

# A guide to land access in the Northern Territory

For onshore petroleum exploration and production on private land

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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.

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 <a href="#">Petroleum Regulations 2020</a> .
Act	The <a href="#">Petroleum Act 1984</a> .
Administrator	The Administrator of the Northern Territory of Australia.
ADR Convenor	In accordance with regulation 25(2) of the <a href="#">Petroleum Regulations 2020</a> , an ADR Convenor is a person appointed to conduct an ADR Process (either by Parties under regulations 18 or 37, or by the CEO under regulations 23, 38 or 70).
ADR Process	In accordance with regulation 25(1) of the <a href="#">Petroleum Regulations 2020</a> , an ADR Process is a dispute resolution process of any type, other than arbitration. E.g. conciliation, facilitated negotiation, case appraisal or mediation.
Aerial Survey	An aerial survey, also known as an “airborne 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 <a href="#">Petroleum Legislation Miscellaneous Amendments Bill 2020</a> .
Amendment Act	The <a href="#">Petroleum Legislation Miscellaneous Amendments Act 2020</a> .

Term	Definitions for the purpose of this guide
Approved Land Access Agreement	A written Land Access Agreement, signed by a Petroleum Interest Holder and Landholder, 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 <a href="#">Petroleum Regulations 2020</a> .
Chief Executive Officer	The Chief Executive Officer of the Department of Industry, Tourism and Trade.
Department	The Department of Industry, Tourism and Trade.
Determined Land Access Agreement	A Land Access Agreement determined by the Tribunal under regulation 29 of the <a href="#">Petroleum Regulations 2020</a> .
Final Report	The <a href="#">Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory</a> .
Implementation Plan	The <a href="#">Scientific Inquiry into Hydraulic Fracturing Implementation Plan</a> .
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.
Land Access Agreement	In accordance with regulation 3(2) of the <a href="#">Petroleum Regulations 2020</a> , an access agreement is a land access agreement prescribed by the Administrator, as mentioned in section 118(2) of the <a href="#">Petroleum Act 1984</a> .
Land Register	The register kept by the Registrar-General in accordance with section 6 of the <a href="#">Land Title Act 2000</a> .
Landholder	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, the specific term "Owner" or "Occupier" is used.
Minister	The Minister for Mining and Industry.
Occupier	An Occupier of the land may be: <ul style="list-style-type: none"> <li>the holder of a lease or sublease over an NT freehold title</li> <li>the holder of a sublease or under lease over a pastoral or Crown lease.</li> </ul>
Owner	An Owner of the land may be: <ul style="list-style-type: none"> <li>the holder of an NT freehold title</li> <li>the holder of a pastoral or Crown lease.</li> </ul>
Mediators Panel	The Mediators Panel established by the Minister for Mining and Industry under Part 4 Division 4 Subdivision 1 of the <a href="#">Petroleum Regulations 2020</a> .
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 <a href="#">Petroleum Regulations 2020</a> .
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 <a href="#">Petroleum Regulations 2020</a> .
Parties	A relevant designated person (Landholder) and interest holder (Petroleum Interest Holder), as defined under regulation 3 of the <a href="#">Petroleum Regulations 2020</a> .

Term	Definitions for the purpose of this guide
Petroleum Interest Holder	The holder of a Petroleum Title (interest). E.g. the holder of an exploration permit, access authority, retention licence or production licence.
Petroleum Title	A Petroleum Title granted under the <a href="#">Petroleum Act 1984</a> , being: <ul style="list-style-type: none"> <li>• an exploration permit</li> <li>• an access authority</li> <li>• a retention licence</li> <li>• a production licence.</li> </ul>
Preliminary Activities	In accordance with regulation 3 of the <a href="#">Petroleum Regulations 2020</a> , 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"> <li>• taking water samples</li> <li>• taking rock samples without using heavy machinery</li> <li>• taking soil samples to a depth of up to four metres</li> <li>• carrying out surveys that do not involve: <ul style="list-style-type: none"> <li>○ the clearing of any vegetation</li> <li>○ the permanent installation of any infrastructure or equipment on land</li> </ul> </li> <li>• driving a vehicle, other than a heavy vehicle, on land in connection with other preliminary activities.</li> </ul>
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.
Regulated Petroleum Operations	Any petroleum operations for which an exploration permit, retention licence or production licence is required under the <a href="#">Petroleum Act 1984</a> , except preliminary activities.
Regulations	The <a href="#">Petroleum Regulations 2020</a> .
Restricted Land	Areas of land where petroleum operations are prohibited, as outlined in section 111 of the <a href="#">Petroleum Act 1984</a> .

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 Landholders and Petroleum Interest Holders in understanding their land access rights and obligations in relation to Regulated Petroleum Operations on Private Land in the NT
- promote effective shared land use arrangements between the agricultural 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

Agriculture 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 Landholders in the NT have rights over the surface 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

For the purpose of this section and guide, please apply the meaning given to Private Land and Landholder as outlined in the definitions section of this guide.

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 Landholder 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 agricultural industry. These leases predominately allow people to use the land for grazing traditional livestock such as cattle and buffalo, and 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 Landholder 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 a Petroleum 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 (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 five 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 a Petroleum 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 convert the exploration permit into a retention licence.

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

A Petroleum Interest Holder that is granted a retention licence must actively work towards making the production of the discovered petroleum commercially viable.

### 2.3.3. Production licences

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

A production licence gives a person or company the right to explore, test and produce 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 a Petroleum 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. A Petroleum 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 Petroleum Interest Holders existed to promote effective shared land use arrangements between the agricultural and petroleum industries.

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

- pastoralists had limited experience negotiating land access arrangements compared to Petroleum 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 a Petroleum Interest Holder to have a written Land Access Agreement with a Landholder (which has been approved by the Minister) before commencing Regulated Petroleum Operations under an exploration permit or production licence
- made it a legal requirement for Land Access Agreements to contain minimum provisions to protect Landholders, including a minimum mandatory compensation scheme.

The [Petroleum Regulations 2020](#) also introduced a framework for Petroleum Interest Holders and Landholders 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
<a href="#">Petroleum Act 1984</a>	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.
<a href="#">Petroleum (Environment) Regulations 2016</a>	These Regulations ensure that activities regulated under the <a href="#">Petroleum Act 1984</a> 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.

Legislation / Policy	Overview
<a href="#">Petroleum Regulations 2020</a>	These Regulations underpin the integrity of shared land use arrangements when authorised petroleum activities are conducted on Private Land under a Petroleum Title.
<a href="#">NT Schedule of Onshore Petroleum Exploration and Production Requirements</a>	This Schedule outlines the operational requirements Petroleum Interest Holders must comply with when conducting authorised petroleum activities under a Petroleum Title.

## 4.2. Petroleum industry processes

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

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

If the proposed activity is a regulated activity, as defined under regulation 5 of the [Petroleum \(Environment\) Regulations 2016](#), a Petroleum 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 Petroleum 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

A Petroleum Interest Holder must also pay a rehabilitation security bond.

As part of the approval process, a Petroleum Interest Holder must also enter into a Land Access Agreement with any relevant Landholders. The processes for reaching a Land Access Agreement with a Landholder are outlined under the [Petroleum Regulations 2020](#) and are explained further at [Section 5](#) of this guide.

A Petroleum Interest Holder is not required to reach a Land Access Agreement with a Landholder to conduct:

- Preliminary Activities
- Aerial Surveys.

Regulations 52 and 53 of the [Regulations](#) outline a separate process Petroleum 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 Petroleum Interest Holders must follow before/when conducting aerial surveys. These processes are outlined at [Section 4.4](#) of this guide.

## 4.3. Preliminary activities

### 4.3.1. Notice to Landholder

If a Petroleum Interest Holder wishes to conduct preliminary activities, it must issue a notice to the Landholder 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 Petroleum 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 a Petroleum Interest Holder to conduct preliminary activities without giving the Landholder the appropriate notice.

### 4.3.2. Conducting the preliminary activities

A Petroleum Interest Holder must:

- not drive a vehicle off an existing road or track during the activities without getting written consent from the Landholder
- 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 a Petroleum Interest Holder to not comply with these requirements.

## 4.4. Aerial surveys

### 4.4.1. Notice to Landholder

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

The notice must be given at least 14 days before the Petroleum Interest Holder is due to conduct the aerial 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 a Petroleum Interest Holder to conduct an aerial survey without giving the Landholder the appropriate notice.

#### 4.4.2. Conducting the aerial survey

A Petroleum Interest Holder must ensure that an aerial survey is carried out in a way that minimises the disturbance of livestock.

It is an offence for a Petroleum Interest Holder to conduct an aerial 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 Landholder, a Petroleum Interest Holder is prohibited from carrying out Regulated Petroleum 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. Land Access Agreements for Regulated Petroleum Operations in the NT

## 5. Land Access Agreements for Regulated Petroleum 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 a Petroleum Interest Holder wants to obtain approval to commence Regulated Petroleum Operations, it must negotiate a Land Access Agreement with the Landholder, 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 a Petroleum Interest Holder must undertake in relation to an [Environment Management Plan](#).

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

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

- vacant Crown land
- land held under Aboriginal freehold.

A Petroleum 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 Landholders to conduct their activities free from unreasonable interference or disturbance.

Under the [Petroleum Regulations 2020](#), both Landholders and Petroleum Interest Holders have clear legal rights regarding use of land for agricultural/ancillary operations and Regulated Petroleum Operations.

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

Relationships between Petroleum Interest Holders and Landholders should be:

- positive
- courteous
- honest
- respectful.

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

Obligations of Petroleum Interest Holders	Obligations of Landholders
<ul style="list-style-type: none"> <li>• Be respectful of Landholders' rights and business operations</li> </ul>	<ul style="list-style-type: none"> <li>• Be respectful of Petroleum Interest Holders' rights and business operations</li> </ul>
<ul style="list-style-type: none"> <li>• Negotiate land access arrangements with Landholders in good faith</li> </ul>	<ul style="list-style-type: none"> <li>• Negotiate land access arrangements with Petroleum Interest Holders in good faith</li> </ul>
<ul style="list-style-type: none"> <li>• Follow and meet all legal obligations under the <a href="#">Regulations</a> when reaching Land Access Agreements with Landholders</li> </ul>	<ul style="list-style-type: none"> <li>• Follow and meet all legal obligations under the <a href="#">Regulations</a> when reaching Land Access Agreements with Petroleum Interest Holders</li> </ul>

Obligations of Petroleum Interest Holders	Obligations of Landholders
<ul style="list-style-type: none"> <li>• Before commencing Regulated Petroleum Operations, ensure Land Access Agreements are:                             <ul style="list-style-type: none"> <li>○ reached with Landholders in writing</li> <li>○ approved by the Minister or determined by the Tribunal</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Allow Petroleum Interest Holders to enter or cross land to carry out Regulated Petroleum Operations in accordance with Land Access Agreements:</li> <li>• approved by the Minister</li> <li>• determined by the Tribunal</li> </ul>
<ul style="list-style-type: none"> <li>• Ensure:                             <ul style="list-style-type: none"> <li>○ agreement compliance</li> <li>○ minimal disturbance to livestock and Landholders</li> <li>○ adherence to notice periods</li> <li>○ timely responses to Landholder enquiries</li> <li>○ regular operational updates to Landholders</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Ensure:                             <ul style="list-style-type: none"> <li>○ agreement compliance</li> <li>○ minimal interference with petroleum activities</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Meet all statutory and contractual obligations under the Approved/Determined Land Access Agreements and the <a href="#">Regulations</a>, including the minimum Landholder protections</li> </ul>	<ul style="list-style-type: none"> <li>• Meet all statutory and contractual obligations under the Approved/Determined Land Access Agreements and the <a href="#">Regulations</a></li> </ul>

## 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 Petroleum Interest Holder and the Landholder.

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

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 Petroleum Interest Holder.

#### 5.3.1.2. Land Owners and land Occupiers

If land is owned under NT freehold and a lease or sublease has been registered over the land and recorded 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 Landholder.

If the land is owned under a pastoral or Crown lease and a sublease or under lease has been registered over the land and recorded 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 Landholder.

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

- will be notified by the Petroleum Interest Holder when it commences negotiations with the Occupier of the land

- will be notified by the Petroleum Interest Holder when a Land Access Agreement is approved, determined or varied
- will be granted guarantees from the Petroleum 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 a Petroleum Interest Holder is a party to an Approved or Determined Land Access Agreement and chooses to transfer or sell its Petroleum Title, it must notify the Landholder. 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 Landholder is a party to an Approved or Determined Land Access Agreement and chooses to transfer or sell their land, they must notify the relevant Petroleum 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 Landholder 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 a Petroleum Interest Holder and a Landholder. 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 Title. For example, if a petroleum company is granted an exploration permit for a term of five 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 Landholder protections. The standard minimum protections that must be included in a Land Access Agreement are listed at Schedule 2 of the [Regulations](#) and outlined 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 Petroleum Interest Holder must give the Landholder a minimum of 14 days notice (unless otherwise agreed with the Landholder) before commencing regulated operations on the land.
2. Minimise disturbance	The Petroleum Interest Holder must conduct its regulated operations in a manner that minimises disturbance to the Landholder's livestock and existing land uses.
3. Weeds, pests and diseases	The Petroleum Interest Holder must take all reasonable measures to prevent the introduction or spread of weeds and diseases.
4. Induction	The Petroleum 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 Petroleum Interest Holder and Landholder must seek to negotiate on access points. If agreement cannot be reached:</p> <ul style="list-style-type: none"> <li>the Petroleum Interest Holder may use an existing access point (if practicable); or</li> <li>(if it is not practicable to use an existing access point) the Petroleum Interest Holder may construct access points that minimise disturbance to the Landholder.</li> </ul> <p>The Petroleum Interest Holder must maintain any access points it uses in a safe condition.</p>
6. Gates	The Petroleum Interest Holder must return all gates to their original position, unless otherwise agreed with the Landholder.
7. Consent to fence	<p>The Petroleum Interest Holder must not construct a fence without the Landholder's approval (subject to any legislative restrictions such as WHS reasons).</p> <p>Fences constructed must be stock proof, unless otherwise agreed with Landholders.</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 Petroleum Interest Holder must notify the Landholder and the Department. The Petroleum Interest Holder must either repair the damage or pay the reasonable cost of repair. Repair must be in consultation with the Landholder.
10. Notification of damage	If there is any loss or damage caused by petroleum activities, the Petroleum Interest Holder must notify the Landholder as soon as reasonable practicable and within 14 days (or sooner if the Department has been notified).

Minimum protections	Overview
11. Rehabilitation and remediation	The Petroleum Interest Holder must consult with the Landholder about rehabilitation and remediation and take the Landholder's proposals into account. Within three months of completing the rehabilitation and remediation, the Petroleum 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 by the Petroleum Interest Holder for each well drilled on the Landholder's land.
13. Compensation for decrease in value of the land	The Land Access Agreement must provide compensation to be paid by the Petroleum Interest Holder for any decrease in the market value of the Landholder's land (and provide a process as to the initial assessment of that decrease).
14. General obligation to make good	The Petroleum Interest Holder has a general obligation to make good any loss, harm or damage caused to the Landholder's land, any water on the land or infrastructure due to petroleum activities.
15. Indemnification	The Petroleum Interest Holder indemnifies the Landholder 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 Petroleum 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 Petroleum Interest Holder provides a release to the Landholder for a range of claims. This release is limited in certain circumstances.
17. Payment of legal, accounting and technical fees	The <a href="#">Regulations</a> provide an obligation for the Petroleum Interest Holder to pay the reasonable costs necessarily incurred by the Landholder in reaching a Land Access Agreement. The Regulations also provide that the party requesting to vary an Approved Land Access Agreement must pay the reasonable costs necessarily incurred by the counter party in reaching the variation.
18. Payment of duties	The Petroleum Interest Holder is responsible for any duty payable on a Land Access Agreement. The Landholder 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, a Petroleum Interest Holder is liable for any act of their contractor carrying out authorised petroleum activities.

Minimum protections	Overview
21. Guarantee in favour of Owner	If the Petroleum 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 Petroleum 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 Landholder and Petroleum 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	<p>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.</p> <p>Regulations 44 and 45 of the <a href="#">Regulations</a> 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"> <li>• by mutual agreement between Parties</li> <li>• upon expiry of the term of the agreement</li> <li>• upon expiry of the term of the petroleum interest</li> <li>• if the Tribunal determines the agreement should be terminated.</li> </ul>

## 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 Landholder

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

The negotiation notice must include certain information such as:

- a plan and description of the land the Petroleum Interest Holder is seeking access to

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

The Petroleum Interest Holder may provide the Landholder with a draft Land Access Agreement to assist with the negotiation process. The Landholder may also choose to provide a draft Land Access Agreement, however, is not required to under the [Regulations](#).

### 6.2.2. Notifying the landowner

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

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

## 6.3. Participating in direct negotiations

Under regulation 16 of the [Regulations](#), once a Landholder has received a [Negotiation notice](#), they must take reasonable steps to negotiate a Land Access Agreement with the Petroleum 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 Petroleum Interest Holder must pay the reasonable costs, necessarily incurred by the Landholder in participating in direct negotiations. Read more about costs associated with direct negotiations at [Section 10.1](#) of this guide.

### 6.3.1. Landholder considerations to assist direct negotiations

In preparation for negotiations with a Petroleum Interest Holder, a Landholder 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. Petroleum Interest Holder considerations to assist direct negotiations

A Petroleum Interest Holder may also wish to consider providing a Landholder 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 Landholder'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 Petroleum 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 Petroleum Interest Holder must apply to the Minister to obtain approval of the signed Land Access Agreement. 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 Landholder has received the [Negotiation notice](#), a Petroleum Interest Holder may choose to proceed with Alternative Dispute Resolution. This process is outlined in more detail at [Section 7](#) of this guide.

## 7. Stage 2: Reaching a Land Access Agreement via Alternative Dispute Resolution

### 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 Petroleum Interest Holder must pay the reasonable costs necessarily incurred by the Landholder 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 Landholder

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

A Petroleum Interest Holder must suggest an ADR Process to the Landholder in the notice. A process could be:

- conciliation
- facilitated negotiation
- case appraisal
- mediation.

A process cannot be arbitration.

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

The nominated period for a landholder 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 Landholder agrees to the ADR Process and person to conduct the process 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 Landholder may not respond to the Petroleum Interest Holder's [Notice of alternative dispute resolution](#) within the nominated period specified in the notice, or may not agree to the Petroleum 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 which is 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](#).

A Petroleum 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 Petroleum 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 Petroleum 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 Petroleum Interest Holder must provide a draft Land Access Agreement when participating in an ADR Process to negotiate a Land Access Agreement with the Landholder. The Landholder 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 Petroleum 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 Petroleum 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 Petroleum Interest Holder is still seeking a Land Access Agreement with the Landholder, 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, a Petroleum 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.

A Petroleum Interest Holder is required to pay reasonable costs the Landholder 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](#).

A Petroleum 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 Landholder 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.

A Petroleum 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 a Petroleum Interest Holder can commence Regulated Petroleum Operations.

If Parties reach a Land Access Agreement in writing via direct negotiations or an ADR Process, the Petroleum 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 a Petroleum Interest Holder to commence Regulated Petroleum Operations before the Land Access Agreement is approved.

Once the Minister has approved the Land Access Agreement, the Petroleum Interest Holder will be able to begin Regulated Petroleum Operations under its Petroleum Title 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 land Owner

If the Landholder is the Occupier and not the Owner of the land, the Petroleum Interest Holder must notify the land Owner that a Land Access Agreement has been approved by the Minister. The Petroleum Interest Holder must give the land Owner notice within seven 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 of 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 Petroleum 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 title of the land. 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](#), a Petroleum Interest Holder is responsible for paying reasonable professional services costs necessarily incurred by a Landholder in taking part in direct negotiations to reach a Land Access Agreement.

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

If the Petroleum 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 Landholder.

## 10.2. Costs associated with ADR

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

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

A Landholder, 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. A Petroleum 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 Petroleum 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 Landholder or ADR Convenor.

## 10.3. Costs associated with a Tribunal proceeding

Under regulation 56 of the [Regulations](#), if a Petroleum 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 Landholder to take part in the proceedings.

A Petroleum Interest Holder will not be responsible for costs if the Tribunal determines the Landholder has acted unreasonably or the Tribunal considers it inappropriate or unfair.

# 11. Royalties and compensation

## 11.1. Royalties

While Landholders 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, 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](#).

Landholders 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 Petroleum 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 Landholders 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 seven 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 seven 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

A Petroleum Interest Holder and a Landholder 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 a Petroleum Interest Holder to carry out Regulated Petroleum Operations under a Petroleum Title 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 Landholder to interfere with Regulated Petroleum Operations a Petroleum Interest Holder is conducting under a Petroleum Title.

### 13.2. Disputes and non-compliance

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 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 Petroleum Interest Holder, the Landholder 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. 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)*

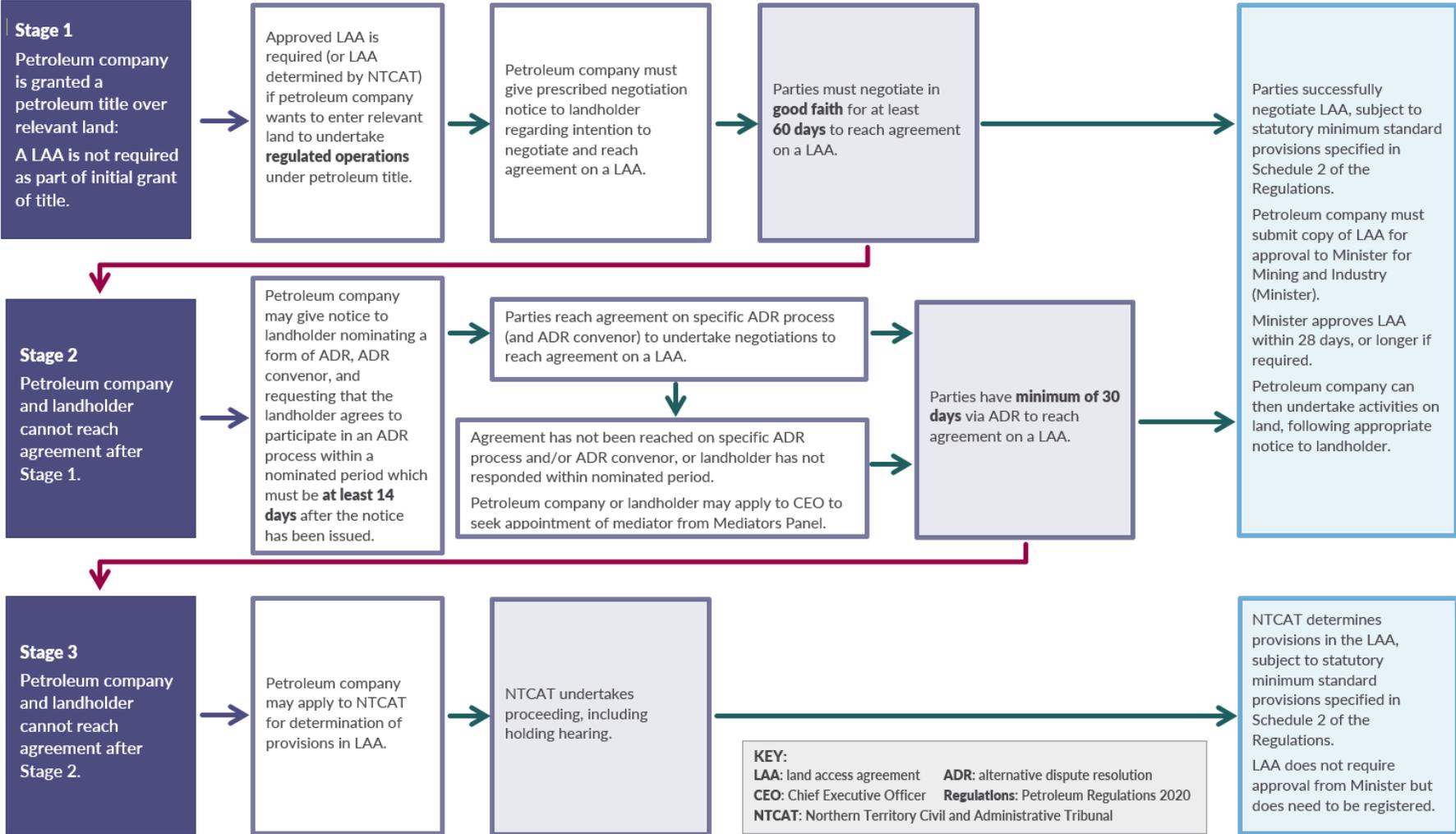


Petroleum company must also obtain approval to undertake exploration activities under its exploration permit, in line with its technical work plan  
*(NT Schedule of Onshore Petroleum Exploration and Production Requirements)*



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)*

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



## 16. Forms and fees

Form name	Form use	Fee
<a href="#">Notice to CEO of change to designated person</a>	A Landholder must use this form to notify the CEO that they have become a designated person to an Approved/Determined Land Access Agreement.	N/A
<a href="#">Negotiation notice</a>	A Petroleum Interest Holder must use this form to notify a Landholder that it wants to commence negotiations to reach a Land Access Agreement.	N/A
<a href="#">Notice of Alternative Dispute Resolution</a>	A Petroleum Interest Holder must use this form if it wants to begin an ADR Process to reach a Land Access Agreement with a Landholder.	N/A
<a href="#">Application to appoint a member of the mediators panel</a>	A Petroleum Interest Holder/Landholder 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
<a href="#">Application for approval of an access agreement</a>	A Petroleum Interest Holder must use this form to obtain approval of a Land Access Agreement.	\$1,416
<a href="#">Application to register access agreement</a>	A Petroleum Interest Holder must use this application to register a Land Access Agreement determined by the Tribunal.	\$825
<a href="#">Application to inspect Access Agreement Register</a>	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.	\$23
<a href="#">Application for certified copy or certificate from register</a>	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.	\$40
<a href="#">Notice of alternative dispute resolution for variation</a>	A Petroleum Interest Holder/Landholder must use this form if they want to begin an ADR Process to vary an Approved Land Access Agreement.	N/A
<a href="#">Application for approval and/or registration</a>	A Petroleum Interest Holder/Landholder must use this form to obtain the approval and/or registration of a variation to an Approved Land Access Agreement.	\$1,416
<a href="#">Application for authorised officer to conduct inspection</a>	A Petroleum Interest Holder/Landholder 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
<a href="#">Application for authorised officer to conduct conference</a>	A Petroleum Interest Holder/Landholder 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
<a href="#">Notice to chief executive officer</a>	A Petroleum Interest Holder/Landholder 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
<a href="#">Notice to owner of approved access agreement or variation</a>	A Petroleum Interest Holder must use this form to notify a landowner that the Minister has approved a Land Access Agreement or a variation to an existing Land Access Agreement (if the Landholder is the Occupier not the Owner of the land).	N/A
<a href="#">Notice of preliminary activities</a>	A Petroleum Interest Holder must use this form to notify a Landholder that it intends to conduct preliminary activities.	N/A
<a href="#">Notice of airborne survey activity</a>	A Petroleum Interest Holder must use this form to notify a Landholder that it intends to conduct airborne survey activities.	N/A
<a href="#">Application for registration of agreement under transitional provisions</a>	A Petroleum Interest Holder must use this form to register an existing Land Access Agreement with a Landholder during the transition period.	\$1,416
<a href="#">Application to appoint a Panel Mediator for pre-transition period negotiations</a>	A Petroleum 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 Landholder commenced before the Petroleum Regulations 2020 came into effect.	N/A

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

## Notification of activities



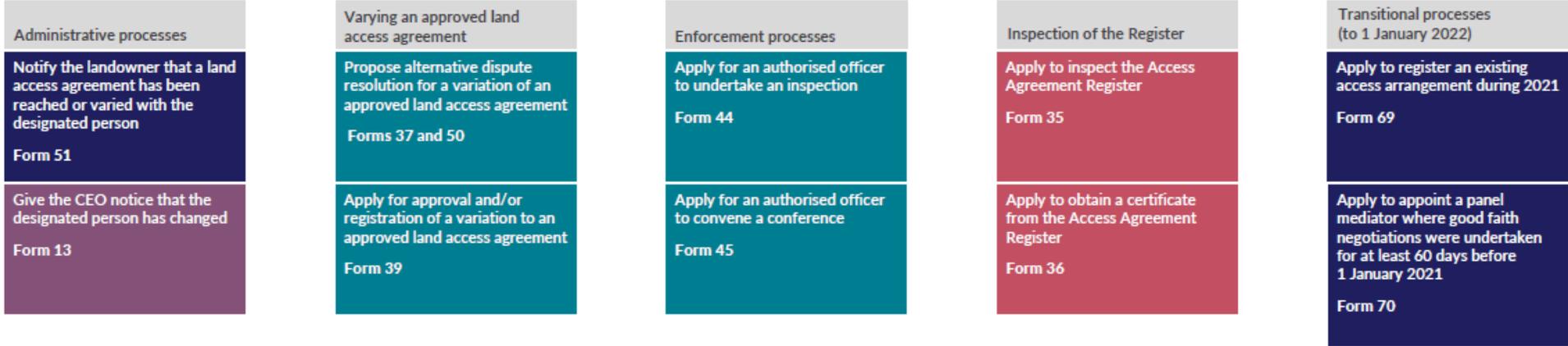
Forms colour key

- 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



## 18. Further information and resources

### 18.1. Key contacts

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

### 18.2. Useful websites

Web address	Content overview
<a href="https://frackinginquiry.nt.gov.au/home">https://frackinginquiry.nt.gov.au/home</a>	This website provides information and resources in relation to shale gas, the Inquiry and copy full copy of the <a href="#">Final Report</a> .
<a href="https://hydraulicfracturing.nt.gov.au/home">https://hydraulicfracturing.nt.gov.au/home</a>	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 <a href="#">Implementation Plan</a> , and implementation progress.
<a href="https://nt.gov.au/industry/mining-and-petroleum">https://nt.gov.au/industry/mining-and-petroleum</a>	This website provides further information on mining and petroleum in the NT.
<a href="https://denr.nt.gov.au/onshore-gas">https://denr.nt.gov.au/onshore-gas</a>	This website provides further information on the regulation of environmental impacts of the petroleum industry in the NT.
<a href="http://strike.nt.gov.au/wss.html">http://strike.nt.gov.au/wss.html</a>	This website provides free access the NTG's Tenure and Geoscience Information. All NT Mineral and Petroleum Titles in the NT can be publically searched using this software.

Web address	Content overview
<a href="https://www.ntlis.nt.gov.au/title-search/">https://www.ntlis.nt.gov.au/title-search/</a>	This website allows you to conduct a search of registered land titles and interests within the NT.
<a href="https://point.ntlis.nt.gov.au/weave/point.html">https://point.ntlis.nt.gov.au/weave/point.html</a>	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.