

9 June 2019

RE: Submission to the Social Policy Scrutiny Committee on the Environment Protection Bill 2019

Hello

I'm Sheri Lochner and I live in Nightcliff. I have lived in the NT for 15 years. I enjoy hiking and camping in the beautiful environment here in the NT and want to ensure that this natural beauty is preserved. I am also concerned about the effects of climate change and want to ensure that we as a community are doing our utmost to minimise our impact.

I think that the Environment Protection Bill 2019 should only be passed with amendments to support greenhouse gas emission reductions across the NT.

These amendments must also include:

1. Reducing the Territory's greenhouse gas emissions, and increasing action to draw down atmospheric greenhouse gases, must be an Object of the Bill, and must be a mandatory consideration for every decision-maker and authority throughout the Bill, including under section 73. This amendment is necessary because:
  - a. The Objects guide the Minister, the EPA and the courts in applying these laws.
  - b. I believe the Minister, the EPA and the Department CEO should be legally required to consider greenhouse gas emissions in every process.
  - c. Australia has obligations under the Paris Agreement and State/Territory Environment Protection laws are a vital part of meeting them.
  - d. The NT government has committed to implementing all the recommendations of the NT Fracking Inquiry Report, including offsetting emissions.
  - e. This Bill allows for 'environmental offsets', but without giving the Minister and the EPA the power to consider climate impacts, they won't have the power to set conditions related to offsets.
  - f. Section 73 states the matters the Minister must consider before approving or rejecting a proposal. It already says the Minister must consider the Objects of the Bill, but I believe it should be clearly stated to minimise ambiguity.
  
2. The word 'economy' must be deleted from the definition of Environment. The removal of this word is required because:
  - a. The Bill is titled "A Bill for an Act to provide for the protection of the environment."
  - b. Economic considerations are the responsibility of the proponent and other parts of the government. Economic considerations should NOT be part of the Environment Minister's job or the NT EPA's job to consider.
  - c. Including 'economy' within a bill to protect the 'environment' conflicts with and undermines the other aspects of the 'environment' to which the Bill refers (that is the physical, biological, cultural and social aspects of the environment).
  - d. Including 'economy' in 'environment', in laws to deal with environmental protection is frankly, poor legal drafting.
  
3. Anyone affected by a decision under the Bill, including anyone who has made a

submission about a proposal, must have standing to request a merits review, and to seek judicial review.

- a. Accountability is crucial. I believe Territorians need to keep the government accountable for its decisions, including through the courts.
- b. Environmental matters are everyone's concern and I am pleased that this is acknowledged in the Bill.
- c. Therefore, the proponent should not have special rights to review the decision against them, if other parts of the community have no right to review a decision in favour of the proponent.

Thank you for your consideration.

Best wishes

Sheri Lochner