

Submission to the Northern Territory Legislative Scrutiny Committee re the Territory Coordinator Bill 2025

To:
Secretary,
Legislative Scrutiny Committee
By Email: LA.Committees@nt.gov.au

Wed 19 Feb 2025

Thank you for the opportunity to respond to the decision-making process for the Territory Coordinator Bill.

As a concerned resident of the NT and Convenor of the Darwin Amnesty Action Group, I am very concerned about the rights of individual Territorians under the bill to health (as well as work) which includes a clean healthy environment as well as Indigenous Territorians to their rights to culture not only under the Human Rights Treaties that Australia has signed, but also because the EPBA and Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) and Northern Territory Aboriginal Sacred Sites Act 1989 (NT) are legislation that can be respectively bypassed.

I am concerned under s 20 'Powers' that the Territory Coordinator has 'powers necessary to perform the Coordinator functions' and is not required to but only '**may**' 'request information, documents or assistance from a public entity' and only '**may**' 'undertake public consultation regarding a proposed ICP or proposed TDA plan'. Under s 19 (1)(f)(ii) 'Functions,' 'impacts and community benefit considerations' are not defined. If a project is environmentally detrimental and thus detrimental to health and/or detrimental to health per se, then there are not enough environmental safeguards like the Environmental Protection Authority use of the EPBA considering the current and estimated impact of rising temperatures and late onset of wet seasons as indicative of climate change in the NT.¹ The bill neither requires the Coordinator to identify projects which may provide more long-term jobs and long-term economic prosperity which are more environmentally friendly.²

As such the bill makes rights and liberties, obligations, dependent on administrative power which is in sufficiently defined and not subject to appropriate review. The bill under under s 19 (1)(f) 'Functions; only requires the Coordinator to 'facilitate collaboration and coordination between stakeholders' which includes 'traditional owners, native title holders and Land Councils and as such has in sufficient regard to Aboriginal and Torres Strait Islander tradition.

Under s 98, the compulsory acquisition of property and ss 92-93 on powers to enter land are authoritarian and not democratic, particularly if the environment and health effects outweigh the economic effect. The legislation is not clear whether varying 'boundaries' includes compulsory acquisition as opposed to land use agreements/rental and if it can impact Indigenous land subject to claims or native title.

That the Territory Coordinator is answerable to the Minister only and only the Minister can approve the project considering public entities are forced to comply with an ICP, I question whether the bill

¹ *Cooked with gas: Extreme heat in Darwin*, Dr Elizabeth Hanna Mark Ogge March 2018 [Cooked with gas](#)

² Climate Council, *Compounding Costs: How Climate Change is Damaging Australia's Economy*, 2019, <https://www.climatecouncil.org.au/wp-content/uploads/2019/05/Costs-of-climate-change-report.pdf>

has sufficient regard to the institution of Parliament with respect to the scrutiny of the Legislative Assembly.

In summary, the Bill has insufficient regard to the rights and liberties of all individuals with regards to:

- 1) rights to health - including access to healthy water and a healthy environment where some projects may allocate excessive water and not provide access to enough clean, healthy water for all individuals. Also individuals may be subject to increased unhealthy emissions by not passing projects through an independent EPBA
- 2) rights of Indigenous Peoples - allocation and use of land by bypassing the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) and Northern Territory Aboriginal Sacred Sites Act 1989 (NT) with the 'primary principle' may mean the rights of Indigenous territorians to culture and sacred sites could be affected

The bill also has insufficient regard to the institution of Parliament and democratic values.

Recommendation: : The Assembly should NOT pass this bill

Yours Sincerely,

Elsa Adshead | 