

The Honourable John Mansfield AM QC  
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Via email: [AboriginalLandCommissioner@network.pmc.gov.au](mailto:AboriginalLandCommissioner@network.pmc.gov.au) / [elena.zola@network.pmc.gov.au](mailto:elena.zola@network.pmc.gov.au)

Dear Commissioner

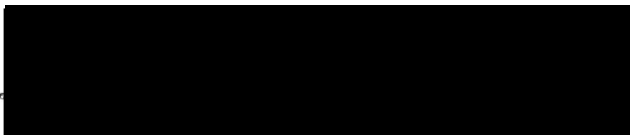
**Invitation to participate: Review of detriment issues – Grouping 3: Maria Island and Limmen Bight River Land Claim (LC) No. 71 and part Maria Island Region LC No. 198; Lorella Region LC No. 199 and part Maria Island Region LC 198**

I refer to my letter dated 1 May 2018 attaching the detriment review table in relation to the above. Please find attached FURTHER REVISED Detriment Review Table for this grouping indicating further amendments in tracked changes. The only substantial amendment is to remove a paragraph on p.11 included in error with some formatting amendments on pp. 12 and 17 (line spacing) and amendment of date at bottom of the table to reflect today's date.

I would appreciate if you would please dispose of the previous version of the Detriment Review Table dated 1 May 2018 and replace with the attached table.

Please do not hesitate to contact me if you have any queries.

Yours sincerely



**Kalliopi (Poppi) Gatis**  
Senior Lawyer  
4 June 2018

cc. Mr David Avery, Northern Land Council  
via email: [david.avery@nlc.org.au](mailto:david.avery@nlc.org.au)



**DETRIMENT REVIEW:**

**MARIA ISLAND AND LIMMEN BIGHT RIVER LAND CLAIM NO. 71 AND PART MARIA ISLAND REGION LAND CLAIM NO. 198: REPORT No. 61  
and  
MARIA ISLAND REGION LAND CLAIM NO. 198 (PART) AND LORELLA REGION LAND CLAIM NO. 199: REPORT No. 63**

**UPDATED DETRIMENT AND PROPOSED PATTERNS OF LAND USAGE INFORMATION ON BEHALF OF THE NORTHERN TERRITORY OF  
AUSTRALIA FOR CONSIDERATION BY THE ABORIGINAL LAND COMMISSIONER**

**Key**

**NTP = NT Portion No.**

**CLP = Crown Lease in Perpetuity**

**PPL = Perpetual Pastoral Lease**

**VCL = VCL**

**ALT = Aboriginal Land Trust land held under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA)***

**TABLE 1: MARIA ISLAND AND LIMMEN BIGHT RIVER LAND CLAIM NO. 71 AND PART MARIA ISLAND REGION LAND CLAIM NO. 198: REPORT  
No. 61**

The claim area dealt with in this report comprises:

- (i) The land lying between the mean high water mark and the mean low water mark surrounding Maria Island in the Gulf of Carpentaria;
- (ii) The land lying between the mean high water mark and the mean low water mark of the coast of the Northern Territory adjacent to Northern Territory Portion (NTP) 1334 between the mouth of the Limmen Bight River and the mouth of the watercourse known as Wurlbulinjji;
- (iii) The bed and right bank of, and the islands in, the middle channel of the Limmen Bight River adjacent to the southern boundary of NTP 2099 above the mean low water mark and the two unnamed islands in the Limmen Bight River which are expressly excluded from NTP 2099 as shown on Compiled Plan 4524; and
- (iv) The bed and banks of, and islands in, the Limmen Bight River between the junction of the Limmen Bight and Cox Rivers and the western boundary of NTP 2099 excluding any land which is part of NTP 2099 as shown on Compiled Plan 4524 and land which is part of NTP 3467 as shown on Survey Plan S 88/156.

Item	Olney J detriment findings and any additional detriment per ALC letter of 13.02.2018	Additional/new detriment information
1.	<p><b>Fisheries Detriment:</b> The Department of Primary Industry and Fisheries ('Fisheries') gave evidence regarding the recreational fishing value of the claim area. In his report Commissioner Olney noted that the waters surrounding Maria Island including the intertidal zone were increasingly being used by recreational fishers who gained access by boat from either the Roper River or from Steven Barrett's fishing camp on the Limmen Bight River. Fisheries also gave evidence about commercial fishing in the claim area, primarily in regards to barramundi and mud crab fishing in the intertidal zone. It was submitted that if access to the intertidal zone and rivers were restricted, recreational and commercial fishing efforts would be adversely affected: refer ALC letter at p2 (third paragraph): and refer report 61 at [83]-[99].</p> <p><b>Mines and energy Detriment</b> The Department of Mines and Energy submitted statements regarding the sand dunes around Maria Island as having significant potential for heavy minerals and sand for glass production,</p>	<p>The NT Government Department of Primary Industries and Resources (DPIR) was established by the NT Government on 12 September 2016. DPIR brings together many of the key functions that drive economic development in the Northern Territory including on land, over coastal areas and inland waterways. Its business sectors are mines and energy, fisheries and product integrity, primary industry development and the NT Geological Survey.</p> <p>DPIR advise:</p> <p><b>PART 1: FISHERIES</b></p> <p><b>Fishing in the Claim Area</b></p> <ol style="list-style-type: none"> <li>a. DPIR compiles information relating to existing fishery interests and practices in the Northern Territory to regulate activities administered under the <i>Fisheries Act</i> (NT). These fishery interests and practices relate to all Northern Territory Waters, including rivers and waters overlying the inter-tidal zone.</li> <li>b. The Act provides for the conservation and management, by regulation, of all fish and aquatic life in Northern Territory Waters, to maintain their sustainable utilisation by all interested user groups including traditional Aboriginal usage. The Act also seeks fair, equitable and optimal use of those resources with regard to providing benefit to the Northern Territory.</li> <li>c. Save for aquaculture, fish and aquatic life are deemed to be common property resources which, under the Act, are managed and conserved on behalf of the Northern Territory community as a whole.</li> <li>d. In all coastal and inland waters of the Northern Territory, including waters that overlie Aboriginal land, the use of fish and aquatic life is a regulated activity administered under the Fisheries Act.</li> </ol> <p><b>Northern Territory Fisheries Harvest Strategy</b></p> <ol style="list-style-type: none"> <li>e. The Northern Territory Fisheries Harvest Strategy is a policy Document that integrates the ecological, social and economic dimensions of fisheries management into a single operational framework for decision making. In its simplest form, a harvest strategy provides a framework to ensure that fishery managers, fishers and other stakeholders have a shared understanding of the objectives of using a specific resource and work together to consider and document responses that will be applied to various fishery conditions (desirable and undesirable) before they occur. This provides greater certainty and avoids ad-hoc decision making (Sloan et al. 2014).</li> </ol>



as well as some potential for base-metals mineralisation. Accordingly, Commissioner Olney concluded that in the event of a grant of title, future exploration and mining activity in the region could be adversely affected: refer ALC letter 13.02.18 at p.2, sixth paragraph and Report No. 61 at [106]

- f. Harvest strategies are considered to represent a best-practice approach to operational fisheries management and they have been widely adopted nationally and internationally (FAO 2011; McIlgorm 2013; Smith et al. 2013; Sloan et al. 2014). Harvest strategies identify clear objectives of how a given fishery resource is to be used to optimise benefit. They put in place measurable indicators of performance to ensure the fishery moves towards meeting the objectives and specific management actions that will be implemented if reference points are met to ensure that the fishery stays on track.
- g. The adoption of a consistent approach to the development of a harvest strategy is expected to lead to better managed fisheries and encourage responsible fishing, as decisions on harvest levels are forecast and will be made in a more transparent, predictable and timely manner. Harvest strategies will also provide adaptability to social, economic and ecological change and create a level of transparency and reporting that will foster greater community confidence in the way fisheries are managed Fisheries harvest reference points.;

Harvest Reference Points

- h. Best practice management of exploited fishery populations includes the development of harvest reference points to identify when management actions need to occur if the stock is being overfished or underutilised. The Food and Agriculture Organisation (FAO) offer three reference points; Target, Trigger and Limit that are mainly used in fisheries management. Commonly, these reference points are values of the current biomass as a proportion of the unfished biomass.
- i. Target Reference Points have traditionally been focussed around the Maximum Sustainable Yield (MSY) which is the maximum harvest that can be sustained before population growth (generally referred to as recruitment) is significantly impacted. However, fishing a stock at MSY can allow the biomass to reduce to between 20 and 60% of unfished levels depending on the species being harvested. Data used in stock assessments is holistic and where available include estimates of catches from all sectors. However, while biomass levels might be considered sustainable there may be an impact on the ability for non-commercial users of the resource to catch these species. Consequently, there have been a number of alternative sustainable target reference points developed to account for other user needs (e.g. Profit - Maximum Economic Yield (MEY); Figure 1).

Commercial Fishing

- j. Key Fisheries in the area include Mud Crab, Barramundi and King Threadfin.
- k. These resources also have commercial value in the general area. Since 2008, the commercial Barramundi, King Threadfin and Mudcrab catch figures for claim areas are as follows:

Year	Barramundi (Kg)	King Threadfin (Kg)	Mud Crab (Kg)
2008	775	233	0
2009	0	0	0

2010	175	0	2827
2011	1800	0	14258
2012	0	0	471
2013	0	0	1002
2014	800	0	1665
2015	1725	0	7686
2016	0	0	2151
2017*	5900	67	27166

\* Fishing reported in Grid Covering the Land Claim areas is undertaken via the mandatory logbook reporting program established under the Act whereby all licenced operators are required to submit regular catch and fishing activity logbook data to NT Fisheries. Asterix indicates incomplete data.

- I. Commercial fishing also stands as an important driver of economic activity in the region, and directly underpins the livelihood of several of the commercial operators in the region.

Recreational Fishing

- m. The last recreational fishing survey data from that area was collected in 2009/10. The survey estimated that NT residents spent a total of 242 days in the area seaward of the coast of the claim area – however, it should be noted that not all of this effort would have been expended within the intertidal zone. The survey also estimated that NT resident fishers spent a total of 265 days fishing within the Limmen and Cox Rivers and a further 12 days of NT resident effort occurred in the Rosie, Bing/Bong area;
- n. There is no specific data on effort expended solely within the claim area vs outside the claim area.
- o. We have no estimate of visitor effort in this area however it is known to be very significant. For example 98% of the effort expended at nearby King Ash Bay is from visiting interstate anglers and most of the rec fishers that stay at the Limmen Bight camp are known to be visitors (non NT residents). As such, the figures quoted above for NT resident effort would only be a fraction of the total recreational fishing effort for the area. In addition, there is a fishing camp on the Limmen River, a jetty at Bing Bong that is popular with recreational fishers and the Lorella station that hosts fishers and occasionally does helicopter charter trips to the adjacent coast.

Fishing Tour Operators

- p. NT Fisheries collects data from Fishing Tour Operators about where they have conducted their operations.
- q. Data currently available shows the number of Fishing Tour Operators active (by year) in the area.

<b>No. licences that worked the area</b>	
2008	1
2009	1
2010	1
2011	0
2012	1
2013	2
2014	2
2015	2
2016	2
2017*	1

\*Data for 2017 remains incomplete.

- r. Fishing tourism generates economic activity in the region, and if access arrangements are modified this may have adverse impacts on expenditure and on individual business operations.

Enforcement of catch limits

- s. The Northern Territory has strict possession limits and gear restrictions in place for recreational fishers and a range of effort and gear restrictions in place for the commercial fishery. The numbers of commercial fishers and fishing tour operators is controlled via the issue of licences to undertake that activity. Compliance involves two key measures; education and enforcement. Education measures include brochures, signage and a NT fishing application that allow smart phone users to understand and be aware of the various fishing rules in place including the ban on the take of protected species.
- t. Amendments to *the Fisheries Act* were introduced from 1 January 2017 to strengthen 'fit and proper' provisions for commercial operators, including the ability for the Director to consider relevant offences under other legislation (rather than just fishery offences) such as sacred sites or trespass offences in determining the grant or renewal of licences and permits.

		<p><u>Scene setting: access negotiations</u></p> <ul style="list-style-type: none"> <li>u. Since the High Court decision on Blue Mud Bay, the NT Government has been negotiating access arrangements for access to affected tidal waters overlying Aboriginal Land. Many previous land grants have been made to the 'mean low water mark' which is not defined on nautical charts and is in a practical sense unenforceable. The Blue Mud Bay decision has created considerable uncertainty for commercial and recreational fishing sectors over access to waters. While seven agreements have been reached to date, the negotiation process is time consuming and resource intensive for Land Councils and little progress has been made with regard to negotiating agreements over remaining areas.</li> <li>v. In relation to the Claim Areas and surrounds, there is no certainty that a future access agreement would be reached for fishing access to waters , in which case neither recreational nor commercial fishers would have any access to the waters.</li> <li>w. The effect of the Blue Mud Bay decision, in combination with extent of the existing areas of land granted as Aboriginal land under the Land Rights Act, the 13 "Beds and Banks" claims previously recommended for grant by the former Commissioner the Honourable Justice Howard Olney; the 4 claims already granted as Aboriginal land and the 10 outstanding "Beds and Banks" claims give rise to a strong risk that proposed patterns of land usage associated with recreational and commercial fishing will be detrimentally impacted upon if widespread access is withdrawn or restricted. This is particularly so as fisheries development depends upon certainty and security of access. Even if an agreement is reached, it may not be permanent and therefore will not provide certainty and security for commercial development to occur.</li> <li>x. Even if an agreement is reached, it will have an ongoing cost to the Territory government and taxpayers, as well as resourcing implications for Government agencies and Land Councils to review and renegotiate agreements on an ongoing basis.</li> </ul> <p><u>Importance of whole of fishery approach to fisheries management</u></p> <ul style="list-style-type: none"> <li>y. Consistent with the statement of Mr Robert Sarib dated 8 November 2017, exhibit NT7 In the Fitzmaurice River Region LC 189 at paragraph 4.1(a) and 5.1, approximately 78% of the coastline of the Northern Territory is Aboriginal land down to the low water mark. If all outstanding land claims resulted in a grant of Aboriginal land, this figure would increase proportionately.</li> <li>z. In carrying out the objectives of the Fisheries Act and the Harvest Strategy, it is critical that the impact of modified access is understood as it relates to overall management of fisheries as a natural resource.</li> <li>aa. A number of pre-requisites exist for the development and management of aquatic resources. The Harvest Strategy names the following as pre-requisites for effectively managed Fisheries: <ul style="list-style-type: none"> <li>1. <i>A fishery specific management framework that contains:</i></li> </ul> </li> </ul>
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		<p>1.1. Long term conceptual objectives including ecological, and where appropriate, economic, social and customary objectives that define how the fishery is carried out to the benefit of the community; and</p> <p>1.2. <b>Resource access and allocation arrangements</b> between sectors to maximise the benefit of resources shared among all users (commercial, recreational, customary and fishing tourism).</p> <p>2. An ESD risk assessment to identify and prioritise the full suite of ecological, economic, social and customary issues in the fishery</p> <p>bb. Notwithstanding that the Fisheries Act and the Harvest Strategy would continue to apply regardless of tenure, the granting of 'Beds and Banks' claims on a wide scale amounts (in a cumulative sense) to an additional management regime over Territory waterways - an access regime notionally founded upon either permit-based access or agreements for commercial activity under Section 19 of the <i>Aboriginal Land Rights (Northern Territory) Act (Cth) 1976</i>.</p> <p>cc. Historically, impediment to or obstruction towards an aquatic resource (whether through regulatory, access or environmental factors) has served to displace fishing effort, rather than remove it. This displacement has the more than likely effect of concentrating commercial fishing effort. It also remains at odds with the overall aims and goals of the Fisheries Act and the Harvest Strategy, which aims to promote and enhance informed, evidence-based fisheries management decisions.</p> <p>dd. In the McArthur River Region Land Claim (184) Report of March 2002 the then ALC, Justice Olney, at paragraph 169, makes a strong comment on the need to treat river and sea access and the issues arising there from on a global basis:</p> <p><i>"It is likely that the pending claims identified in in this statement will give rise to similar, if not identical, issues as have been raised in previous Land Claims in relation to access to rivers and the sea, and to the management of both marine resources and the coastal ecosystem. The evidence is very strongly against dealing with these issues on a purely local, rather than a regional or even a Territory-wide basis. It would seem that a final resolution of these claims may be dependent upon the resolution of outstanding legal questions concerning the rights which attach to Aboriginal ownership of tidal rivers and the bed of the intertidal zone and also the larger question of whether the seabed beyond the low water mark is susceptible to claim under the Land Rights Act. Ultimately legislative action on the</i></p>
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		<p><i>part of both the Commonwealth and the Northern Territory may be required to achieve an acceptable result." (Emphasis added).</i></p> <p>ee. In the Lower Roper River Land Claim (70) Report of 7 March 2003 Justice Olney, at paragraph 112, returned to this theme and commented:  <i>There have been a number of land claim reports in recent years in which recommendations for the granting of title have been made in respect of areas of the inter-tidal zone and tidal rivers in the Gulf region. Most, if not all, of those reports have been referred to above. In each, one of the concerns expressed is that if by reason of a grant of title access to waters of the ocean and rivers by commercial and/or recreational fishers is prohibited or restricted, there is likely to be a corresponding increase in fishing effort in other areas. This reasoning has not been challenged. In these circumstances it would seem logical that the recommendation in this report should not be considered in isolation from those contained in the other reports in question but rather, a regional, if not Territory wide, approach should be adopted in considering whether, and to what extent, the recommendations should be given effect to." (Emphasis added).</i></p> <p>ff. Of further significance to whole-of-fisheries management is that displaced fishing effort may very well be displaced to further areas where access may be conditional or denied altogether – creating, in effect, regional level disruption of fisheries management (i.e.; the Harvest Strategy) rather than localised.</p> <p>gg. Barramundi licences are not geographically restricted, except in respect of those areas closed for management purposes under the Barramundi Fishery Management Plan. If a barramundi licensee was prevented from fishing in one area he or she would be forced to move to another area. At present there are 14 barramundi licensees in the Northern Territory.</p> <p>hh. The Department has performed extensive studies on the number of licences each fishery can sustain. If licence holders were prevented from fishing in one area and moved to the remaining areas, the DPIR would have to determine whether the number of licences was appropriate.</p> <p>ii. If there was a concentration of effort into the remaining areas, as a result of reduced areas available for fishing, the result may be that the number of licences needs to be reduced. Adjustments for resource sharing reasons have typically involved a Government funded buyback of licences. To do this DPIR would buy out one or more licences which could cost (for barramundi) between \$650,000 to \$750,000 each.</p> <p>jj. The importance of a whole of fishery approach is equally relevant to the mud crab fishery. The life cycle of the mud crab makes it necessary to manage the mud crab in all waters to ensure the survival of the resource.</p> <p>kk. There are currently 49 mud crab licences. If there was a concentration of effort into the remaining areas, as a result of reduced areas available for fishing, the result may be that a reduction in the number of licences is necessary. A mud crab licence is valued at between \$250,000 to \$350,000 each.</p>
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**PART 2: MINERALS AND ENERGY**

**ENERGY:**

- ll. The Energy Division of DPIR administers and regulates petroleum exploration, production and transportation (via pipeline) activities in the Northern Territory on shore and to 3 nautical mile limit (3nM).
- mm. The relevant Acts, regulations and schedules are:
  - i. *Petroleum Act (NT) and following subordinate legislation;*
  - ii. *Petroleum (Environment) Regulations;*
  - iii. Schedule of Onshore Petroleum Exploration and Production Requirements 2016;
  - iv. *Petroleum Regulations;*
  - v. *Petroleum (Submerged Lands) Act (NT) and Petroleum (Submerged Lands) Regulations;*
  - vi. *Petroleum (Prospecting and Mining) Act [repealed]* – existing by virtue of transitional provisions under section 119 of the *Petroleum Act*; and
  - vii. *Energy Pipeline Act and Energy Pipelines Regulations.*
- nn. The area subject to LC 71/198 is considered prospective for oil and gas. In September 2014, Imperial Oil and Gas Pty Ltd (Imperial) completed the drilling of four exploration holes in the St Vidgeon region of Petroleum Exploration Permit (EP) 184. While the results are currently preliminary, they are consistent with the findings from previous geochemical and basin thermal modelling studies by IOG that suggest potential not only for gas, but also petroleum liquids (see ASX announcement dated 01.10.2014 marked as **Attachment 1**).
- oo. Petroleum Exploration Permit EP184 was granted subsequent to compliance with the *Native Title Act* (Cth) on 20 August 2013, with an expiry date of 20 August 2020: refer title report for EP 184 marked as **Attachment 2**. EP 184 covers a majority of the Limmen Bight River portion of LC 71 (this area has been provided an administrative parcel number NT Portion 7171): refer to **Attachment 3** being map depicting petroleum tenures in the context of LC 71/198 and 199/198 including the location of EP 184.
- pp. Imperial applied for EP(A) 183, situated over Aboriginal land held under the *Aboriginal Land Rights (Northern Territory) Act* (Cth) on 12 April 2010: refer **Attachment 4** being copy of title report for this application. Consent of the NT Mining Minister to negotiate under the ALRA was granted to Imperial on 14 October 2010. The period to negotiate for consent of the traditional owners to the grant for the purposes of s42 ALRA currently ends on 31 October 2018. The timeframe for negotiation of traditional owner consent has been extended on six occasions by agreement between the applicant and the NLC pursuant to s42(13)(c) ALRA. EP(A)183 abuts the end of the coastal portion of LC 198 as dealt with in Report No. 61: see **Attachment 3** as noted above regarding petroleum tenures in context of LC 71/98.

		<p><b>Access Negotiations</b></p> <p>qq. Before grant of a petroleum exploration permit, the DPIR must have evidence that the applicant and either the registered native title parties or the traditional owners of any ALRA land, (whichever is applicable) have reached formal agreement between them.</p> <p>rr. The DPIR is not privy to content of these agreements, but understands that they can deal with environmental and cultural matters and how activities are conducted. This could include activities like construction of roads and tracks, creek crossings, development of processing facilities and gathering pipelines, transport a petroleum resource via pipeline or to conduct environmental studies, including sampling and geophysical surveys.</p> <p><b>Environmental Regulation</b></p> <p>ss. The <i>Petroleum Act</i> requires that the holder of a granted EP must carry out works in such a way as to cause as little disturbance to the environment as practicable. Additionally, exploration activity is subject to the requirements of the Petroleum (Environment) Regulations (PER), object of which is to ensure that regulated activities are carried out in a manner:</p> <ul style="list-style-type: none"> <li>i. consistent with the principles of ecologically sustainable development;</li> <li>ii. by which the environmental impacts and environmental risks of the activities will be reduced to a level that is as low as reasonably practicable; and acceptable.</li> </ul> <p>tt. All exploration activities must have an environment management plan approved under the PER before activity be undertaken. For those reasons, DPIR does not generally approve drilling programs within 100 metres of a river or inland water body.</p> <p><b>Petroleum Exploration and Development Activities</b></p> <p>uu. Among other things petroleum activities consist of construction of roads, tracks camps and drilling sites, creek crossings, ground geophysical surveys, airborne surveys and the conduct environmental geological studies, including sampling. If substantial hydrocarbons are discovered, field development will comprise of processing facilities (including an office block and camp facilities), gathering pipelines, a petroleum resource transport and compressor stations pipeline. While there may be opportunities to connect to the Amadeus or the (under construction) Northern Gas Pipeline a company would look at all development options to select the most viable, which could include to an offshore facility like a Floating LNG processing facility or a condensate export facility.</p> <p>vv. DPIR does not generally approve drilling programs within 100 metres of a river or inland water body, therefore, grant of Aboriginal Land over the areas claimed may not directly affect tenement holders' exploratory drilling.</p> <p>ww. In relation to the Claim Areas and surrounds, there is no certainty that a future access agreement would be reached for other petroleum activities in which case undertaking activities on granted titles that may require access to or through the claim areas cannot be relied on.</p>
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- xx. Failure to reach agreement poses a strong risk that proposed patterns of land usage associated with petroleum exploration and production could be detrimentally impacted if access is withdrawn or restricted.
- yy. Even if an agreement can be reached, it would likely create additional costs to petroleum explorers.

**MINES**

- zz. The mining industry is an important contributor to the Northern Territory economy. The development of Northern Territory mineral assets gives rise to significant infrastructure expenditure and long-term employment.
- aaa. Current granted minerals tenures falling within the claim area for LC 71/198 are Exploration Licence (EL) 30157 and 30158 granted respectively on 9 June 2009 and expiring on 8 June 2019: refer **Attachment 5** being excel spreadsheet of mineral tenures in relation to LC 71/198 and 199/198. Also attached as **Attachment 6** is a copy of a map depicting the various minerals tenures (granted and applications) arising in relation to the claim areas in LC 71/198 and 199/198. This map shows the location of ELs 30157 and 30158.
- bbb. Once granted, Exploration Licences ('ELs') allow the holders of this type of title to conduct exploration activities in connection with minerals, including occupying the title area, drilling, trenches, holes, sinking bores and tunnels, extracting and removing samples of ore and other substances in amounts reasonably necessary for evaluation from the title area.
- ccc. ELs may be granted for a term not exceeding 6 years. Prior to expiry of the term of an EL, the licensee may apply to the Minister for the renewal of the EL for a term not exceeding 2 years. An EL may be renewed more than once.

**Mineral Authorities over waters including claimed area**

- ddd. Mineral Authority (MA) applications for the proposed grant of an exploration licence namely MA 28133 and 28134 currently exist to waters within and beyond the intertidal waters subject to land claim 71 around Maria Island and LC 198 along the coastline of Nathan River (NT Portion 1334, former Pastoral Lease 756, currently subject to part of Limmen National Park as referred to above). The basis for this is explained in further detail below.
- eee. Mineral Authorities are mineral tenures that are applied for and, where granted, arise over an area of a general mineral reserve declared under s113 *Mineral Titles Act* (NT) to prevent or restrict mining activities over areas not subject to minerals tenure. Minerals tenures can still be granted over such areas as Mineral Authorities with conditions applying to those tenures that do not ordinarily apply to the corresponding minerals tenure. For example, an exploration licence can only be granted for 6 years in the original term but a Mineral Authority for exploration over a general mineral reserve can be granted for any relevant term determined. Mineral Authorities for exploration can also be restricted as to type of mineral for exploration.
- fff. The general mineral reserve relates to those waters from the Territory baseline (determined as being from the mean/average of the Lowest Astronomical Tide) to the 3 nautical mile jurisdictional limit of the Territory. It was declared under the former *Mining Act* 1984 (NT) and still applies under the Mineral Titles Act. This Act

**Deleted:** <#>With respect to granted EL/s within the claim area as noted on **Attachment 5** and depicted on **Attachment 6**, if access to these granted tenures by exploration vehicles and or material is required via a river, or there is a need to access across rivers or intertidal areas and grant of the claim area as Aboriginal land resulted in denial or restriction of access across the claimed land the detriment would result to the tenement holders. If access were granted across these areas at a cost, then detriment would result to the extent that there is a cost attaching to the terms of access where previously there has been no such cost.¶

		<p>provides that reserved under s178(1) of the repealed Act (i.e. Mining Act (NT)) is taken to be general reserved land that is reserved from exploration for, and extraction of minerals and extractive minerals generally: refer s.214(1) of the <i>Mineral Titles Act</i>.</p> <p>ggg. Given that the intertidal zone areas claimed relate to land between the mean highwater mark down to the low water mark, then it is likely that parts of the MA 28133 and 28134 fall within parts of the claimed waters.</p> <p>hhh. The MA applications 28133 and 28134 give no access rights to the applicant. However, if granted, the MA will provide the interest holder with the right to occupy the area specified in the grant, the exclusive rights to conduct exploration for minerals (subject to any restrictions re mineral type) and the exclusive right to apply for a MA mineral lease for all or part of the title area. Such rights may only be exercised during the period the MA is in force.</p> <p>iii. If the claim areas are granted, the applicant of MA 28133 and MA 28134 would have to comply with the processes in Part IV of the <i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)</i> (ALRA) for access to conduct exploration activities. A separate process for approval under the <i>Native Title Act (Cth)</i> would apply to those areas of the proposed waters beyond the ALRA grant areas. These processes provide for differing timeframes, costs and grant conditions which may lead to the applicants removing the Aboriginal land grant areas from the proposed application areas. The Applicant may then wish to pursue a new application over those areas which would result in greater administrative burden and cost to the applicant/s.</p> <p>jjj. The Part IV ALRA process would also apply subsequently when EL or MA (Exploration) applicants apply for the equivalent of a Mineral Lease over any area. The requirement to obtain traditional owner consents to the grant of mining interests over Aboriginal land in the region imposes additional processes for relevant approvals.</p> <p>kkk. Further, any other future mineral title applicants would have to comply with the processes in Part IV of the ALRA.</p>
2.	N/A	<p>The Department of Infrastructure, Planning and Logistics (DIPL) was established by the NT Government on 12 September 2016. The government created the Department to bring together many of the key functions that drive land use, infrastructure and transport. These include the development, planning, construction and maintenance of government infrastructure and roads, and transport safety, policy, strategy and compliance. DIPL has advised as follows.</p> <p><b>Part 1: Road Network</b></p> <p>a. The only transport assets subject to LC 71/198 is:</p> <p>i. part of the Nathan River Road (RIMS ID 136). This Road runs from Ryans Bend Road to Roper Highway (total of 293km) crossing over the Cox River (within the claim area) with 100m wide policy road width – the road is open to and used by the public and is managed by NTG Road Authority: refer <b>Attachment 9</b> comprising ILIS map depicting location of Nathan River Road in relation to LC</p>

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		<p>71(iii) and 198(iv) (beds and banks of Cox River) (Refer table 2 below): NB map depicts LC 71(ii) as including the southern channel of the Limmen Bight River; note comments of the former ALC Olney in report 61 at paragraph 18 that the southern channel of the Limmen Bight River was part of NT Portion 1334 subject to PL 756 at the date LC 71 was lodged and was therefore alienated Crown land at the date of claim and not available for claim.</p> <p>b. There are no bores or gravel pits within the claim area for LC 71/198.</p> <p><b>Part 2: Crown Land Estate:</b></p> <p>c. NT Portion 819 (St Vidgeon Station) (abutting the beds and banks of the Limmen Bight River and the Cox River within land claim 71 and 198) is currently subject to a Crown lease in Perpetuity 346 held by the Conservation Land Corporation for the purpose of carrying out the functions of the Conservation Land Corporation. Part of this parcel comprises part of the Limmen National Park as discussed below in relation to the Department of Tourism and Culture's response.</p> <p>d. The Lands and Planning Division of DIPL administers the <i>Crown Lands Act</i> (NT) and regulations which legislation applies to St Vidgeon Station the subject of CLP 346 as noted above.</p> <p>e. The beds and banks of Limmen Bight River the subject of Land Claim No.71 has been allocated an administrative parcel number NT Portion 7058. This area of land is not actively management by Crown Land Estate Division of DIPL.</p> <p>f. NT Portion 1334, Nathan River is part of the declared Limmen National Park and is subject to operation and management by the Parks and Wildlife Commission of the Department of Tourism and Culture.</p>
3.	<p>During the inquiry, the Parks and Wildlife Commission (the Commission) submitted statements outlining a number of detriment concerns. There was concern regarding the proposed establishment of the Limmen National Park, which was to comprise the whole of three former pastoral properties, namely St Vidgeon (NTP 819), Nathan River (NTP 1334) and Billingham (NTP 1323). The intertidal zone immediately adjacent to NTP 1334 was said to feature a significant number of migratory waders including colonies of the pied cormorant and little tern. The Commission was concerned about the management of the intertidal zone to</p>	<p>Department of Tourism and Culture (DTC) was established by the NT Government on 12 September 2016. It is comprised of an amalgamation of the previous Departments of Sport and Recreation, Arts and Museum, Parks and Wildlife, and Tourism NT as well as the Heritage Division.</p> <p>The DTC advises:</p> <p>a. Since the 2002 recommendations, the Limmen National Park (LNP) has been declared over part of St Vidgeon Station (NT Portion 819) and the whole of the (former) Nathan River Station (NT Portion 1334) and the (former) Billingham Station (NT Portion 1323): refer NT Government Gazette, No.S35, 16.07.2012: being <b>Attachment 7</b> at p.1.</p> <p>b. The beds and banks of the Limmen Bight River within LC 71 have value from a tourism perspective, with the river and inter-tidal zone claimed in LC 71 (surrounding Maria Island) and the relevant part of LC 198 (the intertidal zone adjacent to Nathan River up to Wurlbulunji watercourse) being utilised by recreational fishing and boating visitors including those visiting the LNP. These areas are primarily visited by self-drive tourists and recreational fishing visitors including those accessing the Limmen National Park (LNP) with the</p>

<p>ensure protection of the significant wildlife found there and submitted that separating ownership, control and management of the intertidal zone from the park may adversely affect the Commission's work. Similar concerns applied in respect to the beds and banks of the Limmen Bight River. The Commission was also concerned that a grant of title to the claim area would have the potential to restrict public access to the proposed national park.</p> <p>The Commission also had an interest in Maria Island. It was submitted that the intertidal zone around Maria Island was an important wildlife habitat, namely because one of the largest breeding colonies in the Northern Territory of silver gulls fed within the area and a significant level of marine turtle nesting had been recorded there as well as important bird roost sites. The Commission submitted that it was therefore essential that they continued to have access to those areas for monitoring purposes and feral animal prevention.</p> <p>Refer ALC letter 13.02.18 at p.2, fourth-fifth paragraph; refer also Report No. 61 at [100]-[105].</p>	<p>main tourism operator in the region being Lorella Springs (contact details below). Refer <b>Attachment 7</b>, being NTGG S35 16.07.2012, regarding declaration of LNP at p.1</p> <p>Lorella Springs Wilderness Park PO BOX 256 Palmerston NT 0831 Phone: 08 8975 9917 (Station) Email: mail@lorellasprings.com</p> <p>c. DTC remains of the opinion that ongoing access for the Department to manage the intertidal zone immediately adjacent to NTP 1334 to ensure protection of significant biodiversity values will be important.</p> <p>d. The LNP is bordered by LC 71 and 198, it is attractive to tourists who have an interest in nature, fishing, boating and 4WD adventure with approximately 17 000 visitors recorded in 2017. The Limmen River campground is located on the LNP estate near the Cox River (LC 198(iv)) and the Limmen Bight Fishing Camp is visited by recreational fishing visitors who can fish along the Cox River (LC 71 and LC 198(iv)) or go out to the Gulf of Carpentaria (LC 198(i)).</p> <p>e. DTC is currently developing a comprehensive plan of management for Limmen Bight Marine Park. The Marine Park comprises waters of the seabed including the seabed waters around Maria Island (NT Portion 2373) but excluding any parts of the intertidal zone claimed in LC 71 and 198: refer <b>Attachment 7</b>, NTGG S35 16.07.2012, at pp.1-2 re declaration of Limmen Bight Marine Park.</p> <p>f. A grant of the claim areas will cause detriment to the Parks and Wildlife Commission in its management of the LNP and the Marine Park unless suitable arrangements for park management and public access and use across the claimed land can be agreed with Traditional owners prior to the grant of the claimed land.</p> <p>g. A key component of the plan of management for the Marine Park is to develop a model for ongoing employment opportunities for local traditional owners via cooperative management and coordination with Aboriginal Ranger Groups, and opportunities for sustainable tourism. The Department is working closely with the Northern Land Council and the plan is scheduled for completion in late 2019.</p> <p>h. DTC is also undertaking an extensive consultation process with Aboriginal Ranger groups and key stakeholders with a view to amending the <i>Territory Parks and Wildlife Conservation Act (NT)</i> to provide Aboriginal rangers increased powers to manage traditional lands: refer <b>Attachment 8</b> being copy of Discussion paper regarding increased powers of Aboriginal rangers to manage traditional lands dated November 2017.</p> <p>i. Since 2015, the Department has also been working with Traditional Owners to undertake mapping of, and protection of important rock art sites. This work is continuing and should the land proceed to grant, it will not cause any detriment to the work proceeding as planned.</p> <p>j. With appropriate arrangements negotiated between Traditional Owners and the DTC, DTC agrees that a grant of title to the claimed land would unlikely cause detriment to the ongoing management of LNP and the Marine Park.</p>
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		<p>k. The DTC does not have any physical assets or infrastructure within the claim areas, however there are established camping, day use and associated infrastructure within LNP, including the ranger station and ranger housing at Nathan River on the former Nathan River Station, NT Portion 1334 (part of the declared LNP).</p> <p>l. The DTC does not have any plans to occupy or otherwise develop the claim areas in the future.</p> <p>m. The DTC administers the <i>Territory Parks and Wildlife Conservation Act</i> and By-Laws which apply within the declared parks.</p>
4.	N/A	<p>Department of Environment and Natural Resources (DENR) was established by the NT Government on 12 September 2016. It comprises many of the key functions arising in relation to protection of the environment and natural resources of the NT including water, land resource and environmental issues. The DENR has divisions comprising Flora and Fauna, Rangelands, Weed management, Bushfires NT, Water Resources, Water data portal and Environment.</p> <p>DENR advise as follows:</p> <p><u>Part 1. Rangelands</u></p> <p>a. The DENR Rangelands division has no relevant interest or information in relation to the areas subject to the land claims.</p> <p><u>Part 2: Water Resources</u></p> <p>b. The DENR Water Resources Division has no assets within the claim areas</p> <p>c. While there are no active assets (water monitoring infrastructure) and there are currently no water monitoring activity or studies in progress within the claim areas, future water investigations for planning and development may necessitate access by Water Resources staff to the claim areas to undertake sampling, field measurements, or construction of gauging stations.</p> <p>d. Access to undertake water monitoring duties is provided under s20(1) and (2) of the <i>Water Act</i> (NT).</p> <p>e. Surface water extraction licenses may be issued to specific land holders bordering the river who meet the application requirements and assessment conditions of the <i>Water Act</i>.</p> <p>f. Land holders will maintain pumping infrastructure on the river bank to access water. Department staff inspect the pumping infrastructure annually to ensure it conforms with relevant standards and to validate meter readings.</p> <p>g. Provided there is direct access to the rivers, extraction from the rivers for stock and domestic use is permitted. Extraction of water for any other purpose is not permitted without a water extraction licence.</p> <p>h. Detriment would result if the Water Resources Division and its contractors could not continue to freely access the claim area for the purpose of water monitoring and installing, maintaining and operating water monitoring infrastructure.</p>

		<p><u>Part 3: Flora and Fauna</u></p> <ul style="list-style-type: none"> <li>i. There are significant ecological values associated with Maria Island, Limmen Bight River and associated intertidal areas as previously noted by the Parks and Wildlife Commission.</li> <li>j. There are mechanisms available to support management of these values if these areas become granted Aboriginal Land.</li> </ul>
5.	N/A	<p>The Department of Trade and Business Innovation (DTBI) advise:</p> <ul style="list-style-type: none"> <li>a. That it has no assets, infrastructure, or activities in the claim area.</li> <li>b. Maria Island has, in the past, been considered by proponents as a potential deep-sea port to provide access to the Gulf of Carpentaria.</li> <li>c. There is potential for Maria Island to be considered again for future investment and economic development opportunities.</li> <li>d. Concurs with the previously lodged detriment issues that public access to waters surrounding Maria Island, including the intertidal zone and Limmen Bight River by commercial and recreational fishing and wildlife, located in the intertidal zone adjacent to the former pastoral properties may be affected.</li> </ul>
<p><b>CONCLUSION:</b></p> <p>We adopt the words of the former Aboriginal Land Commissioner, the Honourable Justice HW Olney at paragraph 91 of Report No. 65, to note that the above submissions “do not raise any issue that is unique to the present claim... [as these] matters have been canvassed in” previous claims involving tidal rivers. The issues therein referred to relate to those as discussed in his earlier land claim reports involving intertidal zone and/or beds and bank areas of rivers such as in Report numbers 61, 62, and 63.</p> <p>It is the submission of the Northern Territory that the comment function of the Commissioner under section 50 (3) (b) and (c) ALRA requires, where appropriate, the Commissioner to take a broad view that the effect of acceding to a claim may have. As noted at item 1, Part 1, paragraph (bb)-(cc), we adopt and endorse the comment of the former Commissioner Olney J in Report No. 62 regarding the McArthur River Region Land Claim No. 184 at paragraph 169 and at paragraph 112 of the Commissioner’s report No. 65 regarding the Lower Roper River Land Claim No. 70 and go further.</p> <p>Your Honour observed in discussion in Legune Area LC 188 and Gregory NP/ Victoria River LC 167 (transcript of land claim call over on 22.01.17 at p. 8.22-27) that “...it’s not just enough to say, well, we won’t be able to get water from the river. It’s a question of whether there’s any other water or anywhere else, or whether there’s other means of access, or whether there’s difficulties which are being experienced...” By parity of reasoning it is not enough to say (indeed it is a nonsense to say) that recommending a grant that if acceded to would prevent entry on or fishing of these (claimed) waters is of no consequence because there are other waters that might be fished or entered on when it is known that every area of water that is presented as an alternative is claimed or recommended for grant. The evidence regarding cumulative detriment presented in the inquiry for the Fitzmaurice River Region Land Claim 189 and Legune Area Land Claim No. 188/167 of Mr Sarib (exhibit NT7 LC 189; NT18 in LC 188/167) and Mr Ian Curnow (Exhibit NT9 in LC 189 being exhibit NT19 in LC 188; see also exhibit NT explain this issue. Thus as one by one Claims are heard and recommended there is a cumulative effect such that the throw away idea that people can fish or otherwise access and/or enjoy the waterways somewhere else becomes unrealistic.</p>		

The detriment is not just one more River or intertidal zone area. The pattern of land usage ceases to be achievable. Unless the Minister is assisted by a comment that recognises this reality he or she cannot understand the global effect of acceding to each claim. It may be that the Minister may wish to accede to a Claim regardless of the detriment or effect on existing or proposed patterns of land use but he or she needs to know where this is heading. Thus we submit cumulative detriment is a valid and proper matter for comment.

Finally, we note that the Northern Territory may seek leave to provide further detriment submissions where required arising from any detriment submissions provided by other parties the subject of this detriment review.



**TABLE 2: LORELLA REGION LAND CLAIM NO. 199 AND PART MARIA ISLAND REGION LAND CLAIM NO. 198 REPORT No. 63**

The claim area dealt with in this report is:

- (i) The land lying between the mean high water mark and the mean low water mark of the coast of the Northern Territory adjacent to Northern Territory Portions (NTP) 1333 and 2432;
- (ii) The land lying between the top of the left bank and the top of the right bank of Bing Bong Creek upstream from the mouth of the creek to the point where the creek ceases to be adjacent to the boundaries of NTP 2432 and NTP 4319;
- (iii) The land lying between the mean high water mark and the mean low water mark of the coast of the Northern Territory adjacent to NTP 1334 from the point where the watercourse known as Wurlbulinji crosses the coast (the coordinates of which are 598323 (easting) and 8315075 (northing) using GDA (zone 53) to the boundary between NTP 1334 and NTP 1333; and
- (iv) The land lying between the top of the left bank and the top of the right bank of the Cox River upstream from the junction of the Cox and Limmen Bight Rivers to the point where the Cox River meets the boundary between NTP 819 and NTP 1334.

Item	Olney J detriment findings and any additional detriment per ALC letter of 13.02.18	Additional/new detriment information
1.	<p>The Department of Business, Industry and Resource Development provided submissions about the recreational and commercial fishing that occurs in the claim area, yet due to the lack of evidence submitted, Commissioner Olney decided it was not possible to make anything more than a vague assertion that the recreational fishing effort and catch in the various areas claimed was not significant. In 2017 the Northern Territory Government (NTG) submitted to my Office that between 2014 and 2017 there had been 1 commercial barramundi license and 1 commercial mud crab licence operational in the claim area. Commissioner Olney noted at the time that the making of appropriate agreements between the Traditional Owners and recreational and commercial fishers for</p>	<p>The NT Government Department of Primary Industries and Resources (DPIR) areas of responsibility in the Northern Territory business sector are mines and energy, fisheries and product integrity, primary industry development and the NT Geological Survey. It assists in driving economic development in relation to land and coastal and inland waterways. DPIR advise:</p> <p><b>PART 1: FISHERIES</b></p> <p>a. The Detriment Comments provided above in the Table 1 regarding Report No. 61 at pp. 2-8 also apply with respect to the claim areas in Report No. 63.</p> <p><b>PART 2: MINES AND ENERGY</b></p>



<p>access and use of the areas under claim should not be an issue: refer ALC letter 13.02.18, at p.2, fourth paragraph: refer also Report no. 63 at [79]-[83] regarding recreational fishing; and [84]-[92] regarding commercial fishing.</p>	<p><b>ENERGY</b></p> <p>b. The comments in Table 1 as noted above in relation to Report No. 61 at p. 9, Item 1, Part 2, Energy, third column at paragraphs (ll)-(mm) also apply with respect to the claimed area in Report No. 63.</p> <p>c. Details of petroleum tenures and/or applications within the areas dealt with in Report no. 63 are set out below.</p> <p><b><u>Land Claim 198</u></b></p> <p>d. Imperial applied for EP(A)183, situated over Aboriginal Freehold Land, on 12 April 2010 (see Title Report at <b>Attachment 4</b> referred to above in Table 1, item 1. Part 2, paragraph (jj). Consent to Negotiate under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> was issued to Imperial on 14 October 2010. The current consent to negotiate is due to end on 31 October 2018. EP(A)183 abuts the end of the coastal portion of LC 198: refer <b>Attachment 3</b> referred to above in Table 1, item 1, part 2, (ii).</p> <p>e. Petroleum Exploration Permit EP161 was granted on 21 May 2012 under the provisions of the <i>Native Title Act</i>. EP161 is currently held by Santos QNT Pty Ltd (75%) and Tamboran Resources Limited (25%); with Santos as the Operator. The permit is currently due to expire 20 December 2018: see Title Report for EP 161 at <b>Attachment 10</b>. EP161 abuts a small area at the end of the inland portion of LC 198 (see map at Attachment 3 referred to above).</p> <p><b><u>Land Claim 199</u></b></p> <p>f. Petroleum Exploration Permit EP184 was granted under the provisions of the <i>Native Title Act</i> to Imperial on 21 August 2013, with current expiry date 20 August 2020 (see Title Report referred to in Table 1 <b>Attachment 2</b> above. EP184 covers half of LC 199: see map at <b>Attachment 3</b> referred to above.</p> <p><b>Relevant matters and Effect of grant of claimed land as Aboriginal land</b></p> <p>g. The comments set out in Table 1 regarding Report No.61 at pp.11 item 1, Part 2, third column, paragraphs (qq)-(yy) also apply here.</p> <p><b>MINERALS</b></p> <p><b>Exploration Licences</b></p>
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		<p>a. Current granted minerals tenures falling with the claim area for LC 71/198 are Exploration Licence (EL) 30157 and 29548: refer <b>Attachment 5</b> as noted in Table 1 above (i.e. excel spreadsheet of mineral tenures in relation to LC 71/198 and 199/198). Refer also <b>Attachment 6</b> referred to in Table 1 above (i.e. a map depicting the various minerals tenures (granted and applications) arising in relation to the claim areas in LC 71/198 and 199/198). This map shows the location of ELs 30157 and 29548.</p> <p>b. The comments in Table 1 as noted above in relation to Report No.61 at item 1, Part 2, at p.11, third column, paragraphs (zz)-(ddd) apply with respect to the claimed area in Report No. 63.</p> <p style="text-align: center;"><b>Mineral Authorities</b></p> <p>c. Mineral Authority (MA) applications which affect the claim areas in Report No. 63 are MA 28134 and 28135: refer <b>Attachments 5</b> (spreadsheet regarding mineral tenures for LC 71/98 and 199/198) and <b>Attachment 6</b> (map regarding location of mineral tenures for LC 71/198 and 199/198) as noted above in relation to Table 1.</p> <p>d. The comments in Table 1 above at pp.11-12, Item 1, Part 2, third column at paragraphs (eee)-(lll) also apply.</p>
2.	<p>The Parks and Wildlife Commission (the Commission) expressed concern regarding the proposed Limmen National Park but the Commissioner at the time, Commissioner Olney, commented that a grant of title to the claimed land would unlikely cause detriment to either the ultimate establishment, or the ongoing management, of the Limmen National Park. Commissioner Olney did note however that it would be necessary for the Traditional Owners and the Commission to establish appropriate working arrangements: refer ALC letter 13.02.18, at p.2, third paragraph: refer also Report No. 63 at [74] and Report No. 61 at [101]-[104].</p>	<p>Department of Culture and Tourism (which includes Tourism and Parks and Wildlife as noted in the above table) advise:</p> <p>a. The Northern Territory's (NT) rivers and coastal areas are of vital importance in attracting tourists (including recreational fishers) to visit the Top End with tours and visits to these areas being highly sought after experiences. The primary drawcards for tourism visitors in the area are the Savannah Way, the Limmen National Park (LNP) and the Lorella Springs Wilderness Park.</p> <p>b. The Savannah Way Four Wheel Drive (4WD) touring route which goes across three states from Queensland through the NT to Western Australia. This touring route crosses over the Cox River on the Nathan River Road; this cross over occurs on LC 198 (iv) (claim to beds and banks of Cox River: refer comment below item 3, DIPL Road Network comment). The gazettal notice for declaration of the LNP is at <b>Attachment 7</b> as noted in Table 1 above.</p> <p>c. The Savannah Way is marketed as Australia's Adventure Drive crossing from Cairns to Katherine to Broome with a dedicated landing page at <a href="http://www.savannahway.com.au">http://www.savannahway.com.au</a>. As the Savannah Way is a self-drive remote touring route there is limited visitor data available as to how many visitors take this drive each year. The traffic report data for the Nathan River Road shows that annually, 6935 vehicles (averaged from daily counts) accessed the</p>

		<p>road on the southern end in 2015, and 3285 vehicles accessed the road from the northern end in 2016 (DIPL, 2016 Annual Traffic Report).</p> <ul style="list-style-type: none"> <li>d. Limitations or prevention of access for the 4WD portion of the Savannah Way could cause detriment in reducing visitation to the regional location of Roper Bar as well as have an on flow effect to the regional towns of Mataranka and Katherine if visitors choose to take the alternative route through Top Springs and Timber Creek.</li> <li>e. The Gulf of Carpentaria (LC 199(i)) is visited by recreational fishing and boating visitors who access the area from Rosie Creek when staying at the Lorella Springs Wilderness Park. Lorella Springs is a tourism operation on Lorella Station; this location is a drawcard for adventure visitors who enjoy fishing, boating, 4WD and nature based experiences. There is a camping site located along Rosie Creek (near the mouth of the Gulf of Carpentaria) which is used by fishing and boating tourists to stay near and fish from the area subject to LC 199(i).</li> <li>f. The beds and banks of Cox River within LC 198 has value from a tourism perspective, with the river and inter-tidal zone claimed in LC 198 and 199 being utilised by recreational fishing and boating visitors including those visiting the LNP. These areas are primarily visited by self-drive tourists and recreational fishing visitors with the main tourism operator being Lorella Springs (contact details below). <ul style="list-style-type: none"> <li>a. Lorella Springs Wilderness Park PO BOX 256 Palmerston NT 0831 Phone: 08 8975 9917 (Station) Email: <a href="mailto:mail@lorellasprings.com">mail@lorellasprings.com</a></li> </ul> </li> </ul>
3.	<p>Previous comment by former Commissioner Olney in report no. 63, at paragraph 95 in relation to effect on proposed patterns of land usage regarding pastoral activity in the claim area.</p> <p>“There is some potential for the pastoral operations on the Lorella pastoral lease to be affected if a grant of title to the intertidal zone were to result in restrictions being applied to the use of, and access to, that area but there is no evidence before the inquiry from which any</p>	<p>Department of Environment and Natural Resources (DENR) has advised as follows.</p> <ul style="list-style-type: none"> <li>a. NTP 1333 – Lorella Station – Pastoral Lease (PL) No. 757 – is held by Maximus and Landmark Developments Pty Ltd. These companies operate a tourism operation on Lorella Station offering camping, caravanning, swimming, fishing, bush walking, four wheel driving and bird watching with waterfront camping locations along the coast and rivers.</li> <li>b. The lessees are currently formalising a non-pastoral use arrangement through the non-pastoral use provisions of the <i>Pastoral Land Act</i>.</li> <li>c. NTP 4319 – McArthur River Station – Perpetual Pastoral Lease (PPL) No. 1051 – held by MIM Ltd, is one of the properties adjacent to LC 199(ii) (beds and banks of Bing Bong Creek).</li> </ul> <p><u>Pastoral Use</u></p> <ul style="list-style-type: none"> <li>d. The following apply in relation to both Lorella and McArthur River Stations.</li> </ul>

	<p>such conclusions can be drawn. Apart from the establishment of the Limmen National Park, there is no evidence to suggest that there are any proposals currently under consideration to change the existing pattern of land usage in the region."</p>	<ul style="list-style-type: none"> <li>e. The lessees, their staff and visitors may access the waterways, including the beds and banks of the rivers/coastline for camping and fishing and other recreational purposes</li> <li>f. Under the <i>Pastoral Land Act</i>, Part 6 section 79, the general public also has the right to access waterways.</li> <li>g. The lessee has the right to graze and water cattle on his land adjoining waterways pursuant to the <i>Water Act</i> (NT).</li> <li>h. The lessee may take water for domestic purposes, drinking water for grazing stock on the land and may wish to install pipes or pumps in the claim area for accessing the water supply in the future.</li> <li>i. Pursuant to s13 of the <i>Water Act</i> (NT), pastoral lessees are entitled to have their stock access the banks of a boundary waterway.</li> <li>j. To the extent that the grant of the claimed area as Aboriginal land has the effect of depriving or restricting pastoral lessee access to water ways pursuant to the above provisions of the <i>Water Act</i>, then severe detriment would result. It would also likely impact the proposed patterns of land usage in the region as existing and future land use proposals requiring access to the waterways would not be possible without negotiation of an access agreement under s19 ALRA to access and use those waterways.</li> </ul> <p><u>Water Resources</u></p> <ul style="list-style-type: none"> <li>k. The Water Resources Division of DENR has no assets within the claim areas.</li> <li>l. While no monitoring activity or studies are currently in progress within the claim areas, future water investigations for planning and development may necessitate access by Water Resources staff to the claim areas to undertake sampling, field measurements, or construction of gauging stations.</li> </ul> <p><u>Flora and Fauna</u></p> <ul style="list-style-type: none"> <li>m. There are significant ecological values associated with Maria Island, Limmen Bight River and associated intertidal areas as previously noted by the Parks and Wildlife Commission.</li> <li>n. There are mechanisms available to support management of these values if these areas become granted Aboriginal Land.</li> </ul>
4.	N/A	<p>The Department of Infrastructure, Planning and Logistics (DIPL) advise:</p> <p><b>Part 1: Road Network and Aboriginal Land Division (</b></p> <ul style="list-style-type: none"> <li>a. There is an access road to Maria Lagoon Community which runs north of the Cox River and traverses through Limmen Bight Fishing Camp (NT Portion 3476): refer ILIS map of Limmen</li> </ul>

		<p>Bight Fishing Camp depicting location of Maria Lagoon access road marked as <b>Attachment 11</b>; Refer also to <b>Attachment 12</b> being Survey Plan S88/156 depicting NT Portion 3476.,</p> <p>b. Without a formal survey, it is difficult to ascertain whether the above road strays into the claimed portion of the Limmen Bight River (LC 71(iii)). This road is not maintained by the NT Government. DIPL Officers advise that Mr Stephen Barrett, as previous holder of CLT 882 over Limmen Bight Fishing Camp, now held by Mr Barrett since 22 August 2002 as NT freehold title, has a good relationship with the claimants and has made the camp available to the marine sea rangers based out at Borroloola.</p> <p>c. The comments regarding Nathan River Road as noted above at Table 1, p.13, item 2, Part 1, paragraph (a)(i), also apply here.</p> <p>d. There are no bores or gravel pits within the claim area.</p> <p><b>Part 2: Crown Land Estate:</b></p> <p>e. The comments regarding adjacent land tenure above in Table 1 at item 2, Part 2(c), at p. 13 also apply in relation to LC 198 (i) (intertidal zone adjacent to Nathan River) and LC 198(iv) (Beds and banks of Cox River).</p> <p>f. NT Portion 2432 abuts the intertidal zone area from LC 199. This parcel is a crown lease in perpetuity held by the Wurrunburru Association Incorporated for Aboriginal community living and grazing and commercial purposes. It is unknown to what if any extent the operators of this property undertake commercial enterprise reliant on the intertidal zone adjacent to the property.</p>
<p><b>CONCLUSION:</b></p> <p>The Territory adopts the conclusion as set out at the end of Table 1 set out at pp. 16-17 above.</p>		

**ATTACHMENTS TO TABLES 1 and 2 ABOVE**

**Attachment 1: LC 71/198: ASX announcement dated 01.10.2014**

**Attachment 2: Title report for EP 184**

**Attachment 3: Map depicting petroleum tenures in the context of LC 71/198 and 199/198**

**Attachment 4: Title Report for EP(A) 183**

**Attachment 5: Excel spreadsheet of mineral tenures in relation to LC 71/198 and 199/198**

**Attachment 6: Map depicting the various minerals tenures (granted and applications) arising in relation to the claim areas in LC 71/198 and 199/198**

**Attachment 7: NTGG S35 16.07.2012, regarding declaration of Limmen National Park and Limmen Bight Marine Park**

**Attachment 8: Discussion paper regarding increased powers of Aboriginal rangers to manage traditional lands dated November 2017.**

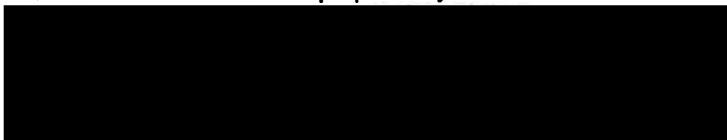
**Attachment 9: Attachment 9 comprising ILIS map depicting location of Nathan River Road in relation to LC 71(iii) and 198(iv) (beds and banks of Cox River)**

**Attachment 10: Title Report for EP 161**

**Attachment 11: ILIS map of Limmen Bight Fishing Camp indicating location of access road through Maria Lagoon and to Limmen Bight Fishing Camp.**

**Attachment 12: Survey Plan S88/156 depicting NT Portion 3476, Limmen Bight Fishing Camp, CLT 882.**

The Above Tables 1 and 2 prepared by:



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## ASX Announcement – Carbonaceous shales identified in coring program

1<sup>st</sup> October 2014

### **MCARTHUR BASIN OPERATIONS – 2014**

#### **INITIAL RESULTS OF THE EXPLORATION DRILLING PROGRAM**

In early September Imperial Oil & Gas Pty Ltd, ('IOG') the Company's 100% owned subsidiary completed the drilling of four exploration core holes in the St Vidgeon region of northern EP 184 in the McArthur Basin, Northern Territory.

The shallow exploration core holes were drilled in the NW province of EP184 to prove, whether the shale-bearing formations in the region contain petroleum source rocks of sufficient quality to generate potentially recoverable hydrocarbon reserves. Additional objectives were to constrain the geochemical and drilling characteristics of the rock stratigraphic succession in this previously essentially undrilled region and to understand better the geological structure of the basin to optimise the planning and location of drilling deeper exploration wells in future drilling programs to target the highly petroleum prospective central region of the basin.

#### **KEY OUTCOMES OF DRILLING PROGRAM**

- The core drilling program established the presence of a number of important intervals of Palaeo-Proterozoic age organic carbon-rich shale. This result is consistent with the IOG view that the St Vidgeon Formation of the McArthur Basin within EP184 contains organic shales with the potential to contain hydrocarbons.
- As expected in such shallow core holes, given their proximity to the nearby surface outcrops previously mapped by IOG, the drilled formations have suffered varying degrees of weathering. However the lithologies above and below the organic carbon-rich shale intervals are considered capable of providing effective top and base-seals for hydrocarbons should they be entrapped within the shales or in conventional petroleum reservoirs associated with, above or below the organic-rich shale intervals.
- The results of the initial Source Rock Geochemical Analysis undertaken on core demonstrate the presence of organic carbonaceous material within these shales that

display a hydrocarbon signature confirming the presence of a petroleum generating system.

- Wireline Geophysical measurements obtained from the cored wells (as indicated for example in Figure 1) have identified a particular 18.5 metre thick zone of interest that correlates with a distinctive interval of black carbonaceous shale.
- Core samples recovered during the drilling program contain encouraging evidence of possible asphaltic staining. Furthermore the particular GCMS analysis used to identify the presence of generated hydrocarbons, confirm that hydrocarbons have been generated in this region of EP184.

## **RESULTS & PRELIMINARY IMPLICATIONS FOR IMPERIAL OIL & GAS ACREAGE POTENTIAL**

### **Geochemistry and Petroleum Potential**

The emerging results from the Source Rock Analyses of samples collected during the IOG 2014 core drilling program remain preliminary though highly encouraging. The geochemistry of such ancient lithologies (1.64 billion years old) is complex to interpret using the standard techniques that are normally applied to much younger rocks (400 million years or less) that contain familiar types of organic material.

Notwithstanding degradation by nearby surface weathering, the results do confirm the carbonaceous shale interval encountered in IOG well BCF-SC-04 does have organic carbon content with other geochemical parameters suggesting this particular shale sample to have 'fair' potential for the generation of petroleum (Figure 1). The preliminary temperature and maturity data indicate these shales preserve a record of thermal maturation ranging from immature (pre-petroleum generation) through to early and peak maturity with the possibility for both oil and wet gas as the dominant petroleum phases.

While the current results are preliminary, they are consistent with the findings from previous Geochemical and Basin Thermal Modelling studies by IOG that suggest potential not only for gas, but for petroleum liquids to have been generated in the Imperial Oil & Gas acreage. This conclusion is further supported by information released to the market by Armour Energy (with the announcement of the drilling results from the Myrtle Basin 1 well and the Lamont Pass 1 wells drilled in 2013 and reported to the market in that year) that suggests the basin becomes increasingly liquids-prone towards the Imperial Oil & Gas acreage northwards of the Armour Energy southern McArthur Basin tenements.

Information was recently obtained concerning a mineral core hole (DD97WG002). This is located 16km north west of the IOG BCF-SC-04 well (Figure 2 & 3). It reported penetrating organic carbon-rich black shales comparable to those encountered in the IOG drilling program, providing further evidence of the presence of petroleum prospective shale source rocks within the target St Vidgeon Formation. IOG plans to obtain samples of core from the DD97WG002 well for comparative analysis with the results from the recent IOG program. The results of those



comparisons and further interpretation from the 2014 drilling programme will be reported in due course.

Historical data and mineral exploration holes drilled across the region previously predicted that shale beds within the Barney Creek and equivalent formations (such as the St Vidgeon Formation) would comply with a simple depositional model where they are widespread, thick and have been buried deep enough at all locations to generate oil and gas. The recent core drilling by IOG in the St Vidgeon region has confirmed the IOG prediction that lithofacies distribution and thickness within the basin are more complicated than this initial model suggested and that basin margin locations, as expected, are likely to be characterised by thin stratigraphy and display representation of the carbonate facies. The IOG acreage contains substantial large 'basin centre' segments that are remote from such basin margin locations.

### **Stratigraphic Considerations and 'Sweet Spots'**

Tectonic and structural modelling by IOG demonstrates the geology of the St Vidgeon Region to be distinct from and to separate, the north from the south McArthur Basin segments. This conclusion was evident when initial mapping was undertaken by the Northern Territory Geological Survey Geologists.

Basin modelling, stratigraphic correlation and other ongoing geological studies by IOG have demonstrated that the St Vidgeon region comprises a regional, shallow, structural high, and the thrust faults bounding it are likely to have seeded along formerly extensional faults that influenced the gross depositional environments, rock thickness and lithology of the McArthur Basin fill. At the margin of the structural high west of St Vidgeon and close to IOG's 2014 core well locations, the thickness of the Proterozoic basin sequences thin dramatically and crystalline basement is exposed at surface. In such a basin setting it is predictable that the shale lithologies characteristic of the basin centre to the east within the IOG acreage, would have been diluted at the basin margin by coarser clastic and carbonate lithologies more consistent with deposition on a shallow water shelf.

Given that IOG penetrated 18.5 metres of black carbonaceous shale in this zone, with tentative early evidence of petroleum (gas and liquids) is extremely encouraging. Once all the data has been prepared, interpreted and integrated with the regional studies IOG will finalise its future operational plans.

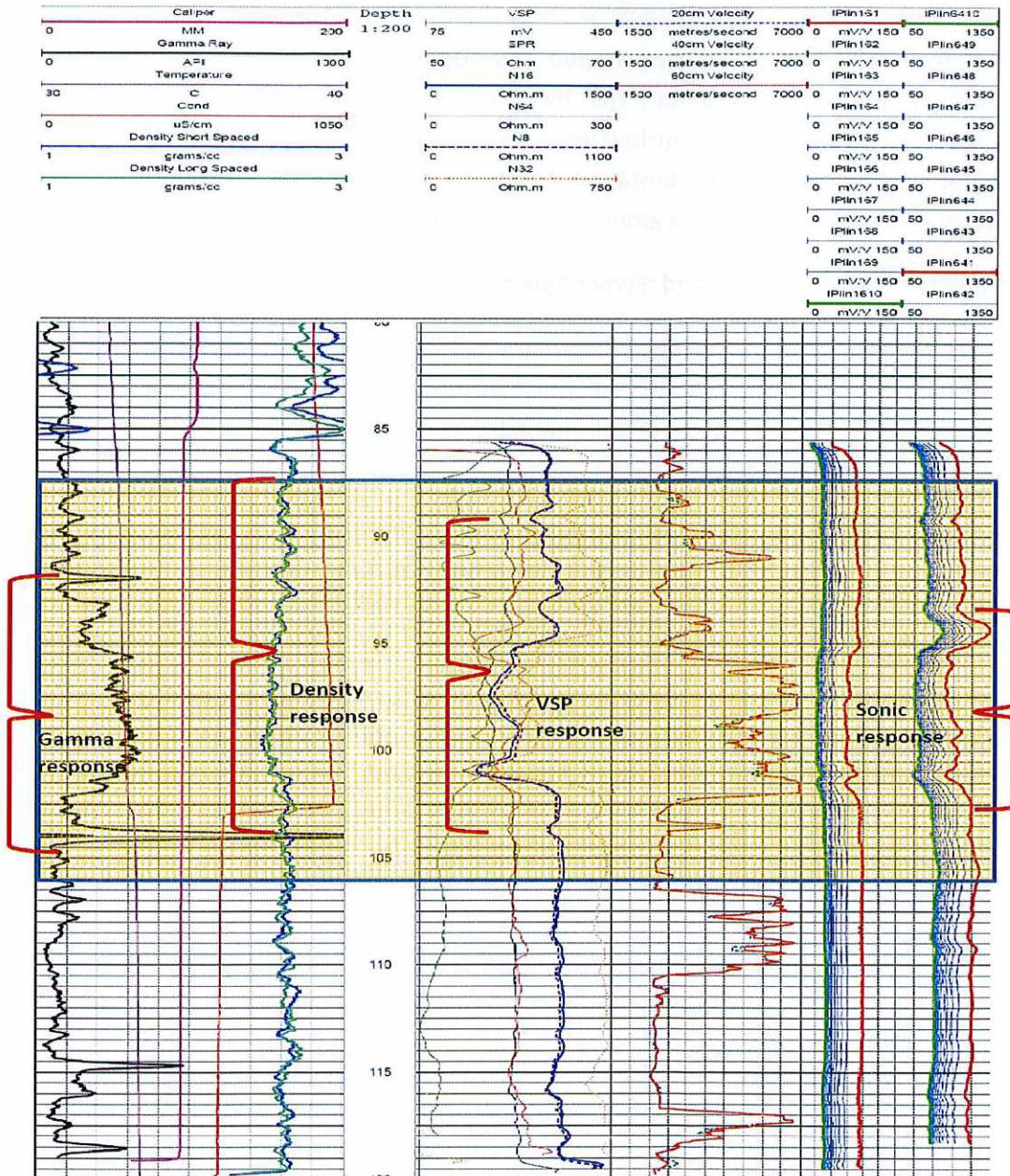
As an understanding of the basin is developed, the ongoing objectives will be to focus on locating the shale petroleum sweet spots forming the candidate areas for future exploration deeper drilling in the basin, remote from the detrimental effects of surface weathering encountered in the field studies and shallow core drilling.

### **WHERE TO NEXT?**

- Complete detailed analysis of core samples from recent drilling program
- Obtain existing core samples from DD97WG002

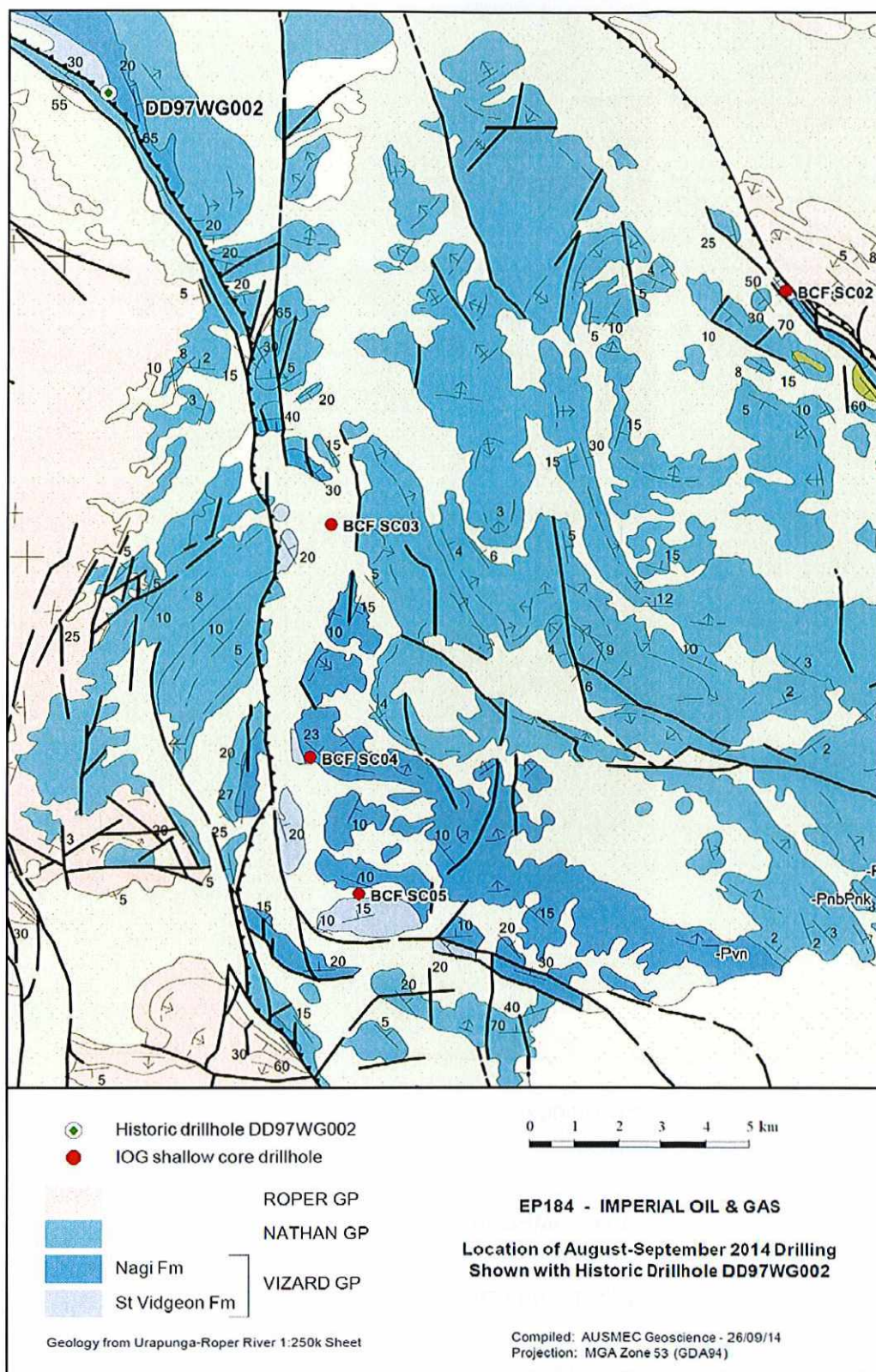


- Continue the development of the 3D model and integrated Common Risk Segment Model for the basin.
- Continue to meet the work requirements for EP184 as defined by the Department of Mines & Energy. Once results of the recent core drilling program are finalised the Company will complete the next stage of the work programs.



**Figure 1:** BCF-SC-04 composite wireline log profile typical of the shale formation in this margin basin setting. (NB: all depths are in meters.) The signal response data in this log is consistent with a positive petroleum generation signature. The log shows a high potential carbonaceous shale interval with the positive gamma, density SP and sonic response.





**Figure 2:** Location map of solid geology of the St Vidgeon region of EP184 showing position of the IOG core holes and historical core hole DD97WG002. (Solid geology is based on the NTGS Urupunga – Roper River 1:250K sheet and displays the major regional tectonic features.)



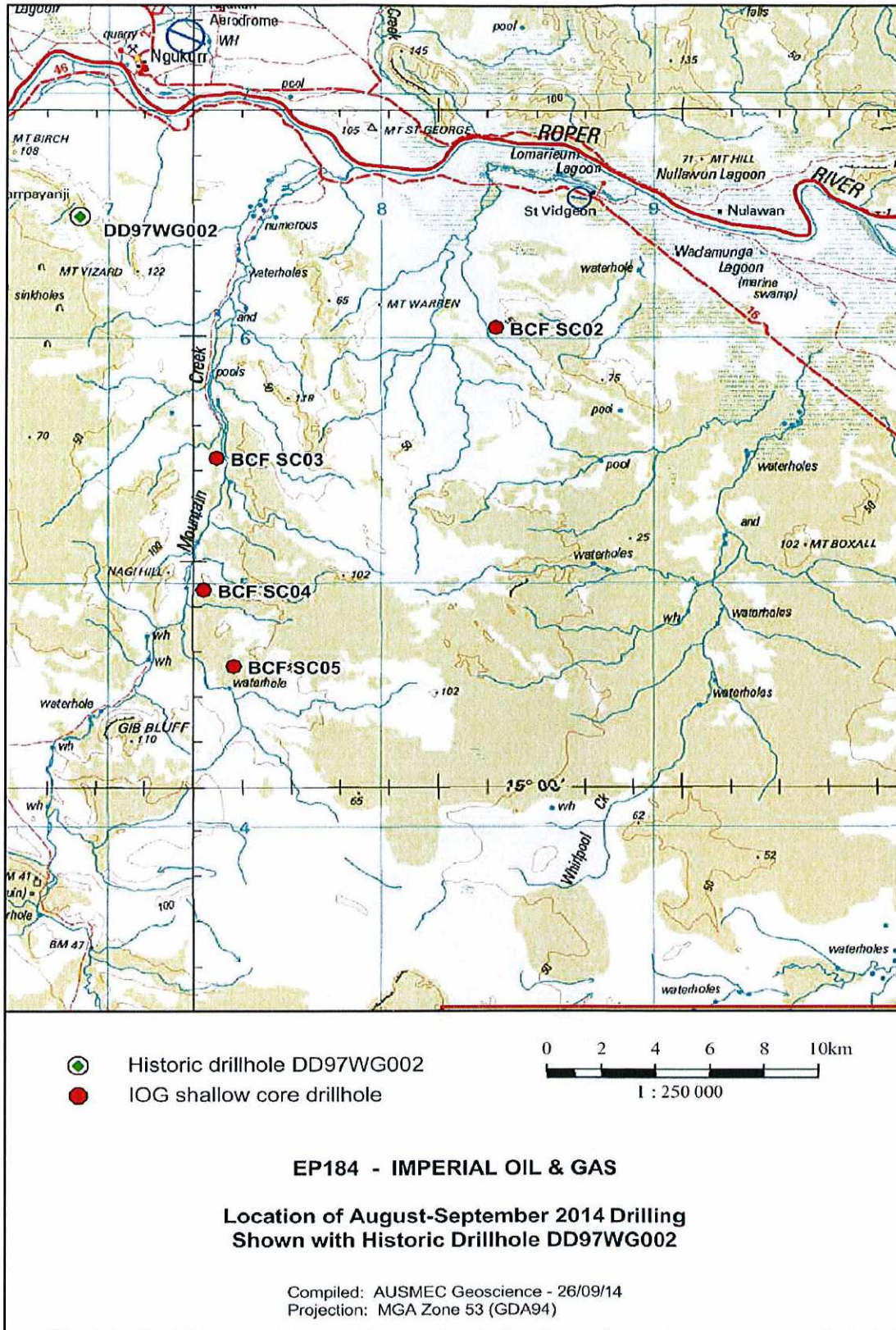


Figure 3: Location map of the St Vidgeon region of EP184 showing IOG core holes and historical core hole DD97WG002.

**NORTHERN TERRITORY OF AUSTRALIA**  
**Petroleum Act**  
**TITLE REGISTER**

**TITLE SUMMARY****Title:** *Exploration Permit 184***Status:** *GRANT***Field:****Basin:** *McArthur Basin***Mapsheet:** *ROPER RIVER (SD53)**NEWCASTLE WATERS (SE53)***Application Date:** *12/04/2010***Grant Date:** *21/08/2013***Expiry Date:** *20/08/2020***Registered Date:** *23/08/2013***Associated Titles:****Party Details**

Type	Name	ACN/ABN/ARBN	%
Current	IMPERIAL OIL & GAS PTY LIMITED LEVEL 7 - 151 MACQUARIE STREET, , SYDNEY, , 2000	92 002 699 578	100
Manager	AUSTRALIAN MINING & EXPLORATION TITLES SERVICES PTY LTD GPO Box 888, , DARWIN, , 0801	30 140 504 098	0
Operator	IMPERIAL OIL & GAS PTY LIMITED LEVEL 7 - 151 MACQUARIE STREET, , SYDNEY, , 2000	92 002 699 578	
Applicant	IMPERIAL OIL & GAS PTY LIMITED	92 002 699 578	100

\*Name Change

**Transactions**

Type	Effective Date	Expiry Date	Area
Grant	21/08/2013	20/08/2018	173 Blocks (5'x5')
Area Variation	04/07/2012		157 Blocks (5'x5')
Application	12/04/2010		157 Blocks (5'x5')

**Endorsements**

Type	Period	Year	Effective Date	Registered Date
Suspension and Extension	24 Months	3	22/12/2017	27/12/2017
Suspension	12 Months	3	27/10/2016	27/10/2016
Initial	5 Years		21/08/2013	23/08/2013

**Registered Documents**

Document Type	Reference	Registered Date
Directions	Section 71 of the Petroleum Act	31/07/2017

**Security**

Type	Receipt	Lodgement Date	Discharged Date	Folio
Bank Guarantee		20/06/2014		159
Cash Security	6812165986	20/08/2013		121

**Annual Fee**

Year	Amount	Received Date
Year 5	\$15,916.00	02/08/2017
Year 4	\$15,916.00	23/08/2016

Year 3	\$17,507.60	20/08/2015
Year 2	\$16,746.40	28/08/2014
Year 1	\$16,175.50	20/09/2013

**Dealings**

Dealing No	Type	Dealing Title	Approved Date	Registered Date
2016-54	Dealing	Imperial Farm-out Agreement, dated 22 December 2015, between Imperial Oil & Gas Pty Limited and AEGP Australia Pty Ltd, lodged 12 February 2016	26/02/2016	26/02/2016

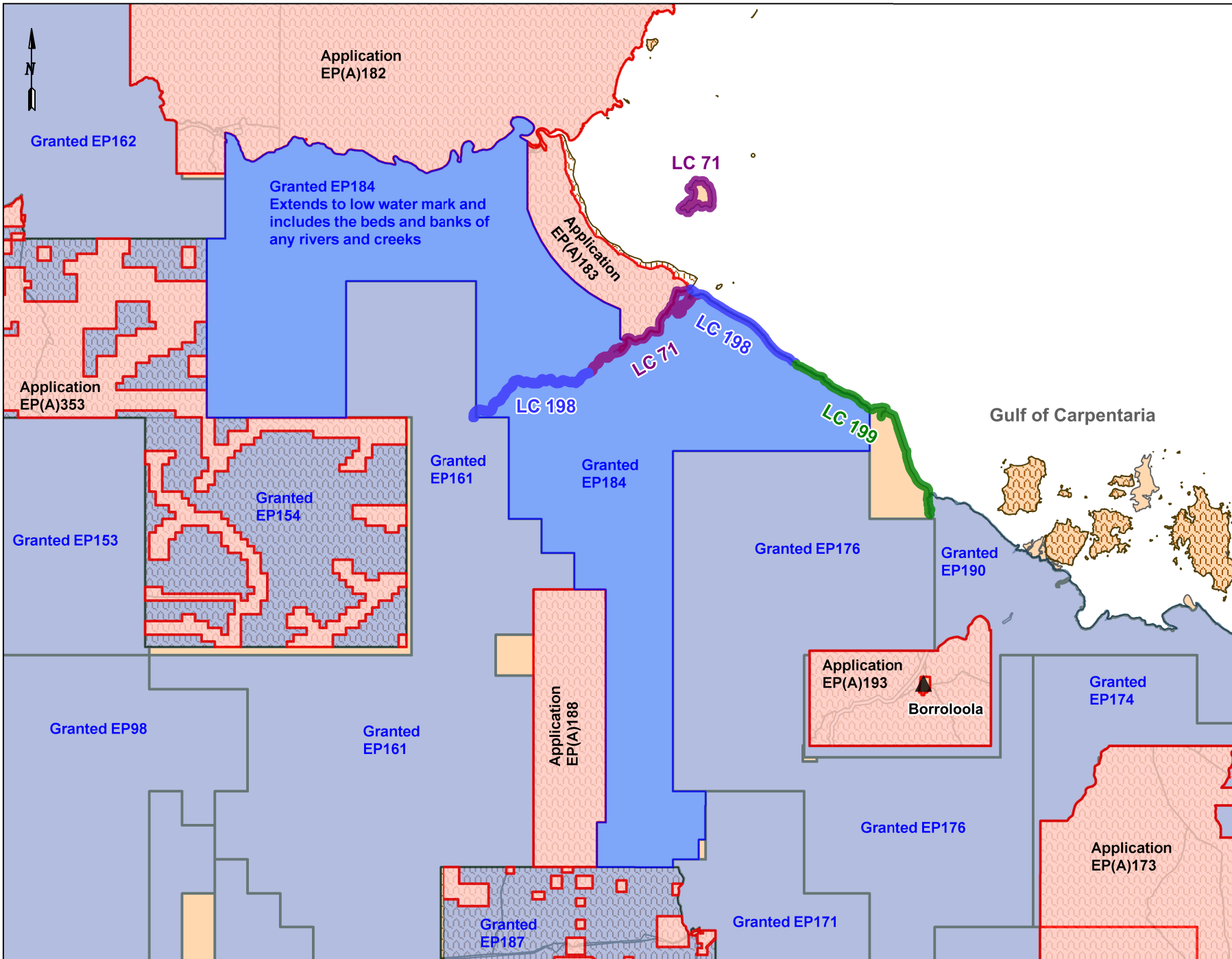
**I hereby certify this to be a true extract of the data in the Register**



PETROLEUM REGISTRAR

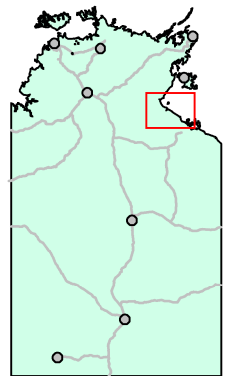
**Date**

**04 April 2018**



**LEGEND**

- Granted Petroleum Exploration Permit EP184
- Granted Petroleum Exploration Permit (Native Title)
- Petroleum Exploration Permit Application
- Land Claim (LC) 71
- Land Claim (LC) 198
- Land Claim (LC) 199
- Aboriginal Land Trust
- NT Onshore/ Boundary
- Locality



E18-037

**NORTHERN TERRITORY OF AUSTRALIA**  
**Petroleum Act**  
**TITLE REPORT**

**TITLE SUMMARY****Title:** *Exploration Permit 183***Status:** *APPLICATION***Field:****Basin:** *McArthur Basin***Mapsheet:** *ROPER RIVER (SD53)***Application Date:** *12/04/2010***Grant Date:****Expiry Date:****Registered Date:****Associated Titles:****Party Details**

Type	Name	ACN/ABN/ARBN	%
Manager	AUSTRALIAN MINING & EXPLORATION TITLES SERVICES PTY LTD GPO Box 888, , DARWIN, , 0801	30 140 504 098	0
Applicant	IMPERIAL OIL & GAS PTY LIMITED	92 002 699 578	100

\*Name Change

**Transactions**

Type	Effective Date	Expiry Date	Area
Application	12/04/2010		22 Blocks (5'x5')



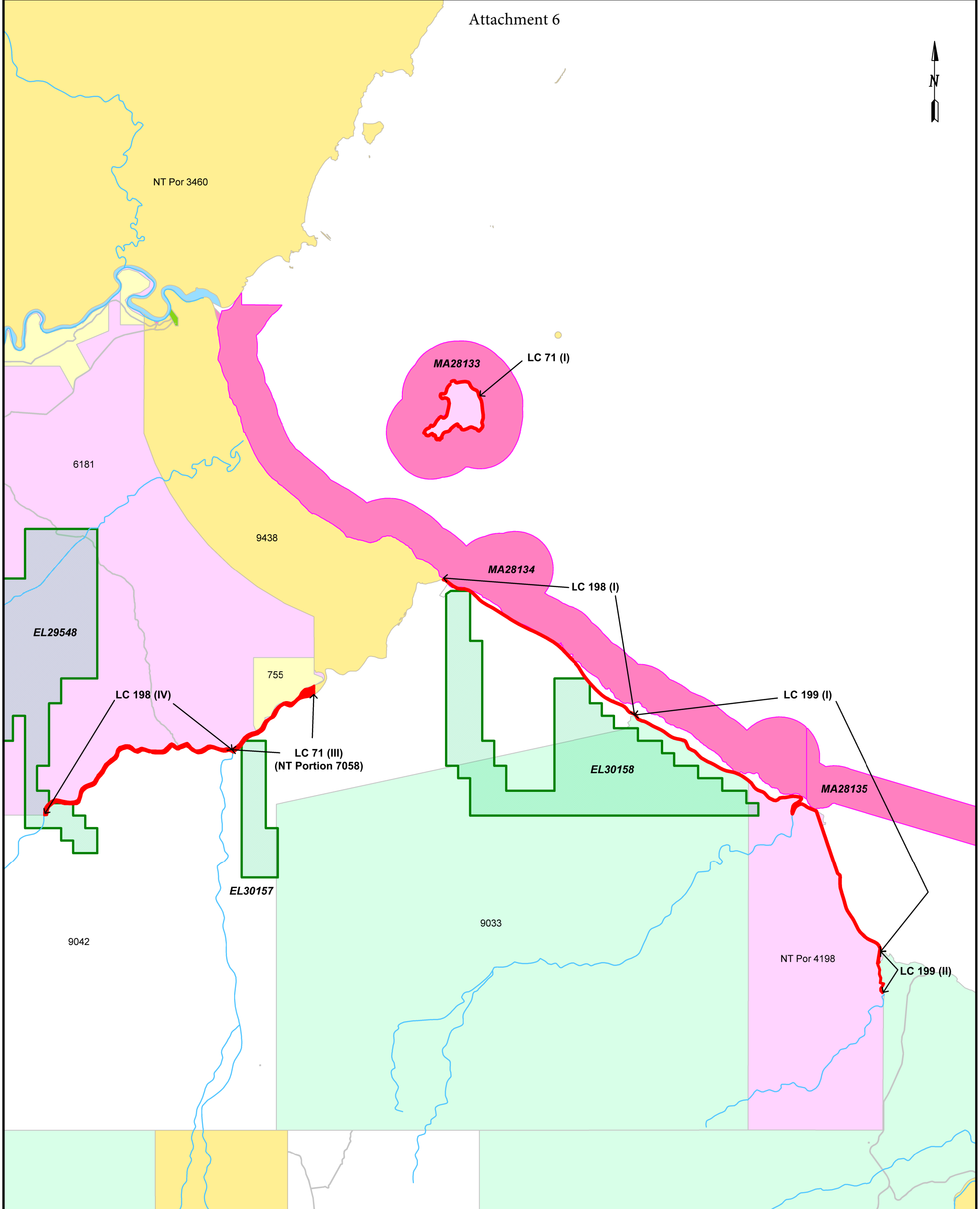
## Attachment 5

<b>Land Claim 71</b>							
<b>Title Type</b>	<b>Title Number</b>	<b>Status</b>	<b>Application Date</b>	<b>Grant Date</b>	<b>Expiry Date</b>	<b>Holder</b>	<b>Contact</b>
MA	28133	Application	07/06/2010			NTM Gold Ltd (10%) and Yukida Resources Pty Ltd	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911
EL	30158	Renew Retained	24/06/2008	09/06/2009	08/06/2019	Sandfire Resources NL	MMG Exploration Pty Ltd 0477 321 674 Michellestevenson@mmg.com
MA	28134	Application	07/06/2010			NTM Gold Ltd (10%) and Yukida Resources Pty Ltd	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911

<b>Land Claim 198</b>							
<b>Title Type</b>	<b>Title Number</b>	<b>Status</b>	<b>Application Date</b>	<b>Grant Date</b>	<b>Expiry Date</b>	<b>Holder</b>	<b>Contact</b>
EL	29548	Renew	17/04/2012	27/08/2012	26/08/2018	WDR Iron Ore Pty Ltd	
EL	30157	Renew Retained	24/06/2008	09/06/2009	08/06/2019	Sandfire Resources NL	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911
MA	28134	Application	07/06/2010			NTM Gold Ltd (10%) and Yukida Resources Pty Ltd	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911

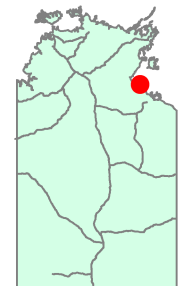
<b>Land Claim 199</b>							
<b>Title Type</b>	<b>Title Number</b>	<b>Status</b>	<b>Application Date</b>	<b>Grant Date</b>	<b>Expiry Date</b>	<b>Holder</b>	<b>Contact</b>
MA	28135	Application	07/06/2010			NTM Gold Ltd (10%) and Yukida Resources Pty Ltd	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911

MA	28134	Application	07/06/2010			NTM Gold Ltd (10%) and Yukida Resources Pty Ltd	Australian Mining & Exploration Title Services Pty Ltd 08 8941 1911
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**LEGEND**

- |  |   |  |
|--|---|--|
|  Land Claim Area               |  Vacant Crown Land     |  Pastoral Lease |
|  Exploration Licence Granted   |  Freehold Land         |  Crown Lease    |
|  Mineral Authority Application |  Aboriginal Land Trust |  |



**LAND CLAIMS  
71 I, 71 III (NT PORTION 7058),  
198 I, 198 IV, 199 I AND 199 II**



Datum: GDA94  
Date: 04 April 2018  
Prepared By: Mineral Titles Division

Note : Land Claim Areas are indicative only in relation to the relevant land claim areas comprising the intertidal zone and beds and banks

NOTE TO MAP USERS: Mining and exploration tenure depicted on this map are plotted from descriptions supplied by the holders and the Northern Territory takes no responsibility as to their accuracy. Further, users should be aware that inconsistencies may occur between data on selected layers due to the origin of the data depicted.

**Territory Parks and Wildfire Conservation Act**DECLARATION OF PARK  
LIMMEN NATIONAL PARK

I, SALLY GORDON THOMAS, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council:

- (a) under section 12(1)(a) of the *Territory Parks and Wildlife Conservation Act*, declare the areas of land specified in the Schedule to be a park; and
- (b) under section 12(1)(aa) of the *Act*, declare that a right, title or interest held by the Territory in respect of the land within the park does not vest in the Corporation; and
- (c) under section 17(5) of the *Act*, approve the Commission performing its functions in the park for the purpose of operating the park while a plan of management is being prepared.

Dated 26th June, 2012.

S. G. THOMAS  
Administrator

By Her Honour's Command  
P. R. HENDERSON  
Chief Minister acting for  
Minister for Parks and Wildlife

## SCHEDULE

## Limmen National Park

All those parcels of land in the Limmen Locality in the Northern Territory of Australia containing a total area of 9327 square kilometres more or less being:

firstly, Northern Territory Portion 819 ('St Vidgeons') more particularly delineated on survey plan S85/119 lodged with the Surveyor General, Darwin; and

secondly, Northern Territory Portion 1334 ('Nathan River') as held under Pastoral Lease 756 and filed in Land Register CUCL Volume 92 Folio 74; and

thirdly, Northern Territory Portion 1323 ('Billengarrah') as held under Perpetual Pastoral Lease 1069 and filed in Land Register CUFT Volume 318 Folio 78; and

fourthly, Northern Territory Portion 2373 (Maria Island) more particularly delineated on survey plan S83/139 lodged with the Surveyor General, Darwin but excepting therefrom:

firstly, that part of Northern Territory Portion 819 contained within an area bounded by straight lines described as follows:

commencing at the intersection of the most eastern boundary of Northern Territory Portion 4971 (Mount McMinn) with parallel of South Latitude 14 degrees 54 minutes; thence east to and connecting in succession the following co-ordinate points:

Point	South Latitude	East Longitude
1	14 degrees 54 minutes	134 degrees 37 minutes
2	14 degrees 57 minutes	134 degrees 37 minutes
3	14 degrees 57 minutes	134 degrees 39 minutes

4	14 degrees 58 minutes	134 degrees 39 minutes
5	14 degrees 58 minutes	134 degrees 41 minutes
6	15 degrees 3 minutes	134 degrees 41 minutes
7	15 degrees 3 minutes	134 degrees 44 minutes
8	15 degrees 2 minutes	134 degrees 44 minutes
9	15 degrees 2 minutes	134 degrees 45 minutes
10	14 degrees 57 minutes	134 degrees 45 minutes
11	14 degrees 57 minutes	134 degrees 52 minutes
12	15 degrees	134 degrees 52 minutes
13	15 degrees	134 degrees 54 minutes
14	15 degrees 1 minute	134 degrees 54 minutes
15	15 degrees 1 minute	134 degrees 56 minutes
16	15 degrees 3 minutes	134 degrees 56 minutes
17	15 degrees 3 minutes	134 degrees 58 minutes
18	15 degrees 6 minutes	134 degrees 58 minutes
19	15 degrees 6 minutes	135 degrees 10 minutes
20	15 degrees 21 minutes	135 degrees 10 minutes
21	15 degrees 21 minutes	135 degrees 3 minutes
22	15 degrees 22 minutes	135 degrees 3 minutes
23	15 degrees 22 minutes	134 degrees 57 minutes
24	15 degrees 21 minutes	134 degrees 57 minutes;

thence west by parallel of South Latitude 15 degrees 21 minutes to the most western boundary of Northern Territory Portion 819; thence northerly, easterly and again northerly by part of a western, a northern and part of a western boundary of the said Portion to the point of commencement; and

secondly, a corridor of width 4 kilometres centred on the proposed (yet to be constructed) Western Desert Resources Limited Mine to Bing Bong Landing, Haul Road.

1/35

**Territory Parks and Wildlife Conservation Act**DECLARATION OF PARK  
LIMMEN BIGHT MARINE PARK

I, SALLY GORDON THOMAS, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council:

- (a) under section 12(1)(a) of the *Territory Parks and Wildlife Conservation Act*, declare the areas of land specified in the Schedule to be a park; and
- (b) under section 12(1)(aa) of the *Act*, declare that a right, title or interest held by the Territory in respect of the land within the park does not vest in the Corporation; and
- (c) under section 17(5) of the *Act*, approve the Commission performing its functions in the park for the purpose of operating the park while a plan of management is being prepared for the park.

Dated 26th June, 2012.

S. G. THOMAS  
Administrator

By Her Honour's Command  
P. R. HENDERSON  
Chief Minister acting for  
Minister for Parks and Wildlife

## SCHEDULE

## Limmen Bight Marine Park

All those areas of sea in the Limmen Bight locality in the Northern Territory of Australia containing a total area of 870 square kilometres more or less, being those parts of the Territorial Waters of the Northern Territory (those areas of sea extending three Nautical Miles seawards of Low Water) being firstly, those waters of Limmen Bight designated Northern Territory Portion 7170 that adjoin the coastal boundaries of Northern Territory Portions 2099 and 1334 and extend seawards from Mean Low Water Mark to the outer limit of Territorial Waters, commencing at a line bearing 135 degrees True from a point near the mouth of Roper River situated at the intersection of Mean Low Water Mark with parallel of South Latitude 14 degrees 44 minutes 14 seconds and extending generally south-easterly along the coastline to a line bearing 45 degrees True from the northern bank of the mouth of Wuraliwuntya Creek at Mean Low Water and secondly, those waters of Limmen Bight designated Northern Territory Portion 7171 that surround Maria Island and extend seawards from Mean Low Water Mark to the outer limit of its Territorial Waters.

**2/35**

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# **Increased powers for Aboriginal rangers to manage traditional lands**

## Discussion Paper



## Contents

1	Background and context.....	3
2	Powers of Aboriginal rangers.....	3
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2.2	..... Input.....	3
2.3	..... Considerations .....	4
3	Process from here .....	5
4	Feedback.....	5

**Cover Photo:** Aboriginal Ranger Groups at the annual Arnhem Land Fire Abatement Fire Planning Meeting – April 2017 – Barrapunta Outstation, Arnhem Land.



## 1 Background and context

Aboriginal people have long held cultural and traditional responsibilities to protect and manage their land and sea country. Aboriginal owned and/or managed land occupies an estimated 50 per cent of the land area of the Northern Territory and approximately 85 per cent of the coastline is Aboriginal land. These lands are some of our most environmentally precious natural assets and, for Aboriginal people, are rich in cultural and spiritual meaning.

Aboriginal Ranger programs emerged during the mid-1990's as Indigenous land owners increased their capacity to manage and protect country, and develop aligned environmental enterprises. The programs are widely recognised for their capacity to deliver long-term environmental, economic and social development outcomes, and are internationally recognised as best practice natural and cultural resource management models that successfully combine traditional ecological knowledge with Western science to manage and protect some of Australia's most unique environments.

There are 46 established Ranger programs throughout the Territory, with approximately 1000 Rangers (full time, part time and casual). Aboriginal ranger group capability in compliance management is already recognised at a national level, with Aboriginal rangers now playing important roles in fisheries management, border security and quarantine protection. The Northern Territory Government, through the Fisheries Division of the Department of Primary Industry and Resources, works with several coastal Aboriginal ranger groups across the NT under its Indigenous Community Marine Ranger Program. The program recognises and supports Traditional Owners to be actively involved in the protection and management of their sea country. To date, these capabilities and the very significant role that Aboriginal ranger groups' play in land management in the Northern Territory have not included land based enforcement powers.

Within this context, the Northern Territory Government is implementing a new policy initiative "Protecting Country, Creating Jobs", which seeks to support Aboriginal rangers to protect the environment and create jobs. A key election commitment under this policy is an initiative to amend the *Territory Parks and Wildlife Conservation Act* (TPWCA), if necessary, to specifically recognise the role of Aboriginal ranger groups in managing natural and cultural assets across large parts of the Northern Territory and enable enforcement powers to increase the ability of groups to effectively manage traditional lands.

To achieve this, the Northern Territory Government, through its Department of Tourism and Culture is seeking feedback from Land Councils, Aboriginal organisations and other Aboriginal land management stakeholders on enforcement issues and priorities. This consultation process is an important step to ensure the proposed amendments meet Aboriginal ranger group members' and Land Councils' expectations to deliver the outcomes sought.

This Discussion Paper aims to start the conversation with Aboriginal ranger groups about enforcement priorities and how they see themselves participating in enforcement processes. This information will be used to develop and implement specific models and enforcement outcomes to meet this very important policy initiative.

## 2 Powers of Aboriginal rangers

### 2.1 Purpose

This Discussion Paper provides Aboriginal ranger groups and organisations with information about the input that the Department is seeking to identify management issues, methods of addressing those issues and the statutory powers wanted to achieve compliance outcomes.

### 2.2 Input

The Department requests that Aboriginal ranger groups and organisations consider the following questions to shape their input into increasing powers for Aboriginal rangers on traditional lands.



- What are the key compliance issues for your country?
- Do you already undertake compliance activities? If so, what powers do you currently use and under what legislative instrument are they enforced e.g. the *Aboriginal Land Rights Act*?
- What powers do you require to improve compliance on your country?
- Do you undertake compliance and enforcement training now? Is this training accredited or non-accredited training and is there a need to develop specific training courses for Aboriginal rangers?
- What other partners or stakeholders do you think should be included in the consultation process?

### 2.3 Considerations

A number of considerations have been identified in relation to increasing powers for Aboriginal rangers:

- The function of the Commission (Parks and Wildlife Division), established under the *Parks and Wildlife Commission Act* is to promote the conservation and protection of the Territory by participating in the management of parks, reserves, and sanctuaries established under the TPWCA or any other Act of the Territory or Commonwealth and other land by agreement with the owners or occupiers of that land; and to encourage the protection, conservation and sustainable use of wildlife.
- The Minister may currently appoint Aboriginal rangers as Honorary Conservation Officers under the TPWCA.
- The TPWCA also has other existing provisions that could apply to Aboriginal land if an agreement is entered into. Any amendments will need to be consistent with the *Aboriginal Land Rights (Northern Territory) Act*.
- The Executive Director of the Parks and Wildlife Division must determine the level of training required for Honorary Conservation Officers. At present, Honorary Conservation Officers with partial powers must have completed a minimum of six months on the job experience and one of the following courses:
  - Certificate IV in Government (Statutory Compliance)
  - Certificate IV in Government (Investigation)
  - The Department's course entitled "Conservation Officer Training"
  - Study considered by the Director of Wildlife Operations to be equivalent to those above.
- A Conservation Officer or Honorary Conservation Officer is an important role that carries a high degree of responsibility.
- Not all Parks and Wildlife Rangers are Conservation Officers with full or partial compliance powers. Out of approximately 150 rangers, 35 are Conservation Officers with full powers and a further 37 have partial powers.
- Prosecutions are rare. Two prosecutions occurred in the past 12 months – one for the taking of wildlife for commercial purposes and one for the possession of firearms on Park, which NT Police ran in conjunction with other offences.
- 29 Infringement Notices were issued across the Territory in the past 12 months, 28 of which were issued for breaches against the By-Laws.

### 3 Process from here

A number of key milestones have been drafted to meet this election commitment. The feedback from this discussion paper will lead to the identification of possible enforcement models. Formal consultation with the stakeholders regarding specific models and enforcement outcomes will be required.

- November 2017 – Distribute discussion paper to Land Councils, Aboriginal rangers and Aboriginal stakeholders for comment.
- November 2017 - February 2018 – Comments period for discussion paper.
- March 2018 - Summary of representations and options briefing prepared for Ministerial consideration.
- April 2018 – Decisions and next steps communicated to key stakeholders and the wider community.

### 4 Feedback

Feedback from Aboriginal ranger groups and organisations on the questions posed above, and any other input in relation to the proposed increase in powers for Aboriginal rangers, can be provided in a number of ways. An electronic version of the Discussion Paper can be accessed at: [nt.gov.au/traditional-land-management](http://nt.gov.au/traditional-land-management).

Parks and Wildlife Division staff are available to meet with any ranger groups or organisations who wish to discuss the matter in person. Contacts are provided on the following page.

Please direct written and verbal responses to Neva McCartney, Director Northern Australian Parks.  
**Submissions close on 28 February 2018.**

**Neva McCartney**

**Director of Northern Australian Parks**

Parks and Wildlife Division  
Department of Tourism and Culture  
PO Box 1448  
DARWIN NT 0801  
Phone: 08 8999 4561  
Mobile: 0428 102 574  
Email: [neva.mccartney@nt.gov.au](mailto:neva.mccartney@nt.gov.au)

The following staff are also available to meet with interested parties in the Katherine and Alice Springs regions.

**Chris Day**

**Director of Central Australian Parks (Alice Springs / Barkly)**

Phone: 8951 8251  
Mobile: 0427 601 237  
Email: [chris.day@nt.gov.au](mailto:chris.day@nt.gov.au)

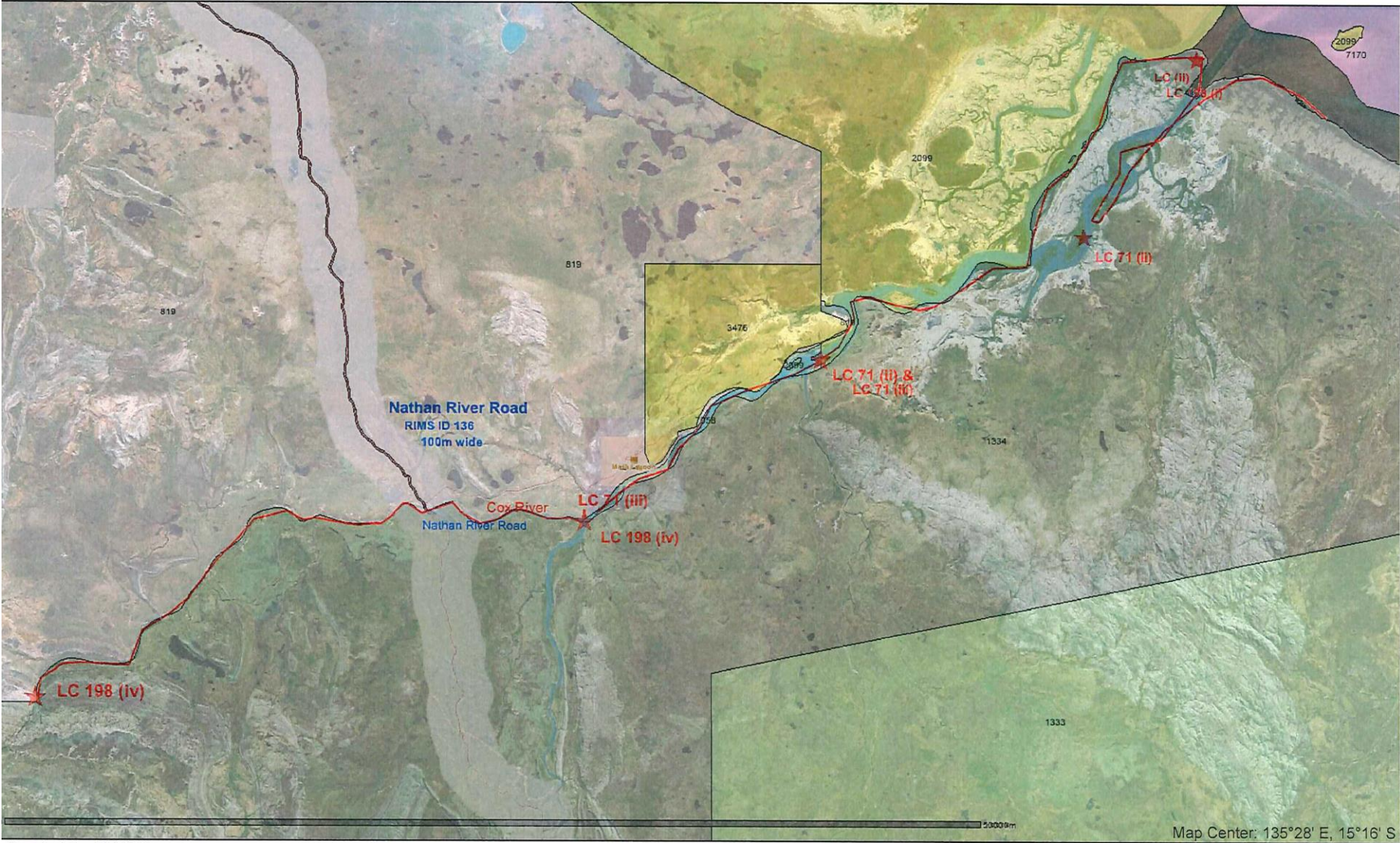
**Sarah Kerin**

**Director Savannah / Gulf Parks (Katherine / VRD / Gulf)**

Phone: 8973 8819  
Mobile: 0476 815 489  
Email: [sarah.kerin@nt.gov.au](mailto:sarah.kerin@nt.gov.au)



Land Claim 71 and 198



Created by TNAVJ  
Bottom Left: -15° 28' 53", 135° 09' 10" Top Right: -15° 04' 47", 135° 47' 49" Approximate Scale: 1:259,000 Datum: GDA 1994  
Data for information purposes only - accuracy not guaranteed  
N.T. Land Information System Copyright Northern Territory of Australia

**NORTHERN TERRITORY OF AUSTRALIA**  
**Petroleum Act**  
**TITLE REGISTER**

**TITLE SUMMARY****Title:** *Exploration Permit 161***Status:** *GRANT***Field:****Basin:** *McArthur Basin***Mapsheet:** *ROPER RIVER (SD53)**NEWCASTLE WATERS (SE53)***Application Date:** *5/06/2009***Grant Date:** *21/05/2012***Expiry Date:** *20/12/2018***Registered Date:** *23/05/2012***Associated Titles:****Party Details**

Type	Name	ACN/ABN/ARBN	%
Current	TAMBORAN RESOURCES LIMITED Suite 502, 22 Central Avenue, , Manly, , 2095	28 135 299 062	25
Current	SANTOS QNT PTY LTD c/- Team Leader Tenures, Level 26, 32 Turbot St, BRISBANE, , 4000	33 083 077 196	75
Manager	SANTOS QNT PTY LTD c/- Team Leader Tenures, Level 26, 32 Turbot St, BRISBANE, , 4000	33 083 077 196	0
Operator	SANTOS QNT PTY LTD c/- Team Leader Tenures, Level 26, 32 Turbot St, BRISBANE, , 4000	33 083 077 196	
Past	SANTOS QNT PTY LTD	33 083 077 196	50
Past	TAMBORAN (BEETALOO) PTY LTD	76 163 215 021	50
Past	TAMBORAN RESOURCES LIMITED	28 135 299 062	50
Past	TAMBORAN RESOURCES LIMITED	28 135 299 062	50
Name Change	TAMBORAN RESOURCES LIMITED was TAMBORAN RESOURCES PTY LTD (2014-03-19)		
Applicant	TAMBORAN RESOURCES LIMITED	28 135 299 062	100

\*Name Change

**Transactions**

Type	Effective Date	Expiry Date	Area
Grant	21/05/2012	20/05/2017	171 Blocks (5'x5')
Application	05/06/2009		167 Blocks (5'x5')

**Endorsements**

Type	Period	Year	Effective Date	Registered Date
Suspension and Extension	12 Months	5	27/10/2017	27/10/2017
Suspension and Extension	7 Months	5	21/12/2016	23/12/2016
Initial	5 Years		21/05/2012	23/05/2012

**Registered Documents**

Document Type	Reference	Registered Date
Directions	Section 71 of the Petroleum Act	31/07/2017
Directions	Section 71 of the Petroleum Act	31/07/2017

TITLE REGISTER: **EP161**Report run on: **04 April 2018, 3:41 PM**Department of Primary Industry and Resources  
Energy.permits@nt.gov.au

**Security**

Type	Receipt	Lodgement Date	Discharged Date	Folio
Banker's Undertaking		19/07/2016		206
Bank Guarantee		01/05/2014		153
Bank Guarantee		12/07/2013		119
Cash Security	6812130240	18/05/2012		80

**Annual Fee**

Year	Amount	Received Date
Year 6	\$15,732.00	24/05/2017
Year 5	\$15,732.00	10/05/2016
Year 4	\$16,552.80	01/06/2015
Year 3	\$15,988.50	10/06/2014
Year 2	\$4,514.40	13/05/2013
Year 1	\$4,719.30	05/06/2012

**Dealings**

Dealing No	Type	Dealing Title	Approved Date	Registered Date
2017-31	Transfer	Transfer of Title, dated 8 September 2017, between Santos QNT Pty Ltd and Tamboran Resources Limited, lodged 11 December 2017	31/01/2018	01/02/2018
2016-123	Dealing	Deed of Assignment of a Security Interest, dated 30 September 2016, between Belbay Investments Pty Limited, Paul Geoffrey Fudge and Geotech Investments Pty Limited, dated 30 September 2016	25/10/2016	25/10/2016
2016-112	Dealing	Deed of Assignment, dated 1 August 2016, between Tamboran (Beetaloo) Pty Ltd and Tamboran Resources Limited, lodged 7 October 2016	25/10/2016	25/10/2016
2016-119	Dealing	General Security Deed, dated 6 September 2012, between Tamboran Resources Limited and Belbay Investments Pty Limited, lodged 14 October 2016	25/10/2016	25/10/2016
2016-116	Transfer	Transfer of Title, between Tamboran (Beetaloo) Pty Ltd and Tamboran Resources Limited, lodged 7 September 2016	25/10/2016	25/10/2016
2015-67	Dealing	Farm-in Agreement, dated 26 September 2014, Option exercise date: 28 April 2015 between TOTAL GLNG Australia and Santos QNT Pty Ltd lodged on 27 July 2015	03/09/2015	08/09/2015
2014-46	Transfer	Transfer of Title dated 30 November	21/03/2014	20/05/2014

		2013 between Tamboran Resources Ltd and Tamboran (Beetaloo) Pty Ltd lodged 27 February 2014.		
2013-09	Transfer	Transfer of Title dated 14 February 2013 between Tamboran Resources Pty Ltd and Santos QNT Pty Ltd lodged 18 February 2013.	19/02/2013	20/02/2013
2012-78	Dealing	Deed of Cross Security dated 11 December 2012 between Santos QNT Pty Ltd and Tamboran Resources Pty Ltd lodged 18 December 2012	04/01/2013	04/01/2013
2012-74	Dealing	Joint Operating Agreement dated 11 December 2012 between Santos QNT Pty Ltd and Tamboran Resources Pty Ltd lodged 18 December 2012	04/01/2013	04/01/2013
2012-70	Dealing	Farm-in Agreement dated 11 December 2012 between Santos QNT Pty Ltd and Tamboran Resources Pty Ltd lodged 18 December 2012	04/01/2013	04/01/2013

I hereby certify this to be a true extract of the data in the Register



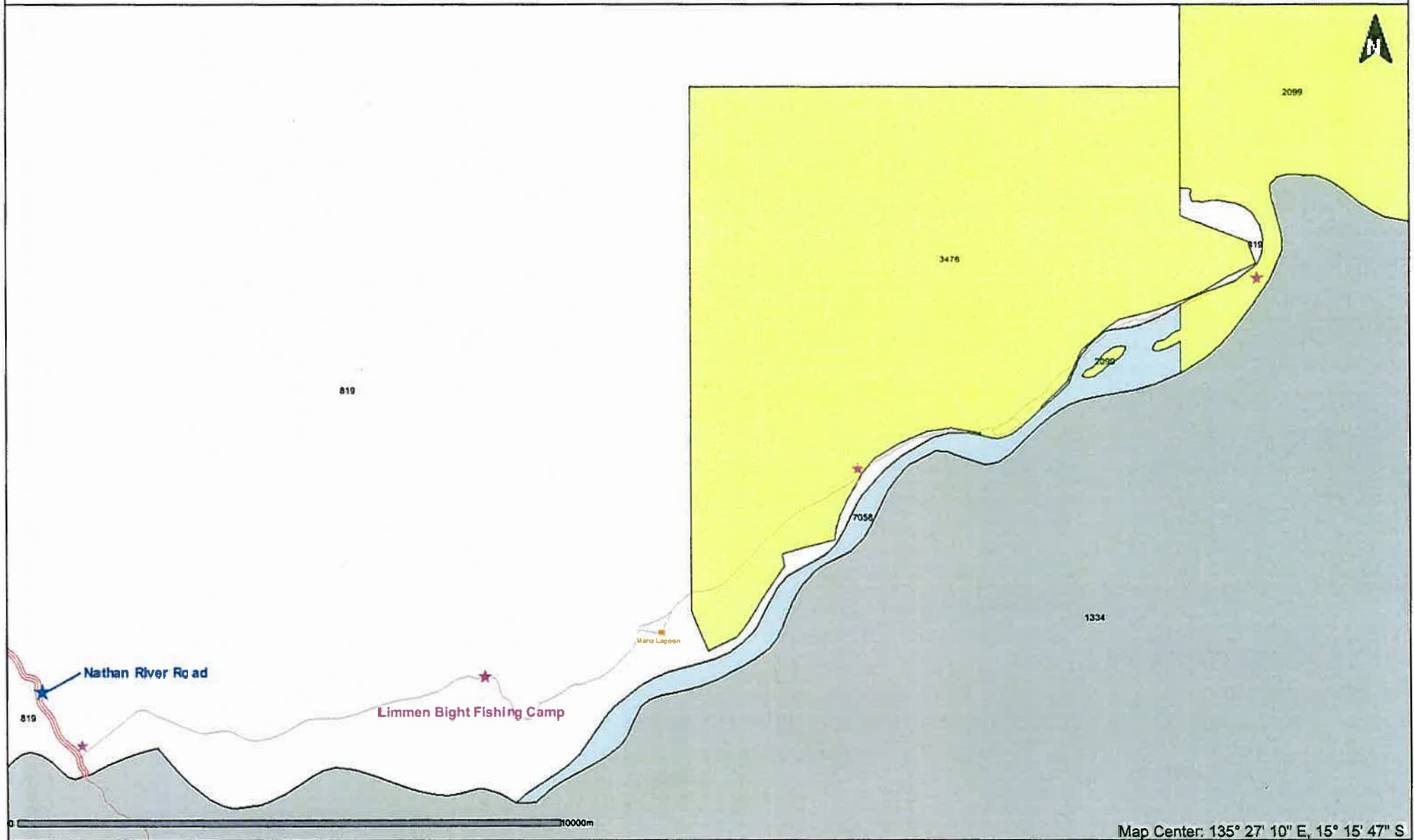
PETROLEUM REGISTRAR

Date

**04 April 2018**

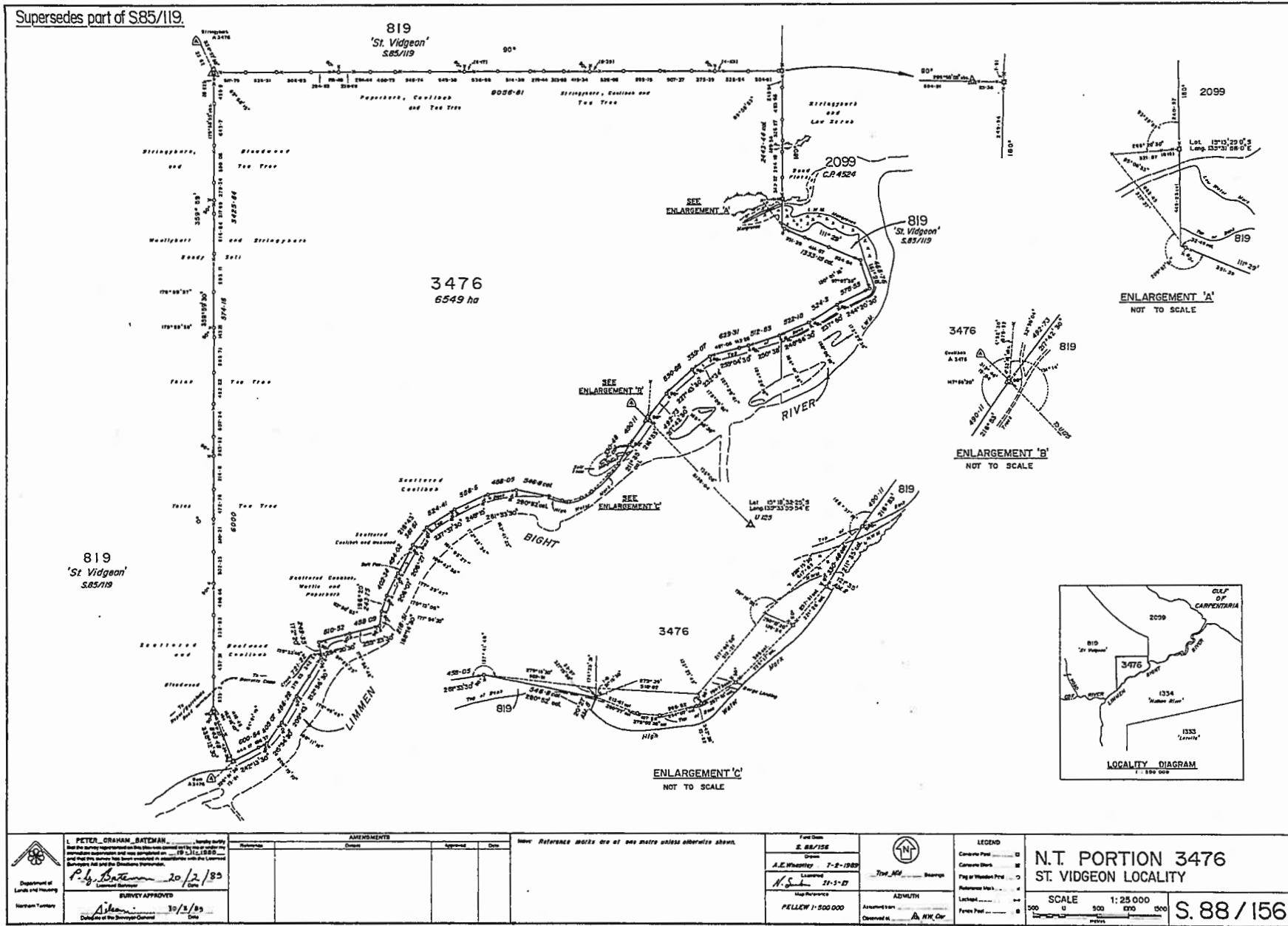


# Map



Created by TNAVJ

Bottom Left: -15° 20' 07", 135° 20' 13" Top Right: -15° 11' 27", 135° 34' 06" Approximate Scale: 1:93,000 Datum: GDA 1994  
Data for information purposes only - accuracy not guaranteed  
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*Aboriginal Land Rights (Northern Territory) Act*

**Review of Detriment Issues**

**Aboriginal land claims recommended for grant but not yet finalised**

**Maria Island and Limmen Bight River Land Claim No.71 and part of**

**Maria Island Region Land Claim No. 198**

**Lorella Region Land Claim No. 199 and part of Maria Island Region**

**Land Claim No. 198**

**Submissions of the Northern Territory dated 27 September 2018 in**

**Reply to the Claimant's Submissions of 18 August 2018**

1. The Aboriginal Land Commissioner ("ALC") invited the Northern Territory ("NTA") to participate in the review of detriment issues in the following land claims being conducted by the ALC under Terms of Reference issued by the Federal Minister pursuant to section 50(1)(d) of the *Aboriginal Land Rights (Northern Territory) Act* ("ALRA"):
  - a. Maria Island and Limmen Bight River Land Claim No.71 and part of Maria Island Region Land Claim No. 198 by letter dated 13 February 2018; and
  - b. Lorella Region Land Claim No. 199 and part of Maria Island Region Land Claim No. 198 by letter dated 13 February 2018

herein referred to as the "Land Claims"

2. On 2018, the NTA lodged with the Office of Aboriginal Land Commissioner (OALC) the following documents:
  - a. On 30 April 2018, the NTA lodged a document entitled "Detriment Review: Maria Island and Limmen Bight River Land Claim No.71 and part of Maria Island Region Land Claim No. 198: Lorella Region Land Claim No. 199 and part of Maria Island Region Land Claim No. 198– Updated Detriment and Proposed Patterns of Land Usage Information on behalf of the Northern Territory of Australia for consideration of the Aboriginal Land Commissioner" and dated 30 April 2018 and attachments 1-12;

- b. On 1 May 2018, the NTA lodged a document entitled “FINAL Detriment Review Table: for the above Land Claims. This detriment table replaced the document referred to in subparagraph (b) above (“the First NTA Submissions”).
3. It is noted that six other parties also lodged submissions with the OALC in respect of the Land Claims detriment review, namely: (i) Stephen Barrett as operator of the Limmen Bight Fishing Camp; (ii) the Amateur Fishermen’s Association of the Northern Territory (AFANT), (iii) NT Seafood Council (NTSFC), (iv) Britmar (Australia) Pty Ltd; (v) NT Iron Ore Pty Ltd and (vi) Lorella Springs as operators of the Lorella Springs Station.
4. On 18 August 2018, Mr David Avery as Solicitor for the Claimants in the Land Claims lodged with the OALC a document entitled “Review of Detriment – Aboriginal land claims recommended for grant but not yet finalized – Maria Island and Limmen Bight River Land Claim No. 71 and part of Maria Island Region Land Claim No. 198 and Lorella Region Land Claim No. 199 and part of Maria Island Region Land Claim No. 198” (the Claimants’ Submissions).
5. By email dated Friday 7 September 2018, the Office of ALC advised that the ALC had agreed to the NTA providing a reply to the Claimants’ Submissions by 17 September 2018. As noted above, the Claimants’ Submissions are filed on behalf of the claimants in the Land Claim (rather than the NLC) and these submissions of the NTA in Reply are made on that basis.
6. The Submissions of the NTA in Reply below address specific numbered paragraphs of the Claimants’ Submissions. Where a specific paragraph of the Claimants’ Submissions is not addressed it is either on the basis that the respective paragraph relates to another party or the NTA has nothing further to add from what was contained within the First NTA Submissions.

## **NTA SUBMISSIONS IN REPLY RESPONDING TO NUMBERED PARAGRAPHS OF THE CLAIMANTS’ SUBMISSIONS**

The following numbering refers to the paragraph number in the Claimants’ Submissions.

5. The Claimants Submissions assert that the NT’s position, at page 15 of the Northern Territory’s Submissions in Reply on the Lower Daly Land Claim, which sets out the NTs position on commercial use of Crown land is “not straight forward”.  
The NTA submits this commentary does not provide any assistance on the matter: the NTAs position noted above essentially sets out the effect of the applicable NT legislative regime.
6. The activities summarised in paragraph 6 of the Claimants Submissions being undertaken by the lessees of Lorella Springs Station, detailed below, are, it is submitted, “low impact activities” that would be permitted by virtue of the general public’s (including any adjacent land holders and their invitees)

privilege or liberty to enter upon and enjoy Crown land unless otherwise restricted or prohibited by the Crown: which the listed activities are not;

- a. Coastal quad tours along remote parts of the coastline;
- b. Helicopter scenic flights landing on the intertidal zone;
- c. Coastal fishing tours along the Lorella coastline and rivers.

The other activity referred to is aquaculture: this would be an activity prohibited on Crown land without the relevant tenure over the affected land and/or waters.

7. The NTA accepts the Claimants Submissions that the ability for a sea closure application under s12 Aboriginal Land Act is not a relevant consideration in the hearing of a land claim under the ALRA for the reasons therein set out.
9. The NTA notes the indication that, based on recent consultations with the claimants, the concerns expressed by claimant groups as set out in Appendix 4 to Report No. 61 of the Former ALC the Hon HW Olney QC remain the same. The NTA appreciates the concerns of the claimants and adopts the submissions made in paragraph 13 of the NTA Submissions dated 9 August 2018 in Reply to the Claimants Submission in relation to groups 1 (LC 178, LC 1184/185) and 4 (LC 186, 187 and part 185).

## **Parks and Wildlife**

10. The NTA notes that the declaration of both the Limmen Bight Marine Park and the Limmen National Park (LNP) declared in July 2012 over Nathan River (NT Portion 1334), Billengarra (NT Portion 1323), Maria Island (NT Portion 2373) and part of St Vidgeon (NT Portion 819) excluded any of the claim area from the declared parks. Further, NTA notes that it maintains its position that with appropriate negotiated arrangements **prior to any grant of either part or whole of the claimed land**, the grant of land would unlikely cause detriment to the Department of Tourism and Culture (DTC) in its management of the LNP and Limmen Bight Marine Park. It is further noted that since 2015 DTC has been working closely with the NLC and Claimants /Traditional Owners on important rock art mapping projects; in the preparation of a comprehensive Limmen Bight Marine Park Plan of Management and maintains that such collaborative programs provide the mechanism to guide the implementation of appropriate arrangements following negotiation with Traditional Owners. It also notes the collaborative work also being undertaken by the Department of Environment and Natural Resources in developing a NT Marine Park Strategy and the goodwill to have consistent monitoring and evaluation programs, between both Departments, Aboriginal Ranger Groups and the Commonwealth.
11. The NTA (through DTC) acknowledges the comment may have been better described, but confirms Lorella Springs does not operate commercial tours in

the Park, and any commercial operator will require a permit under the *Territory Parks and Wildlife Conservation Act* (NT and its bylaws).

12. The NTA accepts the claimant's position and offers the following. As described in the submission, DTC facilitates Traditional Owners engagement in both the development and implementation of Park Management Plans (both terrestrial and marine). As part of the process for developing management plans Traditional Owners identify risks to the cultural and environmental values of the park and determine appropriate management responses through the participatory planning process. Those issues raised by claimants in their submission will be managed as part of the Limen Bight Marine Park planning process and NT Marine Park Strategy described above.

### **Tourism and Fishing**

13. The NTA assumes that the reference to "rangers" is a reference to "indigenous sea rangers" per the Sea Ranger program operating over Blue Mud Bay affected waters.

The NTA is aware that in the case of the Tiwi Islands (where a permit system was developed to control Fishing Access following the Blue Mud Bay High Court Decision), the administrative costs in maintaining a functional permit system far outweighed the proceeds arising from the system.

The NTA also notes that substantial funding for Ranger capacity is available through the NT Government's open access offer. The NTA considers it unlikely, based on fishing effort, that this level of revenue could be raised from a permit based system.

### **Lorella**

- 15-20. The Claimants Submissions at paragraphs 15-20 inclusive address the submissions on behalf of the operators of Lorella Springs. The NTA understands that these parties have been or will be provided an opportunity to file a submission in reply. The NTA, however, does wish to respond to paragraphs 17 of the Claimants Submissions wherein the submissions from paragraph 24 of the Claimants Submissions dated 16 July 2018 are directly quoted with the qualification that the claimants suggest a fee for the licence reflecting the primary use of the area for tourist activities, and paragraphs 18-20.
17. The Territory adopts its submissions at paragraph 13 of its submissions in reply in relation to the group 6 claims. For the sake of convenience, those submissions are quoted directly below:

The NTA again submits that detriment is not limited to the economic sense or to something that can be quantified. In this regard see *Neafe* at page 309 where, commenting on the meaning of 'detriment' he notes:

"In his first land claim report Toohey J wrote, 'Detriment is not defined but must bear its ordinary meaning of harm or damage which need not be confined to economic considerations any more than the reference to "advantaged" on para (a) need be so confined [Borrooloola Land Claim at para 137]. So, for example, 'social detriment' may be suffered where people who have used an area for recreational purposes are denied access to it [Limmen Bight Land Claim at para 161]."

The long term tenure arrangements in respect of already granted Aboriginal land following the Intervention does go some way to 'normalise' land tenure as referred to in the Claimants' Submissions. However, where land is not yet granted as Aboriginal land, the costs associated with obtaining access or tenure must be regarded as detriment. This remains the position even where examples of potential agreement making or automated systems such as the new permit system are proposed. In the absence of current agreements or a fully functioning permit system with a binding commitment as to the terms and conditions on which permits are granted, the uncertainty of access and costs associated with access must be regarded as detriment that **might result** if the land is granted including as to its effect on existing or proposed patterns of land usage in the region.

Whilst the NTA does and will continue to take into account views of Indigenous peoples and negotiate in good faith where agreement is to be reached, comment still needs to be provided in relation to detriment. Detriment that might result if the claim were acceded to either in whole or in part needs to be considered on that basis and should not be disregarded or afforded less weight on the basis of proposed or speculative measures or agreements that may be reached to ameliorate or mitigate that detriment.

In previous land claims, for example the Yutpundji-Djindiwirritji (Roper Bar) Land Claim No. 36 and the Palm Valley Land Claim No. 48, the prospect of agreements being reached was considered to mitigate detriment. However, the parties in those land claims were further advanced in negotiations and expressed confidence that an agreement would be reached. By contrast, the parties in these Land Claims are yet to negotiate details of any agreement.

In Bilinara (Coolibah-Wave Hill Stock Routes) Land Claim Report No. 35, Commissioner Olney stated that:

"There is no reason to think that the present management ... will not be able to reach agreement with the traditional owners. The same could not be said with any confidence with regard to previous management..."

This suggests that the likelihood of any agreement should be assessed on a case by case basis.

In Daly River (Malak Malak) Land Claim No. 7, Commissioner Toohey at paragraph 342 commented that: "If no such agreements can be reached a firm proposal would otherwise have gone ahead then significant detriment will be suffered... Without firm proposals before me I am unable to make any more specific comment on the matter."

18. Since the introduction of the Non Pastoral Use provision amendments on 1 January 2014, Lorella Springs Station has not held an approved Non-Pastoral Use Permit for its existing non-pastoral use enterprises. A 12 month moratorium was in place to allow lessees who had existing non-pastoral use activities a period of time to comply with the new legislative amendments.



Since 2014 the NT Government's directive has been to encourage and support diversification pursuant to non-pastoral use permits (NPU) on the NT pastoral estate. Given this, the Department has been working with lessees and the pastoral industry's peak body the NT Cattleman's Association (NTCA) to formalise known diversification activities on pastoral leases. With regard to Lorella Springs it is our understanding the lessee originally established a tourism venture out of necessity, to make the station economically sustainable and facilitate improvements to property infrastructure as it was marginal due a deficiency in property infrastructure.

Both the Department and the NTCA business development officer have been working with Lorella Station for an extended period to develop and finalise their NPU application to the required standard. This process has proven to be difficult as the proposed tourism venture will requires compliance across a number of different areas for example pursuant to the *Public and Environmental Health Act (NT)*, and the *Liquor Act (NT)*.

It should be noted that for a pastoral lease, non-pastoral purposes can only comprise 49% of the dominant use. The majority of the area covered by a pastoral lease must be used for pastoral purposes.

19. Aquaculture: the Claimants are correct in their assumption that an aquaculture venture would require "an appropriate form of tenure under the Crown Lands Act" as well as "stringent environmental impact compliance" over the proposed project area. The NTA does not accept the proposition by the Claimants that acceding to the claim in these circumstances would not be a detriment given the need for tenure (and environmental approvals) from government. The basis for this is that there are uncertainties as to whether or not agreement could be reached with traditional owners to mitigate the detriment: refer in this context the NTA's comments in the NTA Submissions in reply regarding groups 1 and 4 dated 09.08.18 regarding paragraphs 2-10, which the NTA adopts.
20. The NTA maintains that a permit system that curtails available fishing options – in this case, parts of the coastline, constitutes a detriment to a fishing tourism based business model.

### **Limmen River**

21. The NTA confirms its view that detriment will nonetheless arise due to the factors of time, cost and uncertainty as to ease-of-use in attaining a permit.

### **Limmen River Fishing Camp**

- 22-24. The Claimants Submissions at paragraphs 22-24 inclusive address the submissions on behalf of Mr Barrett the operator of Limmen River Fishing Camp. The NTA understands that this party has been or will be provided an opportunity to file a submission in reply.

## AFANT

25-26. The Claimants Submissions at paragraphs 25-26 inclusive address the submissions made by AFANT. The NTA understands that AFANT has been or will be provided an opportunity to file a submission in reply.

## Mines and Petroleum

27. For the purpose of these Claimants Submissions the Claimants adopt the submissions set out in paragraph 62 of the submissions in the Groups 1 and 6 land claims. It is understood that this is meant to be a reference to "groups 1 and 4". The NTA adopts its submissions regarding paragraphs 61-63 of its Reply dated 9 August 2018 in respect of Groups 1 and 4 which for ease of reference provides as follows:

"From the NTA's regulatory perspective, compliance with the ALRA does not constitute a detriment. However, petroleum explorers may experience higher costs and delays in negotiating access agreements if the claim area is granted. Higher costs are not limited to cost of negotiation and any payments for access may include costs associated with delays such as loss of investors, contract failure or inability to obtain equipment and infrastructure."

28-38: The Claimants Submissions at paragraphs 28-38 inclusive address the submissions on behalf of NT Iron Ore Pty Ltd (NTIO). The NTA understands that this party has been or will be provided an opportunity to file a submission in reply. However, the NTA, offers the following comment regarding paragraphs 32-33, and 35 as noted below.

### Paragraphs 32 and 33:

The Claimants Submissions refer to Limmen Bight Land Claim No. 8. The NTA understands this to be a mistaken reference to Land Claim **No. 5** (LC 5).

The NTA cannot locate any documentation relating to withdrawal of LC 5 over the strip of land between NT Portion 1184 and the bank of the Roper River. We note, however, compiled plan 4524 which would have been commissioned by the Commonwealth prior to grant of the LC 5 claim area, shows the grant to the land trust as **excluding** that strip of land. It is the submission of the NTA that the grant to the Land Trust excluded that strip of land so as to secure a means of access from SPL 219 over NT Portion 1184 to the river such that this part of LC 5 was disposed of. The Commonwealth may hold relevant records to clarify whether this is the case.

### Paragraph 35:

Whilst the comments provided in this paragraph are correct the NTA wishes to clarify that Mineral Leases (MLs) 29070, 29071, 29437 have yet to be granted. All processes under ALRA have been completed however, the annual rent must be paid before the MLs are deemed to be granted.

**MA 28133 and MA 28134**

39-40. The NTA provides the following response to these paragraphs of the Claimants Submissions:

**Paragraph 39**

The mineral authority applications have been transferred twice since being made in 2010. The main reason the applications have not progressed to grant is the introduction of the seabed mining moratorium in 2012. This moratorium has been extended twice and is currently in place until 2021.

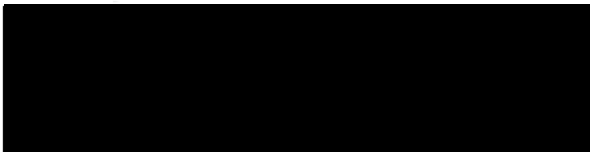
**Paragraph 40**

Since the commencement of the seabed mining moratorium the declaration of the Limmen Bight Marine National Park has further increased the unlikelihood of the MA's ever progressing to grant.

**Britmar: Bridge over Limmen Bight River**

41-45. The Claimants Submissions at paragraphs 41-45 inclusive address the submissions made by Britmar. The NTA understands that Britmar has been or will be provided an opportunity to file a submission in reply. The NTA, however seeks to provide the following submission in relation to paragraph 45 below.

The NTA is unable comment on any discussions that may have taken place in relation to native title holders and Britmar, in relation to the haul road, as the NTA was not privy to those discussions.



**KALLIOPI (POPPI) GATIS**  
Solicitor for the Northern Territory  
27 September 2018