



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Petition

Registration No.	25
Title	Treatment of elderly pensioners by NT Environmental Protection Agency and Department of Environment and Natural Resources
Presented on	23 October 2018
Presented by	Ms Kezia Purick MLA (Member for Goyder)
Referred to	Minister for Environment & Natural Resources (Hon Eva Lawler MLA) and to the Economic Policy Scrutiny Committee for consideration to debate
Assembly debate	If the Committee recommends the Petition be debated it will appear on the Notice Paper
Date referred	23 October 2018
Response due	14 February 2019 from the Minister
Response received	30 November 2018
Response to be presented	12 February 2019

Petition

Dear Speaker Purick,

I am writing to petition You to:

Investigate the unacceptable treatment of two elderly pensioners, Mr. & Mrs. Streten, by the NT Environmental Protection Agency and the Department of Environment and Natural Resources.

Investigate why the NT EPA had such a punitive preconceived outcome when issuing Pollution Abatement Notice 2018/01.

Intercede on behalf of Mr and Mrs Streten to stop the ongoing threats and intimidation by the NT EPA.

Negotiate an agreement between the NT Government and Mr. & Mrs. Streten that avoids them having to sell their family home, being bankrupted, prosecuted and sent to jail for failing to comply with the requirements of the Pollution Abatement Notice.

Response

Treatment of elderly Pensioners by NT Environmental Protection Agency and Department of Environment and Natural Resources

The Northern Territory Environment Protection Authority (NT ERA) has been investigating a property at Gorge Road, Katherine, owned by Mr and Mrs Streten, since October 2015.

Evidence indicates that significant amounts of waste materials have been deposited at the property for approximately 10 years and cover approximately 7700m².

No licenses, permits or approvals have been issued for this activity under either the *Planning Act* or the *Waste Management and Pollution Control Act*.

On 30 October 2015, officers from NT EPA attended the site and confirmed that wastes including listed wastes had been deposited at the premises.

On 17 November 2015, an authorised officer of the NT EPA issued a direction requiring the Stretens to immediately prevent any further waste being disposed of at the property; to provide a detailed plan to remove the waste and remove the waste from the property; and provide the NT EPA with a report on their actions by 5 February 2016.

On 4 February 2016, and at the request of the Stretens, a second direction was issued extending the time frame to 14 July 2016.

On 4 of February 2017, the Stretens met with senior Department of Environment and Natural Resources (DENR) staff and the NT ERA Chair and agreed a staged way forward. The agreement was that the Stretens would identify and characterise the wastes disposed of at their premises; provide the NT EPA with a plan detailing how waste will be removed and appropriately disposed of; and to identify the environmental risks associated with their disposal of waste; by 1 September 2017.

After receiving Mr Streten's confirmation about the agreements from the meeting and his authorisation to work directly with his consultants, on 26 April 2017 a third authorised officer direction was issued to formalise the agreements of the meeting.

In October 2017, waste characterisation was conducted at the premises by the Streten's own consultant and a report was provided to the NT EPA in October 2017.

The report identified that the ability to assess and characterise waste was significantly limited as clearing of vegetation had not occurred at the property. The characterisation report therefore relates only to areas of the accessible surface wastes and test pits. The report confirmed that there was no testing or assessment of any of the buried wastes at the premises.

The consultant's report confirmed DENR officer's initial observations of the wastes and identified approximately 1600m³ of construction and demolition wastes, listed wastes such as fuel drums and asbestos, and unclassified soils on the surface of the site.

Apart from the surface material believed to be asbestos, none of the other wastes or any of the potentially contaminated soil was tested.

No plan for the wastes removal nor any environmental risk assessment of the wastes at the property has been provided.

On 21 May 2018, the Chair of the NT EPA issued a pollution abatement notice (PAN) for the property, requiring measures to be taken to minimise environmental risks from the surface wastes and to assess any groundwater contamination caused by the buried wastes.

The PAN does not require the immediate removal of wastes, unless the testing indicates environmental risks are so severe that this is warranted.

In May 2018, the Stretens lodged an application to review the PAN under the *Waste Management and Pollution Control Act*. The application for review claimed the PAN was invalid, unfair, provided short timeframes and was overly burdensome on the Stretens.

The Minister appointed Professor Les McCrimmon to undertake a review. The outcome of this review was that the PAN was valid and all of the decisions of the NT EPA Chair were confirmed.

The Stretens have not complied with the requirements of the PAN to date, and have requested that the NT EPA make an amendment to the PAN to allow additional time to comply.

The NT EPA Chair has written to the Stretens to indicate that this request will be considered if a detailed plan and timeframes for completing the actions required under the PAN are provided.

In June 2018, the Department received two related complaints lodged with the NT Ombudsman regarding administrative actions allegedly incorrectly taken by NT EPA with regards to issuing the PAN; and allegations of unprofessional behaviour by departmental staff. The department appointed an independent investigator who found there was insufficient evidence to substantiate the allegations within the complaints.

The Stretens, in October 2018, requested the NT Ombudsman review the outcome of the previous investigation. The Ombudsman's office found that there was no grounds for further review and this has been communicated to the Stretens.

No legal proceedings have commenced and no enforcement actions have been instituted against Mr and Mrs Streten. At no time have the Stretens been advised that they will be prosecuted, or that proceedings against them have been started, or that they will or may have to sell their house.

Whilst I am sympathetic towards the Stretens situation, this has been an ongoing situation over a number of years, The legislation applies to all Territorians to ensure that our environment is adequately protected and that clean up occur on sites that are contaminated.

The Stretens need to engage effectively with the NT EPA in order to find a solution for the cleaning up of the contamination on their property.