

**Submission to the LEGISLATION SCRUTINY COMMITTEE**

Attention: Office of **Legislative Assembly of the Northern Territory**.

Email: LA Committees <[LA.Committees@nt.gov.au](mailto:LA.Committees@nt.gov.au)>

Submission issued

19 February 2025

Regarding committee's inquiry into the TERRITORY COORDINATOR BILL 2025

**SUBMISSION BY**

Australian Institute of Architects ABN 72 000 023 012

Level 16/Regus Centre, 19 The Mall Darwin 0800

+61 8 7969 6000

[nt@architecture.com.au](mailto:nt@architecture.com.au)

**Contact**

Name: Karen Relph, NT Manager (Interim)

Email: [REDACTED]

**PURPOSE**

This submission is made by the Australian Institute of Architects Northern Territory Chapter (the Institute) to provide comment and feedback on the Territory Coordinator Bill 2025 in regard to the following points raised by The Legislative Scrutiny Committee for their report to the Assembly:

- a. whether the Assembly should pass the Bill
- b. whether the Assembly should amend the Bill
- c. whether the Bill has sufficient regard to the rights and liberties of individuals
- d. whether the Bill has sufficient regard to the institution of Parliament.

**Responses section 1.**

**a. whether the Assembly should pass the Bill**

No; in its current state, we do not believe the bill should be passed.

We provide our concerns in section 2 of this document

**b. whether the Assembly should amend the Bill**

Yes, we believe the bill should be amended, before it can be passed.

We provide our concerns in section 2 of this document

**c. whether the Bill has sufficient regard to the rights and liberties of individuals**

No; in its current state, we do not believe the bill has sufficient regard to the rights and liberties of individuals.

We provide our concerns in section 2 of this document

**d. whether the Bill has sufficient regard to the institution of Parliament.**

No; in its current state, we do not believe the bill has sufficient regard to the institution of Parliament.

We provide our concerns in section 2 of this document

## Responses section 2.

### 2.1 Proposed amendments

Proposed amendments to enable the bill to provide sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament include the following:

- Part 1. Preliminary matters;  
Section 8. Primary Principle of Act,  
(1) sub clauses (a) and (b) should be re-ordered such that the Primary principle nominates the following:
  - **(a) the potential social and environmental outcomes for the Territory or a region of the Territory are prioritised.**
  - **(b) transparency by means of publications of all key power outcomes and ensuring reasonable public consultation in any designations, programs, decisions, TDAs, requests, notices or directions being made by the Territory Co-ordinator.**
  - **(c) the objective of driving economic prosperity for the Territory or a region of the Territory**
  
- Part 1. Preliminary matters;  
Section 8. Primary Principle of Act,  
(3) **key power** means a power... with the following additions:
  - **...guided by providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 2. Office of Territory Coordinator;  
Section 16. Cooperation with Territory Coordinator  
(3) If a public entity fails to cooperate with the Territory Coordinator, the Coordinator may, after informing the public entity... with the following addition:
  - **(c) and must immediately publish the failure on the Territory Coordinator website, and provide for immediate public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 3. Significant projects and programs of works;  
Division 1. Significant projects  
Section 17. Designation of significant project.  
Include the following addition:
  - **(3) and must immediately publish the designation on the Territory Coordinator website, and provide for immediate public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 3. Significant projects and programs of works;  
Division 1. Significant projects  
Section 18. Notice of designation or revocation.  
Include the following addition:
  - **(3) and must immediately publish the designation or revocation on the Territory Coordinator website, and provide for immediate 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 3. Significant projects and programs of works;  
Division 1. Significant projects  
Section 22. Effect of approval.  
Include the following addition:
  - **(4) and must immediately**
    - (a) publish the approved infrastructure coordination plan including any failures to comply with it, on the Territory Coordinator website, and**
    - (b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 3. Significant projects and programs of works;  
Division 1. Significant projects  
Section 26. Approval of plan of program of works.  
Include the following change:
  - (3) On publication of the notice on the OTC **and** Agency website, the program of works is an approved program of works.

- Include the following addition:
- **(7) provide for 60 days of public consultation after publication of the program of works providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 3. Significant projects and programs of works;  
Division 1. Significant projects  
Section 27. Implementation of approved program of works.  
Include the following addition:
  - **(3) and must immediately**
    - (a) publish the approved program of works, on the Territory Coordinator website, and**

**(b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 4. Territory development areas and TDA plans;  
Division 1. Territory development areas  
Section 28. Designation of Territory development area.  
Include the following addition:

- (4) The designation:

**(c) and following publication, must immediately provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 4. Territory development areas and TDA plans;  
Division 2. Making of TDA plan  
Section 34. Territory development area plans  
Include the following changes and additions:

- (1)

(c) land that **the OTC may designate as desirable to** be acquired.

- **(4) following the implementation of (3), the OTC must immediately:**

**(a) publish the established authority, on the Territory Coordinator website, and**

**(b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 4. Territory development areas and TDA plans;  
Division 2. Making of TDA plan  
Section 36. Public consultation  
Include the following changes and additions:

- (a) publish the proposed TDA plan on the OTC ~~or~~ **and** Agency website; and

- Part 4. Territory development areas and TDA plans;  
Division 2. Making of TDA plan  
Section 38. Minister's decision  
Include the following additions:

- **(d) publish the approved plan or refused proposal, on the Territory Coordinator website (in addition to section 39 below),**

- Part 4. Territory development areas and TDA plans;  
Division 2. Making of TDA plan  
Section 39. Effect of decision

Include the following changes:

- (b) the Territory Coordinator must publish the plan on the OTC **and** Agency website.

- Part 4. Territory development areas and TDA plans;  
Division 3. Variation and revocation of Territory development area.  
Section 40. Variation of boundaries of Territory development area.

Include the following additions:

- **(4) following the implementation of (3), the OTC must immediately:**

**(a) publish variation to TDA boundaries, on the Territory Coordinator website, in additions to section 43 below, and**

**(b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament, in additions to section 43 below.**

- Part 4. Territory development areas and TDA plans;  
Division 4. Variation and revocation of Territory development area.  
Section 43. Public consultation.

Include the following changes:

- **(1) (a) publish the proposed variation on the OTC ~~or~~ and Agency website;**  
and
- **(2) delete subsection**

- Part 4. Territory development areas and TDA plans;  
Division 4. Variation and revocation of Territory development area.  
Section 45. Minister's decision.

Include the following additions:

- **(d) publish the approved variation or refusal on the OTC **and** Agency website;**  
and
- **(e) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament, in additions to section 46 below.**

- Part 4. Territory development areas and TDA plans;  
Division 5. Notices.  
Section 48. Notices in relation to Territory development areas.

Include the following changes and additions:

- **(2) (c) publish the notice on the OTC and Agency website;**  
and
- **(d) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 4. Territory development areas and TDA plans;  
Division 5. Notices.  
Section 49. Notices in relation to TDA plans  
Include the following changes and additions:
  - **(2) (c) publish the notice on the OTC and Agency website;**  
and
  - **(d) provide for 60 days public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 5. Requests and notices relating to projects, activities and Territory development areas;  
Division 2. Requests.  
Section 52. Prioritisation request.  
Include the following changes and additions:
  - (3) On receiving the prioritisation request, the responsible entity must give priority to undertaking the statutory process for the significant projects, works projects, TDA activities or Territory development areas specified in the request, **without disrupting** all other projects, activities or areas in relation to which the entity has not received a prioritisation request.
  - **(6) following the implementation of the request, the OTC must immediately:**
    - (a) publish the prioritisation request on the OTC and Agency website;**
    - (b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 5. Requests and notices relating to projects, activities and Territory development areas;  
Division 2. Requests.  
Section 53. Progression request.  
Include the following changes and additions:
  - **(6) following the implementation of the request, the OTC must immediately:**
    - (a) publish the prioritisation request on the OTC and Agency website;**
    - (b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 5. Requests and notices relating to projects, activities and Territory development areas;  
Division 2. Requests.  
Section 54. Decision request.  
Include the following changes and additions:

- **(7) following the implementation of the request, the OTC must immediately:**
  - (a) publish the request on the OTC and Agency website;**
  - (b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 5. Requests and notices relating to projects, activities and Territory development areas;  
Division 3. Notices.  
Subdivision 1. Step-in notices.  
Section 56. Territory Coordinator may give step-in notice.  
Include the following changes and additions:
  - **(4) following the issuing of a Step-in notice, the OTC must immediately:**
    - (a) publish the notice on the OTC and Agency website;**
    - (b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 5. Requests and notices relating to projects, activities and Territory development areas;  
Division 3. Notices.  
Subdivision 2. Exemption notices.  
Section 64. Territory Coordinator may give step-in notice.  
Include the following changes and additions:
  - **(5) following the issuing of an Exemption notice, the OTC must immediately:**
    - (a) publish the notice on the OTC and Agency website and the grounds for giving the notice;**
    - (b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**
  
- Part 5. Requests and notices relating to projects, activities and Territory development areas;  
Division 3. Notices.  
Subdivision 2. Exemption notices.  
Section 67. Minister may give exemption notice.  
Include the following changes and additions:
  - **(4) following the issuing of an Exemption notice, the OTC must immediately, in addition to section 69, :**
    - (a) publish the notice on the OTC and Agency website and the grounds for giving the notice;**
    - (b) provide for 60 days of public consultation providing sufficient regard to the**

**rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 5. Requests and notices relating to projects, activities and Territory development areas;

Division 3. Notices.

Subdivision 3. Condition variation notices.

Section 70. Territory Coordinator may give condition variation notice.

Include the following changes and additions:

- **(4) following the issuing of a condition variation notice, the OTC must immediately, in addition to sections below:**

**(a) publish the notice on the OTC and Agency website and the grounds for giving the notice;**

**(b) provide for 60 days of public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 5. Requests and notices relating to projects, activities and Territory development areas;

Division 3. Notices.

Subdivision 3. Condition variation notices.

Section 73. When Minister may give condition variation notice.

Include the following changes and additions:

- **(3) following the issuing of a condition variation notice, the OTC must immediately, in addition to sections below:**

**(a) publish the notice on the OTC and Agency website and the grounds for giving the notice;**

**(b) provide for 60 days public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**

- Part 5. Requests and notices relating to projects, activities and Territory development areas;

Division 4. Publication and reporting.

Section 74. Publication of requests and notices.

Include the following changes and additions:

- As soon as practicable after giving one of the following requests or notices, the Territory Coordinator or Minister must publish a copy of the request or notice on the OTC and Agency website:
- **(e) following notice or request publication, in additions to section 77 below the OTC must provide for 60 of days public consultation providing sufficient regard to the rights and liberties of individuals and sufficient regard to the institution of Parliament.**



- **Key objectives, section 3.**

Our proposals seek to provide transparency and public consultation in any decisions or directions being made by the Territory Co-ordinator.

We are optimistic about the future of the NT. Architects are professional optimists. The Territory of the future we envisage aligns with the broad goals of the Territory Coordinator as described in the draft bill 'Functions'. We aspire to a safe, prosperous, and progressive place with a strong sense of community uniting the diverse people, cultures and lands. Ensuring the Territory Coordinator can deliver this tall order, we believe a 60-day public consultation process should follow publication of any and all outcomes and decisions made of the Territory Coordinators work.

We fully support the idea of growing prosperity in the NT through major projects and the other undertakings of the Territory Coordinator. We understand the work and projects proposed by the Territory Coordinator are long term situations, and the need to move into action to enable more investment more quickly is desirable. We also know that the complexity of approvals for large (and all projects) is increasing. Providing a one-stop shop to attract investors is a clever offer and generous donation of time and expertise by the government. We understand it is based on examples provided in Queensland and South Australia. We want to enjoy the successes of the concept not only for the benefits to be reaped in the coming years, but also to celebrate good decisions made that are supported by the NT communities, for the long term health and wellbeing of our land and people.

However, it is the role of Government to represent and protect the interests of the community it serves before the interests of business. Even when Government believes that the interest of business aligns with the interest of the community, community consultation, comment and feelings about a development or project must be priorities above the time or cost interest of business. Providing a safe-guard of accountability and engagement of the community with the work of the Territory Co-ordinator is the key to success of the bill and the position.

In the current Draft of the Bill, we note there are extensive public consultation provisions for the TDA section, however divisions in the Draft Bill of Significant Projects, Infrastructure Coordination Plans, Program of Works, Notices and Requests have limited publication and no public consultation provisions. We believe publication of all and any outcomes and decisions including notices, declarations and requests, with public consultation periods must be added to the Draft Bill. A 60-day consultation period would give sufficient time for thorough public research rather than shallow criticism resulting from shorter time frames.

Of particular concern is the opaque nature of the exemption notice section of requests, with powers to over-ride various laws and processes with no path for appeal other than the supreme court, now that the NCAST appeals process has been obliterated. Publication of exemption notices on the website and public consultation process following publication would provide transparency and create an atmosphere of working together with the NT people.

We are also deeply concerned with the powers granting the OTC to acquire land for the TDA and development areas proposals, which appear to allude to granting power of the OTC to acquire land and vary boundaries without the consent of title owners if the cause is justified.

In response to the inclusion of the Heritage Act 2011, expressly excluded in section 9.1 of the consultation report. We believe it is in the interest of the people of the NT to include the Heritage Act and to follow the same transparent process of publishing decisions with 60-days of public consultation process to follow.

By publishing declarations, outcomes, notices, requests, plans, decisions, plans, and other outcomes of the Territory Co-ordinators work, followed by providing public consultation, all the decisions, and formal outcomes of the Territory Coordinator, become public documents. This transparent public scrutiny is inspired by the SA State Development Coordinating and Facilitation Bill

We understand the point of the Territory Coordinator is to make the Territory a more prosperous, financially viable and better place to live. However, simply looking after financially driven solutions in the short term will not make the Northern Territory a better place to live and therefore, focusing on the narrow lens of money is not enough. To this end we believe that parallel investment must be made by the NT Government to improve social equity and the liveability of the NT; making it a safer and more progressive place as well as prosperous.

We implore the current government to push as strongly for the care, support and rights of the least financial and most unwell individuals and communities in the NT, as for the advancement of the private investors and successful business owners. The NTG commitment to closing the gap should increase, not waiver.

Creating more even levels of wealth and access to healthcare and education is the underlying focus of successful communities. Our tyranny of distance at times makes the staffing levels of education and health workplaces low and dysfunctional. We envisage a path to better outcomes in these workplaces by providing assisting staff such as orderlies for each nurse and teaching assistants to each teacher to enable a more inclusive approach to training of skilled workers and less stress on overloaded existing skilled workers. Retaining existing skilled workers, particularly in the care and nurturing of vulnerable people, must be an extremely high priority if the NT is to grow. Looking after our most vulnerable, investing in education and creating a great health care system will make attractive prospects to attract and retain long term NT residents to staff the growing community. Fly-in fly-out workers are the antithesis of growing a community, retaining people and long-term prosperity.

Looking after country is crucial to the success of the work of the Territory Coordinator. We need transparency of all of the outcomes, decisions and work of the Territory co-ordinator to create confidence in undertaking careful and restorative methods of invasive work on our land. Leaving a legacy of good environmental work must be the goal of the Territory Government, not to just attract investors and provide a place for them to make more money.

Transparency is essential for the NT public to have confidence in the NT Government and this new office creation. The interest of business cannot override the need to real community consultation in decision making. As we have a separation of church and state so we need a separation of business and state. A good Government is the advocate of its citizens must move at the speed of the slowest community members.

We are disappointed by the lack of consideration or inclusion of the submissions and views of the public that formed the consultation process. We feel the bill in its current form will not create a system that has sensible and transparent processes and decisions informed by a range of experts independent of the proponents of any project.