

A guide to land access in the Northern Territory

For onshore petroleum exploration and production on private land

April 2022



Document title	A guide to land access in the Northern Territory
Contact details	Department of Industry, Tourism and Trade
Approved by	Senior Executive Director Energy Development, Mining and Energy Division
Date approved	30 March 2021
Document review	Annually
TRM number	36:2021/0208-0012~0002

Version	Date	Author	Changes made
1.0	24 March 2021	Land Access Officer	First version
1.1	24 May 2021	Land Access Officer	<ul style="list-style-type: none"> • Additional flowchart inserted at section 17. • Alternative text added to the flowcharts at sections 14, 15 and 17. • Replaced broken links to Petroleum Regulations 2020 on NT Legislation Database.
1.2	6 July 2021	Land Access Officer	Updated fees listed at section 16 of the Guide to reflect change in revenue unit value as of 1 July 2021.
1.3	13 April 2022	Land Access Manager	<ul style="list-style-type: none"> • References to 'Landholder' replaced with 'Designated Person' throughout document. • References to 'Petroleum Title' replaced with 'Petroleum Interest' throughout document. • References to 'Petroleum Interest Holder' replaced with 'Interest Holder' throughout document. • References to 'Regulated Petroleum Operations' replaced with 'Regulated Operations' throughout document. • Link to Mediators Panel Register established at section 7.3. • Information about the Land Access Team's regulatory compliance enforcement model and classes of breaches inserted at Section 14.
1.4	29 June 2022	Land Access Officer	Updated fees listed at section 16 of the Guide to reflect change in revenue unit value as of 1 July 2022.

Term	Definitions for the purpose of this guide
Access Agreement Register	The register of Approved/Determined Land Access Agreements established and maintained by the Minister for Mining and Industry, in accordance with regulation 32 of the Petroleum Regulations 2020 .
Act	The Petroleum Act 1984 .
Administrator	The Administrator of the Northern Territory of Australia.
ADR Convenor	In accordance with regulation 25(2) of the Petroleum Regulations 2020 , an ADR Convenor is a person selected to conduct an ADR Process (either chosen by the Parties under regulations 18 or 37, or appointed by the CEO under regulations 23, 38 or 70).
ADR Process	In accordance with regulation 25(1) of the Petroleum Regulations 2020 , an ADR Process is a dispute resolution process of any type, other than arbitration. E.g. conciliation, facilitated negotiation, case appraisal or mediation.
Airborne Survey	An airborne survey, also known as an “aerial survey”, is any survey conducted over land from the air using aeroplanes, helicopters or drones. E.g. collecting geomatics or other imagery, conducting a weed survey.
Alternative Dispute Resolution	The use of processes and techniques to resolve a dispute without a litigation process.
Amendment Bill	The Petroleum Legislation Miscellaneous Amendments Bill 2020 .
Amendment Act	The Petroleum Legislation Miscellaneous Amendments Act 2020 .
Approved Land Access Agreement	A written Land Access Agreement, signed by an Interest Holder and Designated Person, and approved by the Minister for Mining and Industry.
Authorised Officer	A person appointed by the Minister for Mining and Industry under Part 4 Division 9 of the Petroleum Regulations 2020 .
Chief Executive Officer	The Chief Executive Officer of the Department of Industry, Tourism and Trade.
Department	The Department of Industry, Tourism and Trade.
Designated Person	An Owner or Occupier of Private Land (being private land as defined in this guide). Where there is a distinction between the owner and occupier of the land, the specific term “Owner” or “Occupier” is used.
Determined Land Access Agreement	A Land Access Agreement determined by the Tribunal under regulation 29 of the Petroleum Regulations 2020 .
Final Report	The Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory .
Implementation Plan	The Scientific Inquiry into Hydraulic Fracturing Implementation Plan .
Inquiry	The Independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs and Associated Activities in the Northern Territory.
Inquiry Panel	The panel established to conduct the Independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs and Associated Activities in the Northern Territory.

Term	Definitions for the purpose of this guide
Interest Holder	The holder of a Petroleum Interest E.g. the holder of an exploration permit, access authority, retention licence or production licence.
Land Access Agreement	In accordance with regulation 3(2) of the Petroleum Regulations 2020 , an access agreement is a land access agreement prescribed by the Administrator, as mentioned in section 118(2) of the Petroleum Act 1984 .
Land Register	The register kept by the Registrar-General in accordance with section 6 of the Land Title Act 2000 .
Minister	The Minister for Mining and Industry.
Occupier	An Occupier of the land may be the holder of a: <ul style="list-style-type: none"> • lease or sublease over an NT freehold title • sublease or under lease over a pastoral or Crown lease.
Owner	An Owner of the land may be the holder of: <ul style="list-style-type: none"> • an NT freehold title • a pastoral or Crown lease.
Mediators Panel	The Mediators Panel established by the Minister for Mining and Industry under Part 4 Division 4 Subdivision 1 of the Petroleum Regulations 2020 .
Mediators Panel Register	The register of Mediators Panel members kept and maintained by the Chief Executive Officer of the Department of Industry, Tourism and Trade, and published on the Department's website, in accordance with regulation 22 of the Petroleum Regulations 2020 .
Panel Mediator	A person appointed to the Mediators Panel by the Minister for Mining and Industry in accordance with Part 4 Division 4 Subdivision 1 of the Petroleum Regulations 2020 .
Parties	A relevant Designated Person and Interest Holder, as defined under regulation 3 of the Petroleum Regulations 2020 .
Petroleum Interest	A petroleum title granted under the Petroleum Act 1984 , being: <ul style="list-style-type: none"> • an exploration permit • an access authority • a retention licence • a production licence.
Preliminary Activities	In accordance with regulation 3 of the Petroleum Regulations 2020 , Preliminary Activities are a type of exploration activity which have no, or low impact, on land. Preliminary Activities include: <ul style="list-style-type: none"> • taking water samples • taking rock samples without using heavy machinery • taking soil samples to a depth of up to four metres • carrying out surveys that do not involve: <ul style="list-style-type: none"> ○ the clearing of any vegetation ○ the permanent installation of any infrastructure or equipment on land • driving a vehicle, other than a heavy vehicle, on land in connection with other preliminary activities.
Private Land	Land held under a pastoral lease, Crown lease or NT freehold. This does not include vacant Crown land, Aboriginal freehold land, or land held by native title parties.

Term	Definitions for the purpose of this guide
Regulated Operations	In accordance with regulation 3 of the Petroleum Regulations 2020 , regulated operations are any petroleum operations for which an exploration permit, retention licence or production licence is required under the Petroleum Act 1984 , except preliminary activities.
Regulations	The Petroleum Regulations 2020 .
Restricted Land	Areas of land where petroleum operations are prohibited, as outlined in section 111 of the Petroleum Act 1984 .

Acronyms	Full form
ADR	Alternative Dispute Resolution
CEO	Chief Executive Officer
NT	Northern Territory
NTG	Northern Territory Government

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1. Introduction to guide

This guide is intended to:

- explain the statutory land access framework introduced under the [Petroleum Regulations 2020](#)
- assist Designated Persons and Interest Holders in understanding their land access rights and obligations in relation to Regulated Operations on Private Land in the NT
- promote effective shared land use arrangements between the pastoral and petroleum industries to foster the economic growth of the NT.

The information included in this guide should not be relied on as legal advice or as a substitute for legal advice. The NTG strongly advises that Parties obtain independent legal advice before signing any agreement.

2. Background to land rights and access for petroleum activities

2.1. The need for shared land use between industries

Pastoral and petroleum production are both vital industries in the NT. The successful coexistence of these industries has enormous benefits for the NT and its community.

While Designated Persons in the NT have rights over the land of their properties, resources that exist below the earth's surface belong to the Crown. The production of these resources contributes royalties and economic benefits for the people of the NT and helps provide energy security to Australia.

2.2. Land use rights of a holder of Private Land

A person or entity may purchase or be granted rights to Private Land under the:

- [Pastoral Lands Act 1992](#)
- [Crown Lands Act 1992](#)
- [Law of Property Act 2000.](#)

A Designated Person may hold land under:

- a pastoral lease
- a Crown lease
- NT freehold.

2.2.1. Pastoral and Crown leases

Approximately 44% of the NT's total land mass is held under pastoral leases. Pastoral leases are granted over Crown land and are a significant form of land tenure, which supports the growth of the NT's pastoral industry. These leases predominately allow people to use the land for grazing traditional livestock such as cattle and buffalo; they may also be used for tourism, forestry and aquaculture activities.

Crown leases may also be granted over Crown land for a broad range of purposes, including commercial and community development, tourism, recreation and other ancillary purposes.

On behalf of the Crown, the NTG reserves certain rights over land held under pastoral and Crown leases. This includes rights to enter and inspect the land, and rights to resources.

2.2.2. NT freehold

Approximately 1% of the NT's land mass is held under NT freehold. NT freehold is the highest form of land tenure and provides complete, unrestricted ownership of the land. It allows the Designated Person to deal with the land including selling, leasing, licensing or mortgaging the land, subject to compliance with applicable laws such as planning and environment laws.

Certain rights, including rights to resources, are reserved to the NTG on behalf of the Crown.

2.3. Land use rights of an Interest Holder

A person or company may be granted a Petroleum Interest over land under the [Petroleum Act 1984](#). This may be:

- an exploration permit
- an access authority
- a retention licence
- a production licence.

2.3.1. Exploration permits

An exploration permit grants a person or company exclusive rights to explore for (but not produce) petroleum in the permit area. These exploratory operations allow a person or company to establish the nature and extent of a petroleum resource within their permit area, and determine the feasibility of production. Exploration permits are granted for an initial term of 5 years and may be renewed. An exploration permit can only be renewed twice.

Exploration activities may include:

- preliminary activities
- airborne gravity and magnetic surveys
- ground-based seismic surveys
- the drilling of an exploration well.

2.3.2. Retention licences

If an Interest Holder discovers petroleum within its permit area which has development potential but it is not commercially viable to produce at the time, it has a right to apply to convert the exploration permit, or part of the exploration permit, into a retention licence.

Retention licences are granted for an initial term of 5 years and can be renewed for ongoing periods of 5 years if production is still not commercially viable.

An Interest Holder that is granted a retention licence must actively work towards making the production of the discovered petroleum commercially viable and apply to convert the retention licence, or part of the retention licence, into a production licence.

2.3.3. Production licences

If an Interest Holder discovers petroleum within its permit area which has development potential, it has a right to apply to convert the exploration permit, or part of the permit, into a production licence.

If an Interest Holder discovers petroleum within its retention licence that is commercially viable to produce, it has a right to apply to convert the retention licence, or part of the retention licence, into a production licence.

A production licence gives a person or company the right to explore, test and produce petroleum hydrocarbons from within a licence area. This may include drilling a development well. Production licences are granted for an initial term of 21 or 25 years and can be renewed for ongoing periods of 21 or 25 years.

2.3.4. Access authorities

An access authority gives an Interest Holder the right to access an area of land outside of its existing permit or licence area to undertake a particular petroleum activity. E.g. An Interest Holder may need to conduct a seismic survey that will affect an area of land outside of its existing permit or licence area. It must obtain an access authority before conducting the activity.

3. Reform of land access legislation for petroleum activities in the NT

3.1. Independent Scientific Inquiry into Hydraulic Fracturing

On 14 September 2016, the Chief Minister, the Honourable Michael Gunner MLA, announced a moratorium on hydraulic fracturing of onshore unconventional shale gas reservoirs in the NT. It was also announced that an independent scientific panel would be appointed to conduct an inquiry into the impacts and risks associated with hydraulic fracturing.

The Independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs and Associated Activities in the Northern Territory was introduced under the [Inquiries Act NT 1945](#).

On 3 December 2016, an [Inquiry Panel](#) was formed, chaired by the [Honourable Justice Rachel Pepper](#) and made up of nine expert panel members with specialist knowledge in:

- engineering
- environmental matters
- natural resources management.

The [Inquiry Panel](#) undertook an extensive engagement program, including:

- holding public hearings through urban settings
- talking to Territorians at community meetings in urban, regional and remote settings.

The [Inquiry Panel](#) received and considered over 1,200 submissions.

3.1.1. Inquiry Panel recommendations

On 27 March 2018, the Inquiry Panel presented its [Final Report](#) to the NTG which contained 135 recommendations to reduce identified risks associated with the development of an onshore petroleum industry in the NT to acceptable levels.

The [Inquiry Panel](#) determined that if all 135 recommendations were implemented, the identified risks of onshore petroleum industry development could be mitigated or eliminated entirely.

The NTG accepted all 135 of the recommendations and established an [Implementation Plan](#) to implement the recommendations. Dr David Ritchie was appointed as the [Independent Officer](#) to oversee the implementation and six main reform areas were identified, being:

- strengthening regulation
- ensuring accountable industry practice
- safeguarding water and the environment
- respecting community and culture
- maximising regional benefits and local opportunities
- planning for industry.

The [Implementation Plan](#) proposed to implement the recommendations in three stages via a total of 138 implementation items.

As the recommendations and associated implementation items spanned many topics, and a broad range of jurisdictions, multiple government entities were tasked with executing the action items collaboratively.

These government entities included the:

- Aboriginal Areas Protection Authority
- Department of Environment, Parks and Water Security
- Department of Infrastructure, Planning and Logistics
- Department of Industry, Tourism and Trade
- Department of the Chief Minister and Cabinet
- Department of Treasury and Finance
- Department of the Attorney-General and Justice.

3.1.2. Land access related Inquiry Panel recommendations and action items

The [Inquiry Panel](#) recognised it was fundamental a cooperative relationship between pastoralists and Interest Holders existed to promote effective shared land use arrangements between the pastoral and petroleum industries.

It was noted that although a number of pastoralists had successful land access arrangements in place with Interest Holders many also felt that there was a power imbalance as:

- pastoralists had limited experience negotiating land access arrangements compared to Interest Holders
- pastoralists had limited access to independent and affordable legal advice, and limited time and technical knowledge to assist them with their negotiations.

The [Inquiry Panel](#) made three specific recommendations in its [Final Report](#) in relation to land access, being recommendations 14.6, 14.7 and 14.8.

The [Inquiry Panel](#) recommended:

- there be a legislative requirement to have statutory land access agreements in place before conducting onshore petroleum activities
- that statutory land access agreements must contain minimum landholder protections
- a minimum mandatory compensation scheme payable to pastoral lessees for all onshore petroleum production activities on a pastoral lease be enacted.

It was noted that a statutory land access framework for onshore petroleum activities in the NT would be consistent with several other jurisdictions in Australia, including Queensland and New South Wales.

The [Inquiry Panel](#) also stated it was not appropriate for there to be a statutory right of veto for pastoralists.

Recommendation 14.6

“That a statutory land access agreement be required by legislation.

That prior to undertaking any onshore shale gas activity on a Pastoral Lease (including but not limited to any exploration or production activity), a land access agreement must be negotiated and signed by the Pastoral Lessee and the gas company.

That breach of the land access agreement be a breach of the relevant exploration or production approval giving rise to the onshore shale gas activity being carried out on the land”.

Recommendation 14.7

“That in addition to any terms negotiated between the pastoralist and the gas company, the statutory land access agreement must contain ... standard minimum protections for pastoralists”.

Recommendation 14.8

“That prior to the grant of any further exploration permits or production approvals, the Government enacts a minimum mandatory compensation scheme payable to Pastoral Lessees for all onshore shale gas production on their Pastoral Lease. Compensation should be calculated by reference to the impact that the development will have on the Pastoral Lease and the Pastoral Lessee, for example, the number of wells drilled, the value of the land (both before and after), and the area of land cleared and rendered unavailable for pastoral activities.

The NTG’s [Implementation Plan](#) proposed to implement these three recommendations by undertaking a reform of petroleum laws in the NT.

3.1.3. Land access related legislative reforms

On 30 March 2020, the Legislative Assembly passed the [Petroleum Legislation Miscellaneous Amendments Bill 2019](#) which amended the [Petroleum Act 1984](#).

The [Petroleum Legislation Miscellaneous Amendments Act 2020](#) commenced on 28 June 2020. The [Amendment Act](#) allowed the Administrator to make regulations under the [Petroleum Act 1984](#) in relation to statutory land access agreements.

3.1.4. Commencement of the Petroleum Regulations 2020

On 1 January 2021, the [Petroleum Regulations 2020](#) commenced which:

- implemented recommendations 14.6, 14.7 and 14.8 of the Inquiry
- made it a legal requirement for an Interest Holder to have a written Land Access Agreement with a Designated Person (which has been approved by the Minister) before commencing Regulated Operations under an exploration permit, retention licence or production licence
- made it a legal requirement for Land Access Agreements to contain minimum provisions to protect Designated Persons, including a minimum mandatory compensation scheme.

The [Petroleum Regulations 2020](#) also introduced a framework for Interest Holders and Designated Persons to follow when:

- reaching a Land Access Agreement
- varying an Approved/Determined Land Access Agreement
- dealing with disputes and breaches of an Approved/Determined Land Access Agreement.

A full break down of the legislative land access framework and associated processes is detailed at [Section 5](#) of this guide.

4. Current laws and processes for onshore petroleum activities in the NT

4.1. Onshore petroleum industry legislation

Legislation / Policy	Overview
Petroleum Act 1984	This Act regulates the exploration and production of petroleum in the NT. It provides a legal framework to promote effective exploration for petroleum and develop petroleum production so that the optimum value of the resource is returned to the NT.
Petroleum (Environment) Regulations 2016	These Regulations ensure that activities regulated under the Petroleum Act 1984 are carried out in a manner consistent with the principles of ecologically sustainable development to reduce environmental impacts and risks of the activities to acceptable levels that are as low as reasonably practicable.
Petroleum Regulations 2020	These Regulations underpin the integrity of shared land use arrangements when authorised petroleum activities are conducted on Private Land under a Petroleum Interest.
NT Schedule of Onshore Petroleum Exploration and Production Requirements	This Schedule outlines the operational requirements Interest Holders must comply with when conducting authorised petroleum activities under a Petroleum Interest.

4.2. Petroleum industry processes

Before a petroleum company can commence any exploration or production activities, it must be granted a Petroleum Interest. E.g. an exploration permit, access authority, retention licence or production licence.

Once a petroleum company has been granted a Petroleum Interest it becomes an Interest Holder.

If the proposed activity is a regulated activity, as defined under regulation 5 of the [Petroleum \(Environment\) Regulations 2016](#), an Interest Holder must apply to the Department of Environment, Parks and Water Security to obtain approval of an [Environment Management Plan](#).

When it is ready to commence activities under its permit or licence, it is also required to apply to the Department of Industry, Tourism and Trade for approval to conduct its petroleum activities in line with its technical work program.

The approval process requires the Interest Holder to submit various documents to the Department, such as:

- an approved environment management plan (EMP)
- a safety management plan
- insurance certificates
- an emergency response plan

An Interest Holder must also pay a rehabilitation security bond.

Before an Interest Holder can commence Regulated Operations, it must also enter into a Land Access Agreement with any relevant Designated Persons. The processes for reaching a Land Access Agreement with a Designated Person are outlined under the [Petroleum Regulations 2020](#) and are explained further at [Section 5](#) of this guide.

An Interest Holder is not required to reach a Land Access Agreement with a Designated Person to conduct:

- Preliminary Activities
- Airborne Surveys.

Regulations 52 and 53 of the [Regulations](#) outline a separate process Interest Holders must follow before/when conducting preliminary activities. These processes are outlined at [Section 4.3](#) of this guide.

Regulations 54 and 55 of the [Regulations](#) outline a separate process Interest Holders must follow before/when conducting airborne surveys. These processes are outlined at [Section 4.4](#) of this guide.

4.3. Preliminary Activities

4.3.1. Notice to Designated Person

If an Interest Holder wishes to conduct Preliminary Activities it must issue a notice to the Designated Person to inform them of its intended activities. Notice must be given using the [Notice of preliminary activities](#).

The notice must be given at least 14 days before the Interest Holder is due to conduct the Preliminary Activities and include:

- a plan and description of the land over which the preliminary activities will be carried out
- information about its Petroleum Interest
- a description of the Preliminary Activities to be carried out
- information about:
 - any vehicle or equipment to be used on the land for the activities
 - the number of people expected to be involved in the activities
 - when it intends to carry out the activities
 - the expected duration of the activities
- its contact details.

It is an offence for an Interest Holder to conduct Preliminary Activities without giving the Designated Person the appropriate notice.

4.3.2. Conducting the Preliminary Activities

An Interest Holder must:

- not drive a vehicle off an existing road or track during the activities without getting written consent from the Designated Person
- backfill any hole created during the activities with the remaining soil or, material extracted when creating the hole, as soon as possible.

It is an offence for an Interest Holder to not comply with these requirements.

4.4. Airborne Surveys

4.4.1. Notice to Designated Person

If an Interest Holder has obtained approval from the Department, it must issue a notice to the Designated Person to inform them of its intended Airborne Survey. Notice must be given using the [Notice of airborne survey activity](#).

The notice must be given at least 14 days before the Interest Holder is due to conduct the Airborne Survey and include:

- a plan and description of the land over which the survey will be carried out
- information about its Petroleum Interest
- a description of the survey that will be carried out
- information about:
 - the aircraft it will use
 - the altitude at which the survey will be carried out
 - when it intends to carry out the survey
 - the expected duration of the survey
- its contact details.

It is an offence for an Interest Holder to conduct an Airborne Survey without giving the Designated Person the appropriate notice.

4.4.2. Conducting the Airborne Survey

An Interest Holder must ensure that an Airborne Survey is carried out in a way that minimises the disturbance of livestock.

It is an offence for an Interest Holder to conduct an Airborne Survey which disturbs livestock if the disturbance could reasonably have been avoided.

4.5. Restricted Land

Under section 111 of the [Petroleum Act 1984](#), unless it has written approval from the relevant Designated Person, an Interest Holder is prohibited from carrying out Regulated Operations:

- within 50 metres of land being used as a residence, yard, garden, orchard or cultivated field
- within 200 metres of land being used as a cemetery within the meaning of the [Cemeteries Act 1952](#)
- within 200 metres of any artificial accumulation of water or outlet from which water may be obtained.

5. Land Access Agreements for Regulated Operations in the NT

5.1. Legal requirement for Land Access Agreements

Land Access Agreements are a legal requirement under the [Petroleum Regulations 2020](#).

If an Interest Holder wants to obtain approval to commence Regulated Operations it must negotiate a Land Access Agreement with the Designated Person, in accordance with the processes under the [Petroleum Regulations 2020](#).

The processes involved in negotiating a Land Access Agreement are separate to the consultation requirements an Interest Holder must undertake in relation to an [Environment Management Plan](#).

It is an offence for an Interest Holder to commence Regulated Operations on land without an Approved or Determined Land Access Agreement with the Designated Person.

A Land Access Agreement is not required if the subject land is:

- vacant Crown land
- land held under Aboriginal freehold.

An Interest Holder is also not required to reach a Land Access Agreement under the [Regulations](#) with native title parties.

Rights and interests in relation to conducting petroleum activities over land held under Aboriginal freehold or by native title parties are outlined in the [Aboriginal Land Rights Act \(Northern Territory\) 1976](#) and the [Native Title Act 1993](#).

5.2. Purpose of Land Access Agreements

The purpose of a Land Access Agreement is to ensure the orderly search for petroleum while recognising the rights of Designated Persons to conduct their activities free from unreasonable interference or disturbance.

Under the [Petroleum Regulations 2020](#), both Designated Persons and Interest Holders have clear legal rights regarding land use for pastoral and petroleum operations.

All Land Access Agreements should be developed on a shared understanding that both the Designated Person and the Interest Holder have a need and right to use the land.

Relationships between Interest Holders and Designated Persons should be:

- positive
- courteous
- honest
- respectful.

Land use needs/rights of Interest Holders	Land use needs/rights of Designated Persons
<ul style="list-style-type: none"> • To conduct Regulated Operations on land under a Petroleum Interest in accordance with an approved technical work program 	<ul style="list-style-type: none"> • To use land for pastoral, business and other purposes with minimal disturbance from Interest Holders and their operations

Obligations of Interest Holders	Obligations of Designated Persons
<ul style="list-style-type: none"> • Be respectful of Designated Person's rights and business operations 	<ul style="list-style-type: none"> • Be respectful of Interest Holder's rights and business operations
<ul style="list-style-type: none"> • Negotiate land access arrangements with Designated Persons in good faith 	<ul style="list-style-type: none"> • Negotiate land access arrangements with Interest Holders in good faith
<ul style="list-style-type: none"> • Follow and meet all legal obligations under the Regulations when reaching Land Access Agreements with Designated Persons 	<ul style="list-style-type: none"> • Follow and meet all legal obligations under the Regulations when reaching Land Access Agreements with Interest Holders
<ul style="list-style-type: none"> • Before commencing Regulated Operations, ensure Land Access Agreements are: <ul style="list-style-type: none"> ○ reached with Designated Persons in writing ○ approved by the Minister or determined by the Tribunal 	<ul style="list-style-type: none"> • Allow Interest Holders to enter or cross land to carry out Regulated Operations in accordance with Land Access Agreements: <ul style="list-style-type: none"> • approved by the Minister • determined by the Tribunal
<ul style="list-style-type: none"> • Ensure: <ul style="list-style-type: none"> ○ agreement compliance ○ minimal disturbance to livestock and Designated Persons ○ adherence to notice periods ○ timely responses to Designated Person enquiries 	<ul style="list-style-type: none"> • Ensure: <ul style="list-style-type: none"> ○ agreement compliance ○ minimal interference with petroleum activities

Obligations of Interest Holders	Obligations of Designated Persons
<ul style="list-style-type: none"> ○ regular operational updates to Designated Persons 	
<ul style="list-style-type: none"> ● Meet all statutory and contractual obligations under the Approved/Determined Land Access Agreements and the Regulations, including the minimum Designated Person protections 	<ul style="list-style-type: none"> ● Meet all statutory and contractual obligations under the Approved/Determined Land Access Agreements and the Regulations

5.3. Structure of Land Access Agreements

5.3.1. Parties to a Land Access Agreement

5.3.1.1. Who can sign and be a party to a Land Access Agreement

A Land Access Agreement must be signed by the Interest Holder and the Designated Person.

If more than one petroleum company owns an interest in a Petroleum Interest, as a joint venture, each company must be a party to and sign the Land Access Agreement with the Designated Person.

If more than one person or entity owns an interest in the land, either as joint tenants or tenants in common, each person or entity must be a party to and sign the Land Access Agreement with the Interest Holder.

5.3.1.2. Land Owners and Occupiers

If land is owned under NT freehold and a lease or sublease has been registered over the land on the Land Register, the lessee or sublessee is known as the Occupier of the land. The Occupier of the land may be a party and sign the Land Access Agreement as the Designated Person.

If the land is owned under a pastoral or Crown lease and a sublease or under lease has been registered over the land on the Land Register, the sublessee or under lessee is known as the Occupier. The Occupier of the land may be a party to and sign the Land Access Agreement as the Designated Person.

Under the [Regulations](#), the Owner of the land:

- will be notified by the Interest Holder when it commences negotiations with the Occupier of the land
- will be notified by the Interest Holder when a Land Access Agreement is approved, determined or varied
- will be granted guarantees from the Interest Holder under the Land Access Agreement, including:
 - repairs to gates, fences, grids and other barriers
 - making good any harm or damage caused to the land, water, infrastructure or improvements
 - rehabilitating and remediating the land.

5.3.1.3. Changes to petroleum or land interests after a Land Access Agreement is reached

If an Interest Holder is a party to an Approved or Determined Land Access Agreement and chooses to transfer or sell its Petroleum Interest, it must notify the Designated Person. The permit or licence must be

transferred under section 93 of the [Petroleum Act 1984](#) before the new owner becomes the holder of the permit or licence. The new owner of the permit or licence becomes the holder of the Petroleum Interest and a party to the existing Land Access Agreement.

If a Designated Person is a party to an Approved or Determined Land Access Agreement and chooses to transfer or sell their land, they must notify the relevant Interest Holder. The person or entity that is assigned or purchases the land becomes a party to the existing Land Access Agreement. The person or entity must notify the CEO within 14 days that they have become the Designated Person using the [Notice to CEO of change to designated person](#).

5.3.2. Drafting a Land Access Agreement

A Land Access Agreement is a legally binding contract between an Interest Holder and a Designated Person. It needs to be comprehensive and cover all land access arrangements agreed between the Parties, taking into account the legal requirements set out under the [Petroleum Regulations 2020](#). It is strongly recommended that Parties seek independent advice and assistance with the drafting and settling of a Land Access Agreement.

This may include engaging the services of:

- a lawyer
- an agronomist
- a valuer
- an accountant.

5.3.3. Term of a Land Access Agreement

The term of a Land Access Agreement cannot exceed the balance of the term of a Petroleum Interest. For example, if a petroleum company is granted an exploration permit for a term of 5 years, the term of the associated Land Access Agreement cannot exceed the expiry date of the exploration permit.

Parties may choose to extend an existing Land Access Agreement; this would involve varying the agreement. Read more about varying an Approved or Determined Land Access Agreement at [Section 13.3](#) of the guide.

5.3.4. Content of a Land Access Agreement

5.3.4.1. Minimum protections

In accordance with recommendation 14.7 of the [Final Report](#), and regulation 14 of the [Regulations](#), a Land Access Agreement must include minimum Designated Person protections. The standard minimum protections that must be included in a Land Access Agreement are listed at Schedule 2 of the [Regulations](#) and are summarised in the table below.

Parties may also wish to negotiate additional provisions to be included in the Land Access Agreement, as they consider appropriate.

Minimum protections	Overview
1. Minimum notice periods	The Interest Holder must give the Designated Person a minimum of 14 days notice (unless otherwise agreed with the Designated Person) before commencing Regulated Operations on the land.
2. Minimise disturbance	The Interest Holder must conduct its Regulated Operations in a manner that minimises disturbance to the Designated Person's livestock and existing land uses.
3. Weeds, pests and diseases	The Interest Holder must take all reasonable measures to prevent the introduction or spread of weeds and diseases.
4. Induction	The Interest Holder must take all reasonable steps to ensure its employees and contractors have received information and training in relation to the Act, the Regulations and the Land Access Agreement.
5. Access points	<p>The Interest Holder and Designated Person must seek to negotiate on access points. If agreement cannot be reached:</p> <ul style="list-style-type: none"> the Interest Holder may use an existing access point (if practicable); or (if it is not practicable to use an existing access point) the Interest Holder may construct access points that minimise disturbance to the Designated Person. <p>The Interest Holder must maintain any access points it uses in a safe condition.</p>
6. Gates	The Interest Holder must return all gates to their original position, unless otherwise agreed with the Designated Person.
7. Consent to fence	<p>The Interest Holder must not construct a fence without the Designated Person's approval (subject to any legislative restrictions such as WHS reasons).</p> <p>Fences constructed must be stock proof, unless otherwise agreed with Designated Persons.</p>
8. Camps	Parties must use their reasonable endeavours to agree on the details of any camp (for personnel) to be constructed on the land.
9. Obligation to repair	If a gate, fence, grid or barrier is damaged because of petroleum activities, the Interest Holder must notify the Designated Person and the Department. The Interest Holder must either repair the damage or pay the reasonable cost of repair. Repair must be in consultation with the Designated Person.
10. Notification of damage	If there is any loss or damage caused by petroleum activities, the Interest Holder must notify the Designated Person as soon as reasonable practicable and within 14 days (or sooner if the Department has been notified).
11. Rehabilitation and remediation	The Interest Holder must consult with the Designated Person about rehabilitation and remediation and take the Designated Person's proposals into account. Within three months of completing the rehabilitation and remediation, the Interest Holder must engage a suitably qualified, independent person to provide a report assessing the extent and effectiveness of the rehabilitation and remediation.
12. Compensation for drilling	The Land Access Agreement must provide a minimum amount of compensation to be paid to the Designated Person by the Interest Holder for each well drilled on the land.
13. Compensation for decrease in	The Land Access Agreement must provide compensation to be paid to the Designated Person by the Interest Holder for any decrease in the market value of the land (and provide a process as to the initial assessment of that decrease).

Minimum protections	Overview
value of the land	
14. General obligation to make good	The Interest Holder has a general obligation to make good any loss, harm or damage caused to the Designated Person's land, any water on the land or infrastructure due to petroleum activities.
15. Indemnification	The Interest Holder indemnifies the Designated Person of any harm or damage caused to the land, any water on the land or infrastructure because of petroleum activities. This indemnity includes acts of the Interest Holder's contractors on the land. The indemnity is limited in certain circumstances. Because the Land Access Agreement must be with the owners of the Petroleum Interest (and not simply the operator) the indemnity is from the holders of the Petroleum Interest i.e. the holders of the exploration permit, retention licence or production licence.
16. Release to the extent permitted by law	To the extent permitted by law, the Interest Holder provides a release to the Designated Person for a range of claims. This release is limited in certain circumstances.
17. Payment of legal, accounting and technical fees	The Regulations provide an obligation for the Interest Holder to pay the reasonable costs necessarily incurred by the Designated Person in reaching a Land Access Agreement. The Regulations also provide that the party requesting to vary an Approved/Determined Land Access Agreement must pay the reasonable costs necessarily incurred by the counter party, in reaching the variation.
18. Payment of duties	The Interest Holder is responsible for any duty payable on a Land Access Agreement. The Designated Person is responsible for any tax associated with compensation paid to them under a Land Access Agreement. Any amount specified in the agreement will be exclusive of GST, if GST is payable on an amount it must be paid at the same time.
19. Assignments	The Parties must give each other at least 30 days notice of their intention to transfer an interest in the Petroleum Interest or land (or a material change in ownership/management of the company).
20. Appropriate guarantees	If there is a joint venture (and two petroleum companies own a Petroleum Interest) they are each jointly and severally liable under the Land Access Agreement. Additionally, an Interest Holder is liable for any act of their contractor carrying out authorised petroleum activities.
21. Guarantee in favour of Owner	If the Interest Holder reaches a Land Access Agreement with the Occupier of the land, guarantees in relation to repairs, rehabilitation and remediation will still be granted in favour of the Owner. The Interest Holder is required to enter into a deed of guarantee and provide a copy to the Owner.
22. Confidentiality	The Land Access Agreement (and its terms) will not be confidential unless the Designated Person and Interest Holder agree.
23. Renegotiation of agreement	The Land Access Agreement may only have a maximum term for the balance of the associated petroleum interest. If a Land Access Agreement is still required after the expiry of the associated petroleum interest, Parties may agree to negotiate the extension of the agreement.
24. Dispute resolution	Both Parties are required to give each other notice if they have a dispute in relation to the Land Access Agreement and the Parties must seek to resolve the dispute.

Minimum protections	Overview
	<p>Regulations 44 and 45 of the Regulations allow Authorised Officers of the Department to undertake inspections and/or conferences to seek to resolve disputes between Parties.</p> <p>Regulation 40 also provides that the Tribunal may resolve a dispute between Parties to an Approved/Determined Land Access Agreement via a legally binding determination.</p>
25. Termination	<p>The Land Access Agreement must contain clear termination mechanisms, which include:</p> <ul style="list-style-type: none"> • by mutual agreement between Parties • upon expiry of the term of the agreement • upon expiry of the term of the petroleum interest • if the Tribunal determines the agreement should be terminated.

6. Stage 1: Reaching a Land Access Agreement via direct negotiations

6.1. Direct negotiations between Parties

Part 4 Division 3 of the [Regulations](#) provides a clear framework for how Parties should commence negotiating a Land Access Agreement. Parties are required to negotiate with each other in good faith and for a period of at least 60 days.

6.2. Commencing negotiations

6.2.1. Negotiation notice to the Designated Person

Under regulation 15 of the [Regulations](#), an Interest Holder must begin a negotiation process by completing and issuing a [Negotiation notice](#) to the Designated Person.

The negotiation notice must include certain information such as:

- a plan and description of the land the Interest Holder is seeking access to
- information about the Petroleum Interest
- a description of the Regulated Operations intended to be carried out on the land
- information about the period of time the Interest Holder wishes to seek access for
- the Interest Holder's contact details
- a request that the Designated Person enters into negotiations about land access
- a statement that the Interest Holder will pay reasonable costs that the Designated Person may necessarily incur during negotiations.

The Interest Holder may provide the Designated Person with a draft Land Access Agreement to assist with the negotiation process. The Designated Person may also choose to provide a draft Land Access Agreement.

6.2.2. Notifying the Owner

If the Designated Person is the Occupier and not the Owner of the land, the Interest Holder must provide a copy of the [Negotiation notice](#) to the Owner and explain that it is seeking a Land Access Agreement with the Occupier.

A copy of the [Negotiation notice](#) should be provided to the Owner within 14 days after the negotiation notice is given to the Occupier.

6.3. Participating in direct negotiations

Under regulation 16 of the [Regulations](#), once a Designated Person has received a [Negotiation notice](#), they must take reasonable steps to negotiate a Land Access Agreement with the Interest Holder.

Parties may be assisted by:

- legal representatives
- accountants or financial advisors
- valuers
- land specialists
- other suitably qualified persons.

The negotiations should be for at least 60 days but can be for longer if Parties wish.

The Interest Holder must pay the reasonable costs necessarily incurred by the Designated Person in participating in direct negotiations. Read more about costs associated with direct negotiations at [Section 10.1](#) of this guide.

6.3.1. Designated Person considerations to assist direct negotiations

In preparation for negotiations with an Interest Holder, a Designated Person may wish to prepare a property plan depicting the location of key areas and infrastructure on the land.

This may include:

- access points, formed roads and tracks
- gates and fences
- stockyards
- homes and other buildings
- areas or structures of sentimental value (e.g. unused remains of historic homesteads)
- key agricultural areas and infrastructure (e.g. crops, dams, levees, irrigation channels, shade clumps)

- water bores and key watering points or other important infrastructure
- sensitive areas such as vegetation, waterways, erosion prone areas and overland groundwater flow areas
- areas containing restricted matter (e.g. invasive weeds, diseases, parasites and insect pests)
- any plans for expansion or improvement they may have underway
- indication of preferred property access timing (e.g. avoiding access during harvesting of cropped land or cattle mustering)
- property management practices.

6.3.2. Interest Holder considerations to assist direct negotiations

An Interest Holder may also wish to consider providing a Designated Person additional information to assist negotiations, such as:

- who will carry out the activities, including the number of workers and the number and type of vehicles to be involved
- detailed work programs for each activity and any potential impacts including noise, dust, lights, vibration, impact on water supply, or other impacts
- any future impact it anticipates having on the Designated Person's property based on all current information and what might influence future plans
- any safety considerations, proposed emergency plans and important contacts
- what controls the Interest Holder has in place regarding access during and/or post inclement weather (e.g. high rainfall).

6.3.3. Reaching a Land Access Agreement via direct negotiations

If Parties are able to agree on land access arrangements via direct negotiations, a Land Access Agreement must be reached in writing and signed by both Parties.

The Interest Holder must submit the signed Land Access Agreement to the Department's Land Access Team for approval by the Minister. This process is outlined in more detail at [Section 9.1](#) of this guide.

6.3.4. If a Land Access Agreement cannot be reached via direct negotiations

If Parties are unable to agree on land access arrangements via direct negotiations within 60 days after the Designated Person has received the [Negotiation notice](#), an Interest Holder may choose to proceed with ADR. This process is outlined in more detail at [Section 7](#) of this guide.

7. Stage 2: Reaching a Land Access Agreement via ADR

7.1. ADR between Parties

Part 4 Division 4 of the [Regulations](#) provides a clear framework for Parties to follow in relation to using ADR processes to reach a Land Access Agreement. ADR offers strategies for resolving conflicts and disputes between the Parties, which may avoid costly and time consuming litigation. Under the [Regulations](#), Parties are required to participate in ADR for a period of at least 30 days.

The Interest Holder must pay the reasonable costs necessarily incurred by the Designated Person in participating in an ADR Process. Read more about costs associated with an ADR Process at [Section 10.2](#) of this guide.

7.2. Commencing ADR

7.2.1. ADR notice to Designated Person

Under regulation 18 of the [Regulations](#), an Interest Holder may begin an ADR Process by completing and issuing a [Notice of alternative dispute resolution](#) to the Designated Person.

An Interest Holder must suggest an ADR Process to the Designated Person in the notice. A process could be:

- conciliation
- facilitated negotiation
- case appraisal
- mediation.

A process cannot be arbitration.

An Interest Holder must also suggest a person to conduct the ADR Process in the [Notice of alternative dispute resolution](#) and request that the Designated Person agrees to participate in the ADR Process within a nominated time period.

The nominated period for a Designated Person to agree to participate in the ADR Process must be at least 14 days after the [Notice of alternative dispute resolution](#) is issued.

The process of issuing a [Notice of alternative dispute resolution](#) and negotiating an ADR Process must be undertaken before either Party can apply to the CEO for a Panel Mediator to conduct a mediation.

7.2.2. If Parties agree on ADR Process (including an ADR Convenor)

If the Designated Person agrees to the ADR Process and ADR Convenor within the nominated period, Parties may participate in an ADR Process to negotiate a Land Access Agreement. Read more about participating in ADR Process at [Section 7.4](#) of this guide.

7.2.3. If Parties cannot agree on ADR Process (or ADR Convenor)

In some circumstances, the Designated Person may not respond to the Interest Holder's [Notice of alternative dispute resolution](#) within the nominated period specified in the notice, or may not agree to the Interest Holder's suggested ADR Process or ADR Convenor.

Under regulation 19 of the [Regulations](#), if Parties are unable to agree on ADR, either party may apply to the CEO and request that a mediation process is conducted by a member of the Mediators Panel. Read more about the Mediators Panel at [section 7.3](#) of this guide.

7.3. Mediation conducted by a member of the Mediators Panel

The Mediators Panel was established by the Minister under the [Regulations](#) and is made up of qualified mediators. Details of these mediators, including their qualifications and experience, can be found on the [Panel Mediators Register](#) published on the Department's website.

Under regulation 19 of the [Regulations](#), a party may apply to the CEO to request that a mediation process is conducted by a member of the Mediators Panel using the [Application to appoint a member of the Mediators Panel](#).

An Interest Holder must undertake the processes outlined at [Section 7.2.1](#) of this guide before an application to appoint a Panel Mediator to conduct a mediation can be made.

The CEO will appoint a member of the Mediators Panel to conduct a mediation. Appointment is carried out on a rotational basis after actual or potential conflicts of interest, and such other matters, are considered. A mediation process will be conducted in accordance with the processes outlined at [Section 7.4](#) of this guide.

7.4. Participating in ADR

The ADR Process may be a process suggested by the Interest Holder in the [Notice of alternative dispute resolution](#) or may be a mediation conducted by a member of the Mediators Panel.

The ADR Convenor may be an ADR Convenor suggested by the Interest Holder or may be a Panel Mediator.

Under regulation 25 of the [Regulations](#), the ADR Convenor will fix the date, time and manner of the process and notify the Parties at the earliest opportunity.

Meetings may be:

- in person
- via telephone or video
- via other electronic means.

Either party may request to be represented by a lawyer or assisted by another person.

The Interest Holder must provide a draft Land Access Agreement when participating in an ADR Process to negotiate a Land Access Agreement with the Designated Person. The Designated Person may also choose to provide a draft Land Access Agreement for the process; however, is not required to under the [Regulations](#).

The ADR Convenor will use their best endeavours to bring Parties to a negotiated outcome in reaching a Land Access Agreement. Under the [Regulations](#), Parties must participate in ADR for at least 30 days from the date fixed by the ADR Convenor.

7.4.1. If a Land Access Agreement is reached via ADR

If the Parties reach a Land Access Agreement in writing during the ADR Process, the ADR Process will end. The Interest Holder is required to submit the signed Land Access Agreement to the Department's Land

Access Team for approval by the Minister. Read more about Land Access Agreement approval at [Section 9.1](#) of this guide.

7.4.2. If a Land Access Agreement cannot be reached via ADR

If the Parties are unable to reach a Land Access Agreement in writing, after participating in an ADR Process for at least 30 days, the process may be terminated.

7.5. Terminating an ADR Process without reaching a Land Access Agreement

The ADR Process may be terminated if the Parties have participated in an ADR Process for at least 30 days without reaching a Land Access Agreement in writing and either:

- the Interest Holder requests for the ADR Process to be brought to an end
- both Parties request for the ADR Process to be brought to an end
- the ADR Convenor decides to bring the process to an end.

If the Interest Holder is still seeking a Land Access Agreement with the Designated Person, it may apply to the [Northern Territory Civil and Administrative Tribunal](#) for an agreement to be determined. Read more about reaching a Land Access Agreement via a Tribunal determination at [Section 8](#) of this guide.

8. Stage 3: Reaching a Land Access Agreement via a Tribunal determination

8.1. Northern Territory Civil and Administrative Tribunal

Part 4 Division 5 of the [Regulations](#) provides a clear framework for how a Land Access Agreement can be reached via a Tribunal determination. If Parties have been unable to reach a Land Access Agreement via direct negotiations or an ADR Process, an Interest Holder may make an application to the Tribunal seeking for a Land Access Agreement to be determined.

The [Northern Territory Civil and Administrative Tribunal](#) provides a forum for reviewing a wide range of administrative decisions and for resolving certain civil disputes. The Tribunal is less formal than a court and its procedures are less complicated. It aims to achieve outcomes that are prompt, fair and inexpensive for Parties.

The Tribunal may attempt to assist Parties to reach a negotiated agreement via a compulsory conference. If the matter remains unresolved, the Tribunal will set down a hearing to determine the provisions of a Land Access Agreement between the Parties.

An Interest Holder is required to pay reasonable costs the Designated Person may incur by participating in a Tribunal proceeding. Read more about costs associated with a Tribunal proceeding at [Section 10.3](#) of this guide.

8.2. Applying to the Tribunal

Applications are made under the [Northern Territory Civil and Administrative Tribunal Act 2014](#) in line with the [Northern Territory Civil and Administrative Tribunal Rules](#).

An Interest Holder may make an application to the Tribunal to commence a proceeding using the Tribunal's [Initiating Application](#) and paying the associated fee.

Visit the Tribunal's [website](#) for more information.

8.3. Tribunal determination

Following a hearing, the Tribunal will determine the provisions of a Land Access Agreement between Parties taking into account the requirements under the [Regulations](#). At the least, the Determined Land Access Agreement will include the minimum Designated Person protections outlined in Schedule 2 of the [Regulations](#).

A Tribunal determination is legally binding. Parties must comply with the provisions of a Determined Land Access Agreement for the term of the agreement. It may be possible to challenge a decision made by the Tribunal, visit the Tribunal's [website](#) for more information.

An Interest Holder must apply to register the Determined Land Access Agreement with the Minister and pay the associated fee. An application must be made within 28 days after the determination is made using the [Application to register access agreement](#).

9. Once a Land Access Agreement has been reached

9.1. Approval of a signed Land Access Agreement

Note: This process does not apply to Determined Land Access Agreements.

Land Access Agreements must be approved by the Minister before an Interest Holder can commence Regulated Operations.

If Parties reach a Land Access Agreement in writing via direct negotiations or an ADR Process, the Interest Holder must apply to get the agreement approved by the Minister. An application must be made using the [Application for approval of access agreement](#) and the associated fee must be paid.

The NTG is not a party to the Land Access Agreement but is responsible for ensuring that the agreement meets the minimum requirements under the [Regulations](#).

It is an offence for an Interest Holder to commence Regulated Operations before the Land Access Agreement is approved.

Once the Minister has approved the Land Access Agreement, the Interest Holder will be able to begin Regulated Operations under its Petroleum Interest and technical work program.

The Approved Land Access Agreement will be recorded on the Access Agreement Register. Read more about the Access Agreement Register at [Section 9.2](#) of the guide.

9.1.1. Notice to the Owner

If the Designated Person is the Occupier and not the Owner of the land, the Interest Holder must notify the Owner that a Land Access Agreement has been approved by the Minister. The Interest Holder must give the Owner notice within 7 days of the approval using the [Notice to owner of approved access agreement or variation](#).

9.2. Registration of a Land Access Agreement

An Access Agreement Register was established by the Minister under the [Regulations](#). All Land Access Agreements approved by the Minister or determined by the Tribunal are recorded on the register.

If the Parties have reached a Land Access Agreement through direction negotiations or an ADR Process, the Minister will add the agreement to the Access Agreement Register after the agreement is approved.

If the Parties have reached a Land Access Agreement through a Tribunal determination, the processes outlined at [section 8.3](#) of this guide apply.

9.2.1. Inspections of the Access Agreement Register

Under regulations 35 and 36 of the [Regulations](#), a person is entitled to inspect, obtain a certified copy or certificate from the Access Agreement Register. Applications are made using the:

- [Application to inspect Access Agreement Register](#)
- [Application for certificate or certified copy from register](#)

The information available is limited to:

- details of the parties to a Land Access Agreement
- information about the Petroleum Interest held by the Interest Holder
- a description of the land to which the Land Access Agreement applies
- the term of the Land Access Agreement
- the date the Land Access Agreement was approved by the Minister or determined by the Tribunal.

9.2.2. Integrated Land Information System notation

Once an Approved/Determined Land Access Agreement has been recorded on the Access Agreement Register, a notation will also be added to the Record of Administrative Interests and Information on the [Integrated Land Information System](#).

The Land Access Agreement is not lodged with the Land Titles Office or recorded on the land title. The Land Access Agreement is not a publically available document.

10. Costs related to reaching a Land Access Agreement

10.1. Costs associated with direct negotiations

Under regulation 17 of the [Regulations](#), an Interest Holder is responsible for paying reasonable professional services costs necessarily incurred by a Designated Person in taking part in direct negotiations to reach a Land Access Agreement.

A Designated Person must request payment of their costs in writing and provide details and evidence of the costs they are claiming. An Interest Holder is required to pay these costs within 30 days after a request for payment is made, unless agreed otherwise with the Designated Person or it disputes the costs.

If the Interest Holder disputes the costs, it may make an application to the Tribunal to obtain a determination regarding the costs that should be paid to the Designated Person.

10.2. Costs associated with ADR

Under regulation 28 of the [Regulations](#), an Interest Holder is responsible for paying:

- the reasonable professional services costs necessarily incurred by the Designated Person in taking part in an ADR Process to negotiate a Land Access Agreement
- the reasonable professional services costs necessarily incurred by the Designated Person for advice and reports which may be relevant to the ADR Process
- the costs of the ADR Convenor.

A Designated Person, or other person seeking payment of their costs, must request payment of costs in writing and provide details and evidence of the costs they are claiming. An Interest Holder is required to pay these costs within 30 days after a request for payment is made, unless otherwise agreed between Parties or it disputes the costs.

If the Interest Holder disputes the costs, it may make an application to the Tribunal to obtain a determination regarding the costs that should be paid to the Designated Person or ADR Convenor.

10.3. Costs associated with a Tribunal proceeding

Under regulation 56 of the [Regulations](#), if an Interest Holder makes an application to the Tribunal seeking the determination of Land Access Agreement, it will be responsible for the reasonable professional services costs of the Designated Person to take part in the proceedings.

An Interest Holder will not be responsible for costs if the Tribunal determines the Designated Person has acted unreasonably or the Tribunal considers it inappropriate or unfair.

11. Royalties and compensation

11.1. Royalties

While Designated Persons have rights over the land, resources below the earth's surface belong to the Crown. On behalf of the Crown, the NT owns all reserves of petroleum onshore and in coastal waters.

In return for the right to extract petroleum, Interest Holders pay the NTG royalties on production at the rate of 10% of gross value at the well head, in accordance with the [Petroleum Act 1984](#).

Designated Persons are not entitled to royalty payments for the extraction of petroleum under the surface of their land.

11.2. Compensation

Regulation 6 of the [Petroleum Regulations 2020](#) provides that compensation is payable for:

- the drilling of a well on the land
- any decrease in the market value of the land caused by petroleum activities.

This is consistent with recommendations 14.7 and 14.8 of [Final Report](#) which states that a Land Access Agreement must include standard minimum provisions that provide for compensation for each well drilled and any decrease in the market value of the land.

The minimum amount of compensation payable for each well drilled on the land must be set out in the Land Access Agreement. The Land Access Agreement must also detail:

- whether it is anticipated that the Regulated Operations will lead to a decrease in the market value of the land
- a preliminary assessment of the anticipated decrease in the market value of the land.

The NTG strongly recommends Designated Persons obtain accounting advice in relation to tax and GST implications associated with compensation payments.

12. Notifying the CEO under the Petroleum Regulations 2020

Under regulation 50 of the [Regulations](#), a party must notify the CEO within 7 days after they issue a:

- [Notice of preliminary activities](#)
- [Notice of airborne survey activity](#)
- [Negotiation notice](#)
- [Notice of alternative dispute resolution](#)

A party must also notify the CEO within 7 days after an application is made to the Tribunal in relation to a Land Access Agreement.

Notice to the CEO must be given using the [Notice to the Chief Executive Officer](#).

A person or entity must also notify the CEO within 14 days if they are assigned or purchase land which is subject to an existing Land Access Agreement using the [Notice to CEO of change to designated person](#).

13. Operating under an Approved or Determined Land Access Agreement

13.1. Party performance

An Interest Holder and a Designated Person are required to abide by their contractual obligations under the Approved or Determined Land Access Agreement for the term of the agreement.

Under regulation 47 of the [Regulations](#), it is an offence for an Interest Holder to carry out Regulated Operations under a Petroleum Interest that are not within the scope of the Approved or Determined Land Access Agreement.

Under section 108A of the [Act](#), it is also an offence for a Designated Person to interfere with Regulated Operations an Interest Holder is conducting under a Petroleum Interest.

13.2. Disputes

If Parties have a dispute relating to an Approved or Determined Land Access Agreement they may:

- contact the Department's [Land Access Team](#)
- request for an Authorised Officer of the Department to conduct an inspection or conference
- make an application to the [Tribunal](#).

13.2.1. Authorised Officers

Authorised Officers are Department staff that have been appointed by the Minister under the [Regulations](#).

If Parties to an Approved or Determined Land Access Agreement have a dispute under the agreement, either party may:

- request for an Authorised Officer to conduct an inspection to investigate an alleged breach
- request for an Authorised Officer to conduct a conference to try and resolve a dispute.

13.2.1.1. Inspection conducted by Authorised Officer

Under regulation 44 of the [Regulations](#), Parties can apply to the CEO to request an Authorised Officer to conduct an inspection using the [Application for authorised officer to conduct inspection](#).

An Authorised Officer will enter and inspect the land to assess the extent to which the Parties have complied with the provisions of the Approved or Determined Land Access Agreement.

Following an inspection, an Authorised Officer will prepare a report on the outcome of the inspection, which may include recommendations about:

- securing or ensuring compliance
- issuing a party an infringement notice if certain offences have been committed.

A copy of the report will be provided to the Interest Holder, the Designated Person and the CEO.

13.2.1.2. Conference conducted by Authorised Officer

Under regulation 45 of the [Regulations](#), Parties can also apply to the CEO to request an Authorised Officer to conduct a conference using the [Application for authorised officer to conduct conference](#).

An Authorised Officer will conduct a conference between the Parties as quickly as possible to assist in the resolution of a dispute under an Approved or Determined Land Access Agreement.

An Authorised Officer may prepare a report at the end of a conference. A copy of the report will be provided to each party to the conference and the CEO.

Reports and recommendations prepared by Authorised Officers are not legally binding.

13.2.2. Tribunal

Parties may also make an application to the [Tribunal](#) to obtain an order or determination to resolve a dispute. This could relate to:

- disputes about the operation or effect of an Approved or Determined Land Access Agreement
- alleged breaches of an Approved or Determined Land Access Agreement
- disputes about costs and payment of costs
- disputes about compensation and land value decrease.

Applications are made under the [Northern Territory Civil and Administrative Tribunal Act 2014](#).

In line with the [Northern Territory Civil and Administrative Tribunal Rules](#), Parties may make an application to the Tribunal to commence a proceeding using the Tribunal's [Initiating Application](#) and paying the associated fee.

Visit the Tribunal's [website](#) for more information.

13.3. Varying an Approved or Determined Land Access Agreement

An Approved or Determined Land Access Agreement may be varied:

- in line with the terms of the Land Access Agreement
- by agreement between the Parties to the Land Access Agreement
- by further processes and proceedings under the [Regulations](#).

Part 4, Division 7 of the [Regulations](#) outlines the processes Parties must undertake in order to vary an Approved or Determined Land Access Agreement.

All variations must be approved by the Minister before they can take effect and will be registered on the Access Agreement Register.

14. Regulation and compliance enforcement

14.1. Regulatory role of the Land Access Team

The Regulations provide the overarching governance framework in relation to land access practices in the NT. This includes some punitive measures for the Department to address legislative non-compliance. E.g. infringements, prosecution.

The Department's Land Access Team, within the Energy Development Branch, administers the Regulations and is responsible for compliance enforcement action to address legislative contraventions.

While the primary responsibility for complying with the Regulations and Land Access Agreements lies with the Interest Holders/Designated Persons, the Land Access Team must regulate performance to:

- monitor compliance
- prevent non-compliance
- promptly identify legislative contraventions
- effectively address non-compliance.

The Land Access Team may become aware of non-compliance with the [Regulations](#):

- during day to day operations
- by conducting routine or random audits
- upon receiving complaints from Interest Holders or Designated Persons
- following inspections or conferences conducted as Authorised Officers under the [Regulations](#).

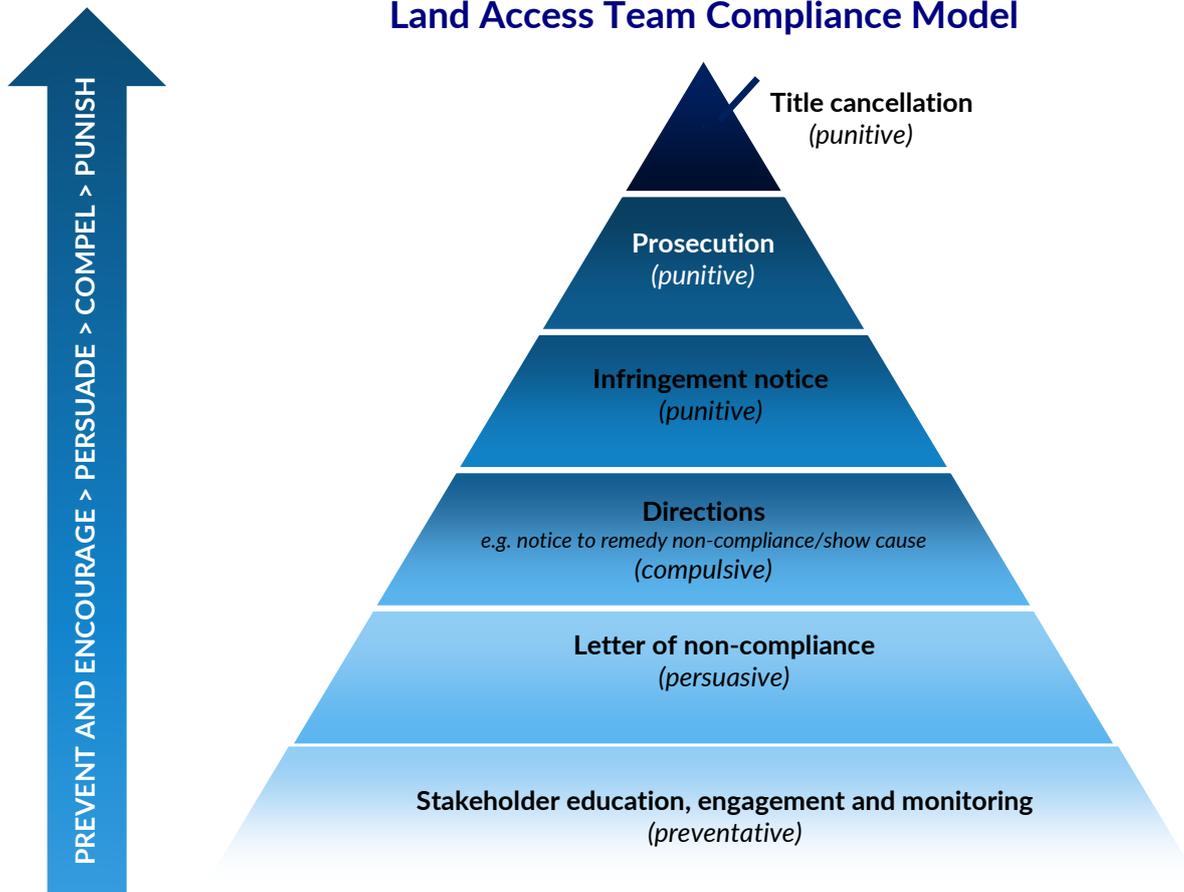
14.2. Land Access Team's compliance model

The Land Access Team's compliance enforcement model is intended to be commensurate to the:

- nature/class of non-compliance
- potential or incurred level of risk, harm or loss caused by the non-compliance
- culpability of the offender, including their history of non-compliance/reckless behaviour
- potential or incurred threat to industry, the environment, NTG or the public.

The model includes preventative, persuasive, compulsive and punitive compliance enforcement measures.

Land Access Team Compliance Model



Although the model allows for a gradational approach to compliance and enforcement, immediate/strong action may be taken if a person:

- deliberately or repeatedly fails to comply with the [Regulations](#)
- deliberately or repeatedly fails to comply with an Approved/Determined Land Access Agreement
- commits an offence and the level of risk, threat or loss is high.

14.3. Classes of breaches under the Regulations

The below table outlines two classes of breaches under the [Regulations](#).

Class 1 breaches are administrative in nature; Class 2 breaches are more serious in nature.

The ^ symbolises that the non-compliance is an offence under the [Regulations](#).

Class 1: Details of non-compliance/offence	Regulation
Failure to notify CEO of change to Designated Person (within 14 days) <i>(This breach can only be committed by a Designated Person)</i>	13(4)(b)
Failure to serve copy of negotiation notice on landowner (within 14 days) <i>(This breach can only be committed by an Interest Holder)</i>	15(6)
Failure to register determined LAA (within 28 days) <i>(This breach can only be committed by an Interest Holder)</i>	33(2)
Failure to apply for approval and registration of LAA variation (within 28 days) <i>(This breach can be committed by an Interest Holder or a Designated Person)</i>	39(2)
Failure to notify the CEO of certain steps and occurrences (within 7 days)^ <i>(This offence can be committed by an Interest Holder or a Designated Person)</i>	50(3)
Failure to notify landowner of notifiable occurrence (within 7 days)^ <i>(This offence can only be committed by an Interest Holder)</i>	51(4)

Class 2: Details of non-compliance/offence	Regulation
Commencing regulated operations without an approved LAA^ <i>(This offence can only be committed by an Interest Holder)</i>	47(1)
Failure to comply with items 1, 6 or 10 of Schedule 2 of the Regulations^ <i>(This offence can only be committed by an Interest Holder)</i>	48(2)
Conducting activities outside the ambit of an approved LAA or variation^ <i>(This offence can only be committed by an Interest Holder)</i>	49(2)
Failure to notify Designated Person of preliminary activities (at least 14 days before activity commencement)^ <i>(This offence can only be committed by an Interest Holder)</i>	52(4)
Failure to comply with responsibilities associated with preliminary activities^ <i>(This offence can only be committed by an Interest Holder)</i>	53(2)
Failure to notify Designated Person of airborne survey (at least 14 days before survey commencement)^ <i>(This offence can only be committed by an Interest Holder)</i>	54(4)
Failing to conduct airborne survey with minimal disturbance to livestock^ <i>(This offence can only be committed by an Interest Holder)</i>	55(2)
Continuing regulated operations after 1 January 2022 without an approved LAA^ <i>(This offence can only be committed by an Interest Holder)</i>	69(7)

15. Overview: Exploration activity grant and approval processes

Grant of title

Minister publishes notice in a newspaper circulating throughout the NT advising that they intend to release specified blocks for petroleum exploration.
Feedback and applications are received and considered.
(Petroleum Act 1984)



Minister determines not to release blocks
OR
Minister determines to release certain blocks and publishes notice on agency's website that they have considered all feedback received and decided to release certain blocks for exploration.
Applications received are assessed and a notice is published in the newspaper containing details of the most meritorious applicant to be granted the exploration permit.
Successful applicant proceeds through remainder of application process e.g. the right to negotiate or consent to negotiate process under the *Native Title Act 1993* or *Aboriginal Land Rights Act 1976*.
(Petroleum Act 1984)



Minister determines to grant the exploration permit in respect to some or all of the blocks and permit is awarded
(Petroleum Act 1984)

Activity approvals

Petroleum company must have an approved environment management plan (EMP) before undertaking regulated activity under its exploration permit
(Petroleum (Environment) Regulations 2016)

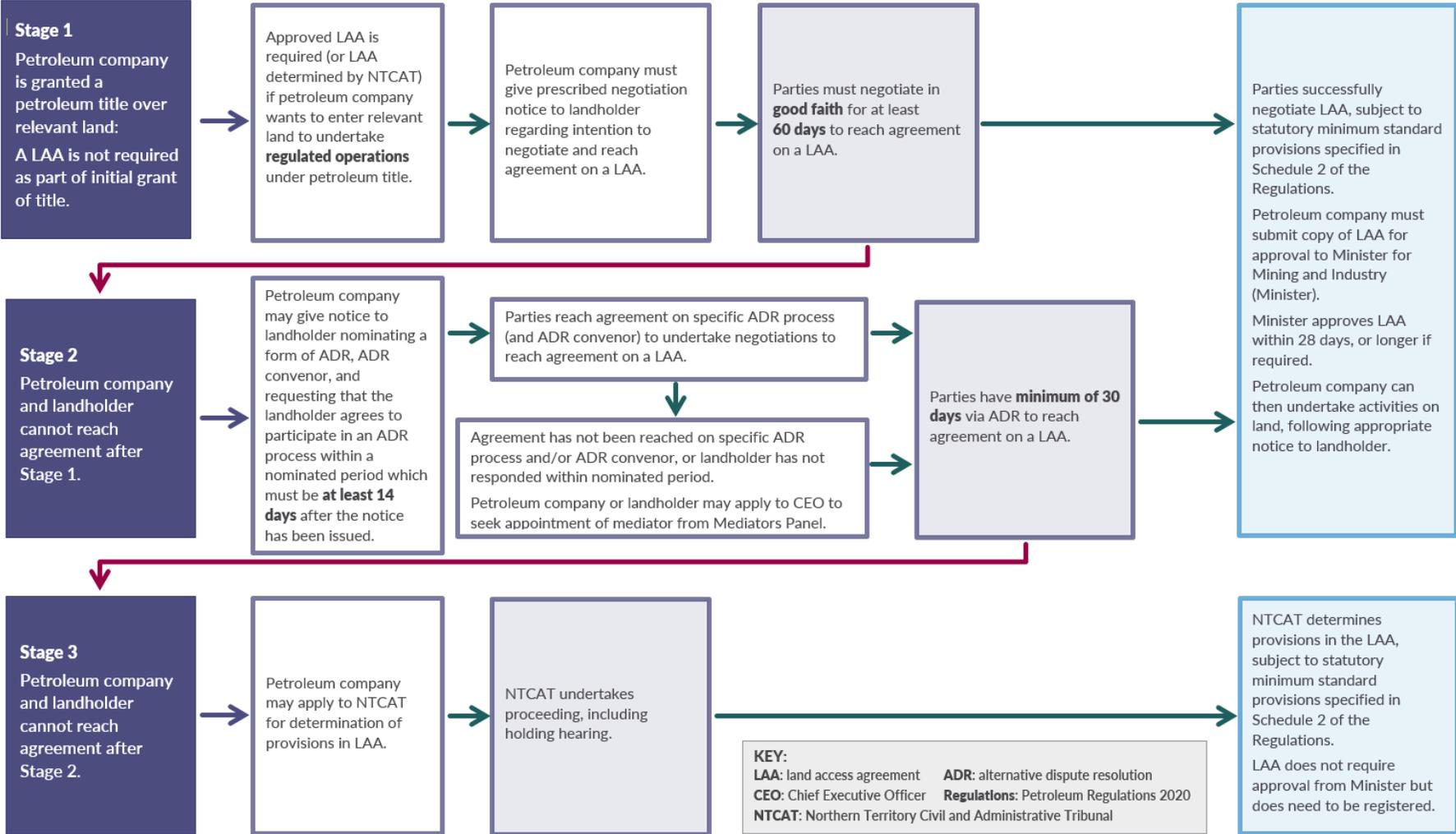


Petroleum company must also obtain approval to undertake exploration activities under its exploration permit, in line with its technical work plan
(NT Schedule of Onshore Petroleum Exploration and Production Requirements)



Petroleum company must provide adequate notice of airborne survey/preliminary activities, or enter into a land access agreement with the landholder if intending to conduct regulated petroleum operations
(Petroleum Regulations 2020)

16. Overview: Reaching a Land Access Agreement under the Petroleum Regulations 2020



17. Forms and fees

Form name	Form use	Fee
Notice to CEO of change to designated person	A Designated Person must use this form to notify the CEO that they have become a designated person to an Approved/Determined Land Access Agreement.	N/A
Negotiation notice	An Interest Holder must use this form to notify a Designated Person that it wants to commence negotiations to reach a Land Access Agreement.	N/A
Notice of Alternative Dispute Resolution	An Interest Holder must use this form if it wants to begin an ADR Process to reach a Land Access Agreement with a Designated Person.	N/A
Application to appoint a member of the mediators panel	An Interest Holder/Designated Person must complete this form to request that the CEO appoints a Panel Member to conduct a mediation to help reach or vary a Land Access Agreement.	N/A
Application for approval of an access agreement	An Interest Holder must use this form to obtain approval of a Land Access Agreement.	\$1,450
Application to register access agreement	An Interest Holder must use this application to register a Land Access Agreement determined by the Tribunal.	\$845
Application to inspect Access Agreement Register	Members of the public must use this form if they want to inspect the Access Agreement Register. Inspection does not extend to a Land Access Agreement.	\$24
Application for certified copy or certificate from register	Members of the public must use this form if they want a certified copy or certificate from the Access Agreement Register. This does not extend to a copy of a Land Access Agreement.	\$41
Notice of alternative dispute resolution for variation	An Interest Holder/Designated Person must use this form if they want to begin an ADR Process to vary an Approved/Determined Land Access Agreement.	N/A
Application for approval and/or registration	An Interest Holder/Designated Person must use this form to obtain the approval and/or registration of a variation to an Approved/Determined Land Access Agreement.	\$1,450
Application for authorised officer to conduct inspection	An Interest Holder/Designated Person must use this form to apply for an Authorised Officer to conduct an inspection into a dispute or alleged breach of an Approved/Determined Land Access Agreement.	N/A
Application for authorised officer to conduct conference	An Interest Holder/Designated Person must use this form to apply for an Authorised Officer to conduct conference in relation to a dispute or alleged breach of an Approved/Determined Land Access Agreement.	N/A
Notice to chief executive officer	An Interest Holder/Designated Person must use this form to notify the CEO when they have issued: a Notice of preliminary activities; a Notice of airborne survey activity; a Negotiation notice; a ADR notice; or made an application to the Tribunal in relation to a Land Access Agreement.	N/A

Form name	Form use	Fee
Notice to owner of approved access agreement or variation	An Interest Holder must use this form to notify an Owner that the Minister has approved a Land Access Agreement or a variation to an existing Land Access Agreement (if the Designated Person is the Occupier not the Owner of the land).	N/A
Notice of preliminary activities	An Interest Holder must use this form to notify a Designated Person that it intends to conduct Preliminary Activities.	N/A
Notice of airborne survey activity	An Interest Holder must use this form to notify a Designated Person that it intends to conduct an Airborne Survey.	N/A
Application for registration of agreement under transitional provisions	An Interest Holder must use this form to register an existing Land Access Agreement with a Designated Person during the transition period.	\$1,450
Application to appoint a Panel Mediator for pre-transition period negotiations	An Interest Holder must use this form to appoint a member of the Mediators Panel to conduct a mediation where negotiations to reach a Land Access Agreement with a Designated Person commenced before the Petroleum Regulations 2020 came into effect.	N/A

18. Overview: Using notices and applications under the Petroleum Regulations 2020

Notification of activities



Forms colour key

- Used by petroleum interest holders
- Used by landholders
- Used by both parties
- Used by the public

Reaching a land access agreement



After reaching a land access agreement



19. Further information and resources

19.1. Key contacts

Contact	Website	Phone	Email
Land Access Team, Energy Development Branch Department of Industry, Tourism and Trade	https://nt.gov.au/industry/mining-and-petroleum/petroleum-regulations-2020/reach-land-access-agreement-to-carry-out-petroleum-operations/contact-land-access	08 8999 5240	landaccess.ditt@nt.gov.au
Mediator Standards Board	https://msb.org.au/mediators	03 9005 1903	info@msb.org.au
Law Society NT	https://lawsocietynt.asn.au/nt-legal-directory/current-nt-practitioners.html	08 8981 5104	law.soc@lawsocietynt.asn.au
Northern Territory Civil and Administrative Tribunal	https://ntcat.nt.gov.au/#	08 8944 8720 1800 604 622	AGD.ntcat@nt.gov.au
Northern Territory Cattlemen's Association	https://www.ntca.org.au/	08 8981 5976	office.darwin@ntca.org.au
Australian Petroleum Production and Exploration Association	https://www.appea.com.au/	02 6247 0960	appea@appea.com.au

19.2. Useful websites

Web address	Content overview
https://frackinginquiry.nt.gov.au/home	This website provides information and resources in relation to shale gas, the Inquiry and copy full copy of the Final Report .
https://hydraulicfracturing.nt.gov.au/home	This website provides information and resources in relation to NTG's response to the Inquiry recommendations, including action items, reform areas, a copy of the Implementation Plan , and implementation progress.
https://nt.gov.au/industry/mining-and-petroleum	This website provides further information on mining and petroleum in the NT.
https://denr.nt.gov.au/onshore-gas	This website provides further information on the regulation of environmental impacts of the petroleum industry in the NT.
http://strike.nt.gov.au/wss.html	This website provides free access the NTG's Tenure and Geoscience Information. All NT Mineral and

Web address	Content overview
	Petroleum Interests in the NT can be publically searched using this software.
https://www.ntlis.nt.gov.au/title-search/	This website allows you to conduct a search of registered land titles and interests within the NT.
https://point.ntlis.nt.gov.au/weave/point.html	This website provides free access to the NTG's Petroleum Onshore Information system, where you can find documents and information about onshore petroleum activities in the NT.