

# Stakeholder Engagement Guidelines Land Access

## Background

The Northern Territory Government acknowledges that the pastoral industry has played an enduring role in the development of the Northern Territory and is critical to the continuing stewardship of the Northern Territory's natural resource estate. The government also acknowledges that the mineral and energy industries have been important factors in the development of the Northern Territory economy and have potential to make significant contributions in future.

Both the pastoral industry and the minerals and energy industries depend on access to land in order to encourage investment and deliver outcomes for families, investors and the Northern Territory economy.

The government has therefore negotiated with the Northern Territory Cattlemen's Association (NTCA), and representatives of the minerals and energy exploration industries, to reach agreement on a series of principles under which mineral and energy companies may obtain access to pastoral land for exploration.

These principles are based on mutual understanding of the mutual needs of the parties and take into account the need for collaborative approaches in order to deliver positive outcomes at local, regional and Northern Territory-wide levels.

The agreed mechanism through which explorers may gain access to pastoral land, through agreement, shall be given effect by the Department of Primary Industry and Resources (DPIR), and the process shall be displayed prominently on the department's website.

Recently the DPIR has introduced a number of changes to the assessment procedures of exploration applications that provide opportunities for effective stakeholder engagement between the explorer and the pastoralist before the grant of tenure. This is in addition to the engagement required before the commencement of activity.

These changes trigger a number of early opportunities to commence conversations and gain a better knowledge of what may be planned by the explorer, and to discuss appropriate shared land use arrangements, enabling respective activities to take place without undue inconvenience or disruption to the pastoralists.

The process for stakeholder engagement for mineral tenure applications varies slightly to that for energy tenure, as each is subject to different legislation requirements. In each case, it will be important for the mineral or energy explorer to demonstrate to the department that it has reached agreement with the landholder prior to commencement of activity.

Therefore access requirements and agreements could vary from a "hand shake type of agreement" to a more documented agreement. The department has committed to ensure that a form of agreement is reached to ensure that land use and access requirements are clearly understood and agreed to by both parties.

## Energy

Petroleum Exploration Permits can only be applied for under the land release regime.

Stakeholder engagement between the explorer and the pastoralist is to commence as soon as possible once an explorer has been notified that they are the preferred applicant following the land release assessment process.

Steps to the grant of a petroleum exploration application are as follows:

1. Land Release – Applications assessed
2. Advertising successful bid application in the NT Gazette, NT News, Koori Mail (where applicable) and on the DPIR website; notification/objection period commences.
3. *Native Title Act* or *Aboriginal Land Rights (NT) Act* process
4. Permit Grant
5. Exploration Activity
6. Agreement Process

**Refer to flow diagram:** [Petroleum Exploration – Landholder Two Way Communication Consultation Process](#)

### 1. Land Release

The Government, in consultation with stakeholders will determine an area for petroleum exploration. The selected vacant areas will be released through advertising in relevant publications.

DPIR will send letters to stakeholders and the Landholder/Manager notifying them of the release of a vacant area and providing details of the application process.

### 2. Selection of Applicant

Applications for the land released area will be assessed and successful/unsuccessful applicants notified. Within 14 days of accepting the offer, the successful applicant must notify the Landholder/Manager that it has been selected and is proceeding through the application process.

### 3. Application Process

DPIR advertises the successful application in the NT News, NT Gazette, Koori Mail and on the DPIR Website.

After the relevant notification period, applications proceed through the relevant *Native Title Act* or *Aboriginal Land Rights (NT) Act* negotiation process.

The applicant will regularly update the Landholder/Manager on progress throughout the application process.

## 4. Permit Grant

On the successful completion of application processes, DPIR issues grant of permit to applicant, notifies the grant in the NT Gazette and publishes it on the DPIR Website.

On acceptance of the grant, the permittee is required to notify the Landholder/Manager and DPIR posts generic grant conditions on its website.

## 5. Exploration Activity

### *Reconnaissance Activities*

The Permittee must provide at least 14 days' notice to the Landholder/Manager before undertaking any aerial work.

The Permittee must also provide 14 days' notice to the Landholder/Manager before first commencing any reconnaissance activities. Reconnaissance activities are surveys, inspections and other activities that do not involve any disturbance to the land or vegetation and are undertaken before the commencement of an exploration program.

Permittee must also keep the Landholder/Manager informed about the nature and anticipated timing of reconnaissance activities.

### *Exploration Program*

An exploration program is a group of activities (other than reconnaissance activities) requiring approval by the DPIR (such as seismic survey or drilling program). The Permittee cannot commence an exploration program until an Environment Plan has been assessed and approved by DPIR.

The Permittee and Landholder/Manager are required to reach an agreement prior to the commencement of an exploration program. DPIR does not need to be provided with a copy of the agreement but needs to be provided evidence of its existence before granting approvals for the exploration program.

This could take the form of a letter signed by both parties confirming that an agreement has been finalised governing access to a specified area for the purposes of conducting one or more petroleum exploration programs over a specified period of time.

Evidence of a current agreement must be provided to DPIR with each program approval application.

Once an application program is approved, the Permittee must provide at least 14 days' notice to the Landholder/Manager before commencing the exploration program.

## 6. Agreement Process

The Permittee and Landholder/Manager have 60 days to reach a land access agreement and associated conditions. The 60 day period commences from the date that the Permittee sends a notice of intention to commence negotiations to reach an access agreement to the Landholder/Manager.

In the event that an agreement cannot be reached within 60 days, either party may refer negotiations to the Arbitration Panel to make a determination over conditions of access. By agreement, parties can commence arbitration before the expiry of the initial 60 day negotiation period.

The Arbitration Panel will comprise the Chief Executives of the Departments of Primary Industry and Resources, Department of Environment and Natural Resources, and Department of Infrastructure, Planning and Logistics and experienced industry representatives. It will have up to 21 days to make its recommendations.

Once an access agreement has been reached, either by mutual consent of the Permittee and Landholder/Manager or through a determination by the Arbitration Panel, an exploration program may be approved if it has met all other requirements. The Permittee can then commence the exploration program after providing 14 days' notice to the Landholder/Manager.

If either party (Permittee or Landholder/Manager) does not agree with the determination of the Arbitration Panel they retain the right to seek further review through the judicial system. However, this does not affect the approval that has been granted as a result of the arbitration determination or the right of the operator to commence activity.

The following links can lead you to the current guidelines, forms, information referred in the above and other information that might be useful resources to read.

### Guidelines, Forms and Related Information (Energy)

- [Land Access Agreement Flowchart](#)
- [Land Access Agreements Notification of Application Form](#)

For further information, please contact:

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