New process for land access agreements for mining and petroleum exploration activities

30 November 2015

The Northern Territory Government has today announced a new process for land access agreements between the mining, petroleum and agriculture industries.

Chief Minister Adam Giles said the new process to establish land access agreements strikes a balance between the rights of resource companies to explore and the rights of pastoralists to be advised, informed and consulted before exploration begins.

“Mining, petroleum and agriculture are critical to the ongoing economic development of the Northern Territory,” he said.

“This process recognises that mining and petroleum companies need to work together with pastoralists for the future prosperity of the Northern Territory.”

The new process includes:

- The establishment of a land access agreement for those exploration activities considered to create more disturbance and requires the lodgement of a Mining Management Plan or Petroleum Environment Plan;
- If agreement over conditions for land access cannot be reached within 60 days by mutual consent, the matter will be referred to an arbitration panel to be made up of high level government and industry representatives;
- The arbitration panel will arbitrate between the parties for a successful agreement within 21 days of the formation of the panel;
- Once agreement has been reached, the Department of Mines and Energy may approve the Mining Management Plan or Petroleum Environment Plan.

Mr Giles said the Department of Mines and Energy had developed a best practice framework for explorers when negotiating access arrangements with landholders that ensured a balance between the interests of pastoralists and resource companies.

“These enhanced stakeholder engagement protocols provide added structure to any existing land access arrangements that may exist,” he said.

“From a handshake to a fully documented process, this process recognises that individual property managers, mining and petroleum companies need more than a ‘one size fits all’ approach.

“Pastoralists will be provided with the opportunity to gain early knowledge of what may be planned by the explorer, and for both parties to discuss appropriate shared land-use arrangements that allow respective activities to take place without undue inconvenience or disruption.”
NTCA CEO Tracey Hayes welcomed the announcement by the Chief Minister.

“The Giles Government has listened to the concerns raised by the pastoral industry and the broader community,” Ms Hayes said.

“Access agreements will give pastoralists a greater say over what happens on their land and their capacity to manage things such as access, water resources, biosecurity, soil erosion and relationships when miners and oil and gas companies enter their properties.”

The announcement today is a significant milestone in the future of the pastoral industry and rural communities in the Northern Territory, Ms Hayes said.

The Australian Petroleum Production and Exploration Association and the Minerals Council of Australia - NT Division, also welcomed today’s announcement.

APPEA Director Steven Gerhardy said the process would help deliver positive outcomes for pastoralists and petroleum explorers seeking access to their properties.

“Under the new process, both parties will be required to reach a land access agreement prior to the approval and commencement of exploration activities,” he said.

Drew Wagner, the Executive Director of the Minerals Council of Australia - NT Division, said the new process to develop land access agreements will allow all parties to know exactly where they stand.

“As mining is the second largest industry in the Territory, contributing almost $2.7 billion to the economy, it is critical that certainty is created to allow for greater investment, and we can see growth of this and the pastoral sector in the future on behalf of all Territorians across leasehold land,” Mr Wagner said.

Mr Giles said the continuing good relations between landholders and explorers required recognition of the rights and responsibilities of both parties and establishing good communication.

“Access agreements will provide a mechanism for certainty for resource companies and for pastoralists who will continue to manage the land for many generations to come,” he said.

“All resources (minerals, oil and gas) are owned by the Territory and the Territory has the right to authorise the exploitation of those resources.

“All Territorians also benefit from royalties paid by companies and the economic development associated with these resources.

“Today’s announcement highlights the importance of both the resources and the agriculture sectors to the future economic prosperity of the Territory.”

Media Contact: Marnie Hobson 0409 527 909