

19/02/2025

Email to: [LA.Committees@nt.gov.au](mailto:LA.Committees@nt.gov.au)

Territory Co-ordinator Draft Bill

Dear Sir/Madam,

Thankyou for the opportunity to submit my views on this proposed legislation.

I believe that this draft bill should not exist in a democracy and is not in the interests of NT citizens. It should be rejected in entirety. We have seen too many examples of government influenced unduly by those who benefit financially, to the detriment of the community and failure of projects to produce real economic outcomes. This draft bill increases the risk of further failures at community expense.

I am an educated, concerned citizen who understands and accepts the overwhelming evidence and expertise of scientists who have identified and charted the environmental destruction of our water, land and our native species. I have lived in the Northern Territory (NT) for 13 years, loving the bird life, the natural wildness, and the ease of access to truly wild places that are rare in today's world. It is this wildness that makes the NT valuable to tourists and locals alike, as other areas are environmentally degraded with dramatic loss of native wildlife and natural landscapes. I have been dismayed as significant threats to this environment have been promoted by successive governments, for very uncertain economic benefit.

The media and governments demonise those like me as "radical activists" when all I want is for government to care for the environment as I do, to preserve its value to all of us into the future. Once aquifers are contaminated, the harbour polluted, the number of days above 35 degrees beyond our capacity to live comfortably and our air quality suffering, it is too late. This will be detrimental to life in Darwin and hence future population of the NT.h

I am deeply concerned with the Territory Controller position:

1. It is undemocratic, vesting power in one unelected official
2. One person's political opinion promoting vested interests is NOT a valid means of decision making for community benefit
3. Governments are not infallible, nor independent of lobbyist extremists and a right of review is fundamental to our democracy
4. Important decisions must be based on rational and truly independent scientific inquiry NOT political opinion
5. Community consultation appears to be irrelevant, with the position already appointed – despite the legislation not being approved

Major projects of "economic significance" promoted by governments and provided with significant taxpayer funds, go nowhere or fail. For example; Project Sea Dragon, Core Lithium, water bottling in Arnhem land and major building projects such as the 6-star hotel at the waterfront and redevelopment of Poinciana Hotel under Chief Minister Gunner, and many others. This is not due to those who care and scrutinise government activity, such as those who care about the environment, but who are unfairly blamed for lack of progress in the NT.

These failures may be due to government reliance on corporate data to make decisions. Inpex was lauded as the economic saviour for the NT – however, the economic situation is worse now than when Inpex began. Property prices have never recovered and population growth has stagnated. Now, the Middle Arm “Sustainable Development” petrochemical project, fracking and corporate agriculture are proposed to be the economic saviours but sadly are lacking in financial certainty and suitability for our fragile NT environment.

It is difficult to obtain information and enter consultation about major projects, as deals are done behind closed doors without public input or knowledge, until projects at final stage are officially released. Successive governments claim that they have done extensive community consultation. The Territory Controller position is one such example. It seems clear from the limited public consultation that has now occurred, that those who are aware of this position, are entirely opposed.

My reasons listed above are explained as follows:

1. The bill is completely out of step with citizen rights in a democracy, with the TC position or Chief Minister being able to override or exempt projects from thirty-two laws, now including federal laws, that have established citizen rights in the Northern Territory. Not only citizen rights, but protection of the environment, water, land and wildlife will be able to be denied or overridden. This is to the NT's detriment. The TC position appears to have unfettered power that is alarmingly dictatorial in nature and is frightening in its scope.
2. An unelected, political appointment, the TC position will be expected to make decisions that support the government policy of the day. The risk is that rules will be overridden for the benefit of vested interests rather than the public good. We have already seen the unrealised projects outlined earlier that have been supported by government at huge community cost. Professional expert advice on worker safety, environmental protection, increasing the potential for financial success and even heritage legislation, will all be able to be considered unnecessary by the TC. This could have catastrophic consequences such as water contamination, extinction of native species, and increased risk of financial failure. We have already seen these consequences in our weak democracy, where expert and citizen views are not consulted, or ignored. And now, the government has gone one step further and defunded the very organisations that hold them to account.
3. Examples of project decisions and actions that have already overridden scientific expertise or citizen concerns;
  - Lee Point and others – illegal clearing of land with loss of habitat for endangered species, perpetrators not prosecuted but peaceful legal protesters arrested and fined
  - Middle Arm project – evidence for serious health consequences provided by health professionals nationally, dismissed by government
  - Water allocation risks – acknowledged lowering of underground water level which will result in death of ground cover/trees, inadequate water allocation calculation ignoring the precautionary principle by including inflows from 1974 when Cyclone Tracey massively increased water inflows into aquifers

- Water safety – Empire Energy releasing toxic wastewater for 2 weeks without reporting
  - Fracking safety – Pepper Inquiry recommendations ignored or dismissed
  - Climate safety – emissions not considered important when we face a climate emergency and legislated goals for emissions reduction
  - Air quality safety – Inpex toxic gases release not considered worth measuring by the EPA/future Middle Arm air quality risks for population of Palmerston
4. The NT desperately needs to have appropriately funded agencies that can provide truly independent advice based on the best available science and evidence, to enable better decision making. It does not need rash, unexamined decision making based on opinion. For example, water experts from all over Australia, nationally condemned the previous government's water allocation plans outlining risks that could dwarf the Murray-Darling basin tragedy. This advice was ignored. The current government has now increased these water allocations beyond even the levels proposed by the previous government, risking water security in the NT. How much worse could this be if the powers of the TC are approved?
  5. The current government has already appointed the Territory Controller position, without waiting for community feedback. It appears that community consultation that seems to be being reluctantly sought will be irrelevant. Limited as the consultation is, and entered only after the draft bill was leaked to the public. This arrogance does not pass the pub test and is one of the reasons for the downfall of the previous government.

Lee Morgenbesser<sup>1</sup>, Associate Professor, School of Government and International Relations, Griffith University highlights the risks of “state capture” of government. In his review, he points out how an unelected, leader appointed position, has unfettered control of American institutions, beyond the ability of Congress to contain. He lists potential results including loss of accountability, lack of parliament oversight and making of biased decisions. The Territory Controller position risks are potentially similar in the NT. The position and this proposed legislation must never be confirmed.

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<sup>1</sup> Lee Morgenbesser 2025. “Is Elon Musk taking over the US government? Here’s how ‘state capture’ works – and why we should be concerned. [https://theconversation.com/is-elon-musk-taking-over-the-us-government-heres-how-state-capture-works-and-why-we-should-be-concerned-249471?utm\\_source=clipboard&utm\\_medium=bylinecopy\\_url\\_button](https://theconversation.com/is-elon-musk-taking-over-the-us-government-heres-how-state-capture-works-and-why-we-should-be-concerned-249471?utm_source=clipboard&utm_medium=bylinecopy_url_button)