

# Arid Lands Environment Centre, Inc.



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**Arid Lands Environment Centre (ALEC)  
Submission to the NT Environment Protection Authority  
October 2016**

***Draft Advice regarding Dr Allan Hawke's Review of the Northern Territory's Environmental Assessment and Approval Processes (Hawke Review)***

The Arid Lands Environment Centre (ALEC) welcomes the opportunity to comment on this important advice from the NT EPA in regards to the Northern Territory's Environmental Assessment and Approval Processes. ALEC acknowledges the significant amount of time and effort that the NTEPA Chair has spent in reviewing the *Hawke Review* and welcomes the NTEPA's rejection of the hopelessly conflicted sectoral approval framework.

ALEC supports an improved environmental regulatory framework that strengthens the role of the independent regulator and requires the Environment Minister to participate in the approval process of all major projects and developments in the Northern Territory.

The timeliness of the draft advice being given to a new Northern Territory Government provides a rare opportunity to develop a robust environmental regulatory framework to protect the natural systems and species that make the Northern Territory what it is, while also supporting sustainable development. The NT Labor Government policies that include the 'comprehensive reform of the Environmental Assessment Act' and a 'new Environment Protection Act' are aligned to the intent of the recommendations for improving the environmental management framework.

A greater role for the NT EPA will require significantly more resources to support its increased functions and accountabilities. The current NT EPA Act needs review and amendments to ensure that transparency and accountability of the NT EPA Board is clear.

### **Recommendations 1-3**

ALEC supports recommendations 1-3. However, the approval framework seems to reflect the now lapsed bilateral agreements for environmental approvals rather than the approval powers that the Commonwealth Minister has under the *Environment Protection and Biodiversity Conservation Act*. Clarity is required about how this fits with the current Federal arrangement. What happens if the NT Minister does not approve and the Commonwealth Minister approves? How is the NT Environment Minister held accountable for their decisions? Who does the NTEPA answer to?

### **Recommendation 4**

ALEC recommends the urgent establishment of a working group with representatives from the Environment Defenders Office NT, ALEC and Environment Centre NT included to support the development of the *Environment Protection Act*.

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**Recommendation 5**

ALEC supports these recommendations but legislative work is needed to ensure clear lines of accountability and transparency of the NTEPA decision-making framework.

ALEC recommends a review and amending of the *NTEPA Act* to ensure accountability and transparency of EPA Board – transparent appointment process, conflicts of interest register, accountability of assessment processes, Ministerial advice and compliance auditing.

**Recommendation 6**

ALEC supports this recommendation with the inclusion the relevant aspects of the *Water Act* in the consolidation process.

**Recommendation 7**

ALEC supports this recommendation with the development of a working group as per Recommendation 4.

ALEC recommends that a transition process be established to ensure projects proceeding under previous Environmental Assessments and Approval processes eg. TNG Vanadium Mine, Nolans Bore, Sea Dragon, Chandler Salt mine among others are subject to the same regulatory controls as new projects would be.

ALEC supports a strong and independent EPA that has a regulatory role rather than simply an advisory or assessment role. This requires NT Government investment in the NT EPA to expand its responsibilities and ensuring proponents cover the costs of their environment impact assessment by the NT EPA. The recommendations from the draft advice provide the framework for building trust in the environmental assessment and approval process in the NT. ALEC looks forward to working with the NT EPA, the NT Government and other stakeholders in developing an environmental regulatory system that is trusted by the community and be something we can all be proud of.

No more Redbank mines, no more Melville Island Port debacles.

Please don't hesitate to contact me if you want to discuss.

Kind regards



Jimmy Cocking

Director

Arid Lands Environment Centre

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