



## **Frack Free NT - Submission to the Legislative Scrutiny Committee on the Pipelines and Petroleum Legislation Amendment (Industry Development) Bill 2026**

To the Members of the Legislative Scrutiny Committee,

Thank you for the opportunity to provide feedback regarding this incredibly significant piece of legislation.

Frack Free NT is a community group that has been active for over a decade, with thousands of supporters across the NT. We pride ourselves on uniting people from different walks of life and different political backgrounds, under the shared vision of protecting the NT's precious water, environment and cultures from the dangers of gas fracking.

This is important even more so now, given we have suffered from five weather-related national disasters in the NT this wet season, including Tropical Cyclone Narelle. As we write this, communities across the Top End from Daly River to Jilkminggan continues to bear the brunt of these impacts

We strongly believe that the Legislative Assembly should not pass this bill, or, that if it does, amendments are made to strengthen environmental protections. We urge the Committee to recommend this accordingly.

As we will outline below, we also do not believe that this bill has sufficient regard to the rights and liberties of individuals.

### **Overarching concerns**

The primary concern of Frack Free NT is the potential impacts of gas fracking on the NT's water, climate, environment and First Nations communities and culture. If fracking is to go ahead in the Northern Territory, and infrastructure is to be developed in conjunction with these activities, government and industry must (at a minimum) fully implement and adhere to the 135 recommendations made by the Scientific Inquiry into Hydraulic Fracturing (hereafter 'the Pepper Inquiry'). We are concerned that the proposed amendments to the *Energy Pipelines Act 1981*, the *Petroleum Act 1984* and the *Petroleum (Submerged Lands) Act 1981* continue to degrade and deplete the NT laws without consideration of amendments required to protect the environment.

Fundamentally, we are deeply concerned that amendments are being made to create a smoother path to develop environmentally destructive industries, without adequate regard to,

and protection of the NT's land, water, biodiversity and climate, and without the creation of laws in parallel to strengthen environmental protections. We have seen the removal of environmental protections in relevant legislation and regulation over the past 3 years that were clearly outside the intention of the recommendations of the Pepper Inquiry.

While some small measures have been introduced to allow for an assessment of the fitness of applicants, these are discretionary and do not imply an active investigation.

### **Specific concerns**

The subheadings below outline the major concerns we have with this legislation. Given the short turnaround time on submissions to this Committee, the complexity of language in the bill and the difficulties in fully understanding the implications of these amendments, we emphasise that this is not a comprehensive list of our concerns, but an attempt to capture what we believe are the most concerning aspects of this legislation.

We urge the Committee to seek its own legal advice as to implications of the changes proposed in this Bill. We are concerned that there are far broader implications to these amendments than that are set out in the Explanatory Statement.

### **Amendments to the Energy Pipelines Act**

#### **Revised definitions**

A number of the revised definitions in clause 6 (section 3) are concerning.

*Apparatus and works* - this definition is now far too broad. 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.

*Pipeline* - We note that the definition of 'pipeline' is also now far broader and it includes the transportation of a range of substances not originally envisioned by this Act. In its current drafting, the *Energy Pipelines Act* is legislation regulating energy pipelines used for the conveyance of an energy-producing hydrocarbon. What's proposed is a momentous shift such that it applies to pipelines that transport a "regulated substance", meaning an energy-producing hydrocarbon, hydrogen, any hydrogen compound, carbon dioxide or a gas or other substance prescribed by regulation. The definition is proposed to be significantly broadened, but provisions within the Act to deal with the environmental harms of conveyance of a broader range of substances have not been broadened or considered.

*Regulated substance* - as set out above, the substances that are now proposed to be conveyed through pipelines under this Act have significantly increased, without addressing the potential environmental harms of conveyance of such materials.

## **Recommendation:**

### Section 4 (Clauses 7)

Section 4 refers to the application of the legislation.

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.

### New section 4B (clause 8)

The introduction of a fit and proper purpose test is welcome.

However, it is discretionary and whilst the section sets out matters that a Minister can take into account when considering whether a person is fit and proper, it does not require the Minister to undertake investigations about the person. The explanatory statement states that “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”. 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 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.

### Section 8 (clause 11)

Section 8 relates to the granting of permits to access land.

Again this applies a “fit and proper person” test, and this test needs to be expanded to include consideration of the person’s conduct in negotiating access to land with landholders.

It is important to note in high stakes interactions such as these (where landholders are asked or required to negotiate access to their land for infrastructure projects such as these),

landholders (who run their land for cattle or agriculture for instance) are often less resourced and vulnerable. There needs to be proper processes put in place, requiring more resourced parties (such as pipeline proponents) to conduct themselves in a fair and reasonable way, without coercion and intimidation.

The current “fit and proper person” test proposed does not take into consideration the methods used by pipeline proponents to negotiate access with landholders, and their conduct should be taken into account when considering whether a permit for land access should be granted.

#### Section 15 (clause 15)

Again, the fit and proper person test should include additional considerations in relation to the pipeline proponent’s conduct in relation to landholders.

#### Section 18A (clause 18)

#### Incorporation of feedback from the community

Lastly, we are concerned that these major changes to three pieces of legislation are being rushed through, without adequate time for the public - including members of the community who are likely to be impacted by this legislation - to understand these changes, and to provide feedback.

Changes to legislation suggested in this bill have the potential to impact on people’s rights and livelihoods. In addition, changes to these Acts are in public interest. As such, there needed to be consultation with the community and relevant stakeholders prior to the introduction of this bill. The hastiness of the inquiry means that it is highly unlikely that affected stakeholders will have been able to get across changes in provisions that relate to them.

We know that this Scrutiny Committee has limited time to accept feedback.

**Recommendation:** That the legislation be amended to incorporate the main themes of concern so as to mitigate these concerns, and that the consultation period be extended by 1 month and the bill not be passed in the next sitting of parliament.

Kind regards, Louis Boyle Bryant on behalf of Frack Free NT.