

17th January 2025

Re: A Bill for an Act to establish the Office of the Territory Coordinator to facilitate the undertaking of certain projects, to provide for the designation of Territory development areas and for related purposes

Thank you for the opportunity to provide this submission.

The Medical Association for Prevention of War (Australia) is an association of medical and other health professionals who work for the elimination of all weapons of mass destruction and the prevention of armed conflict. Nuclear weapons abolition is our primary focus. We also work on the major issues present in all parts of the nuclear chain, including the creation, transport, storage and disposal of radioactive nuclear waste.

We promote peace through research, advocacy and education. MAPW is affiliated with IPPNW, the International Physicians for the Prevention of Nuclear War (Nobel Peace Prize 1985). MAPW founded ICAN, the International Campaign to Abolish Nuclear Weapons, in Melbourne in 2007 (Nobel Peace Prize 2017).

We are very concerned that the passage of the legislation regarding the Office of the Territory Coordinator will enable the driving financial priorities to override many laws and significantly damage existing legal protections for the people of the Northern Territory now and in the future. It will also enable overriding of critical protections for the environment.

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RECOMMENDATIONS

- The bill should be rejected.
- Existing laws should be respected.
- Existing bodies providing regulatory frameworks and evaluating proposals should be better funded to enable more efficient and faster evaluation of projects.
- Community consultation must be respected and provided in a genuine manner to enable community decision making for all projects that will have impacts on a community and their surrounding environment.

AFFILIATE



FOUNDER



KEY ARGUMENTS

Overriding legal protections

Prioritisation of financial outcomes above other legal frameworks damages decisions from a “public good” perspective. It will result in worse outcomes in so many areas: public health, indigenous rights and the environment to name a few.

The significant costs of many projects need to be evaluated and decided on using more than just financial parameters. Passage of this Bill means 32 laws can be set aside/overridden, most notably the Environment Protection Act 2019.

Such casting aside of so many laws, that have emerged from many years of elected governments, for financial gain is unacceptable. It provides short term profiteering for a small number of companies and a limited number of employees, at the cost of the rest of the community.

This is clearly not in the best interests of the people of the Northern Territory in the short term or the long term.

Impacts on future communities: nuclear waste as an example

MAPW has worked for many years on nuclear issues, including nuclear waste production, transport, storage and disposal. With any proposal for nuclear waste facilities, the community must be able to provide free and well-informed consent. The same applies for nuclear waste transport. Costly federal government processes have failed to achieve consent for both low level and intermediate level waste facilities over several decades.

There has also been (and continues to be) a major push for Australia to accept nuclear waste from overseas, given it remains an unsolved problem globally. Accepting international waste was clearly rejected in 2016 after both a Royal Commission and a Citizen’s Jury in South Australia.

High level nuclear waste is extremely toxic and needs to be isolated from the environment for over 100,000 years. (The Pharaohs were only 5,000 years ago, so we are talking many, many generations). The proposed Bill overrides the Radiation Protection Act 2004 and the Nuclear Waste Transport, Storage and Disposal (Prohibition) Act. This has the potential to have adverse impacts on huge numbers of Territorians both now and in the future – long after the financial gains of a few are spent.

With the AUKUS submarine high level waste, intermediate level waste from the ANSTO reactor in NSW and possible high level waste from the Coalition’s nuclear power proposal, nuclear waste disposal is not an academic example.

Unwilling imposition of a nuclear waste facility is clearly enabled by this legislation and an important reason why the legislation should be rejected.

Risk of apprehended bias and state/regulatory capture

Appointing a Territory Coordinator, which is not an elected role, locates a great deal of power in one individual. This provides a significant risk of undue influence in performing the role, which may be explicit or come from a pre-existing career. There is an increased risk of “regulatory capture”.

The interim choice of an individual so closely associated with the gas industry is totally inappropriate and appears to present a conflict of interests. It may lead to legal concerns about apprehended bias. The Chief Minister is also given a very powerful role in this bill and this overriding role may likewise lead to concerns about apprehended bias, undue influence and regulatory capture.

The need for good governance

The bill as it stands is likely to facilitate approvals of a number of projects that would otherwise not proceed due to significant concerns about their impacts. Removing protections that have been carefully put in place over decades is likely to result in major adverse outcomes: reduced public health, shambolic planning controls, invasive land access, poor waste management, reduced occupational health and safety and major environmental destruction, including pollution of critical aquifers and loss of other important natural attributes.

**To address concerns about delays in processes, better funding of the relevant regulatory bodies would enable much swifter decision making.
Independent regulation is an important feature of any genuine democracy.**

The laws of the Territory should apply to everyone. They should not exempt a favoured few.