

The Secretary,
Social Policy Scrutiny Committee,
GPO Box 3721,
DARWIN NT 0801

From: Dr Charlie Ward.
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PO Box 41321
Brinkin NT 0811

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

To Whom it May Concern.

I have been a resident in the Northern Territory since 2001 and have a strong and abiding interest in the Territory's social and environmental health, as evidenced by my professional and academic record. While I am supportive of the NT Government's initiative in re-drafting NT Environmental Protection laws, I have written this submission as I am of the strong opinion that the Bill as proposed contains a very consequential omission, which I will demonstrate in the following.

As a necessary preamble, I note that the current government is in a situation that has not faced any previous administration in the Northern Territory. The government has before it scientific literature indicating that on the basis of current carbon emissions, the Territory's land and sea areas will be experiencing global warming of 2-4 degrees celsius within a few decades and will therefore become essentially uninhabitable.

If the NT government fails to do anything less than everything within its power to rein in greenhouse gas emissions in the Northern Territory, it effectively condones in our jurisdiction the scenario predicted by 97% of scientists—economic and societal collapse, induced by anthropogenic carbon emissions such as those currently allowed under this piece of draft legislation.

It is not possible for the government to implement any meaningful Climate Strategy in the same year as enacting the current bill without including within it the climate and emission implications of any activity or development passing within the scope of the Environment Protection Act. To release a Climate Strategy without including climate impacts in matters before the Environmental Protection Authority would be inconsistent and/or contradictory and/or negligent.

I therefore submit that the greenhouse gas impact of all developments must be included in all NT Government decision-making, especially regarding projects with an environmental impact and the Bill now under review.

I extrapolate on and substantiate these points below.

1. Because the Bill allows for 'environmental offsets', but does not give the Minister and the EPA the power to consider climate impacts, 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. Australia also has obligations under the Paris Agreement, and State/Territory Environment Protection laws are a vital part of meeting them;
2. Because including 'economy' within 'environment' conflicts with, and undermines, the other aspects of the 'environment' throughout the Bill (that is, physical, biological, cultural and social) The word 'economy' must be deleted from the definition of Environment.
3. Because judicial review means court action, based on a legal mistake made by the Minister, such as failing to consider a relevant issue (like the Objects of the Act), anyone affected by a decision under the Bill, including anyone who has made a submission about a proposal, should have standing to request a merits review, and to seek judicial review.

Please contact me if you would like references for the points I have made above. Thank you for this opportunity to contribute to what is otherwise in most regards a good improvement on the existing act.

Yours Sincerely,



Dr Charlie Ward

11 June 2019