

Attention: NTEPA

Re: Draft Terms of Reference for Inpex Bonaparte CCS (EP2025/045, 048, 049)

I am a member of the Darwin community with a long-standing interest in decision making around the industrialisation of Darwin Harbour, and some familiarity with formal assessment processes. I am not new to these processes. I have read terms of reference before, followed referrals, and made submissions. I have tried in good faith to understand the project that is the subject of this consultation. I have read the draft Terms of Reference available to the public, followed references between documents, and attempted to understand how the various approvals fit together.

Here I share an account of the difficulty I experienced simply trying to work out what I was being invited to comment on.

I set out to understand one project

When I first approached this consultation, I believed I was looking at a single project. I found two draft Terms of Reference issued by the same proponent, released at the same time, with the same consultation period. Both referred to the other as an "Associated Activity". And a third document relating to the same broader carbon capture and storage proposal. Each document addresses a different component of what was repeatedly described as an interconnected system.

At that point I was no longer confident that I understood:

- how many projects were actually being assessed;
- which documents I needed to read;
- whether commenting on one proposal meant I had addressed the others; or
- whether important impacts were being considered somewhere else.

For a consultation process that depends on informed public participation, I found this surprisingly difficult to follow.

I tried to orient myself by following the carbon dioxide.

The purpose of the proposal is to capture carbon dioxide and transport it for storage. So I attempted to follow that journey through the referral documents. I could follow it through the plant and along the pipeline. What I struggled to understand was the final destination.

- Where is the carbon ultimately stored?
- How deep is the storage formation?
- What assessment considers whether the storage location is suitable?
- Which regulator examines long-term containment?
- Most importantly, where can a member of the public read that assessment and comment on it?

When I tried to answer these questions for myself, two things in particular gave me pause.

As best I have been able to establish, the offshore area proposed for the storage has not yet been formally declared, under the Commonwealth's sea dumping laws, to be suitable and capable of permanently storing this carbon. That step appears to still lie ahead for this project.

I also tried simply to find and read the assessment of the storage itself. I understand that the relevant Commonwealth application was withdrawn earlier this year and has not yet been replaced. I could not find anywhere that the storage component is open to the public to read or respond to. So we are invited to comment here absent the part that determines whether this is 'permanent' storage at all

navigating multiple regulatory systems

As I investigated further, I realised that different parts of the overall system appear to be assessed by different regulators under different legislation. Some elements are before the NT EPA. Some elements involve Commonwealth assessment processes. Then there are other approvals related to offshore petroleum and greenhouse gas storage legislation.

Maybe this is normal. However, from the perspective of a community member, it creates a practical problem. We are invited to comment on a project whose key components appear to be distributed across multiple assessment systems.

To understand the whole proposal, it seems we need to understand not only the project itself, but also the boundaries between different governments, regulators and legislative schemes. That is a substantial burden for public participants.

I kept asking: Where is the complete project assessed as a complete project?

I could find assessments of components, and references to associated activities. I could find references to future approvals. But I failed to find a single place where an interested member of the public could understand the entire system from carbon capture through to permanent storage.

That matters because the project is repeatedly described as interconnected. If the project functions as a single system, it seems reasonable that members of the public should be able to understand it as a single system.

The climate cost/benefit seems central

The stated purpose of carbon capture and storage is to achieve a climate benefit.

But how is the overall climate benefit measured?

I could see requirements relating to greenhouse gas emissions. But I couldn't find the overall balance presented in a form that an ordinary reader can understand.

If the project stores carbon, but also enables additional polluting industrial activity on Middle Arm, where is the overall accounting that allows the public to understand the net outcome?

Given the net climate benefit is the primary justification for the project, the consolidated net carbon accounting must be explicitly front-and-centered in plain language, not fractured across separate component documents.

Confused and fatigued

After spending considerable time trying to understand these proposals, I am left with a concern.

I am not a disengaged member of the public. I am not unfamiliar with formal process. I am not someone who ignored the documents - I read them, and followed references. I searched for related approvals. I attempted to understand the regulatory framework. I drew on what I already knew of how these processes work.

Yet I remain uncertain about the relationship between the various project components and where the entire system is assessed as a whole. That uncertainty makes it difficult to provide meaningful

comments on the substance of the proposal. The proponent has itself asked the Commonwealth to assess the Bonaparte pipeline as a single action, joined across the shoreline. I don't understand why the same joined-up view isn't available to me, here, now, on the same infrastructure.

The NT EPA's own Terms of Reference anticipated this very difficulty. They observe that the proponent's decision to split the proposal into separate referrals risks causing the community confusion and consultation fatigue, and that this may affect the community's ability to participate in the decision. I can confirm that for at least one motivated member of the public, that is exactly what has happened.

I encourage the NT EPA to consider whether the current structure of the assessment process is creating barriers to meaningful public participation.

This is not a new concern. In June 2024, writing on behalf of a community coalition, I asked the EPA's Chairperson and board how the community could more clearly understand the way these large proposals are assessed, and how we might be more effectively involved. The way this proposal has been presented to Territorians - three near-identical documents, with its most important part assessed elsewhere or not yet at all - is a clear example of the very difficulty we raised then.

I recommend the proponent should be required to provide a public-facing consolidated plain-language explanation of how the various project components fit together, including which regulator assesses each component.

The full carbon capture and storage system needs to be understandable by the public as a single, coherent project, regardless of how individual approvals are structured.

I recommend requiring clear cross-referencing between all associated activities, approvals and assessment processes.

Members of the public should be able to readily identify where they may comment on each part of the proposal and where cumulative impacts are considered.

Thanks and best wishes for your important work,

Justin Tutty

