



## MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

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Dr Paul Vogel  
Chairperson  
Northern Territory Environment Protection Authority  
PO Box 3675  
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Dear Dr Vogel

As you are aware, there is an overdue and critical need for substantial reform of the Northern Territory's environmental protection framework. This need is recognised in the Government's *Healthy Environment, Strong Economy* policy which outlines an environmental regulatory reform agenda designed to deliver substantial improvements to the current system.

Government has determined to undertake reforms to the environmental management system in two stages. The first stage will address improvements to the environmental impact assessment system, while the second stage will be focussed on other regulatory reforms required to deliver an effective and efficient environmental management framework.

I appreciate that the Northern Territory Environment Protection Authority (NT EPA) has taken the opportunity to contribute to the reform agenda through its publication, *A Roadmap for a Modern Regulatory Framework for the Northern Territory* (the Roadmap) provided to me on 25 January 2017. I would also like to acknowledge those representatives of the community and industry who took the time to provide information and ideas to assist the NT EPA in formulating the Roadmap.

The Roadmap is an important contribution to the ongoing conversation about environmental reforms, particularly those related to the environmental impact assessment system. It is my intention to consider the Roadmap and the submissions made to the NT EPA about the Roadmap, in conjunction with ongoing consultation by the Department of Environment and Natural Resources (DENR), as part of developing final policy positions and new environmental management legislation.

More detailed responses to each of the NT EPA's recommendations are enclosed.

As experts in environmental management, the NT EPA's collective knowledge and experiences, as well as its ongoing support and advice, will be integral to Government building, and delivering within, a leading practice environmental management framework.

It is therefore imperative that the NT EPA is able to focus on the matters of greatest strategic importance to the Territory. Having considered the full range of options on the potential roles and responsibilities of the NT EPA under the proposed environmental protection and management framework, it has been determined that the NT EPA will focus on conducting the environmental impact assessment process and providing strategic environmental advice on emerging environmental issues. It will be given a new role in monitoring and reviewing the Northern Territory's environmental management system to ensure that it is operating efficiently, effectively and providing Territorians with the environmental outcomes they expect and deserve.

Operational activities will be given to DENR, which may continue to call on the NT EPA to provide strategic advice about the management of these matters, where required.

There will be no changes to the NT EPA's operating and service arrangements with these changes. DENR will continue to provide the NT EPA with access to the facilities and staff necessary to fulfil its responsibilities.

I am confident that the changes I have outlined to the NT EPA's role will assist in ensuring improved environmental outcomes for the Northern Territory. These changes will only take effect as the second stage of the reform program is implemented and in the interim the NT EPA is to continue to perform its existing powers and functions.

I look forward to continuing to work with the NT EPA to design and implement changes to the Territory's environmental management system to deliver better environmental outcomes for the Northern Territory.

Yours sincerely



LAUREN MOSS

26<sup>th</sup> September 2017

**Response to the NT EPA's *A Roadmap for a Modern Regulatory Framework for the Northern Territory***

Recommendation	Comments
<p>1. Government should adopt a framework for a single, whole-of-government environmental approval issued by the Minister for the Environment on the basis of an environmental impact assessment by the NT EPA.</p>	<p>Government has agreed to the introduction of an environmental approval (to be issued by the Minister for Environment and Natural Resources) as one of the key components of the environmental impact assessment reform package.</p> <p>The introduction of an environmental approval is necessary to regaining community trust in the environmental assessment and management system.</p>
<p>2. The <i>Environmental Assessment Act</i> should be revised and updated to give effect to Recommendation 1.</p>	<p>New environmental impact assessment legislation will replace the <i>Environmental Assessment Act</i>. It will be a contemporary piece of legislation drawing upon best practice principles for environmental impact assessment crafted to serve the circumstances of the Northern Territory.</p> <p>The need for new environmental impact assessment legislation is recognised and supported by industry and community groups. Conversations about specific elements of the legislation are currently underway, including timeframes, triggers for environmental impact assessment and public involvement.</p>
<p>3. The revised <i>Environmental Assessment Act</i> should allow the NT EPA to conduct strategic environmental assessments and provide strategic environmental advice.</p>	<p>The new environmental impact assessment legislation will include a range of assessment 'tiers' ensuring that assessment processes are commensurate with the level of risk to the environment. Strategic assessment processes will be available through the new legislation.</p> <p>Strategic environmental assessment has been a highly anticipated element of the reforms. Questions about the intended purpose of a strategic environmental assessment as well as its process (including roles and responsibility for both producing and conducting the assessment) will need further consideration and discussion.</p> <p>It should be noted that the existing <i>Northern Territory Environment Protection Authority Act</i> currently empowers the NT EPA to provide advice on the performance of the environmental management system, emerging environmental issues and similar matters.</p>
<p>4. The <i>Waste Management and Pollution Control Act</i> should be revised and updated to provide for the NT EPA to issue all licences and approvals to</p>	<p>Government has agreed to undertake its regulatory reforms in two stages.</p> <p>Stage two of the reforms will transform the <i>Waste Management and Pollution Control Act</i> into a</p>

Recommendation	Comments
<p>discharge or emit wastes to land, water, sea or air environments.</p>	<p>fully functioning environment protection act. This new legislation will include capacity to address a range of environmental issues in approval conditions (not just waste and pollution issues), address overlaps and duplications in the environmental management system and streamline regulation for industry.</p> <p>As part of the reform program, Government has decided to change the NT EPA's future role to ensure that it continues to best contribute to the NT's environmental protection and management system.</p> <p>Under these changes, the NT EPA will remain responsible for conducting the environmental impact assessment process and be tasked with a new role of 'environmental assurance monitor'. Through this new role, the NT EPA will provide Government with advice about the operation of the environmental management system and information on how to improve the system to deliver improved environmental outcomes. The NT EPA will also continue to provide advice on other environmental matters of strategic importance to the Territory.</p> <p>To enable the NT EPA to concentrate on these important, strategic, responsibilities, the Department of Environment and Natural Resources will be tasked with undertaking day to day environmental management activities such as licensing and ensuring compliance with the new environmental protection legislation.</p>
<p>5. The <i>Environmental Assessment Act</i> and the <i>Waste Management and Pollution Control Act</i> should be revised and updated as described above. In addition, some other waste management and pollution control legislation should be consolidated into a new Environmental Protection Act to be administered by the NT EPA.</p>	<p>The Government is committed to reforming both the <i>Environmental Assessment Act</i> and <i>Waste Management and Pollution Control Act</i>. As part of the reform program, Government will consider the NT EPA's role in the environmental assessment and management regime, and how it can best contribute to the NT's environmental protection and management system.</p> <p>Environmental regulatory reforms (including incorporating environmental management and regulatory responsibilities under a single piece of legislation) have been sought by the community for a number of years. Industry groups support reduction in duplication and overlap as well as the streamlining of process.</p>
<p>6. The NT EPA responsibilities should continue to involve conducting environmental</p>	<p>As part of the reform program, Government has decided to change the NT EPA's future role to ensure that it continues to best contribute to the NT's</p>

<b>Recommendation</b>	<b>Comments</b>
<p>impact assessments for proposals that may have a significant impact on the environment, the regulation of activities that may have significant impacts or risks to the environment, and the provision of strategic advice on matters of environmental importance.</p>	<p>environmental protection and management system.</p> <p>Under these changes, the NT EPA will remain responsible for conducting the environmental impact assessment process and be tasked with a new role of 'environmental assurance monitor'. Through this new role the NT EPA will provide Government with advice about the operation of the environmental management system and information on how to improve the system to deliver improved environmental outcomes. The NT EPA will also continue to provide advice on other environmental matters of strategic importance to the Territory.</p> <p>To enable the NT EPA to concentrate on these important, strategic, responsibilities, the Department of Environment and Natural Resources will be tasked with undertaking day to day environmental management activities such as licensing and ensuring compliance with the new environmental protection legislation.</p>
<p>7. The NT EPA should be an independent authority comprising a board of experts appointed on the basis of their experience, knowledge and ability to meet the objectives and responsibilities of the NT EPA.</p>	<p>This is the current model of the NT EPA. The model has been demonstrated as appropriate for a small jurisdiction for the NT. The model will be retained.</p>