

19 September 2018

Social Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
Parliament House
Darwin, NT 0800

By email: SPSC@nt.gov.au

Dear Chair and Committee members,

RE: Submission on Northern Territory Environment Protection Authority Amendment Bill 2018

By way of introduction, Lock the Gate Alliance is a national grassroots organisation made up of 100,000 individuals and over 250 local groups who are concerned about unsafe or inappropriate mining. The mission of the Lock the Gate Alliance is to protect Australia's agricultural, environmental, and cultural resources from inappropriate mining and to educate and empower all Australians to demand sustainable solutions to food and energy production. Lock the Gate works across the NT and is committed to advocating for environmental and community health, and the productivity of local economies.

Lock the Gate welcomes the opportunity to make a submission to the Committee on the *Northern Territory Environment Protection Authority Amendment Bill 2018*.

Please find below some short comments on improvements or amendments to the NT EPA Amendment Bill. We would like to acknowledge the work of the NT Environmental Defenders Office in considering environmental protection and legislation in the NT.

Clause 6 - Membership:

We are concerned about the emphasis on economic skills and business in this section. Requirements and criteria for membership should directly reflect the EPA's role of environmental protection. Members should have relevant environmental expertise for the EPA's core business, with economic and business experience as an additional layer of expertise.

We recommend Section 10 is amended to reflect this.

Clause 11 – Principles of ecologically sustainable development:

The recommend this phrase is deleted in proposed s25AA(1): ‘the NTEPA considers relevant to the advice or report’. This phrase provides too much discretion to the EPA to disregard the principles of ESD based on its own opinion, rather than on any criteria. It significantly undermines the intention of other provisions in the Bill, which include establishing ‘transparent and consistent’ processes, and is simply not required, given the test that is proposed is ‘to have regard to’.

We think best approach to integrating ESD into EPA decision-making would be to establish a new standalone section that defines ESD and its principles in the Act. Each specific section that requires the EPA to make a decision (including s25AA(1)) could then cross-reference the primary definition/principles clause. This approach would enable the new definition/principles clause to be applied by other legislated decision-making processes.

Clause 17 – Advice on specific matters:

We strongly submit that there be a specific requirement to apply the principles of ESD in this section. It absolutely makes sense to have it here specifically.

Recommendation 14.11 of the NT Fracking Inquiry explicitly requires ‘that the principles of ESD must be taken into account and applied by a decision-maker in respect of all decisions concerning any onshore shale gas industry’. The Bill should reflect this explicit language chosen by the Inquiry (including the standard of ‘applying’ ESD principles). The government has committed to implementing the Fracking recommendations in full. This proposed new section is clearly an appropriate place to incorporate this language.

Thank you for your consideration of these further amendments to the Northern Territory Environment Protection Authority Amendment Bill 2018.

Yours truly,

Naomi Hogan
Lock the Gate Alliance