that a Ministerial direction issued under the Petroleum Act 1984 is not a reviewable decision, and including it in the Pipelines Act would create inconsistency between the legislative schemes.[69]

Compliance directions and stop work notices

3.64 Proposed section 58L provides for the CEO to issue a compliance direction to a permittee or licensee for the purpose of securing compliance with a condition of a permit or licence, a pipeline management plan, an authorisation or direction, or any other requirement or obligation under the Pipelines Act or the Pipelines Regulations. Failure to comply with a compliance direction incurs an offence punishable by up to 2600 penalty units, and regulatory offence punishable by 500 penalty units under proposed section 58N.

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[67] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 11.

[68] Submission 9 – Ward Keller, pp. 1-2.

[69] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, pp. 11-12.

3.65 Proposed section 58P further provides for stop-work notices to 'secure compliance or halt activities while the matter is investigated and further compliance action is considered'.[70]

3.66 Ward Keller supported the inclusion of these provisions:

> While in our view the compliance tools currently available under the [Pipelines] Act are sufficient, the framework at proposed Part 5B (inspector directions through CEO compliance directions, ministerial directions and stop work notices) is consistent with the approach under the *Petroleum Act 1984* (NT).[71]

Inspectors

3.67 Proposed Division 4 of Part 5B and Division 6B of Part II seek to provide for the appointment, functions and powers of inspectors under the Pipelines Act and the Submerged Lands Act.

Appointment and assistance

3.68 Proposed section 58R and proposed section 137G provide that the CEO may appoint a person to be an inspector, and that appointment may be subject to conditions and limitations the CEO thinks appropriate. Proposed sections 58V(3)(g) and 137L(3)(g) further provide that the inspector may authorise a person to assist an inspector in the performance or exercise of the inspector's functions or powers.

3.69 The Committee notes the Explanatory Statement does not provide details about the skills, training or experience a person is required to hold to be an inspector, or a person authorised to assist an inspector. However, the Department advised at the public briefing:

> All our engineers who are regulators within our department undergo a Certificate IV in Government Investigations. They usually come to us from significant industry experience. They have the technical and operational understanding from an engineering perspective. Some of them we have recruited have also worked in other regulatory environments.
>
> We have a program where we have a Certificate IV in Government Investigations. It has been tailor-made directly to the Petroleum Act and the Energy Pipelines Act. It is not just come along and hope you can understand your regulatory requirements. They go through that system. We have had about 14 engineers over the past few years go through this process…

3.70 The Department further advised there are currently 9 engineers in the Energy Development Team who are suitably qualified as inspectors.

3.71 In relation to persons assisting inspectors, the Department stated:

> In terms of a person assisting the inspector, that is consistent with the Petroleum Act, the inspector powers and functions there. It is designed to allow, say, if there is a specific technical matter that our inspectors are going out to look at and they might need an expert who is suitably qualified to take out with them to assist them, they can do that…

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[70] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 3.

[71] Submission 9 – Ward Keller, p. 1.

> It all depends on what the situation is, but if they are suitably qualified and have the technical expertise that our inspectors say is required to conduct the activity, they do not need to undergo a Cert IV in Government Investigations or anything else of the like. They come along with their experience and skill sets as required and are accompanied by an inspector.[72]

Powers of inspectors

3.72 Proposed sections 58V and 137L set out general powers inspectors may exercise under the Pipelines Act and the Submerged Lands Act, respectively. These powers include:

- searching an area or premises
- seizing documents, equipment or things
- requiring a person to given information
- requiring a person to provide reasonable assistance to an inspector
- using reasonable force.

3.73 The powers of inspectors to enter land or premises may be exercised despite the land or premises being Aboriginal land or the inspector not holding a permit under the *Aboriginal Land Act 1978* (NT) (see discussion below at 'Entry to land').

3.74 Proposed sections 58V and 137L replace existing section 63 of the Pipelines Act and section 125 of the Submerged Lands Act, and significantly expand the powers of inspectors.[73] The Committee understands the new powers are consistent with the inspector powers under the Petroleum Act.

3.75 The Committee notes the Explanatory Statement provides detailed explanations of the exercise of these powers. However, in the absence of further information, it was unclear whether reasonable force could be used against a person, or whether force could be exercised by a person assisting. The Committee notes the Australian Government advises:

> Where legislation provides that an authorised officer may obtain assistance to enter premises and execute powers under a warrant, the powers to be granted to the person assisting will depend on whether that person is also an authorised officer. If the person assisting is not an authorised officer, then that person should only be authorised to use force against 'things', not 'persons'. The use of force against property by a person assisting may be necessary, for example, where the assistant is an expert safe cracker. Use of force against persons should be confined to those with a high level of training and accountability and not to persons playing an assisting role.
>
> The inclusion of any use of force power for the execution of search warrants should be accompanied by an explanation and justification in the Explanatory

[72] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 6, 7.

[73] For example, the Pipelines Act currently allow for inspectors to: enter land in respect of which a permit is in force or a licence area; inspect and test a pipeline or apparatus or works; take samples of a substance being conveyed by a pipeline; and require a permittee, licensee or any other person who plans relating to a pipeline or proposed pipeline, to produce to him those books, records, documents, maps or plans and may inspect, take extracts from and make copies of any of those books, records, documents, maps or plans.

Memorandum and discussion of proposed accompanying safeguards that the agency intends to implement.[74]

3.76 In relation to the use of force, the Department advised at the public briefing:

> Reasonable force in this context would be things like breaking a lock to gain access to a place. It is not about any interactions with a person. It is basically making sure that the inspector can gather the evidence they need, can identify any deficiencies and rectify them so that we do not have any incidents or noncompliance.[75]

3.77 With regard to the exercise of force by persons assisting, the Department advised:

> The provisions in Clause 30 and 83 of the Bill that allow an inspector to authorise a person to provide assistance in the performance or exercise of an inspector's function or powers do not convey any powers on the assistant and would not allow the assistant to exercise enforcement powers – such as issuing directions.
>
> As an example, the inspector may use this power to authorise an expert or tradesperson to undertake a task on the land or premises entered under the entry provisions. This may include assisting an inspector to bring equipment or materials onto the land or premises or assisting them to operate or test equipment.
>
> The use of reasonable force is not an enforcement power and has limited application. It can only be used when an inspector is exercising an entry power, or a power that can be used after entry that is set out under section 58V(1) and (2) of the Pipelines Act or section 137L(1) and (2) of the Submerged Lands Act. Reasonable force in this context means causing the least amount of damage to property.
>
> Examples of using reasonable force may extend to forcing open a door, or a locked filing cabinet or opening a gate. An inspector may authorise a locksmith to assist them to gain access to a locked filing cabinet to ensure the least amount of damage to property is caused through the exercise of their powers.[76]

Abrogation of the privilege against self-incrimination

3.78 Proposed sections 58ZC and 137T provide that a person required to give information or produce a document by an inspector is not excluded from doing so on the ground that the answer, information or document might incriminate them or make them liable to a penalty.

3.79 The Explanatory Statement explains the justification for these provisions:

> is that securing compliance with the Act, in particular preventing or minimizing environmental and other harms that can result from activities undertaken under this Act, are sufficiently important objectives to justify some limitation on the right to silence.[77]

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[74] Australian Government, Attorney-General's Department, *A Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers* (2024), p. 75.

[75] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 6.

[76] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 9.

[77] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 38.

3.80 The Committee notes the provisions have the effect of abrogating the privilege against self-incrimination and provide for derivative use immunity. In relation to the abrogation of the privilege, the Australian Law Reform Commission states:

> Nearly all laws that abrogate the privilege provide a safeguard in the form of use immunity regarding the answers given—that is, they provide that the answers given are not admissible against the person in a subsequent proceeding. Some laws also provide derivative use immunity—that is, they provide that evidence obtained as a direct or indirect result of a person having made a statement is not admissible against the person. The Guide to Framing Commonwealth Offences indicates that where a law excludes the privilege, it is 'usual to include a use immunity or a derivative use immunity provision'. The Guide explains that the rationale for this protection is that 'removing the privilege against self-incrimination represents a significant loss of personal liberty for an individual who is forced to give evidence that would tend to incriminate him or herself.[78]

3.81 During the course of its Inquiry, the Committee received limited comments on the exclusion of the privilege. Arid Lands Environment Centre made general comments:

> The self-incrimination abrogation in sections 58ZC and 137T is justified on environmental protection grounds, but this power primarily serves regulatory efficiency rather than environmental outcomes.[79]

Immunity from civil and criminal liability

3.82 Clauses 32 and 85 seek to extend immunity from civil and criminal liability for an act done or omitted to be done in good faith in the exercise of a power or performance of a function as the CEO, an inspector, or a person authorised to assist an inspector.

3.83 The Department advised:

> We have our inspectors who are undertaking activities and trying to enforce compliance and make sure people are complying with their obligations. This makes sure they are not prevented from doing what they are supposed to do by fear of being prosecuted or being held civilly or criminally liable for what they are doing.[80]

3.84 The Committee notes there are existing immunities for inspectors and/or persons assisting them under the Pipelines Act and the Submerged Lands Act.[81]

Committee comments

3.85 The Committee considers the provisions relating to Minister's directions, compliance directions and stop work notices to be appropriate, and notes the Department's advice that Ministerial directions are inappropriate for review. The Committee similarly considers the provisions abrogating the privilege against self-incrimination are appropriate, noting the derivative use immunity safeguard.

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[78] Australian Law Reform Commission, *Traditional Rights and Freedoms—Encroachments by Commonwealth Laws (ALRC Report 129)* (2016), p. 322. For more information see Australian Government, Attorney-General's Department, *A Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers* (2024).

[79] Submission 15 – Arid Lands Environment Centre, p. 2.

[80] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 7.

[81] *Energy Pipelines Act 1981* (NT), s 63A; *Petroleum (Submerged Lands) Act 1981* (NT), s 137AB.

3.86 The Committee considers it essential that inspectors appointed under the proposed provisions possess appropriate skills, training and experience. This is particularly important in light of the expanded scope of the inspectors' powers, including coercive search and seizure powers and the use of force, and the conferral of immunity from civil and criminal liability.

3.87 The Committee further considers that the scope and limits of the inspectors' powers should be clearly set out. This is especially important in relation to the use of force to ensure there is no ambiguity as to how these powers may be exercised in practice. The Committee thanks the Department for the detailed advice regarding these issues. However, the Committee notes this detail is not set out in the Bill or Explanatory Statement.

3.88 The Committee acknowledges that a flexible approach to the appointment of inspectors enables consistency for inspectors appointed across multiple regulatory schemes and that it may not be appropriate to prescribe specific qualifications in the Bill itself. However, the Committee considers this information should be also included in the Explanatory Statement.

Recommendation 2

The Committee recommends that the Explanatory Statement be amended to contain additional detail about the skills, training and experience required by a person to be appointed as an inspector under proposed sections 58R and 137G.

Recommendation 3

The Committee recommends that the Explanatory Statement be amended to clarify that an inspector may only exercise 'reasonable force' against a thing and not against a person under proposed sections 58V(8) and 137L(8).

Entry to land

3.89 As outlined above, proposed section 5B sets out powers of inspectors to enter land to exercise their powers and functions. Proposed Part 5C further sets out matters relating to entry on land for the purpose of complying with a ministerial direction to remove property under amended sections 28(1) and (2), a ministerial direction to a licensee under proposed section 58J, or a compliance direction by the CEO under proposed section 58L. The persons to whom the direction was issued (or a person engaged by them) may only enter:

- with the consent of the owner or occupier of the land
- if the person gives at least 7 days' prior written notice to the owner or occupier
- in an emergency if there is risk of environmental harm if works are not carried out immediately.[82]

3.90 The powers of entry under Part 5C and an inspector's powers to enter land under section 5B may be exercised despite the land being, or the premises being on,

[82] Proposed section 58ZQ sets out further requirements for entry in an emergency.

Aboriginal land or the person/inspector not holding a permit under the *Aboriginal Land Act 1978* to enter or remain on Aboriginal land.[83]

3.91 Some submitters did not support the exemption from requiring a permit under the *Aboriginal Land Act 1978.* The CLC queried why a person should not be required to hold a permit in non-emergency situations:

> The new Part 5C introduced by the Bill purports to allow entry onto Aboriginal land without a permit in order to comply with a direction. This is said to apply to the person to whom the notice is directed, their employees and contractors. It also applies not just to emergency situations, but in circumstances where that person could give 7 days' notice of entry. CLC raises no concern about entry being authorised by the Pipelines Act in emergency situations. However if a notice period is possible, then the person should also be applying for a permit under the [*Aboriginal Land Act 1978*].[84]

3.92 NLC critiqued the lack of consultation undertaken with Traditional Owners regarding the compliance framework as these provisions will likely 'interfere with the land rights and civil liberties' and 'are contrary to the enabling provisions in the Land Rights Act'. NLC raised particular concerns about the impact of entry powers on sacred sites:

> 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.
>
> 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.[85]

3.93 Arid Lands Environment Centre similarly submitted that the exemption from holding an entry permit 'represents a meaningful override of land rights protections that deserves greater scrutiny' and the notice requirements are minimal.[86]

3.94 The Department advised:

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[83] See proposed sections 58ZD and 58ZK(7).
[84] Submission 16 – Central Land Council, p. 4.
[85] Submission 20 – Northern Land Council, p. 3.
[86] Submission 15 – Arid Lands Environment Centre, p. 2.

> Proposed section 58R will provide that authorised inspectors can only be appointed under the Pipelines Act by the CEO of DME, the department that holds regulatory responsibility for the Pipelines Act. Authorised inspectors appointed under this Act are likely to be highly specialised pipelines or petroleum engineers who have the technical expertise to ascertain compliance with approved pipeline management plans. Subdivision 2 of the Bill details the specific functions and powers that are necessary for inspectors to ensure authorised activities can be regulated appropriately.
>
> Urgent entry to land may be required to effectively investigate an alleged contravention, even in the absence of an emergency. By way of example, proposed section 58U(c) establishes that an inspector may need to secure compliance with the Act or investigate contraventions of the Act.
>
> In developing the Bill, consideration was specifically given to section 70(2A)of the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) which sets out defences to the offence of entering or remaining on Aboriginal land, recognising that 'performing functions, or exercising powers, under… a law of the Northern Territory'; 'performing functions or exercising powers as a …Northern Territory officer'; and 'in accordance with this Act or a law of the Northern Territory' as legitimate reasons for entering and remaining on Aboriginal land. DME recognises the defences to the offence specified in the ALRA; and considers the proposed provision at section 58ZD (in not requiring a permit under the Aboriginal Land Act 1978 for authorised officers undertaking official duties) is a consistent policy position to what already exists in ALRA and other NT legislation.[87]

Committee comments

3.95 The Committee notes stakeholder concerns regarding the proposed powers of entry. However, the Committee considers the provisions to be appropriate in the context of the compliance and regulatory objectives of the Bill.

3.96 The Committee notes the Department's advice that the entry powers will be exercised by suitably qualified experts acting within clearly defined statutory powers and functions, and that access to land may be necessary to investigate contraventions and ensure compliance with the Pipelines Act.

3.97 The Committee further notes the Department's rationale that the provisions are consistent with existing legal settings, including recognised exceptions under the *Aboriginal Land Rights (Northern Territory) Act 1976* that permit entry onto Aboriginal land for the purpose of performing functions or exercising powers under NT law. In this context, the Committee accepts that the exemption from permit requirements reflects an established policy approach rather than a novel departure. On balance, the Committee considers the provisions to be appropriate.

Reviewable decisions

3.98 Proposed section 58ZR provides that an affected person for a reviewable decision under the Pipelines Act may apply to the Northern Territory Civil and Administrative Tribunal for review of the relevant decision.

3.99 The Committee heard positive feedback on the inclusion of proposed section 58ZR. However, some submitters called for the expansion of reviewable decisions. For example, Ward Keller proposed that ministerial directions under section 58J should

[87] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, pp. 11-12.

be reviewable, noting it is 'a broad power with significant financial and operational consequences' (see discussion above at 'Minister's directions').[88]

3.100 CLC advocated for an expansion of third party standing to enable landowners affected by decisions, permits and licences to apply for merits review, noting it is more efficient than relying solely on judicial review.[89]

3.101 In relation to this proposal, the Department advised:

> CLC are suggesting the provision of standing to landholders to apply for a review of decisions that affect them. The implications of such an expansion in standing would be significant and is not considered appropriate.
>
> Expanding rights to seek merits review of decisions to landholders would create uncertainty for industry and the Government, risking project delays and disruption to the decision-making process, both of which could increase costs and deter investment. In addition, the merits review process itself can incur considerable costs through requirements to obtain legal advice, compile document briefs and attend hearings.
>
> It is not considered appropriate that decisions to grant pipeline licences are made subject to third party merits review. By this stage in the development process, proponents will have made significant investment in determining and negotiating a suitable pipeline route, potentially across many land parcels and tenures. It is noted that the application process for a pipeline licence includes a requirement to notify and invite affected persons to submit representations and comments to the Minister that must be considered prior to the grant of a licence. In this way, affected persons, including landholders and the relevant Land Councils have the opportunity to raise concerns with the Minister before a decision is made to grant the licence.
>
> It is also noted that in 2025 the Northern Territory Government removed third party merits review from the *Petroleum Act 1984*, the *Water Act 1992* and the *Planning Act 1999* as a means of providing greater certainty to industry and encouraging economic investment in the Territory. To include third party rights of review in the Pipelines Act would be inconsistent with recent government policy and subsequent legislative amendments.[90]

Committee's Comments

3.102 On balance, the Committee considers the provisions to be appropriate. Whilst acknowledging the sentiment behind the CLC's recommendation, the Committee notes the landowners will have opportunity to make representations to the Minister before a decision to grant a pipeline licence is made. The Committee further notes the Department's advice that the exclusion of third-party review is consistent with other NT legislation.

Delegation of administrative powers

3.103 The Bill provides for the delegation of certain powers by the CEO and the Minister.

[88] Submission 9 – Ward Keller, pp. 1-2.
[89] Submission 16 – Central Land Council, p. 4.
[90] Department of Mining and Energy, Answers to Written Questions, 14 April 2026, p. 12.

Delegation of CEO powers

3.104 Clauses 32 and 85 seek to amend the Pipelines Act and the Submerged Lands Act, respectively, to provide for the CEO to delegate any of their powers and functions to 'a person'. The Committee notes this would enable the CEO to delegate the proposed powers outlined in the Bill, including the power to issue compliance directions and stop work notices.

3.105 With regard to who may exercise the delegated powers of the CEO, the Department advised:

> If the CEO in this case is unavailable on a plane or remote and cannot be contacted for authorisation, we have a mechanism in place not to be held up by that delay...The role is a very senior role in government, reporting to a CEO, so it comes with an expectation through a merit recruitment process that person is suitably qualified to undertake that activity. The responsibilities come with the job and the job is appointed to the person deemed most suitable to undertake it.[91]

3.106 The Committee notes that other comparable legislation allows for the delegation of any of a CEO's powers under that legislation to 'a person' without specifying particular qualification requirements.[92] These delegations are generally framed as a way to enable 'administrative efficiencies and streamline decision-making'.[93] However, there is precedence in other NT legislation to require a person exercising a delegated power to be required to possess suitable skills and qualifications.[94]

Delegation of Minister's powers

3.107 Clause 70 seeks to amend section 16 of the Submerged Lands Act by simplifying and modernising the existing provision that enables the Minister to delegate any of their powers and functions under that Act to 'a person' and removing the 'outdated requirement to publish instruments of delegation in the Gazette, which is not required under other resources legislation'.[95]

3.108 The Committee notes this delegation extends to existing powers under the Submerged Lands Act. This includes requiring the production of documents and abrogating the privilege against self-incrimination,[96] exempting licensees from the requirements of the Submerged Lands Act,[97] seizing, disposing of, or selling

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[91] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 7.

[92] *Petroleum Act 1984*, s 117S; *Energy Protection Act 2019*, s 279.

[93] Explanatory Statement, Environment Protection Bill 2019 (Serial 94), https://legislation.nt.gov.au/api/sitecore/Bill/SC_OtherDoc?itemId=a5d0a06d-56ac-4592-a925-fc318b21ba54&type=ExplanatoryStatementBody

[94] *Territory Coordinator Act 2025*, s 18.

[95] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 32.

[96] *Petroleum (Submerged Lands) Act 1981*, s 115.

[97] *Petroleum (Submerged Lands) Act 1981*, s 103.

property,[98] granting authority to access areas (including areas outside of license areas),[99] and examining a person under oath.[100]

3.109 Similar to the CEO's delegation power. the Committee further notes that other comparable legislation allows for the delegation of the Minister's powers to 'a person', without specifying any particular requirements for skills or experience.[101]

3.110 The Committee received limited comments in relation to these clauses but sought clarification from the Department. In relation to the removal of publication requirements, the Department advised:

> That is contemporising what is common across all the delegations in other legislation. This is a very old piece of legislation where historically—we are talking back in the 1980s—delegations were published in the gazette. The Petroleum Act, Energy Pipelines Act, Geothermal Act—none of those have that requirement, and I am pretty confident that the other resource legislation in the Northern Territory also does not have that requirement… they are an internal policy document. I am getting into the detail a little bit, but any delegation within the department related to legislation is approved by the minister.[102]

Committee comments

3.111 The Committee acknowledges that the delegation of the CEO's and the Minister's powers are required to ensure administrative efficiency. The Committee notes that, in effect, clause 70 of the Bill removes the notification requirements, and the Minister's powers to delegate are simplified but remain unchanged. The Committee considers the removal of the publication requirement is appropriate in the context.

3.112 The Committee notes the Minister may exercise significant powers under the Submerged Lands Act. As part of the compliance framework, the Bill inserts a number of new powers for the CEO, including appointing inspectors, issuing compliance directions and stop work notices, and authorising entry to land. Noting the sensitivities that may be associated with the exercise of these powers, the Committee considers that the delegations should only be made to persons who possess appropriate skills, knowledge and experience.

3.113 The Committee notes there are existing delegations in place for the Minister, and the Bill will not alter this power substantially. The Committee further notes the Department's advice that the CEO's powers will be exercised by a senior departmental officer who is suitably qualified and experienced. The Committee considers this is sufficient, noting the CEO is best placed to determine who will exercise their powers and being prescriptive about who may exercise the powers may undermine the objective of administrative efficiency.

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[98] *Petroleum (Submerged Lands) Act 1981*, ss 107, 113.
[99] *Petroleum (Submerged Lands) Act 1981*, s 112.
[100] *Petroleum (Submerged Lands) Act 1981*, s 116.
[101] See, for example, *Petroleum Act 1984*, s 117R.
[102] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 7.

3.114 However, as a minimum safeguard, the Committee considers it should be explicit on the face of the Bill that the person exercising the Minister's and the CEO's delegated powers is suitably qualified and experienced.

Recommendation 4

The Committee recommends that clauses 32 and 85 of the Bill be amended to provide that the CEO's powers and functions under the *Energy Pipelines Act 1981* and the *Petroleum (Submerged Lands) Act 1983* may only be delegated to 'a suitably qualified and experienced person'.

Recommendation 5

The Committee recommends that clause 70 of the Bill be amended to provide that the Minister's powers under the *Petroleum (Submerged Lands) Act 1983* may only be delegated to 'a suitably qualified and experienced person'.

Retention licences and checkerboarding

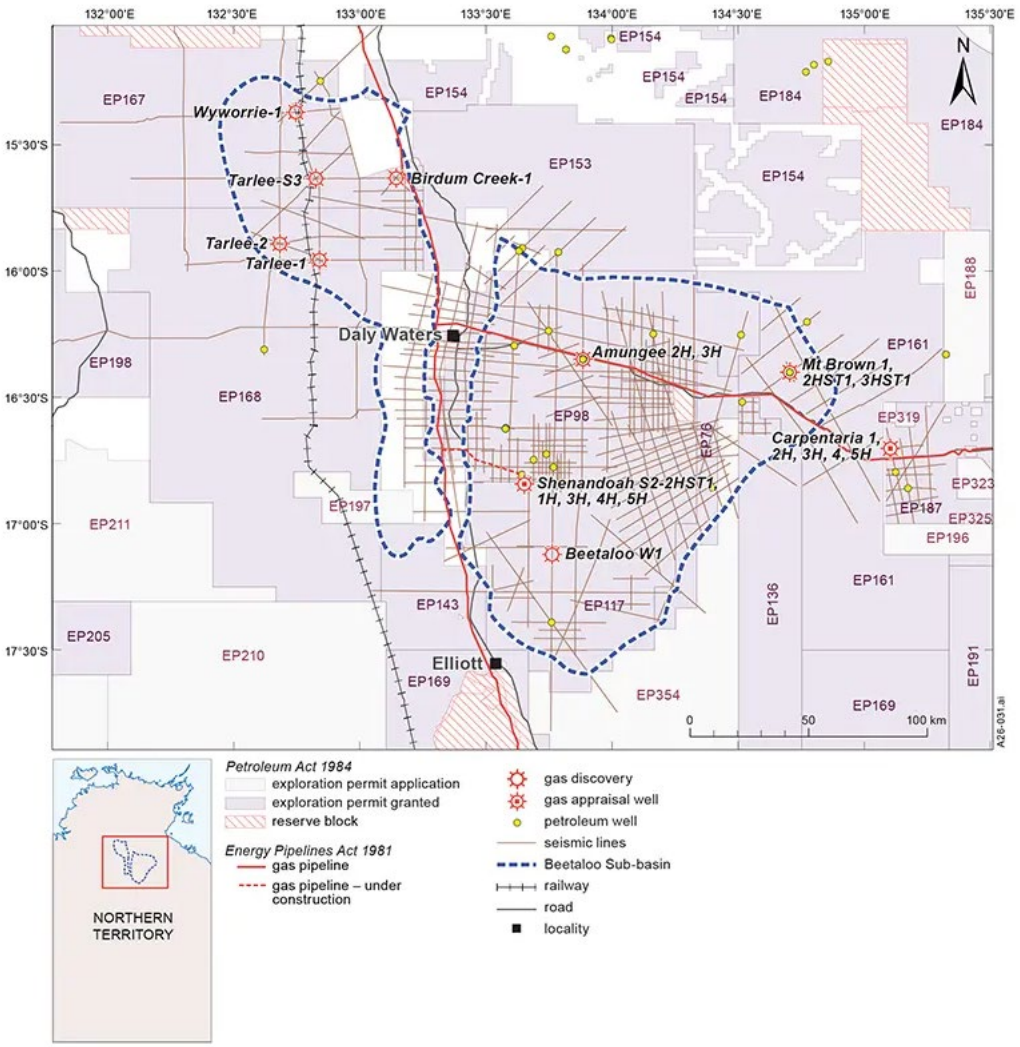
3.115 Part 3 of the Bill seeks to amend the Petroleum Act to modernise the framework for retention licences, with a view to assisting "the various operators in the Beetaloo to effectively implement their 'checkerboarding' development strategies".[103] At the public hearing, the Department explained:

> Checkerboarding involves the creation of multiple smaller petroleum interest areas owned by a range of companies, rather than large petroleum interest areas being slowly developed. Checkerboarding provides a number of strategic, commercial and regulatory advantages during early to mid-stage basin development. It enables broader ownership and investment opportunities which are designed to increase the pace of development so that companies can better understand the shale gas resource and move at advanced pace towards commercial development.
>
> Checkerboarding, from a tenure ownership perspective, reduces the reliance on a single operator to advance development over large areas like we have in the Beetaloo Sub-basin. This is important because if one operator slows their activity due to capital constraints or other forces, this has a significant effect and delays the progression of a basin.[104]

[103] Hon Gerard Maley MLA, Minister for Mining and Energy, Draft Daily Hansard – Wednesday 18 March 2026, https://territorystories.nt.gov.au/10070/1030209, p 10.

[104] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 3.

Figure 1: The Beetaloo Sub-basin[105]



Transfer of petroleum between titles

3.116 Clause 51 seeks to amend section 42 of the Petroleum Act to provide for a right that allows petroleum that is recovered under another petroleum permit or licence to be accepted into the licence area for processing, refining, storing or transporting the petroleum. Clause 55 seeks to amend section 56 to insert an equivalent right in relation to petroleum recovered under a production licence.

3.117 In general, the Committee received supportive comments from industry stakeholders in relation to these new rights. Industry stakeholders submitted the transfer of petroleum between titles would:

- enable shared processing and infrastructure across different sites[106]
- reduce operational costs and impact[107]

[105] NT Government, *Beetaloo Sub-basin* (2026), https://territorygas.nt.gov.au/onshore/beetaloo-sub-basin.
[106] Submission 12 – INPEX, p. 3; Submission 19 – Santos, p. 2.
[107] Submission 19 – Santos, p. 2; Submission 9 – Ward Keller, p. 3.

- attract further investment to the region.[108]

3.118 Whilst INPEX supported the clauses, the company suggested that 'a clear set of Guidelines be prepared and published to outline the process as well as define the potential regulatory barriers to the transfer'.[109]

3.119 By contrast, several stakeholders opposed the amendments. Arid Lands Environment Centre submitted that the amendments will exacerbate potential environmental impacts associated with shale gas extraction in the Beetaloo.[110]

3.120 With regard to environmental concerns, the Department advised at the public hearing:

> …we are talking about tenure changes, so it is not actually anything operational; it is the management of tenure from an exploration permit through a retention licence. That is not, I guess, industry activity.
>
> However, the proposal to do the checkerboarding is to see increased development. Our colleagues in the Department of Lands, Planning and Environment regulate the environmental aspects of petroleum through an environment management plan. Again, there are rigorous standards being put in place through implementation of inquiry recommendations.[111]

3.121 Environment Centre NT raised concerns about the impact of proposed amendments on Traditional Owners:

> It purports to expand the rights attaching to petroleum tenure, in a way that may undermine the rights of native title holders and/or be inconsistent with Commonwealth legislation (namely, the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Native Title Act 1993*). These provisions should be removed.[112]

Continuation of exploration permits

3.122 Clause 43 seeks to insert new section 22A to allow for the continuation of an exploration permit, in its final term, if the Minister accepts an application for a retention or production licence prior to expiry of the exploration permit.

3.123 The clause was supported by submitters who noted the continuation of exploration permits will lead to:

- the reduction of timing risks that have impacted operators[113]
- the maintenance of project momentum[114]
- greater regulatory certainty for investment.[115]

3.124 Australian Energy Producers submitted:

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[108] Submission 11 – Tamboran Resources Corporation, p. 1.
[109] Submission 12 – INPEX, p. 3.
[110] Submission 15 – Arid Lands Environment Centre, pp. 1-2.
[111] Committee Transcript, Public Briefing, Monday 23 March 2026, https://parliament.nt.gov.au/__data/assets/pdf_file/0004/1604425/Corrected-Transcript-Public-Briefing-Serial-57-Tuesday-24-March-2026.pdf, p. 8.
[112] Submission 17 – Environment Centre NT, p. 4.
[113] Submission 9 – Ward Keller, p. 3.
[114] Submission 12 – INPEX, p. 3.
[115] Submission 10 – Australian Energy Producers, p. 1.

> The option to extend exploration permit terms provides an important signal of regulatory stability. By offering greater certainty around tenure and development rights, it reduces investment risk and strengthens the commercial case for long-term gas development in the Territory. This added certainty is a key enabler for attracting capital and advancing projects that contribute to energy security, regional development, and broader economic growth.[116]

Adjacent exploration permits

3.125 Clause 45 seeks to amend section 31 of the Petroleum Act to allow an exploration permittee to apply for one or more retention licences in relation to all or part of the permit area or adjacent permit areas held by the permittee, subject to a notice of discovery of petroleum within the permit area or areas being given to the Minister in accordance with section 64. This is intended to:

> Allow a permittee to apply for a retention licence over an area that incorporates blocks from two adjacent exploration permits, subject to meeting the requirements of section 33, which deals with the size and shape of retention licences. This recognises that shale reserves are continuous and likely extend across multiple permit boundaries.[117]

3.126 The Committee received supportive comments in relation to the amendments to section 31. Ward Keller submitted that the proposed provisions remove artificial permit boundaries by shifting the focus from discovery wells to reservoir-wide assessment, better reflecting the continuous nature of shale gas accumulations and allowing for more 'coherent appraisal programmes'.[118]

3.127 Similarly, Daly Waters Energy pointed to the potential for industry development:

> By enabling retention licences to be granted across adjoining exploration permit areas, and providing a clear mechanism to divide or amalgamate licence areas, this Bill gives companies in the Beetaloo the tenure flexibility to advance their development strategies and attract the global oil and gas capital, and partners such as INPEX that will be essential to realising the basin's full potential.[119]

Division and amalgamation of licences

3.128 Proposed sections 42A and 42B provide for a process to enable retention licensees to apply to divide or amalgamate their retention licence areas. The Explanatory Statement states:

> This will provide flexibility during the appraisal phase for licensees to adjust and refine retention licence areas while working towards developing the commerciality of the petroleum resource, to ultimately identify the ideal location for a production licence or licences.[120]

3.129 Industry stakeholders supported the reforms to the retention licencing framework, noting the division and amalgamation of retention licences will give companies in the

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[116] Submission 10 – Australian Energy Producers, p. 1.

[117] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 24.

[118] Submission 9 – Ward Keller, p. 2.

[119] Submission 3 – Daly Waters Energy, pp. 1-2.

[120] Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf, p. 27.

Beetaloo tenure flexibility to better suit shale gas development and will enable industry growth.[121] Santos submitted:

> The proposed tenure division and amalgamation provisions offer material improvements to project development efficiency, helping to attract investment and achieve more effective planning by enabling strategic consolidation of interest areas to optimise resource development; enhance coordination between adjacent developments; and accelerate progression of commercially viable resources…The amendments eliminate the requirement for retention licence areas to contain a physical discovery well, instead allowing Santos to secure tenure based on modern seismic technology that identifies petroleum reserves beneath the surface. New processes also enable Santos to divide or combine retention licence titles as exploration progresses, providing flexibility to adjust tenure arrangements and development strategies as geological understanding improves. [122]

3.130 Australian Energy Producers argued the amendments to the retention licence framework support "more flexible and investment-friendly arrangements for petroleum licences".[123] In relation to the division and amalgamation of permits, they stated:

> The proposed framework for the division and amalgamation of permits represents a constructive step toward a more flexible regime that supports investment and development. By enabling companies to consolidate and coordinate interest areas, the Bill supports more efficient project planning, capital allocation during the life of a project. This flexibility is likely to direct investment toward the most commercially viable and development-ready resources, accelerating project timelines and supporting timely delivery of oil and gas to market.[124]

3.131 By contrast, some submitters did not support the division and amalgamation provisions, raising concerns about the potential for risks to Native Title holders.[125] The CLC submitted:

- The provisions may have impacts on Traditional Owners' cultural and spiritual connection to land via expanded infrastructure networks and exclusion zones
- Clearance certificates issued by the CLC protect the applicant against prosecution for entering, damaging or interfering with sites under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) and *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)
- Reliance solely on the Aboriginal Areas Protection Authority register is insufficient, as it is not comprehensive and may expose sacred sites to risk.[126]

3.132 In response to the CLC's concerns, the Committee sought advice from the Department, who advised:

> The proposed amendments in relation to retention licences are a petroleum tenure function. Retention licences are a progressive form of tenure issued after exploration permits and before a production licence under the *Petroleum Act 1984.* None of these forms of tenure allow a petroleum company to undertake

[121] Submission 3 – Daly Waters Energy; Submission 4 – Beetaloo Energy Australia; Submission 19 – Santos.
[122] Submission 19 – Santos, pp. 2-3.
[123] Submission 10 – Australian Energy Producers, p. 1.
[124] Submission 10 – Australian Energy Producers, p. 1.
[125] Submission 17 – Environment Centre NT, p. 4; Submission 16 – Central Land Council, p. 5.
[126] Submission 16 – Central Land Council, p. 5.

> regulated activity such as a seismic survey, creating a well pad, drilling a petroleum well, hydraulicly fracturing a well or producing gas. Regulated activities can only occur after approvals for an Environment Management Plan or a Well Operations Management Plan have been obtained. These activities also require Sacred Sites Clearances from the Aboriginal Areas Protection Authority.
>
> All 3 forms of petroleum tenure require either a native title agreement or consent from traditional owners (via land councils or a prescribed body corporate) before the tenure can be granted to a petroleum company. To obtain this agreement or consent, a petroleum company meets with native title holders or traditional owners to talk about their intended use of the land and to understand where areas may be deemed sensitive or restricted due to cultural sensitivities. Compensation provisions also form part of these agreements and consents.
>
> Once petroleum tenure is granted, petroleum companies continue to meet with native title holders or traditional owners to discuss their annual work programs, future plans for development and continue to engage with aboriginal people about the lands they are operating on. These frameworks, prescribed under the *Native Title Act 1993* and the *Aboriginal Land Rights (Northen Territory) Act 1976*, in conjunction with other legislation like the *Petroleum Act 1984* and Sacred Sites protections, ensure the rights and interests of traditional owners and native title holders are appropriately protected.

Terms and renewal of retention licences

3.133 Clause 48 seeks to replace section 36 of the Petroleum Act to clarify that a retention licence granted under section 34 may be granted for a term of five years commencing on the date on which it was granted. Clause 49 further seeks to amend section 37 to require additional information to be provided by applicants seeking a second or subsequent renewal of their retention licence. Clause 50 seeks to amend section 38 to allow the Minister to grant retention licences for shorter terms with new or amended conditions for the term of the renewal.

3.134 Ward Keller supported the amendments, noting:

> The Territory has a legitimate interest in ensuring that retention licences are actively progressed towards commerciality and are not used to warehouse acreage. Proposed section 37(2A) requires second and subsequent renewal applicants to account for what has been done with the licence and to demonstrate a credible path forward. This is a proportionate response. The ability for the Minister to grant shorter renewal terms of up to 5 years under proposed section 38(2)(b), rather than the fixed 5-year term that applies to first renewals, gives the Minister the incentive to progress without the blunt instrument of refusing renewal outright.[127]

Committee comments

3.135 The Committee notes that the majority of submitters supported the proposed amendments to the retention licence framework. In light of the Department's advice that the provisions relate to tenure only and that existing safeguards continue to apply under the Native Title Act and the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), the Committee considers the provisions to be appropriate.

[127] Submission 9 – Ward Keller, pp. 2-3.

Appendix 1: Submissions Received

Submissions Received

1. Echelon Resources Limited
2. Vopak Australia
3. Daly Waters Energy
4. Beetaloo Energy Australia
5. Energy Club
6. Minerals Council of Australia Northern Territory
7. Jemena
8. APA Group
9. Ward Keller
10. Australian Energy Producers
11. Tamboran Resources
12. INPEX
13. National Offshore Petroleum Safety and Environmental Management Authority
14. Frack Free NT
15. Arid Lands Environment Centre
16. Central Land Council
17. Environment Centre NT
18. Tiwi Land Council
19. Santos
20. Northern Land Council

Note: Copies of submissions are available at:
https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/57-2026

Appendix 2: Public Briefing

Public Briefing – Darwin, 24 March 2026

Department of Lands, Planning and Environment

- James Pratt: Senior Executive Director, Energy Development, Department of Lands, Planning and Environment
- Emily Collard: Director Regulatory Reform, Energy Development, Department of Lands, Planning and Environment
- Tess Cole-Adams: Executive Director Environment Regulation, Department of Lands, Planning and Environment

Note: A copy of the public briefing transcript is available at: https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/57-2026

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Department of Mining and Energy, Answers to Written Questions, https://parliament.nt.gov.au/__data/assets/pdf_file/0020/1607510/From-Department-of-Mining-and-Energy-Response-to-Written-Questions-Pipelines-and-Petroleum-Legislation-Amendment-Bill-Serial-57.pdf

Energy Pipeline Regulations 2001 (NT)

Energy Pipelines Act 1981 (NT)

Environment Protection Act 2019 (NT)

Explanatory Statement, Environment Protection Bill 2019 (Serial 94), https://legislation.nt.gov.au/api/sitecore/Bill/SC_OtherDoc?itemId=a5d0a06d-56ac-4592-a925-fc318b21ba54&type=ExplanatoryStatementBody

Explanatory Statement, Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026 (Serial 57), https://parliament.nt.gov.au/__data/assets/pdf_file/0018/1600533/Explanatory-Statement-Pipelines-and-Petroleum-Legislation-Amendment-Industry-Development-Bill-2026.pdf

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Hon Gerard Maley MLA, Minister for Mining and Energy, Draft Daily Hansard – Wednesday 18 March 2026, https://territorystories.nt.gov.au/10070/1030209

Mineral Titles Act 2019 (Cth)

NT Government, *Beetaloo Sub-basin* (2026), https://territorygas.nt.gov.au/onshore/beetaloo-sub-basin

NT Government, *Carbon Capture and Storage* (2026), https://territorygas.nt.gov.au/carbon-capture-and-storage

Petroleum Act 1984 (NT)

Petroleum (Submerged Lands) Act 1981 (NT)

Territory Coordinator Act 2025 (NT)

Dissenting Report – Justine Davis MLA

Justine Davis MLA
Independent Member for Johnston
Alawa - Jingili - Millner - Moil
integrity | action | community

29/04/26

Dear Chair and Members of the Legislative Scrutiny Committee,

Re: Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026

I acknowledge the work of the Legislative Scrutiny Committee and the Committee Secretariat for their diligent work in examining this Bill and preparing a report for Parliament.

I also acknowledge those who provided submissions to the Committee. The inquiry received 20 submissions from a wide range of industry stakeholders, environmental organisations, and land councils representing Aboriginal peoples in the Territory.

Having considered the submissions and the Department's responses to the Committee's written questions, I am concerned that the Bill does not fully satisfy the Committee's Terms of Reference. The Committee is required to consider whether legislation has sufficient regard to the rights and liberties of individuals, allows the delegation of administrative powers only in appropriate cases and to appropriate persons, confers entry powers only with appropriate safeguards, and has sufficient regard to Aboriginal and Torres Strait Islander tradition. In my view, there are specific provisions in this Bill that should be amended before it is passed to ensure those requirements are met. I therefore make the following recommendations.

Entry to Aboriginal land without a permit

The Bill allows inspectors to enter Aboriginal land without holding a permit under the Aboriginal Land Act 1978 (NT) (ALA) - not just in a genuine emergency, but also in circumstances where seven days' written notice has been given. The same exemption applies to persons acting under a Ministerial or CEO compliance direction.

The CLC accepted the emergency exemption. Their concern is with the non-emergency access. They submitted:

> If a notice period is possible, then the person should also be applying for a permit under the Aboriginal Land Act 1978.

The Northern Land Council raised concerns that the expanded entry powers create "an unacceptable risk of damage to sacred sites, cultural heritage" and that no justification has been provided for overriding the permit requirement outside of emergencies. They

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recommended that access to Aboriginal land during the permit phase remain subject to proper notice and permit requirements, other than in a genuine emergency.

The Department's response was that the provisions are consistent with existing defences under the Aboriginal Land Rights (Northern Territory) Act 1976, which recognise that a person performing functions under NT law is not committing an offence by entering Aboriginal land. The Department concluded this was "a consistent policy position."

The permit system under the Aboriginal Land Act is not a technicality. It is the mechanism through which Traditional Owners exercise real oversight over who enters their land and why. The permit process gives land councils and Traditional Owners notice and an opportunity to respond. Where there is time to give seven days' written notice to a landowner, there is time to apply for a permit.

Our Terms of Reference require us to consider whether the Bill has sufficient regard to Aboriginal and Torres Strait Islander tradition. I am not satisfied that it does in relation to these provisions.

The Bill should be amended so that where a person proposes to enter Aboriginal land in a non-emergency situation – that is, where they are giving seven days' written notice – they must also hold a permit under the Aboriginal Land Act, or have genuinely applied for one. Emergency entry can continue to operate as currently drafted. This change would not obstruct the compliance objectives of the Bill. It would simply ensure that Traditional Owners retain meaningful oversight in situations where there is time for that oversight to occur.

Recommendation:

Require that any entry onto Aboriginal land by an inspector or a person directed to undertake works under Parts 5B or 5C of the Energy Pipelines Act 1981 (as amended) be subject to the permit requirements of the Aboriginal Land Act 1978 (NT), except where there is a genuine emergency as defined in proposed section 58ZQ.

Third party review:

The CLC submitted that landowners affected by pipeline licences and related decisions should have standing to apply for merits review. The Department rejected this, saying it would "create uncertainty for industry and the Government" and was inconsistent with the

NT Government's 2025 decision to remove third party review from other resources legislation.

I note that the 2025 decision to remove third party merits review from the Petroleum Act, the Water Act, and the Planning Act was itself controversial. Treating it as settled policy that cannot be revisited is a decision with real consequences for Aboriginal landowners who have no pathway to challenge decisions affecting their land other than expensive judicial review.

The majority notes that landowners can make representations to the Minister before a licence is granted. That is true. It is also true that the Minister is not required to accept those representations, and there is no mechanism for a landowner to challenge a decision they believe did not properly take their concerns into account.

Recommendation:

The Bill should be amended to provide standing for affected landowners, including Aboriginal landowners and native title holders, to apply for merits review of decisions to grant, vary or transfer a pipeline licence over land in which they hold an interest

Retention licences and the impact on Traditional Owners

The Bill makes significant changes to the retention licence framework to facilitate 'checkerboarding' in the Beetaloo Sub-basin - the creation of smaller, multiple petroleum interest areas across the basin to encourage investment and accelerate development. Proposed sections 42A and 42B allow retention licence areas to be divided and amalgamated. Submitters raised concerns about the impact on Traditional Owners' cultural and spiritual connection to land via expanded infrastructure networks and exclusion zones.

The CLC also raised a specific and important concern about sacred site clearances: reliance solely on the Aboriginal Areas Protection Authority (AAPA) register is insufficient because it is not comprehensive, and clearance certificates issued by the CLC protect against prosecution for interfering with sites not captured on the AAPA register.

The Department's response was that regulated activities (seismic surveys, drilling, fracking) require Sacred Sites Clearances. This does not address the CLC's concern. The Department

confirmed clearances are required; it did not address whether the clearance process is adequate when the AAPA register is incomplete.

Saying that clearances are required is not the same as saying that the clearance process is adequate. The Bill should require proponents dividing or amalgamating retention licence areas to obtain clearance certificates from the relevant land council, not just rely on the AAPA register.

Recommendation:

The Bill should be amended to require proponents seeking to divide or amalgamate a retention licence area under proposed sections 42A or 42B to obtain either a AAPA Authority Certificate or Land Council Sacred Site Clearance Certificate *The AAPA register is not comprehensive, and land council clearances provide an additional and important layer of protection for sacred sites that the current framework does not require.*

The 'fit and proper person' test and landholder rights

The Bill introduces a 'fit and proper person' test for applicants seeking a permit or pipeline licence. However, proposed section 4B(2) explicitly states that the Minister is not required to conduct an investigation to determine whether a person meets this test, but need only consider the information placed before them.

Submitters raised significant concerns about the inadequacy of this framework. The Arid Lands Environment Centre submitted that this creates a "low bar" that places the compliance burden on regulators receiving information rather than the proactive vetting of industry actors. Frack Free NT argued that the provisions are "tokenistic" and that the Minister's considerations must be expanded to include the applicant's past conduct when negotiating land access with vulnerable landholders.

The Department defended the provision, arguing that it avoids imposing an "additional administrative burden" to investigate a person prior to making a determination, and noted it aligns with other resources legislation. The majority of the Committee has accepted this rationale.

I do not agree that administrative convenience should take precedence over rigorous vetting for proponents of major, high-risk infrastructure. Furthermore, a company's past conduct in

land access negotiations is a fundamental indicator of whether they are 'fit and proper'. Ignoring this aspect leaves landholders, including Aboriginal landowners, without adequate protection from coercive or unfair negotiation tactics.

Recommendation:

The Bill should be amended to remove the exemption from investigation under proposed section 4B(2), thereby requiring the Minister to proactively investigate whether an applicant is a fit and proper person. Additionally, proposed section 4B(1) should be amended to explicitly include an applicant's past conduct in negotiating land access with landholders and Traditional Owners as a mandatory consideration in the fit and proper person test.

Conclusion

The Committee's terms of reference require us to consider whether legislation has sufficient regard to Aboriginal and Torres Strait Islander tradition. I am not satisfied that this Bill does.

Across the issues examined above, the Bill consistently prioritises regulatory streamlining and industry certainty over the rights of Aboriginal landowners and Traditional Owners. The majority's position that the existing framework adequately protects Aboriginal rights and the Department's assurances are sufficient treats legal compliance as the ceiling rather than the floor. The fact that a provision does not explicitly breach the ALRA or the NTA does not mean it has sufficient regard to Aboriginal and Torres Strait Islander tradition.

In line with our obligations on this committee to consider whether legislation has sufficient regard to Aboriginal and Torres Strait Islander tradition, I provide this dissenting report.

Justine Davis

Independent Member for Johnston