

Our ref: NTEPA2020/0032-007~0003

Hon Eva Lawler MLA
Minister for Environment and Natural Resources
GPO Box 3146
DARWIN NT 0801

Dear Minister

**RE: CONSIDERATION OF ONSHORE PETROLEUM ENVIRONMENT
MANAGEMENT PLANS UNDER THE *ENVIRONMENTAL ASSESSMENT ACT
1982* AND NEW *ENVIRONMENT PROTECTION ACT 2019***

As a response to the Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, the NT Government transferred responsibilities for approval of Environment Management Plans (EMPs) to yourself as Minister for Environment and Natural Resources in February 2019. On 25 February 2019, you requested under section 29B of the *Northern Territory Environment Protection Authority Act 2012* (NT EPA Act), that the NT EPA provide you advice on all EMPs received under the Petroleum (Environment) Regulations 2016 (the Regulations). You noted that this advice was separate to the NT EPA's statutory responsibilities under the *Environmental Assessment Act 1982* (EA Act).

Since that time, the NT EPA has been considering all onshore petroleum EMPs as Notices of Intent (NOI) under the EA Act, to determine whether the proposed activity is capable of having a significant effect on the environment. This was to provide an additional layer of independent scrutiny to the assessment of EMPs, and to enable the NT EPA and the Department of Environment and Natural Resources (DENR) to gain experience in considering EMPs under the EA Act.

Since February 2019, the NT EPA has made an assessment decision under the EA Act on ten EMPs and on each occasion has decided that the potential impacts and risks are not so significant as to warrant environmental impact assessment. The NT EPA has also published a Statement of Reasons for the assessment decision for each EMP in the public register to enhance transparency and public confidence about decisions made under the EA Act.

By considering EMPs under the EA Act, the NT EPA and DENR have improved their understanding of onshore petroleum activities, the potential environmental impacts and risks associated with those activities, and how those potential impacts and risks can be avoided and mitigated. This understanding leaves the NT EPA in an informed position to determine when proposed onshore petroleum activities should be

considered under the EA Act, and referred to the NT EPA under the *Environment Protection Act 2019* (EP Act) in the future.

The new EP Act places the onus on proponents to self-assess their proposals to determine whether they have the potential to have a significant impact on the environment and need to be referred to the NT EPA. In addition, if the NT EPA believes on reasonable grounds that a proponent is taking an action that should be referred to the NT EPA for assessment it may, by written notice (a call-in notice), request the proponent to refer the action within the time specified in the notice.

With the EP Act providing a strengthened, transparent environmental assessment and approval regime, the NT EPA has decided not to automatically consider all EMPs as an NOI under the EA Act, or as a referral under the EP Act. The NT EPA will consistently apply the legislation to onshore petroleum activities in the same manner it applies to all proposals.

The NT EPA will continue to provide you separate advice on all EMPs received under the Regulations and for transparency this advice is published with each approved EMP.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Vogel', with a horizontal line underneath.

DR PAUL VOGEL AM MAICD
Chairperson

11 May 2020