



Landholder Rights in the NT: Fracking and other Onshore Gas Operations

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What is this factsheet about?

This factsheet explains the rights landholders have under NT legislation when companies explore for oil or gas on their land. It explains the process of regulatory approvals to extract oil and gas and the points where landholders can exercise their rights. It will be useful for landholders whose land is affected by oil and gas projects. This factsheet is addressed to freehold and pastoral landholders.

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Introduction to fracking

What is fracking?

Hydraulic fracturing, or fracking, is a mining technique that is used to extract petroleum (usually in the form of methane gas) from shale rock. The process involves a mixture of water, sand and chemicals (frac-fluid) being injected underground at high pressure to crack open rock layers and release oil or gas inside the fossil fuel reserves underground. Consequences of the fracking process can include damage to aquifers and ground water

resources from pumping the frac-fluid down drill holes. Frac-fluid is toxic and can impact groundwater quality if it escapes into aquifers. Additionally, fracking can release fugitive fossil fuels in gas or liquid form, which contain volatile organic compounds, from underground fossil fuel reserves into the environment. Fugitive gas contributes to atmospheric warming and climate change. Release of fossil fuels can lead to impacts on the local environment and health of nearby communities due to the known link between volatile organic compounds and health complications. Fracking in the NT is targeted to the underground gas reservoir of the Beetaloo sub-basin geological zone. This is located in the Barkly region of the NT.

The Petroleum Act 1984 (NT)

The *Petroleum Act 1984* (NT) (**Petroleum Act**) and its regulations govern the process for obtaining approval to explore for and produce oil and gas on land in the NT. There is other relevant legislation governing onshore oil and gas in the NT such as:

- rules under the *Environment Protection Act 2019* (NT) for environmental approval of fracking projects in the NT; and
- rules under the *Energy Pipelines Act 1981* (NT) for approval to construct and operate oil and gas pipelines in the NT.

Under section 11 of the Petroleum Act, an exploration permit may be granted to explore for petroleum on *any* land within the NT.¹ This is because petroleum (in its form as both oil and gas) is considered property of the Crown.² However, as outlined below there are potential opportunities for you to object to petroleum activities during the regulatory approvals process. You also have certain rights if the petroleum is under land you own or occupy. In some instances, you can access compensation for a fracking operation that causes damage to your land.³

This factsheet focusses on your rights in the regulatory approvals process for **exploration permits** and **production licenses**. At points where decisions are made under the Petroleum Act there are different rights available and ways to exercise those rights.

Your Rights: Freehold Title and Pastoral Leases

In this section we describe what rights under NT legislation protect you from the interference of petroleum operations (including fracking) on different types of land.

This factsheet does not describe rights for Aboriginal Land Trust land or land subject to native title rights or interests. Land Councils in the NT are the best source of information on these rights and interests in land.

- [Northern Land Council](#)
- [Central Land Council](#)

¹ Petroleum Act, section 11.

² Petroleum Act, section 6.

³ Petroleum Act, section 81(7).

- [Tiwi Land Council](#)
- [Anindilyakwa Land Council](#).

Freehold Landowners

Ownership

- Freehold land is private land.
- The Petroleum Act defines the “owner” of land as someone whose interest in the land can be confirmed by examination of the Land register kept under Part 3 of the *Land Title Act 2000* (NT) (**Land Title Act**).⁴
- An interest in land is registered by the Registrar-General by lodging an application with the Titles Office. The owner of the land is the person who is included on the land title as holding the freehold interest.

Pastoral Land

Ownership

- Pastoral land is land leased from the Northern Territory on behalf of the Crown to a person for conducting pastoral operations.
- The “owner” of pastoral land is also caught by the definition in the Petroleum Act because pastoral land is registered in the NT. Under the Land Title Act, a registered owner includes a person recorded in the land register as the person entitled to lease the land under the *Pastoral Land Act 1992* (NT) (**Pastoral Land Act**).⁵
- A person obtains a pastoral lease over land by applying to the Minister of Agriculture and Fisheries. The lease is granted on behalf of the Crown to use the land for pastoral purposes including pasturing of stock, pastoral enterprises and the production of agricultural products.⁶ Rent must be paid on the pastoral lease.
- Holding a pastoral lease allows a person to conduct pastoral operations on the land. Pastoral leases may be granted in perpetuity or for a specified period.

Rights applying both to Freehold landowners and Pastoral Leaseholders

Your right to compensation

- If you are a Freehold landowner or a Pastoral leaseholder, you have a right to compensation under the Petroleum Act for:
 - if you cannot use or enjoy the land (including improvements on the land, such as roads or fencing) because of petroleum operations;
 - any damage to your land and your improvements on the land caused by petroleum operations;
 - any loss or damage from petroleum operations requiring access to your land;

⁴ Petroleum Act, section 5.

⁵ *Land Title Act 2000* (NT) section 4.

⁶ Pastoral Land Act, section 3, definition **pastoral purposes**.

- drilling of a well on your land; and
- any decrease in the market value of your land caused by petroleum operations.⁷
- This includes compensation for damage or loss caused by petroleum interest holders operating under exploration permits and production licences, as well as retention leases – covering the cycle from exploration activities to full-scale production.

Your right to consultation

- If a petroleum interest holder wants to carry out anything more than “low impact activities” on your land, they are required to negotiate a Land Access Agreement (**LLA**) with you under the *Petroleum Regulations 2020* (NT) (**Petroleum Regulations**).⁸
- “Low impact activities” is limited to preliminary work, prior to any drilling, such as surveys or testing without heavy equipment or driving a vehicle on the land.⁹
- When negotiating a LAA, the law specifies minimum protections for you that must be contained in any LAA, such as:¹⁰
 - providing you at least 14 days’ notice before commencing operations on the land once the LAA is agreed;
 - the petroleum interest holder must do everything reasonably practicable to minimise disturbance to livestock or your use of the land and to prevent introduction or spread of weeds, pest, or disease;
 - the petroleum interest must take reasonable steps to agree with you on the locations of land access points;
 - the petroleum interest holder has an obligation to repair fences or other barriers disrupted by petroleum operations; and
 - the petroleum interest holder has a general obligation to make good any harm or damage caused to your land (meaning repair or pay compensation for harm or damage).
- As can be seen from the above, some minimum protections are more relevant to pastoral land holders - such as protections for stock routes and watering points. Other minimum protections will be more relevant to freehold landowners – such as agreeing to where to access the land.
- All petroleum activities (including exploratory activity) must have an Environment Management Plan (**EMP**) to manage risks and impacts to the environment.¹¹ EMPs

⁷ Petroleum Act, sections 81 and 82; Petroleum Regulations, regulation 6.

⁸ Petroleum Regulations, regulation 12 and regulation 3, definition **regulated operation**.

⁹ Petroleum Regulations, regulation 3, definition **low impact activities**.

¹⁰ Petroleum Regulations, regulation 14, schedule 2.

¹¹ Petroleum Environment Regulations, regulation 6(1).

are exhibited publicly, and you have a right to make submissions on the EMP up to 28 days after it is published.¹² EMPs are approved by the Minister under the *Petroleum (Environment) Regulations 2016* (**Petroleum Environment Regulations**).

Right to negotiate a Land Access Agreement

- An approved LAA is required before conducting petroleum operations such as fracking.¹³
- This means you can refuse access to your land, up to a certain point and subject to the requirements below.
- To commence negotiations for a LAA the petroleum interest holder must give you a negotiation notice.¹⁴
- The Petroleum Regulations requires you and the petroleum interest holder to negotiate the LAA in good faith. The petroleum interest holder must also pay your reasonable costs for negotiations.¹⁵ This could include the costs of hiring a private lawyer to advise you on the LAA.
- The negotiation period must allow for at least 60 days.¹⁶ However, a LAA may be agreed to before the 60 days end.
- If you cannot reach an agreement with the petroleum interest holder on the LAA, they may seek to resolve the matter through alternative dispute resolution using an independent facilitator or mediator.¹⁷ If you then fail to reach agreement on a LAA within 30 days, the alternative dispute resolution process can be terminated.¹⁸
- If the alternative dispute resolution process is terminated, the petroleum interest holder can apply to the Northern Territory Civil and Administrative Tribunal (**NTCAT**) for a resolution.¹⁹
- The outcome of the NTCAT decision is binding on the parties, meaning it must be followed, in the same way as the LAA agreed between the parties would be.²⁰
- If you sign a LAA, the petroleum interest holder cannot access your land until the LAA is finally approved by the Minister for Mining and Energy.²¹

¹² Petroleum Environment Regulations, regulation 8A(4)(b).

¹³ Petroleum Regulations, regulation 12.

¹⁴ Petroleum Regulations, regulation 15.

¹⁵ Petroleum Regulations 2020, regulations 10 and 17.

¹⁶ Petroleum Regulations 2020, regulation 16.

¹⁷ Petroleum Regulations 2020, regulation 18.

¹⁸ Petroleum Regulations 2020, regulation 26(1).

¹⁹ Petroleum Regulations 2020, regulations 29(1).

²⁰ Petroleum Regulations 2020, regulation 29(4).

²¹ Petroleum Regulations 2020, regulation 30(1).

General protections from fracking activities

- Petroleum operations cannot take place within 50m of your home (including your garden or cultivated field) or 200m of any artificial water storage, without your written consent.²²
- Petroleum operations cannot occur within 200m of a cemetery, without approval by the cemetery manager.²³
- Petroleum interest holders cannot construct wells, wellheads, pipelines or petroleum facilities within 2km of a habitable building.²⁴ This includes houses, workplaces, schools and sports facilities.
- Petroleum interest holders cannot construct wells or well pads cannot within 1km of a designated bore unless you, and any other party with a relevant interest like the bore owner or registered native title claimants, gives consent in writing.²⁵

The Beetaloo Basin

The Beetaloo Basin is located 500km southeast of Darwin, covering an area of 28,000 square kilometres and estimated to hold 500 trillion cubic feet of natural gas.²⁶ The area has been identified by both the government and gas companies with interests in the NT as a proposed zone for exploration and production. The geological nature of the basin means fracking is required and conventional gas extraction methods are not viable. The land of the Beetaloo Basin covers areas of freehold title, pastoral leases, Aboriginal land trust land (under Land Rights legislation) and areas with native title determinations and claims.

If you live in this area, you may be impacted by activities including exploration, infrastructure construction, and future production and pipeline construction and operations.

The Territory Coordinator

The *Territory Coordinator Act 2025* (NT) may affect the regulatory processes and rights described in this factsheet. It gives the Territory Coordinator, who is appointed under the Act, and the Chief Minister powers to exempt or modify certain regulatory requirements if conditions are met. The Petroleum Act is one of the Acts that can be affected by the Territory Coordinator

²² Petroleum Act, section 109.

²³ Petroleum Act, section 110.

²⁴ Petroleum Act, section 111.

²⁵ Petroleum Act, section 112.

²⁶ [Beetaloo Sub-basin | Territory Gas](#).

powers because of its inclusion in the schedule to the *Territory Coordinator Act 2025 (NT)*. See below for resources on the Territory Coordinator.

Other resources

EDO factsheet on [Pollution and waste from mining, petroleum operations and pipelines in the NT](#)
EDO factsheet on [Environmental impact assessment under the EP Act 2019](#)
EDO briefing note on [The Territory Coordinator Bill](#)

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