



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Member - National Farmers' Federation & Cattle Council of Australia

Northern Territory Cattlemen's Association Supplementary Submission to the Northern Territory Inquiry into Hydraulic Fracturing

Since the NTCA appeared at the Darwin Inquiry, CEO Paul Burke and EO Tom Ryan have consulted with NTCA members throughout the Northern Territory at face-to-face meetings to consult regarding the recommendations. Furthermore, the NTCA has received further advice from the NTCA Petroleum Working Group, which is advising the NTCA Board on matters relating to petroleum exploration, which has been included in this supplementary information.

Recommendation 11.3 – The pastoral industry of the Northern Territory maintains that it strongly disagrees with this recommendation, and requests that it be removed from the Panel's final report. The pastoral industry supports the protection and preservation of aboriginal sacred sites, and has a long history of working collaboratively with Traditional Owners to facilitate these protections. Changing the Sacred Sites Act to include sub surface formations has the potential to cause significant disruption, and potentially detriment, to the pastoral estate through increased regulation and costs associated with conducting pastoral enterprises, as well as increased potential for conflict with Traditional Owners.

The pastoral industry strongly opposes this recommendation for the following reasons:

1. The term "sub-surface formations" is subjective, and is difficult to quantify because it is under the ground and unable to be seen, and therefore cannot be reliably quantified. The term has the potential to include anything under the surface. Pastoralists access sub-surface formations, mainly through water bores, to extract water for stock and domestic purposes. This is a fundamental right, and this is critical for pastoral operations. Therefore, changing the Sacred Sites Act to include sub-surface formations has the potential to grant aboriginal people the right to veto this fundamental right to water.
2. Under the current Sacred Sites Act, if clearance is required for any kind of work, including construction of a road, fence, water bore or yards (for example) an Aboriginal Areas Protection Authority Clearance Certificate is required. To acquire such a certificate takes considerable time (sometimes between six months and two years), at considerable cost and inconvenience to the pastoralist.
3. If, during daily operations artefacts are uncovered, they become instantly protected and work must cease immediately as part of current legislation. This indicates that the Sacred Sites Act in its current form is sufficient to protect sacred sites.

Furthermore, the NTCA supports reform of the Sacred Sites Act, specifically around the inclusion of a designated time frame for the identification of sacred sites, and a cost sharing arrangement around the identification and clearance of sacred sites in the interest of protection of these artefacts.



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Recommendation 14.7 - The NTCA would like to see minimum removed from this recommendation and replaced with the term minimum safety net. The concept of "minimum" if applied to compensation agreements would by default mean 'maximum' also. If an agreement could not be reached and was referred to arbitration the ruling would in most cases defer to the minimum set out under this legislation.

A minimum safety net of conditions is a different proposition to a minimum compensation agreement. Having the ability to negotiate a more satisfactorily agreeable compensation agreement given the right of 'VETO' is not contained in the recommendations will allow for a fairer negotiation to occur.

The NTCA agree with the statement that confidentially clause if agreeable by both parties should be considered but would like the flexibility to be able to discuss what is contained within those agreements with 3rd parties if they so wish to do so.

A good example of this would be; 'if neighbors wished to discuss what is contained within these agreements between themselves, then they should be free to do so.' At no point would the NTCA support for the agreements to be made public or shared in this manner.

14.32 The NTCA believes that the description of the two proposed options are not clear. The key reasoning on originally selecting 'Option 1" was that it provided a clear separation between the approval and promotional components of the un-conventional gas industry. On the face of it this still appears to be so. Option 2 would see the Minister for DIPR ultimately responsible for both the approval and promotional components of the industry.

In forming our position, we considered both these scenarios and concluded greater detail and explanation would be required to be able to reach a more informed decision.