



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

15th Assembly

LEGISLATIVE SCRUTINY COMMITTEE

Public Hearing Transcript

8.30 am – 4.30 pm, Wednesday 26 February 2025 Litchfield
Room, Level 3, Parliament House

Members: Mrs Oly Carlson MLA, Chair, Member for Wanguri
Ms Justine Davis MLA, Member for Johnston
Mr Clinton Howe MLA, Member for Drysdale
Mr Andrew Mackay MLA, Deputy Chair, Member for Goyder
Mr Chanston Paech MLA, Member for Gwoja

Witnesses: ***Nhulunbuy Corporation***

Shane Whitten: Chief Executive Officer

Keep Top End Coasts Healthy

Adele Pedder: Protected Areas Manager

Environment Centre NT

Bree Ahrens: Acting Co-Executive Director

Naish Gawen: Policy and Research Lead

Frack Free NT

Peter Callender: Community Organiser

Louis Boyle-Bryant: Top End Regional Campaigner

Arid Lands Environment Centre

Alex Vaughan: Policy Advocacy Coordinator

Hannah Ekin: Frack Free Campaign Coordinator

City of Palmerston

Athina Pascoe-Bell: Mayor

Nadine Nilon: Interim Chief Executive Officer

Private Citizen

Justin Tutty

Australian Energy Producers

David Slama: Director Northern Territory & South Australia

Aaron Heugh: Senior Policy Advisor

Heritage Council

Randle Walker: Chairperson

Private Citizen

Catherine McLeish

Environmental Defenders Office

Elanor Fenge: Managing Lawyer NT/SA Region

Rufus Coffield-Feith: Senior Solicitor

Natalie Czpaski: Senior Solicitor

Protect Big Rivers

Dr Samantha Phelan: Member

Cecelia Lake: Member

Miliwanga Wurrben: Elder Big Rivers Region

PUBLIC HEARING ON THE TERRITORY COORDINATOR BILL 2025
Nhulunbuy Corporation

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025. The Chair of this committee, the Member for Wanguri, is unable to attend in person. I will be chairing this hearing as the Deputy Chair.

I welcome via videoconference to give evidence to the committee from the Nhulunbuy Corporation Mr Shane Whitten, Chief Executive Officer. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If at any time during the hearing you are concerned that what you will say should not be made public you may ask the committee to go into a closed session and take your evidence in private.

Can you please state your name and the capacity in which you are appearing.

Mr WHITTEN: My name is Shane Whitten; I am the Chief Executive Officer of Nhulunbuy Corporation.

Mr DEPUTY CHAIR: Mr Whitten, would you like to make an opening statement?

Mr WHITTEN: The first thing I will say is thank you very much for the opportunity to provide our view of this potential Bill. I do not have any questions or real observations other than that the Nhulunbuy Corporation broadly supports the introduction of the Bill on the basis of the stated objectives, primarily in the area of economic development and so forth. We are broadly supportive and happy to expand on that in this morning's proceedings. I am happy to leave it there and take the first of the questions.

Mr DEPUTY CHAIR: Are there any questions from the committee?

J DAVIS: Mr Whitten, I note that in your submission you describe Nhulunbuy Corporation as akin to a local regional council. One of the things that we have seen in the submissions is that other local councils like Palmerston Council and LGANT have expressed a lot of concerns about the potential impact of this Bill, including that it does not adequately engage with the local government sector to ensure that economic benefits flow to local communities, or the necessary infrastructure to support significant projects is in place.

LGANT also expressed concerns about Part 1, Division 3 of the draft Bill, which allows a statutory obligation to be placed on councils to carry out work required under an infrastructure coordination plan to support a significant project.

That is a long lead-in. How do you view this concern? Do you have ideas about what could be done to address it, if you agree, and to better engage local governments and ensure they are not unduly burdened by these obligations?

Mr WHITTEN: All local governments face issues of sustainability; that has been well documented. Overall, as I said, we are broadly supportive. There are certainly some recommendations in our submission where we note that there should be some further provision for consultation with local councils and regional stakeholders. That is part of our submission.

Nhulunbuy is somewhat unique in that it is about to go through a fairly extensive transition towards the end of this decade. On that basis our parent company—Rio Tinto—is broadly supportive of this from an economic development point of view, noting the concerns that we had there regarding some of the recommendations that we have made.

In terms of our role, we are effectively the local government authority for Nhulunbuy. We are stated in the *Local Government Act* as having all the powers and functions, and so forth, of a local government, albeit due to the unique nature of the mining lease here, we are a corporation that is owned by Rio Tinto.

In terms of the economic transition of Nhulunbuy, we remain broadly supportive, noting that we have also made some recommendations in our submission.

J DAVIS: In terms of the recommendations covered in your submission, you recommended that infrastructure planning under the Bill prioritises critical services like housing, health care and workforce accommodation. I am interested in your view in how this aligns with the current primary objective of the Bill of driving economic development in the Northern Territory.

I note that LGANT recommended that the primary objective be expanded to include social and environmental benefit. I am interested in your view on that.

Mr WHITTEN: The focus in this area is on the three areas that we had mentioned—housing, health facilities and workforce accommodation. Those issues are particularly unique again to Nhulunbuy given the circumstance that we are currently in. That was our focus.

I do not have a particular view on LGANT's recommendation other than to say that we are broadly supportive, but it was not something that was specifically addressed in our submission. We are focused on the priority or critical areas that were unique to Nhulunbuy. Some of the issues you touched on are broader issues. Our focus was narrower in our submission rather than considering some of the broader aspects.

Mr PAECH: Your recommendations state that the Nhulunbuy Corporations strongly supports the Bill and recommends the following refinements.

I will go to recommendation 1 where you talk about clear criteria for significant projects in TDAs—Territory Development Areas. I want to tease out further Nhulunbuy Corporation's understandings or views on how that criteria could be further clarified.

Mr WHITTEN: When we had the original consultation session with the Territory Coordinator in Nhulunbuy, one of the things that I sought clarity over was how it interacted with our role here as the building control services that we oversee in terms of building permits and development applications. We requested some clarity there and some clear definition regarding—because we are in and out of areas—building permit area, although by virtue of our management agreement with Rio Tinto, we adopt national construction codes and the NT Planning Scheme to attempt to ensure consistency between major urban centres, like Darwin.

I was just seeking clarification as to what type of projects would be involved with the corporation's approval and how that would interact with any proposed process changes under this Bill. That was our seeking of the clarification as to what type of projects and where those authorities would lie, to be able to approve or otherwise, some of these developments.

Mr PAECH: To further expand on that, in terms of the Nhulunbuy Corporation's position on the TDAs, it is the Nhulunbuy Corporation's position that the TDAs should have the support of local traditional owner groups and local communities before they are approved?

Mr WHITTEN: I would think that will go a long way to ensuring the overall project success. Our third recommendation calls for that with local councils and, specifically, traditional owners. I can only speak to the unique Nhulunbuy situation but there are a number of discussions happening with the traditional owners regarding all manner of projects, major and minor, around town. There are two traditional owner groups that primarily cover the peninsula. Our expectation or recommendation would be that to increase the chances of success, as many local governments, stakeholders and traditional owners as possible should be involved in that process.

Mr PAECH: From experience of the Nhulunbuy Corporation's role in delivering that region over a number of years, it would be safe to say that failing to consult effectively and widely with traditional owner groups and local residents in most often circumstances, could slow up any progress or development in the region?

Mr WHITTEN: I think that has the possibility and I will speak to that in more broader terms than the Nhulunbuy Corporation. In my working life, in many aspects, if you do not have the buy-in and support of key major stakeholders, I think success of any project would be compromised or in doubt.

Mr PAECH: Do you feel that there could be the opportunity in the Bill, as it is drafted, to create division in the community if decisions from local residents and traditional owner groups, is overwritten by the proposed Territory Coordinator?

Mr WHITTEN: By the sound of things—you are making it sound like that it would be a bulldozer type of approach and that a top-down enforced decision, in any case where that is apparent, there will be some

indigestion regarding the acceptance of that decision. My view is that any time a top-down enforcement would create disharmony or conjecture.

Mr HOWE: Thank you for coming, Mr Whitten. I would like to speak to some of the investment. You have said that you think this could facilitate investment in the region. If you could speak to where you see the opportunities lie and how that investment could flow into your region, and how this Bill could help.

Mr WHITTEN: I am doing that from an observational point of view on the basis that our role is that the local government authority here is likely to diminish and will come to an end at a point in time in the future, when our area transitions from mining back to a more regulated local government area. We sit just outside the fold at the moment as an associate local government. At a point of time in the future, we will cease to exist. On that basis, my opinion or view is more from an observational point of view. There are a number of projects, as I understand, from large-scale investments in environmental and green technologies to tourism projects, most are being driven by the local traditional owner organisations.

From our point of view the investments we are making go towards supporting town transition from an asset and a town condition point of view. In that respect things like infrastructure and roads, and those sorts of things—the Nhulunbuy Corporation is not particularly involved in driving any investment over and above the town maintenance and preparation for transition back to public administration. On that basis my observation is that there are certainly a number of projects that this Bill could be applied to in that they are of a significant enough size that they would warrant involvement as a major project, but the Corporation is not directly involved in it. It is difficult for me to comment on that basis. It is more of an observational piece that I have described.

Mr HOWE: From that observational perspective, do you think some of the especially traditional owner-led projects could be helped by this Bill?

Mr WHITTEN: All projects could potentially be helped by this Bill with the right checks and balances and application under the intended, or what the Bill is intended to try to do. On that basis it has the ability to enhance all projects, but I am not going to speak on behalf of the traditional owner organisations as to whether they would be accepting of that. The traditional owner groups are looking to partner with organisations to develop a way forward for balanda and Yolngu specifically in our regions. On that basis partnerships in their own words are all being considered, but to what extent they would support or not this Bill I cannot comment on their opinions on this.

Mr HOWE: Of course. Thank you, Mr Whitten, I appreciate your time.

Mr PAECH: Following on from the Member for Drysdale, currently, what are some of the issues that are holding up these development opportunities that you believe would be streamlined in this Bill? In your submission you note that this would streamline and find efficiencies and provide an avenue for things to be done quicker. You have identified that there is a problem somewhere. Are you able to talk us through what that problem is and what the barriers are currently before the Bill?

Mr WHITTEN: It is difficult to comment on the basis that there is a Gove Peninsula future's reference group addressing a number of key issues, land tenure being one of the main ones—how will property ownership be determined and so forth moving forward in a post mining environment. It is difficult, and I am not specifically a party to those discussions, on the basis that the Nhulunbuy Corporation for the future of Nhulunbuy is not going to play an active role post transition. We are not directly involved in a number of the larger investment opportunities. From a broader economic development point of view, we are supportive of anything that can assist in the economic development of our region as we approach the transition from mining and then post transition from mining.

Mr PAECH: Is there no particular one issue that you can identify that this Bill would single-handedly speed up the process rather than what is being proposed is potentially—I am trying to ascertain from you, Mr Whitten, about what this Bill will do that will speed up development in your region that is not already being dealt with or addressed by a relevant agency or regulatory body?

Mr WHITTEN: It is difficult to comment on that, sir, without a full appreciation of a number of the projects that are being considered and some of the potential blockages to those projects. I am an observer because some of those larger projects that I have spoken about have all been driven by the traditional owner organisations. Without a seat at the table, it is difficult to comment on some of the individual blockers that they have. The overall intention of the Bill is to try to find areas where, I guess, there are inefficiencies, to provide some

clarity in moving forward. On that basis, as I said, we broadly support that. It is difficult to comment without being a party to understanding what is obstructing some of those potential investments at this point.

Mr PAECH: To be clear, you broadly support the Bill with your recommendations to be considered as it talks, in an overview sense, of reducing and finding efficiencies, but there is not a single, tangible issue you are able to identify that this Bill would wholeheartedly resolve and speed up development? It is just in general terms you are speaking?

Mr WHITTEN: That is correct. I say that on the basis that I am not party to some of those individual deals and projects that are being considered. I am sure there are a number of issues that this Bill could potentially assist with. As I said, without having a seat at that table, it is difficult to know what it is in detail that it could solve.

My understanding of developments generally is that anything that is designed to assist and ensure that all stakeholders are considered in the best possible decision is a positive.

Mr PAECH: One last question. Given this Bill goes to the heart of talking about a number of environmental checks and balances being removed, or the potential to be overridden, is it a concern of the Nhulunbuy Corporation that particular environmental checks and balances of protecting and caring for country could be overlooked?

Mr WHITTEN: As I said earlier, it was not an area that was specifically focused on in our presentation. As a community citizen, I believe that any time where established rules are able to be circumvented needs the highest level of scrutiny and accountability of it. It does not necessarily mean that it is a bad thing, but it needs to be tightly controlled.

Mr DEPUTY CHAIR: Any further questions?

J DAVIS: Following on from that, would you say that you feel confident that this Bill gives the highest level of accountability and scrutiny to those issues?

Mr WHITTEN: There are mechanisms in place there. As to whether they are adequate, over-the-top or are inadequate, I have not given it a great deal of consideration. I note that there are checks and balances in there designed to ensure that those processes cannot be abused. On that basis, I am relatively comfortable that they are in there. I apologise for my detailed knowledge of that specific area of the Bill—I do not have it here in front of me, I am sorry. I am comforted by the fact that there are checks and balances in there—the adequacy or otherwise of those I offer no opinion on.

Mr DEPUTY CHAIR: If there are no further questions, on behalf of the committee, I thank Mr Whitten for taking the time to appear today.

Mr WHITTEN: Thank you everybody. We welcome our opportunity to be part of the process and look forward to observing the outcome as it progresses.

The committee suspended.

Keep Top End Coasts Healthy

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025. I acknowledge the committee members: the Member for Gwoja, Mr Chansey Paech; the Member for Drysdale, Mr Clinton Howe; and the Member for Johnston, Justine Davis. I am the Member for Goyder, Andrew Mackay.

I also welcome to the table to give evidence to the committee from Keep Top End Coasts Healthy, Adele Pedder, the Protected Areas Manager. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and we look forward to hearing from you today.

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any time during today's hearing you are concerned that what you will say should not be made public, you may ask that the committee to go into closed session and take your evidence in private.

Can you please state your name and the capacity in which you are appearing?

Ms PEDDER: Adele Pedder, manager of the organisation called Keep Top End Coasts Healthy. That is the capacity in which I am presenting today.

Mr DEPUTY CHAIR: Ms Pedder, would you like to make an opening statement?

Ms PEDDER: Yes, I would. I begin my opening statement by acknowledging the Larrakia people whose land we are meeting on today. The Larrakia are a saltwater people who have cared for our coastal backyard here for millennia. Today, I will be talking to you about our saltwater country across our Northern Territory coasts.

Keep Top End Coasts Healthy is an alliance of community organisations committed to protecting the Northern Territory's unique rivers and coasts which underpin our Top End lifestyle, fishing and local tourism economies.

With a strong community base of 8,000 Territory supporters and the same number following our dedicated efforts on social media, we take pride in our decade-long history of advocating for the health of our treasured Top End way of life. The reason for this tremendous public support for our work is that Territorians are proud of and care passionately about their coastal backyard. Our coasts are at the heart of our Top End lifestyle.

As a community organisation, we have 10 years' experience engaging with the people of the Territory through in-person engagements at markets, boat shows, Ocean Film Festival and other events. We conduct surveys and polling and, of course, a lot of digital communication with our supporters. It is clear that Territorians want governments to take action on coasts now and for future generations. I so often hear people say that they want their kids to simply be able to enjoy what they have enjoyed—plentiful fish; a treasured encounter with wildlife, such as a dugong, sea turtle or eagle; and clean, unpolluted water.

Coasts are also critical to our collective opportunity and prosperity, contributing \$2bn to our economy every year and supporting 6,500 jobs. They are a powerful drawcard for tourists from around Australia and the world. We polled Territorians and the overwhelming majority of people, 86%, said that keeping our coast healthy is vital to support tourism and economic recovery in the NT. It is clear that this is not just about safeguarding environmental or lifestyle values; protecting our coast and rivers is an investment in the Northern Territory economy and jobs.

Looking after our coast is responsible, practical and will support tourism and industries such as agriculture, pearling and fishing. Healthy coasts and rivers are part of what makes the unique Territory brand so successful. All this is at risk if we fail to protect the health of our Top End coasts. Right now, our coasts and rivers are under more pressure than ever before.

Many Territorians have observed that things on the water are not as good as they used to be. Fishing in places such as Darwin Harbour has declined. Pollution, climate change, industrial development, water extraction and unsustainable commercial fishing practices are a risk to our Top End way of life. The Territory is at a crossroad. To protect and preserve the health of our coasts and secure our lifestyle, fishing and interconnected tourism economy, we need to act now to protect their health.

The Territory Coordinator initiative raises grave concerns about its potential to dismantle established environmental protections and regulations, bypass democratic accountability and disregard the lawful rights of the public to participate in decisions that affect the Territory. This model goes beyond what is in place anywhere else in Australia. The extraordinary powers of the Territory Coordinator to step in as decision-maker on critical environmental approvals and even issue exemptions from existing environmental regulations are deeply concerning for a community that values its natural and cultural heritage and the integrity of established environmental protections—protections which the community has invested in over many years through public participation processes.

The Bill does not exclude any areas from being potential development zones; everything is on the line—for example, marine parks and other conservation areas such as Cobourg Marine Park, which was established by the CLP Chief Minister Paul Everingham, and the Limmen Bight Marine Park, established by Minister Moss in 2020. None of these areas are excluded.

The South Australian model is taking a different approach and has the ability to exclude areas which are too special to put on the line. I argue that in the Territory some places are too special, such as our protected areas, and they should not be infringed upon. There needs to be clear parameters and areas excluded.

It is our view that by centralising decision-making power, reducing public participation and prioritising economic considerations over environmental and social protections, the Bill risks the future of the Northern Territory's coasts, rivers and our outdoor way of life. It is for these reasons that Keep Top End Coasts Healthy recommends that the Bill not be passed in its current form. It should be repealed or significantly amended.

Mr PAECH: I note in your submission that you make reference to the economic benefits that are involved in protecting our tourism and coastline. I am trying to ascertain how the Bill poses a risk to NT sustainability and the tourism industry.

Ms PEDDER: Our organisation commissioned some environmental economists to do an evaluation of our Territory coasts. Some of those figures I referred to before, in that coastal waters support 6,500 jobs and contribute \$2bn annually to the economy.

For our tourism economy, this report found that tourism made the biggest contribution to the Territory economy at \$691m per year and supported over 5,500 jobs. It is our tourism economy that will be around in the future once we have gone through boom-and-bust cycles like we have seen with INPEX and other short-term projects. It is this economy that we need to be investing in and which provides significant jobs for the Territory.

The lead authors of this report ask that people look at the valuable contributions to the economy which went beyond market returns and impacts on gross domestic product. The authors said investors and governments need to shake off the outdated view of the economy versus the environment and that you need to recognise the symbiotic relationship between the market and the environment. I quote: 'Once you look at the whole system there is no conflict between the market and the economy and the environment. It is recognising that things are highly dependent and highly interconnected and that is what this report is pointing out.'

It is our tourism economy, particularly important in regional areas where people rely on local tourism for jobs such as in Nhulunbuy. It is those economies that particularly rely on the natural values of our coastal environment, and it is the Territory brand of having a clean coastal environment which attracts people to the Northern Territory.

While the Northern Territory does miss out on a lot of tourism—a lot of people will bypass the Northern Territory and go to the Great Kimberley Marine Park, Ningaloo Marine Park and the Great Barrier Reef Marine Park because of that branding and that is what brings tourism in. With the Territory at the moment, having limited branding opportunities—we have two marine parks, for example—but to go even further and potentially be known as the state that has the least protection and the least safeguards over our natural environment so far so that our existing protected areas are currently not exempt from this Bill, would certainly be detrimental to the tourism brand of the Northern Territory.

We know that it is our natural environment, our fishing and our cultural experiences which attract most people to the Northern Territory. That is what we should be looking after and that is what is at risk with this Bill.

Mr PAECH: Following on from that, the current form of the Bill, the way that it is proposed with the Territory Coordinator, would potentially pose greater risks at investors and interstate visitations if there were to be works happening on Territory coastlines that have surpassed or overridden local community members and traditional owner groups.

Further to that, obviously the Northern Territory Government have the numbers in parliament, and have the numbers on this committee, so the Bill is likely to pass, but would you like to see amendments to the Bill that exclude particular areas of the Northern Territory, being those two coastal reserve areas?

Ms PEDDER: I would note that investors in our tourism economy and investors in our fishing economy would perhaps think twice if our environment is on the line and if you were to invest in a marine park or a protected area for your tourism activities, it would not be the Northern Territory you would stop at; you would move on.

What was the second part of your question?

Mr PAECH: In terms of you advocating that in the likely event that this Bill will go through parliament and pass, you would like to see, at a bare minimum, there are exemption zones of portions of areas across the Northern Territory of ecological, environmental or cultural significance excluded as no-development zones.

Ms PEDDER: Absolutely. I would argue that all the Territory's protected areas that are listed under IUCN—that is, our marine parks, Indigenous protected areas and other conservation zones. They are recognised internationally as protected areas, and they should be excluded.

There are other areas important to the Territory that are protected under fisheries management Acts—for example, fishery closure lines. They are the closure lines that prevent commercial fishing going up into rivers. That protects recreational fishing, threatened species and biodiversity. We should be looking at those areas that have been protected for decades; they have high value to the community.

Further, we have gillnet closure areas around the Sir Edward Pellew Islands. They are in place to protect dugongs, but they end up protecting fish populations and others. They are key drawcards for recreational fishing, as well as protecting biodiversity. They have been in place since the early 2000s. I argue that we have a long history of protecting these areas for recreational fishing, tourism and for the environment, and that these areas should have their protections remain in place.

The Bill, in its current form, does not provide protection for these areas. No area in the Territory is excluded from being exposed to what is in the Bill. I highly recommend that those areas remain protected and closed, and cannot be development zones.

Mr PAECH: I want to confirm the figures that you were referring to and encouraging us to look at—any economic values of the Northern Territory marine and coastal environments?

Ms PEDDER: Yes, that is right. There is a complete report produced, Economic Values of the Northern Territory Marine and Coastal Environments, by some of the country's leading environmental economists. It probably needs updating because it is probably worth a higher value now because as natural environments decline around Australia and the world, people are looking for high-quality tourism experience in natural environments and will pay top dollar to go to a natural area and catch barramundi and see a dugong while they are there—value the property higher.

I recommend this report to the committee.

Mr DEPUTY CHAIR: Do you have any examples of specific projects that you might be aware of that would threaten these coastal areas—any future development that has been theorised or that you are worried would come through under this legislation to affect those marine parks you have been talking about?

Ms PEDDER: Sure. Let us look at Limmen Bight Marine Park. It has a statutory management plan in place, so of course we are concerned about that being overridden as well.

That marine park was born out of a community, recreational fishing and traditional owner campaign to oppose a mine slurry pipeline and transshipping which was proposed for that area. At that time, about 2010, a campaign arose out of that and a marine park was declared in 2012. We have been working on developing that marine park since that date. The CLP is currently working on expanding that marine park.

However, if we were to go back to 2010, that was a proposal that was on the table which the CLP supported. We put in the research, the science and looked at that area and have now granted it protection. It was a real-life development proposal for that area that is now fully protected, has some of the best recreational fishing in the Territory and is home to the largest dugong population, as well as supporting the prawn trawling industry because there are extensive seagrass meadows.

We have a real-life example where there was a proposal; the area is now protected. However, if we had the Territory Coordinator Bill in that time it would have been rushed through and we would not have been able to have the chance to learn what we have to protect that area.

J DAVIS: Thank you for giving such a great view of the work your organisation has done. We have heard that you have been working with the Northern Territory community for over 10 years across these issues.

You have covered a little of this, but can you outline some of the formal and informal processes and projects that you worked on with the Territory community that you are concerned are now at risk from this Bill; how the community has been involved; and how that might be a threat if this Bill passes as it is?

Ms PEDDER: I might talk about seabed mining. That was also proposed for Northern Territory coastal waters. At the time the NT Environment Protection Authority conducted a review of seabed mining under the *Environment Protection Act*.

The community was invited to make submissions, which many did. Input was made from the recreational fishing sector, tourism sector, commercial fishers and Indigenous representatives. A total of 658 individual Territorians also made a submission on that.

This is an example of where there was a proposal put on the table and time was taken to research, do science again, engage all the stakeholders and the community. A decision was made to ban seabed mining in Northern Territory waters because it was too high a risk to all of those industries and the environment.

We would be concerned that if seabed mining were to be proposed and the Territory Coordinator Bill was in place that process would not have happened and we would not end up with the seabed mining ban in Territory waters at the moment which is protecting our recreational fishing, our commercial fishing and our tourism.

We have also been doing a lot of work over the years on the Roper River catchment. The Roper River is the lifeblood of the Limmen Bight Marine Park. These systems are interconnected. If there is a threat to a river it is a threat to the marine environment that is at the receiving end.

The CSIRO has put out a report that outlines possible scenarios of withdrawing 660 billion litres of water from this system for crops such as cotton would require clearing of 40,000 hectares of land across the catchment. It discussed the possibility of large-scale floodplain harvesting in the Roper catchment, as well as cumulative impacts of up to five in-stream dams, including a hydroelectric dam on the Wilton River near Ngukurr. This report highlights the huge scale of development and the impacts on communities, people, ecosystems and other industries, such as fishing, that could occur if there are inadequate mechanisms for protection and regulation. The report states:

... the nature and scale of future development of irrigation would depend heavily on the community and government values and acceptance of potential impacts to water-dependent ecosystems.

I would argue that those water-dependent ecosystems and the communities are on the line with the values expressed in the Territory Coordinator Bill. We are concerned about the Roper River and its catchment and that the Limmen Bight Marine Park, which depends on healthy river flows and which is currently being expanded by the CLP government, would suffer under such a massive scale of development proposed, and the Territory Coordinator Bill could potentially fast-track this without adequate safeguards.

Further, First Nations people along the river have demanded no more water be taken and for communities to be properly consulted on how their country and the Roper River is protected. We are concerned about what the Bill means for these traditional owners and the land and sea country on which they live. It is another example of the community and stakeholders working through various processes to ensure the health of that river and the health of the receiving environments in the Limmen Bight Marine Park. What we are looking at with the CSIRO and its report and its proposals and the Territory Coordinator Bill potentially fast-tracking that and providing overreach risks to all these protections which have been achieved.

J DAVIS: It is likely this Bill will pass. Given that and the concerns that you are outlining, one of your recommendations was that we guarantee that traditional owners and regional communities have a genuine say in projects. Do you have any comments on that or ideas on how that could be embedded in the Bill?

Ms PEDDER: Under current legislation there is limited capacity for these people to have a say, as it stands, and with the Territory Coordinator Bill being put over the top of that and proposing to further reduce that, it is concerning. Aboriginal people own 85% of our Territory coasts and they are recognised as the traditional landholders of that. People should be leading the decision-making over what happens on their land and sea countries. There are significant concerns about this Bill overriding people's ability to have a say, issues with transparency and information not being made public or having the ability for people to have a say through rigorous consultation processes with individuals and stakeholders.

How this Territory Coordinator Bill has been rushed with inadequate ability for the broader community and traditional owners in regional locations to have a say is a perfect example of how things should not be done and how the community are not able to participate. Even getting three days' notice to appear before this committee requires a whole change of work program, so it shows how there is a disregard for people being able to come to the table, be informed and have a say. It is a concern that will continue.

Mr DEPUTY CHAIR: I note that this Bill had an exposure draft out for a number of months towards the end of the year.

Mr PAECH: Over Christmas holidays while everyone is away.

Mr DEPUTY CHAIR: From November.

Mr PAECH: Oh yes. So, everyone was away.

Mr DEPUTY CHAIR: I worked throughout the holidays. If you do not, that is on you.

Mr PAECH: Good for you.

Mr DEPUTY CHAIR: Regarding Part 5 of your submission, where you mention the revised removing of the previous safeguards, I inform you that the specific removal of the *Aboriginal Land Act 1978* and the *Northern Territory Aboriginal Sacred Site Act 1989*—they are intentionally not included on the scheduled list—was because we received advice that the Act is already at a higher level. They cannot be affected. Rather than duplicating a clause, it is a redundant clause that did not have an effect.

Regarding the concerns relating to the land access powers, could you elaborate on what those concerns are compared to the mining Act or the *Water Act* where there are already powers of entry under certain acts? This Bill has slightly more protections next to them. I was wondering, specifically from the point of view of Keep Top End Coasts Healthy, if you had a perspective regarding the powers of entry and where that concern might come from.

Ms PEDDER: I will get you to explain more about what you mean by powers of entry. Before we talk about that, our organisation does community engagement. We have 8,000 supporters. Our role is—we receive funding support from the Northern Territory Government—to inform our community and facilitate its participation in government processes.

The exposure Bill was put out over Christmas. As an organisation reaching out to supporters, we are well aware that people are on school holidays, are with their families, or have gone down south, and we have the Wet season. We do a lot of work with remote Indigenous communities. We cannot get out there during the Wet season. Having an exposure Bill draft out over the Christmas holidays and into January means we are not able to do community consultation during that time, or certainly not effectively. We need to demonstrate our respect to people as well and not be giving them humbug over that time while they are trying to spend time with their family.

Tell me more about the powers of entry that you are particularly referring to. I am not a lawyer and do not know the ins and outs of the Bill. You seem to be referring to a particular item in there. If you could explain more about that I would be happy to answer your question.

Mr DEPUTY CHAIR: In your submission under number 5, you have ‘Expands land access powers, allowing entry onto private and Aboriginal lands for industrial development’.

Ms PEDDER: Yes.

Mr DEPUTY CHAIR: I have a copy of the Bill here so I will find the relevant clause, if you give me a minute. It gives the Territory Coordinator the ability to appoint people, to have powers of entry similar to those that is in the—I have a feeling it is in the *Water Act* as well but it is definitely in ...

Ms PEDDER: It is in the *Mineral Titles Act*.

Mr DEPUTY CHAIR: It is in the *Mineral Titles Act* where scientists and other people have the ability to enter pastoral lands and take assessments. Around the AROWS dam region at the moment, there has been a lot of different people going in testing soils and things like that in areas. I was wondering with the concern regarding the expanding the allowed access powers for industrial development if there were any specific concerns—I love specifics rather than too hypothetical—regarding the power of entry.

Ms PEDDER: Sure thing. We have heard a lot of concern from landholders regarding fracking activities, forcing onto people’s land. People are opposed to that. They have their farming activities invested in having a clean environment and clean water.

Traditional owners of country, whether it is land or sea, should be approached and should be required to grant permission for people to access their land. We have seen the negative impacts of when those permissions are not granted and people move on to land and do things that disrespect what people want happening on their land and sea country.

It is not a high-level specific priority of our submission. It is not what we are focused on.

Mr DEPUTY CHAIR: When I find this specific clause, I will give it to you.

Any further questions from the committee?

J DAVIS: I have no questions, but I want to acknowledge that this has been an extremely tight timeframe and I appreciate you making time to give evidence today. Thank you.

Mr PAECH: You talked before about the safeguards and the current regulatory processes which are in place in order to provide certainty to Territorians that the environment, our tourism industry and ecosystems have well-maintained structures in place to provide that certainty. With what you are talking about with Territorians and members of the community, is there a heightened level of concern that the erosion of the safeguards and regulatory removals will result in an unsafe and unhealthy Territory?

Ms PEDDER: We talk to Territorians a lot, and I think the key thing is that people are seeing changes on the water and in their rivers; they are seeing real-life things affecting them. While the average person may not be across the details of this Bill, there is certainly a level of concern that things are in decline—either their fishing or guided fishing in the reefs around Darwin are in real trouble.

There is certainly an understanding that things are in decline and the general sense is that not enough is being done to ensure the protection. There is a nervousness that things are moving in the wrong direction, particularly when we are seeing large-scale proposals—such as the Middle Arm proposal—and there is certainly not a lot of reassurance that people’s backyard, their fishing and natural environments, will be protected.

People get the higher level of understanding from the Territory Coordinator Bill and the work that we do that there is a risk that the existing protections, which are in place, could be wound back with this Bill going forward. The average person we deal with is not across the detail. I think that is the general sense the people feel.

We spend a lot of time at Palmerston, the markets and other community events, and people are concerned about their backyard, which is the Elizabeth River where people have been fishing for generations, and the Middle Arm proposal threatens that river. There is certainly concern that there are not adequate protections in place and there is further eroding of those protections.

Mr HOWE: I would like your thoughts on some of our updates. Do you think these are good updates—that is, the removal of the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act* and the *Off-Shore Waters Act*? This has come up a couple of times, but we have also updated to remove the specific limitation provision for the exercises of powers by the Territory Coordinator and the minister, restricted for the protection of sacred sites, particular agreements with the Commonwealth, native title and Aboriginal land. Do you think they are positive amendments to the Bill?

Ms PEDDER: I would certainly support the removal of the nuclear transport, as that is a significant concern and some of the others. But it is my understanding that while there have been some improvements, some other things have been included. I understand there are heritage concerns from the land councils and others. Some things have improved and some have got worse in terms of the powers of the Bill. I support offshore waters, nuclear and protecting sacred sites. My understanding is that others have now been brought in, such as heritage, which is not my area to talk to, but I am sure you will hear from others who are coming in to talk about that.

Mr HOWE: For our committee, it is important to acknowledge those Aboriginal lands in the update.

Thank you for coming in today on short notice.

Mr DEPUTY CHAIR: On behalf of the committee, I thank you for taking the time to come in and for your submission. I appreciate the short turnaround between inviting you and showing up. Thank you very much.

Ms PEDDER: Thank you, Chair.

The committee suspended.

Environment Centre NT

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025. I acknowledge my fellow committee members: the Member for Wanguri, Oly Carlson, who is joining us by telecommunications; the Member for Gwoja, Mr Chansey Paech; the Member for Drysdale, Mr Clinton Howe; and Justine Davis, the Member for Johnston. I am Andrew Mackay, the Member for Goyder.

I welcome to the table to give evidence to the committee from the Environment Centre NT Bree Ahrens, Acting Co-Executive Director and Naish Gawen, Policy and Research Lead. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If, at any time during the hearing, you are concerned that what you will say should not be made public you may ask the committee to go into a closed session and take your evidence in private.

Can you please each state your name and the capacity in which you are appearing.

Ms AHRENS: My name is Bree Ahrens. I am representing the Environment Centre NT as the Acting Co-Executive Director.

Mr GAWEN: My name is Naish Gawen. I am here as the Policy and Research Lead of the Environment Centre NT.

Mr DEPUTY CHAIR: Ms Ahrens, would you like to make an opening statement?

Ms AHRENS: Yes, please. We will both make brief comments to open, if that is all right?

I first acknowledge the Larrakia people as the custodians of the land we are meeting on today and acknowledge that sovereignty over this land was never ceded. I extend that acknowledgement to Traditional Owners of the lands and seas across the Territory, people and communities who stand to be affected by this Bill if it passes.

The Environment Centre NT is the Northern Territory's peak community environment organisation. We have a proud history of over 40 decades of standing together with communities for a future in which the Territory's nature and communities thrive.

I thank our beautiful community, first of all, for helping to get us here today. When this Bill was initially released for consultation it went to a narrow range of stakeholders. If it was not for significant, informed and passionate community push back, we never would have seen a broad public consultation and, in fact, would not be here today talking to the committee. I thank all community members who might be tuning in online for their ongoing engagement in this process.

We saw over 500 submissions made to the first round of consultation on this Bill last year. Our members and community members I have spoken to felt disappointed that the report on the outcomes of that consultation in many ways mischaracterised community sentiment on this important issue.

Instead of disclosing the number of submissions that were for or against the Bill, for example, the summary of the consultation process instead strove to derive some sort of quantitative data from comments in online news articles. Despite that frustration we saw continued community persistence in engaging with the consultation process undertaken by the Legislative Scrutiny Committee.

We again saw hundreds of submissions from concerned Territorians. I urge members of the committee to reflect on the nature of the concerns that were expressed in those submissions and the informed and passionate content of them. I will pass over to Naish to continue our opening remarks.

Mr GAWEN: I also acknowledge that we are meeting on Larrakia country and that the land was stolen. I pay my respects to Traditional Owners.

Frankly, this Bill is diabolical. It is an attack on democratic institutions of the Northern Territory. In our submission we point out many flaws in the Bill and how it is ill conceived, full of holes, and we make recommendations for ways that it can be improved. Fundamentally, we are opposed to it. We do not think it should be passed. Specifically, the fundamental intent of this Bill is to erode democratic institutions in the Northern Territory and undermine Territorians rights and interests to engage in processes that affect the Territory. It will lead to worse outcomes for ordinary Territorians, particularly the exemption powers, which includes the Schedule of 32 different Acts across the NT that can be exempted by an unelected bureaucrat who currently is a former gas industry executive and the Chief Minister.

Every single one of the 32 laws that is included in the Schedule was conceived of and written and debated and eventually passed by the Legislative Assembly for a specific purpose. Whether that be to protect certain aspects of the health, environment or economy of the Northern Territory. Not everyone will agree with every clause of every act that is on that Schedule. We certainly do not. To undermine them in toto, throw them out and let an unelected bureaucrat decide when they do and do not apply to a project is an attack on democracy, and it undermines the role of the Legislative Assembly, which you are all members of.

We are happy to take any further questions about the content of our submission.

Mr PAECH: Thank you for joining us today. I want to understand, ECNT has warned that the Bill will create more legal uncertainty rather than fast-tracking and speeding approvals. Can you walk us through why that is the view of ECNT?

Ms AHRENS: It is our opinion that provisions of this legislation are riddled with aspects that are likely to increase uncertainty, and that is uncertainty for project proponents, uncertainty for yourselves as lawmakers and uncertainty for the community who expect to have a level of trust and confidence in decisions that are being made by the government. An example of that can be found in the powers proposed to be given with regard to variation of conditions for projects, which may be undertaken by the Territory Coordinator. In situations where there is either agreement from the project proponent to vary an existing condition or in situations where the project proponent or rights holders has been unable previously to comply with the conditions that have been set out in existing approval.

This should be clear to everyone, creates a large degree of uncertainty for the community, for lawmakers and for proponents about what the law is. If it is able to be quite arbitrarily changed in terms of the conditions that apply to a project, how can the public have confidence in the legal certitude of approvals that have been given? We are also concerned about uncertainties that may arise specifically around relations between the Territory and the Commonwealth and that it may cause quite long lasting back and forth conversations about how laws should apply. An example of that perhaps Naish can touch on, is regarding the Middle Arm project.

Mr GAWEN: Yes, that is exactly right. Previously in the draft version of the Bill, clause 14, provide limitations on the powers of the Territory Coordinator to influence Commonwealth processes, has now been removed. What that means, the implications for projects like Middle Arm gas hub, which is undergoing a bilateral assessment between the Territory and the Commonwealth, is now unclear. There is now further uncertainty there which undermines the intention of the Bill which is to provide clarity and streamlining. That is not the case. It has created further uncertainty, especially around areas of law that fall between Commonwealth and Territory jurisdictions.

Mr PAECH: Is it safe to say from a position of the Environment Centre of the Northern Territory that weakening or reducing the safeguards or regulation would most likely end up with more matters appearing before the court because of the uncertainty created between the Commonwealth and the Territory or the Territory and the corporation that is doing the work or the community, whether it is Aboriginal land or other land interests, pastoralists or other entities?

Mr GAWEN: Yes. Challenges to decisions happen when they are bad or perceived to be bad decisions. A way to reduce that is to make better decisions. It is not to give a single unelected bureaucrat the power to make decisions under 32 different pieces of legislation which we have seen throughout the consultation process that he is not particularly familiar with.

If we want to avoid those kinds of challenges, it is about making better decisions. Removing the ability for merits review under any of the Acts currently listed in the Schedule is not a way to do that. In fact, it does the opposite and pushes people towards that more expensive, longer and more arduous process of judicial review.

Mr PAECH: How does the Bill's focus on economic development risk undermining environmental and social protections in the Northern Territory?

Ms AHRENS: This Bill elevates this very vague, quite ill-defined notion of economic development as the primary principle. That is really risky. Anyone who is genuinely interested in sustainable long-term economic development for the Territory that will bring benefit to Territorians, not just big companies, cannot exclude social and environmental considerations from that conceptualisation of economic development. Those concepts are fundamentally tied together.

When projects have bad outcomes for communities or for the environment, there is long-term impact on the economic wellbeing of communities and on the Territory as a whole. What might appear to be some short-term economic gain for a few big companies is really not in the interests of long-term economic prosperity for Territorians.

We contest the idea that we should be elevating economic development beyond those other considerations.

Mr GAWEN: I will underscore what my colleague has said. Environmental and social harms are economic harms.

Let us look at a specific example. In the 90s, when the Redbank copper mine out near the Queensland border was proposed, there was a tiny security bond paid by that mining company. The mine was productive for only a couple of years.

Decades later, we are still dealing with pollution, toxic waste that is leaching into waterways there, which is costing the Territory taxpayer up to hundreds of millions of dollars to rehabilitate because the mining company has gone and we do not have the right laws to hold them financially accountable.

This kind of rough-shod approach to development where you just push things through and do not follow the proper processes, results in long-term economic harm to Territorian taxpayers which is the exact opposite of the intended effect of the Bill.

I have a great fear that if this Bill is passed, we will see more examples of incidents like Redbank which harm the traditional owners whose country it is hurting and it harms Territorians who at the end of the day the buck stops with them in terms of financial liability, not the companies which will have even less stringent regulations if they do not have to go through the already inadequate processes that we have.

J DAVIS: Thank you both for coming. You said in your opening statement very clearly that in your view this Bill will lead to worse outcomes for the Territory. Can you give some examples of what that might look like?

Mr GAWEN: Sure. Let us take an example of one of the Acts that is on the Schedule—the *Environment Protection Act*. Potentially there would be a mine that is declared a significant project and then the Territory Coordinator could choose to exempt the mine from that Act.

The environmental approvals process does not just look at threatened species, risk to water, emissions. It does look at those things and it is important that it does. But there is a range of processes that would be affected. There would be traffic management plans that have to be undertaken. Looking at trucks hauling from and to the mine using local roads that nearby landowners and people use. Traffic management plans get put in place to avoid the risk of accident and death on those roads. That will no longer be required. Medical Entomology—a part of NT Health—provide recommendations on how that mine site could be constructed in a way that would not increase the risk of mosquitoes bringing mosquito-borne diseases. That would not be required. Is Stuart Knowles a medical entomologist? I do not think he is.

The dust management plans to make sure that property owners and nearby communities are not covered with dust from the mine site would not have to be considered anymore if the *Environment Protection Act* does not apply to a mine.

There are really quite far-reaching implications of exempting a project from the existing laws in the Northern Territory. These are just a couple of ways that ordinary Territorians' interests could be severely undermined.

J DAVIS: You just mentioned that you do not believe the interim coordinator is an entomologist but is obviously required to be presumably expert in many areas. In your submission you expressed concerns about the broad powers vested in both the Territory Coordinator and the Chief Minister. Could you share how you fear that those powers might be misused or create challenges for stakeholders and for the Territory?

Ms AHRENS: I think Naish's example is a really good one in highlighting the risks associated with this. We have government departments in the Territory that are currently mandated to oversee implementation of Acts including those Acts that are slated and are currently annexed to the Territory Coordinator Bill. In those departments we find people with relevant expertise and experience in assessing major projects.

In transferring the ability to step in and make decisions on behalf of statutory decision makers or exempt projects from assessment at all, we are depriving our environment and our communities the opportunity to have projects that will affect them, their livelihoods, their communities, their environments, the opportunity to be assessed by people with the capacity to make an informed assessment.

Assuming that existing expertise and knowledge can be found in an unelected non-specialised bureaucrat and the Chief Minister is simply unrealistic. It is not necessarily about these people as individuals—that might be something to reflect on as well—but in terms of a pro-structure, it goes against the logic of the entire development of the system of governance and approvals that has come to being in the Territory.

Mr PAECH: Essentially what Justine is asking is it is the view of ECNT that there are normally 32 pieces of legislation—let us say there usually will be 32 different entities who have people in there who are tertiary qualified in understanding the implications, risks and benefits. Transferring that to one person—that one person will not have 32 degrees in understanding the scientific research, evaluation, evidence and risks.

Ms AHRENS: That is right. I think it is an error to see that process as it is currently undertaken as some kind of roadblock to development. I think that companies with an interest in pursuing projects in the Territory, if they are really companies that we want to be investing in the Territory, would welcome the opportunity to engage with people with relevant experience, engage with departments with the knowledge to appropriately assess the projects. Because by doing so, they can be assured there can be public confidence and legal certainty in projects they are pursuing. I think the idea that this is an impediment to development in the Territory is simply incorrect.

Mr HOWE: Thank you both for coming in today. I have a couple of brief questions. Going off that point, would you believe as it currently sits, the current processes and timelines of NTG are suitable and good?

Mr GAWEN: If you want faster timelines, then resource the departments better rather than removing all those powers and centralising them in one person. If timelines are really the issue—that is the cause of this Bill receiving support of the government—then better resource the departments.

Mr HOWE: You think we should grow the size of the departments to fix the timeline problem?

Ms AHRENS: We have not audited the capacity of each department, so we are not in a position to say at what point the block is, but we know there is a viable option to talk directly to those departments about the cause of delays whenever they occur as a solution to any perceived or real delay that is occurring in ways that do not undermine outcomes for environment in our communities.

Mr HOWE: You spoke earlier on recommendations you would like if it passed—things you think could be improved. Could you elaborate on some of those?

Mr GAWEN: Yes, removing the exemption notices is a really big one, and we have covered that today. Clause 95 limits the ability for any review of decisions, and I think that is not in anybody's interest and that merits review as we spoke about as a more accessible, affordable and faster form of review should be included. We need to bring back the eligibility conditions for holding the office of Territory Coordinator, which were in the draft. That is an important safeguard to make sure that this individual, who will have a significant amount of power, is appropriately nonpartisan and does not have vested interests. It is unclear why that was removed from the draft and we think it should be back in there.

The definition of 'interested party' should be expanded as it is currently very narrow. There is a whole range of ways that a person might be an interested party in a project or decision. There are different forms of that under various Acts. Just to point to the offshore petroleum regulations, a person who has functions, interests or activities that may be affected in an area by a development is counted as a relevant person. That is more

holistic and a fairer way in ensuring that interested parties can be involved in decision-making processes and it is not just people who own the land but those with other kinds of interest.

They are a couple of specific improvements that we are recommending.

J DAVIS: You have outlined your concerns about what the Bill might look like and what the impact of it might be. I am interested in what your views are about what the actual intent of this Bill is. Is that something you are able to comment on?

Mr GAWEN: It is hard to determine the intent and I think the current government would be the best people to give an indication of the intent of this Bill. It is important that the government comes clear about what lobbying resulted with the introduction of this Bill; what stakeholders have they met with; what specific projects are they looking to apply this Bill to; and in what way has industry influenced the shape of this Bill.

We do not need to be a detective to work out that when we have a former gas industry executive in the role of Territory Coordinator there might be some ways in which this Bill is designed to facilitate the expansion of the fossil fuel industry in the Northern Territory. This is highly concerning.

J DAVIS: You pointed out, from your view, some of the shortcomings in the consultation process and the ability for people to have input into it. You raised some questions about what other input might have happened, particularly between the first draft of the Bill and the second one. That is something our committee would be interested in.

Mr PAECH: We met with the Nhulunbuy Corporation this morning and we spoke about their submission which talked about Territory development areas. They put a list of recommendations before the committee, which can be found publicly online with the submissions. They spoke about the need to have clearer criteria for Territory development areas. We asked them how that should be developed on fairness.

Do you believe that there should be a formal requirement for local councils and traditional owners to approve the Territory development areas before they are declared?

Ms AHRENS: The proposed mechanisms for consultation for the declaration of a TDA in the current Bill are very worrying. We would welcome any attempts to strengthen that process. I believe, if I am not mistaken, that in the current Bill there is a requirement for the Chief Minister to be provided with a summary of consultation that occurs on the declaration of a TDA. As we saw with the consultation summary paper, which came out of the first round of consultation on this very Bill, there is great opportunity for community sentiment to be mischaracterised in a non-transparent summary document which seeks to represent, in an opaque way, what a consultation process has resulted in. That is a definite area where there is a need for transparent consultation which prioritises the engagement of traditional owners and local residents, including councils if they are representatives.

Mr PAECH: The Northern Territory Government Environment minister, Josh Burgoyne, has defunded you and the Arid Lands Environment Centre. With defunding comes the concern about an organisation's ability to do the advocacy, research and evaluation of environmental impacts in the Northern Territory. Are you able to give the committee an outline or an understanding of whether the reduction of that funding concerns you about the ability for independent monitoring, evaluations and assessments to ensure that appropriate safeguards, regulations and risks are being addressed and adhered to?

Ms AHRENS: First of all, we are not going anywhere. A lot of people in this room will recognise that the participation of civil society groups like ECNT and the Arid Lands Environment Centre add value to decision-making processes. We do not disrupt it. Better decisions are made when a broad swathe of community members are able to participate in dialogue before decisions are made. Better decisions are made when that process is conducted openly, when organisations have the resources to conduct research and analysis and share that with the community.

This is not about stopping development or blocking projects; it is about ensuring that Territorians are part of deciding the future of the Territory. We are at a critical juncture. There are a lot of decisions that will be made in the next few years about which road the Territory goes down that will shape the future—the liveability even—of the Territory in the years to come. It is critical that Territorians are part of that.

We were disappointed to read that our funding had been unilaterally cut. Of course, funding cuts affect the capacity of organisations to function. I am extremely confident that both ECNT and the ALEC will have an

ongoing permanent role in working with the community to stand up for the Territory's nature and the people of the Territory.

Mr PAECH: Further to that, the Northern Territory Chief Minister said her government is delivering things in line with community expectations. This Bill erodes safeguards, regulatory processes and oversight. Do you think that is in line with community expectations?

Ms AHRENS: I do not. I think that if the government thinks that it has a mandate for the Territory Coordinator Bill it needs to consult the dictionary. This was not something that was discussed at length or in any substantive terms before the election. There is every indication that there was intention to cut the public out of consultation on this Bill before the public stood up and demanded it.

From what we have seen and from the communities that we have spoken to, there is overwhelming opposition from across the Territory to this Bill.

Mr GAWEN: Further to that, we call on the Chief Minister and the CLP government to make clear how many of the 559 submissions they received were opposed to the Bill.

Mr PAECH: You would like to see those submissions be made publicly available.

Mr GAWEN: That depends on the confidentiality of the people making the submissions. At the minimum it can announce how many of those submissions opposed the Bill.

Mr PAECH: Obviously there are other coordinators across Australia in each jurisdiction. In this submission and many others it highlights that there are many laws that go beyond other Australian jurisdictions. Are you able to highlight those areas that are of concern to the Environment Centre of the Northern Territory?

Ms AHERNS: May I clarify if you are asking in particular for a comparison between ...

Mr PAECH: Yes.

Ms AHRENS: Adele Pedder pointed out some of the differences, I believe, with the Queensland legislation this morning, in that the Queensland legislation carved out no-go zones. I also point out that specific provisions in step-in and exclusion of projects are simply not found in comparable legislation.

It is incorrect and misleading to suggest that this is legislation that is becoming a standard across Australia; it is unprecedented, reckless and simply not true that we are just following in the footsteps of other jurisdictions.

Mr PAECH: The CLP, obviously, has the numbers on this committee and the floor of parliament. The Bill, unfortunately, will pass—hopefully with changes, but again that will be what this committee recommends. You would be supportive, at a bare minimum? We obviously do not think that the legislation is very good, but you are advocating that in the worst-case scenario consideration should be given to carve-outs, no-go zones and the elimination of step-in powers?

Mr GAWEN: And exemption powers.

Mr PAECH: And exemption powers.

Mr GAWEN: That is probably the most egregious aspect of this Bill and they should not be included in the Bill. We should give the CLP government an opportunity to listen to people. It cannot pass this Bill. It has not passed the parliament yet. If they listened to what Territorians want and listen to the concerns, the potential for unforeseen consequences, they would not pass the Territory Coordinator Bill.

Mr DEPUTY CHAIR: I acknowledge we are in a public hearing. This is us listening. In the interest of time and the next set of people to present to the committee, are there any more quick questions from our side?

Mr HOWE: You have spoken of your position and where you believe the Territory sits on it. Do you acknowledge that we have been running a \$1.3bn deficit? We are rapidly approaching insane debt levels; we are already at them. I come from the construction industry that over the last eight years we have lost one in three jobs. There are Territorians who want to see development. Do you acknowledge there is still a strong part of the community that wants to see us get development going so we have money for schools and money for hospitals. As egregious as you find it, we are trying to find a way to grow this economy. It is not a universal

position of the Northern Territory, everyone in the NT. I come from a working-class electorate where want jobs. To our deficit, to our debt level, what is ECNTs position on these things?

Mr PAECH: You removed the debt ceiling.

Mr GAWEN: We agree with the need for Territorians to have jobs and we want them to have jobs in sustainable long-term industries. We want Territorians to have decent jobs. I have already outlined some of the ways in which this kind of roughshod approach to development risks worse economic outcomes, it risks Territorian taxpayers being saddled with greater financial liabilities when you remove the processes that companies must go through. In the interests of transparency about public expenditure it should be declared what is the public expenditure on the Territory Coordinator office, on the different positions in that office because at the moment it is Territorian taxpayers who are funding that position, which has not even passed yet. We agree we want Territorians to have good long-term jobs, but this this is not the way to go about it. It risks creating further financial liabilities for Territorians.

J DAVIS: I want to clarify the question. In that question there was an implication that the Environment Centre is anti-development. I heard in your answer that is not the case. I want to give you an opportunity to comment on that.

Ms AHRENS: Thank you. We are not anti-development, but we refute the idea that the choice is between axing regulation, oversight, scrutiny of an appropriate regulation of projects and development. We do not need to take the axe to every piece of legislation that protects communities, the environment and the very future of the Territory to achieve sustainable development that will bring real results for Territorians. I refute the basis of that assertion.

Mr DEPUTY CHAIR: I thank you on behalf of the committee for appearing today and taking the time out of your busy days to be here, especially at short notice. Thank you very much.

The committee suspended.

Frack Free NT

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome to the table to give evidence to the committee from Frack Free NT, Peter Callender, community organiser, and Louis Boyle-Bryant, Top End regional campaigner. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public you may ask that the committee go into a private closed session and take your evidence in private.

Can you each please state your name and the capacity in which you are appearing government today?

Mr CALLENDER: My name is Pete Callender. I am a community organiser for Frack Free NT.

Mr BOYLE-BRYANT: Louis Boyle-Bryant, Top End regional campaigner with Frack Free NT.

Mr DEPUTY CHAIR: Thank you. I would like to acknowledge my fellow committee members: the Member for Gwoja, Mr Chansey Paech; the Member for Wanguri, Mrs Oly Carlson, who is joining us by telecommunication today; the Member for Johnston, Justine Davis; and the Member for Drysdale, Mr Clinton Howe, who will be back with us shortly.

Mr Callender, would you like to make an opening statement?

Mr CALLENDER: Thank you, Chair and members of the committee. We are here today as members of Frack Free NT.

We are a community group that has been active in the Northern Territory for over a decade, with thousands of supporters right across the NT. We are aware that some people might perceive us as greenies, but we want to say up-front that fracking has always been an issue that has concerned Territorians from all different walks of life, from all different political backgrounds and we know that many of our supporters would find being labelled as a greenie, frankly, hilarious.

Our supporters include pastoralists on cattle stations down the Stuart Highway; traditional owners from the Barkly and Big Rivers region, among many others; small business owners in towns like Mataranka and Adelaide River; tradies; tourism operators; scientists; health professionals; and everyday families—the list goes on. We have a bunch of supporters who work in the gas industry but who do not like fracking. These are good, honest hardworking Territorians who are deeply invested in the future of the NT and want to see it thrive as much as anyone in this room.

There are tens of thousands of Territorians who are worried about fracking or who straight out oppose it. We are speaking here today to try to represent some of their concerns regarding how the Territory Coordinator could reduce the safeguards that are there to protect the NT's precious water, environment and cultures from the dangers of gas fracking, particularly given that the fracking industry has been repeatedly named as one of the key industries the government is hoping to fast-track through this legislation.

While we understand the CLP is committed to passing this Bill, we strongly believe that it requires a great deal more scrutiny and change before going to parliament. Without significant change we believe that the Bill should be withdrawn.

We understand the government wants to streamline duplicated bureaucratic processes and meet statutory timelines. They have been up-front about this and there is probably a strong appetite in the community for this. We are, however, deeply concerned with the rest of the legislation and we do not believe the wider public has a good understanding of this. Specifically, we mean the exemption clauses, condition variations, step-in powers and the full list of Acts included in the Schedule.

As detailed in our submission, a number of clauses and powers in this legislation are worded in ways that allow for an extremely broad and subjective interpretation. These must be tightened so that it is explicitly clear when and for what purposes a power can be used. This would help to bring the legislation into line with similar coordinator legislation in other jurisdictions.

Regardless of the intention of a law, good laws just do not rely on decision makers choosing to always do the right thing. They explicitly restrict the powers of a law and its uses. The best example we have of how to minimise the risk proposed by the fracking industry in the NT to our health, environment and economy is the final report from the Pepper inquiry conducted over 2017–18. Years of independent work was done by scientists, economists and other experts to produce 135 recommendations that were accepted and committed to by both NT Labor and the CLP.

However, under the current bill the Territory Coordinator could easily do away with many of the Pepper recommendations. Importantly recommendation 16.1 from the inquiry states, 'If the government does not implement all the panel's recommendations, then the panel is not able to state with certainty the identified risks will be mitigated to acceptable levels.'

We understand and we agree that the Territory is going through hard economic times and the government has a mandate to generate more income for the NT. However, we would highlight that the returns to the NT Government from a fracking industry are projected to be very modest, and the potential costs if environmental safeguards are decreased and something goes wrong, could be astronomical.

The government must represent the best interests of all Territorians. We know that many Territorians are deeply worried about what happens if something goes wrong with fracking. What happens if one of these companies damages a river or an aquifer or wants to build massive pipelines through people's properties who do not want it? These Territorians are the ones who will have to live through and deal with the consequences if something goes wrong, not the executives of these companies or their overseas shareholders or their FIFO workers.

Both the former and current governments have sought to reassure Territorians about fracking by saying we have world-leading petroleum regulations. Why then would we allow these to be bypassed or watered down?

We need these laws and regulations to be maintained and enforced at the highest level and in fact, we have already seen a number of instances of things going wrong at exploratory fracking sites despite our current level of regulations.

Everyday Territorians need to play by the rules and it seems grossly unjust that big business could be given exemption from the rules that they should be playing by too. The rights and liberties of every day Territorians should be of the utmost importance to the parliament and we are deeply concerned that this legislation concentrates an overwhelming amount of power in the hands of the Territory Coordinator and the Minister for the Territory Coordinator which inherently takes it away from everyday Territorians who will no longer have access to the democratic processes that they have been used to for a very long time.

Thank you for your time, and we welcome your questions.

Mr HOWE: I would like to ask on that last point on your concerns about individual liberties. I would be keen to hear your concerns but also how it could potentially be improved on that note.

Mr CALLENDER: I guess there are a lot of areas that could potentially cover. What we are potentially seeing with this Bill with say the step-in powers or the exemption powers is the ability of the Territory Coordinator and the minister to bypass regular departmental processes—the decisions that are made through parliament—which is the way that most everyday people know and understand how democracy works for them. They understand that you guys make laws, and those laws are what sets the rules for what happens. Anything that is able to circumvent or bypass those would be a very big change for the rights of individual people.

Beyond that, we are obviously worried about the environmental safeguards around fracking. Individuals have a right to clean water and good air. They have a right to say what happens on their property. These are all things we are worried about that could be put at more risk under this Bill.

Mr BOYLE-BRYANT: I will quickly add that with the land access rules, for example, it is pretty broad, developing a TDA plan outlines that people can access people's land without a warrant and conduct anything, any reasonable grounds that they need to develop that TDA plan. We think that is pretty broad as to what they could be doing on people's property without their permission and that should definitely be tightened up.

Mr HOWE: There will be questions that the committee will put to the department to clarify.

Mr PAECH: Louis, I will ask a question about TDAs. I think you were in the previous session when the Environment Centre appeared. We spoke to the Nhulunbuy Corporation about recommendations that they put forward and I acknowledge the recommendations in your submission seem reasonable. Do you also share the view that there should be a formal requirement for land councils, local councils and traditional owners to approve TDAs before they are declared?

Mr BOYLE-BRYANT: We echo the sentiments which you are likely to hear throughout this process. Any kind of additional consultation in that decision-making process would be welcomed from our end.

Mr PAECH: Peter mentioned concerns about bypassing particular legislative instruments. Could you talk us through bypassing regulations meant to protect water resources and why that is a huge concern to your organisation?

Mr CALLENDER: I will touch on how water sits under the *Petroleum Act*. Under the Act, currently there is a code of practice for onshore gas which, as an example, stipulates the requirements for fracking companies' wastewater management plans; what do they do with chemicals, drilling fluids and fracking flowback fluids et cetera.

Our understanding is that there are several mechanisms within the current Bill that could bypass those requirements. For example, an exemption notice could be given which exempts that part of the code for a specific project or instance. A condition variation could be made to change the conditions on the company's wastewater management plan, or a step-in notice could be used to make a decision instead of the intended decision-maker. There are a couple of clauses—which I can find—which seem to imply that the Territory Coordinator is able to make decisions that would be outside of the original law which is very worrying.

Mr PAECH: Frack Free NT would then believe that this legislation has the potential to then increase the risk of corruption in the Northern Territory?

Mr CALLENDER: I think I would say that ...

Mr PAECH: I use the word 'potential'. I am not saying it will create corruption, but it has the intention because it is bypassing regulation and there is no grounds or justification enshrined in the legislation and reporting mechanisms.

Mr DEPUTY CHAIR: I note that we have an Independent Commissioner Against Corruption in the Northern Territory, and we are straying a little bit far. I think a 20 second short answer and then we will bring it back ...

Mr PAECH: Of course you would say that; you are the government.

Mr CALLENDER: ...clause 86(1) enables condition variations to be made outside of the law. It says:

... whether or not the variation effecting the condition could have, but for for the operation of this section, been validly made under the relevant law.

The conditions around wastewater management are incredibly important. In the Territory, we are attempting to do fracking in cyclone country—I do not know of other examples in the world where that has happened. We know that around the world, the management of wastewater is one of the biggest issues and is where we see the most spills, leaks and unintended consequences of wastewater getting washed into waterways—basically surface water contamination. Any changes to that, which is already at a concerning level—there already have been a number of spills and leaks at the early exploration stage. The Pepper inquiry recommended that all wastewater needed to be stored in enclosed tanks; it was a firm recommendation. The code of practice allows for open ponds to be used to store wastewater under certain conditions. We would be very worried for any of those conditions to be varied.

Mr PAECH: Your concern is that projects could be approved without meeting environmental safety standards or regulations?

Mr CALLENDER: That is what the legislation says and it could be done retrospectively.

Mr BOYLE-BRYANT: We are also worried, as Peter mentioned in the opening statement, about the potential unintended consequences of this law. We are not just looking at what the government has said what it wants to do with the law, but also looking at what avenues it might open up.

From our perspective, we look at the *Water Act*. We are talking about potential sand mining happening in fracking country down in the Barkly which uses a lot of water. That sand mining could argue that it is important that they get expedited to go ahead to be able provide that frack sand for the fracking companies.

Within this legislation there could be scope for the government to expedite that process with regard to the *Water Act*. With something like sand mining that uses hundreds of millions of tonnes of water—everyone who lives in that region relies on bore water. That bore water recharges surface water as well—we need to be really careful about making sure that the companies step through each part of the regulatory process so that if that development goes ahead, it happens safely.

We are worried that the way the Territory Coordination Bill is currently set up, those important regulations could be sidestepped.

Mr PAECH: In Central Australia, a lot of communities are mining water. The recharge does not necessarily equal the amount that is extracted for community.

The way that the legislation is currently a short-term win, as in fast-tracking approvals, your concern is that, 'Yes, we will do that' but we have already seen the government revoke the Western Davenport Water Allocation Plan.

My understanding is that your concern is that, 'Yes, short-term, great for the economy' is overriding and coming at the cost of long-term planning regarding water security for regional and remote communities. That can be overlooked in order to get something fast-tracked and approved. Then there is nothing dealing with the bigger problem later which is water security.

Mr BOYLE-BRYANT: Yes, the potential misapplications of the Territory Coordination Bill go far beyond parliamentary terms. If something bad was to happen as a result of the misapplication of this law, we could be looking at decades or centuries into the future of the impacts of that misapplication.

Mr CALLENDER: I make a clarification regarding the short-term benefits to the economy because that is also relatively unclear.

For onshore gas, the royalty rate for the Northern Territory Government is set at 10% of the gross value of the gas at the wellhead. There was economic modelling done as part of an independent economic modelling done for the fracking inquiry. They came up with a bunch of scenarios, the Gale scenario being the uppermost scenario for where they think the fracking industry could potentially get to in the Northern Territory, so the most gas getting pumped out of here that is possible. That is export, everything. That scenario would have a return on that 10% rate of an average of \$69m per year to the Northern Territory Government in royalties.

Mr Howe, you talked about our net debt which is a concern. My understanding is we are soon to be paying about \$750m a year just in interest repayments on that debt. We are talking about, at best, an average of \$69m in royalties returned to the Northern Territory Government. That is 10% of our interest repayments on our debt. It is not nothing but to pretend that this will seriously pay down our debt and improve the NT economy is not the whole picture. We are worried, that if something goes wrong, about how much that will cost for many years if groundwater gets contaminated or if wells are orphaned and the company leaves the country or goes bankrupt. Who pays for that and how much will that cost?

J DAVIS: You said in the beginning of your statement that you represent a very broad range of people and you did not want to be characterised as a greenie or anti-development et cetera. The Bill designates economic development as the primary objective. You have recommended adopting principles of ecological sustainable development instead.

You have touched on this already. Could you explain how economic development being prioritised by this Bill could compromise environmental, social and economic outcomes for the Northern Territory?

Mr CALLENDER: In some ways it seems like a relatively minor change, that economic development is the primary principle with consideration of social and environmental factors. The ecologically sustainable development which you mentioned is not something we came up with; it is the principle that governs decision-makers across many acts in many governments around Australia and the world. The decision-maker is guided by [this principle in] the *Petroleum Act*. It is continuing on that principle which is already in our legislation to be consistent with this. It is simply saying that those three things need to be considered equally; they are all equally important.

In a lay person's way, it is basically saying we just do not want to stuff things up for our kids. We want things to be just as good, if not better on the whole, for the next generations. That does not seem controversial to me.

J DAVIS: For lay person language, which is helpful for me and people listening, we are often given an either/or on sustainable or economic development. Can you comment on that—that you can only have one or the other?

Mr BOYLE-BRYANT: We definitely do not think that is the case. We are not sitting here in front of the committee saying that we should not have development. We want to articulate this positive vision for the Territory of the kind of Territory we all want to live in. We think that sustainable development—whatever that looks like—it is up to us to come together and talk about, collaborate on and decide if it is something that is possible.

Mr CALLENDER: I add that this is beyond the scope of Frack Free NT to talk about what the future of the NT should look like. We have limited resources, and this is a choice about what industries we invest in. Yes, we need jobs, but it is hard to get a sparkie or a builder these days; we do not have this huge oversupply of specialised tradespeople.

By choosing, for example, to prioritise the fracking industry, that will take people away from other kinds of work. If we wanted to build more renewables, public transport, more housing or whatever it is, if those people are fully occupied in the fracking industry, then we will struggle to do other things. We have a choice about what kind of development we have. We obviously do not think that fracking is the right way to go.

Mr HOWE: I bring us back to the legislation, in Powers to enter. Can you elaborate on your recommendations? I can see you have 'challenging of decisions'. Could you speak to that third party for assessing and determining compensation? When do you think compensation would be required. Elaborate on that for me please.

Mr BOYLE-BRYANT: The way that those laws are currently set up, if a company comes onto someone's land without a warrant to conduct works, if there is deemed to be damage to their property, that compensation is decided, I believe, in the current tabled version, by the Territory Coordinator. We do not think that should be the case. We think at the bare minimum, if people are to come onto your property and do work without a warrant and they damage your property, there should be some kind of independent regulator that decides how much you are compensated.

Mr DEPUTY CHAIR: Any further questions?

Mr PAECH: We have your submission; it is quite in-depth. We acknowledge your recommendations. I want to allow you to opportunity if there was anything you wanted to add in relation to the step-in notices and the exemption notices, noting that on 27 November last year the Minister for Mining and the Deputy Chief Minister made the comment that the gas industry should manage the environment. Is there anything in addition to those provisions that you wanted to add?

Mr CALLENDER: Yes, there is probably heaps. Obviously, we have not had a long time to get our heads around this either. We are not legislative experts by any measure. Delving into some of those 32 acts and seeing how much stuff they cover and that all of this stuff could potentially be exempted or stepped-in on, or conditions varied was scary, to be honest.

I know that the Nuclear Waste Act was removed and it would great to know why that decision was made. I note that the *Radiation Protection Act* and there is another one about radioactive storage and transport is still in there. There are so many things that could be changed, and the public and parliamentarians need a good understanding. We should have an explanation of why each Act has been included. Ideally, it should specify the clauses which are intended to be exempted rather than the whole piece of legislation.

Mr DEPUTY CHAIR: I have it in front of me—the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act* and the *Off-Shore Waters (Application of Territory Laws) Act 1985* were originally included in the exposure draft that was then taken off the list. On further review those Acts were found not contain any operative provisions where the Territory Coordinator's powers would be required. There were outside of the scope of what any powers would be required in those acts.

Mr BOYLE-BRYANT: To reiterate what Pete said, there is a strong prerogative, whether it is in the Act or whether it is outlined in an addendum to the Act for the government's intentions or reasons—there is clearly a reason why 32 Bills have been selected—some kind of outline as to why that is the case. The community deserves to know because of the scope of these powers and the power that has been concentrated in the Territory Coordinator and the minister for the Territory Coordinator, what sort of uses the government envisions as to why these Acts have been selected.

Mr PAECH: Do you think this Bill is in line with community expectations, when here the government is saying they are doing everything because of community expectations. Do you think the community expect this type of overreach?

Mr BOYLE-BRYANT: We outlined in our opening statement you could probably make a case that the government is as far as like streamlining duplicated processes and so on. There is probably something of an appetite for that, but this Bill goes beyond that and the general public probably does not understand the full scope of step in powers, exemption powers, condition variations and their potential for unintended consequences, and for the Bill to be passed there would need to be significantly more scrutiny, particularly of the most alarming clauses in Bill and their potential misuses.

Mr PAECH: Are you talking about the lack of public awareness?

Mr BOYLE-BRYANT: Yes.

Mr PAECH: Do you think it is largely driven due to the lack of consultation, or the period of time which the government put it out in November, December and January when people are often away?

Mr CALLENDER: It is far ranging legislation. We have been looking at it for weeks and we are still trying to get our heads around it. The range of changes that are possible are so hard for people to get their heads around. You could limit things to specifically being about duplicated processes, meeting statutory timelines, the prioritisation progression and decision requests seem to achieve that. The step in powers could potentially be needed just in those circumstances if the department was literally sitting on the work and doing nothing. Beyond that the exemption powers I have not understood the justification for them. It would be good to know

for the other 32 pieces of legislation what powers, why they are needed to be included. If the code of conduct for onshore gas, for example, has things in there about wastewater management, about threatened species, about how close to waterways you can clear that are not intended to be touched, then rule them out of the legislation.

Mr DEPUTY CHAIR: In the interest of time and respect for our next guest, I ask for this to be quick.

J DAVIS: Following on from Bill changes between the two bits of legislation and things that were taken out and put in, I wonder whether you had any thoughts on the inclusion of the *Heritage Act 2011* in the new version of the Bill?

Mr BOYLE-BRYANT: It probably ties into our previous point, it would be good for the government to outline the reasons why all the different Bills have been selected, and the *Heritage Act* be included in that.

Mr CALLENDER: I am not deeply familiar with that Act. The people who have been most concerned for the longest time about fracking by and large are people in remote communities. Anything that impinges on their heritage rights would be of great concern. I think there is someone from the Heritage Council speaking who would be able to speak to it a lot better than us.

J DAVIS: Thank you.

Mr DEPUTY CHAIR: On behalf of the committee, I thank you for your submission and taking the time to come in today. It is very much appreciated, especially at short notice.

The committee suspended.

Arid Lands Environment Centre

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025. I welcome by video conference to give evidence to the committee from the Arid Lands Environment Centre, Alex Vaughan, Policy Advocacy Coordinator, and Hannah Ekin, Frack Free Campaign Coordinator. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you.

I acknowledge my fellow committee members. I am Andrew Mackay, the Member for Goyder; we have the Member for Gwoja, Chansey Paech; the Member for Drysdale, Clinton Howe; the Member for Johnston, Justine Davis; and joining us by telecommunication is the Member for Wanguri, Oly Carlson.

This is a formal proceeding of the committee and the protection of parliamentary privilege, and the obligation not to mislead the committee applies. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you say should not be made public, you may ask the committee to go into a closed session and take the evidence in private.

Could you please each state your name and capacity in which you are appearing?

Ms EKIN: My name is Hannah. I am part of Alex's policy and advocacy team, and I specifically focus on onshore gas expansion in the NT.

Mr VAUGHAN: My name is Alex. I am also a part of policy and advocacy team with more focus on water, mining and biodiversity.

Mr DEPUTY CHAIR: Would you like to make an opening statement?

Mr VAUGHAN: Yes, we have prepared a short opening statement and are very keen for questions.

ALEC strongly opposes the Territory Coordinator Bill which we consider to be extreme legislation. It will give unprecedented, far-reaching and discretionary powers to an unelected bureaucrat, the Territory Coordinator,

as well as the Minister for Territory Coordinator, currently proposed to be the Chief Minister, with major change to the powers and function of government in the Northern Territory.

ALEC has grave concerns in general with the legislation, but also explicitly that primary principles, step-in powers, exemption powers and suppression of scrutiny, removal of accountability and major limitations on community rights around the development and assessment of major projects, including the particular rights of traditional owners whose land is affected by the development.

We consider this to be authoritarian legislation that lacks safeguards and oversight mechanisms, particularly in a jurisdiction like the Northern Territory where there is only one house of parliament and the elected government has largely unconditional control and power.

The proposed legislation disproportionately benefits and is tailored to the interests of big business. In this context the Bill gives an excessive concentration of power to two people, which leaves the Northern Territory more vulnerable to state capture, mismanagement and corruption.

The Northern Territory proposal is a radical departure from good governance principles, is a dangerous precedent to establish in the Northern Territory and leads us on a journey of chaos and dysfunction around the planning, development and environmental assessment.

This is all occurring in the NT which already has, arguably, Australia's weakest water laws, defunct climate laws and no vegetation laws or diversity strategy altogether. Community rights and environmental protections are already largely unfit for purpose and scant across the Territory.

The Territory Coordinator Bill, with its far-reaching step-in powers and exemption provisions, aims to fast-track gas fracking, big ag and cotton, as well as expedite new mines and potentially nuclear waste dumps.

ALEC looks forward to your questions today. We are keen to provide some case studies around the Singleton groundwater licence and fracking.

Ms EKIN: I add my apologies for any shortcomings in our evidence. The short timing and major changes to the Bill since the first consultation draft—we are still getting our heads around all the impacts of this Bill. I know other submissions have made similar comments, so I reiterate that the timing of this process will severely limit the committee's capacity to fully understand and address community concerns like ours about this Bill, but we will do what we can.

Mr PAECH: Following on from your comments about case studies and in particular about water in Central Australia, I want to pose two questions, which I think probably can be amalgamated.

What impact could the Bill have on Central Australia's already fragile water resources? In addition to that, could this Bill make it easier for large-scale water extraction projects like Singleton Station to proceed without proper safeguards?

Mr VAUGHAN: Definitely this can have dire and significant impacts to water allocations across the Northern Territory within water allocation plans—which I should note have been gutted already by changes that have been made in this term of parliament already—as well as outside of existing water allocation planning areas and the water allocation planning framework, we already have scant protections.

Focusing on Singleton as a useful case study to understand the ramifications to other areas, which is in the Western Davenport Water Allocation Plan area, people may not be aware that it is about three hours north of Mparntwe (Alice Springs). Where the bore field is proposed is about 30 kilometres to the west of Ali Curung community.

Singleton Station is unique in its scale. It is nationally significant. We understand it to be the largest groundwater freshwater licence in the country where Fortune Agribusiness was awarded in 2021 a 40 billion-litre groundwater licence. For scale, that is all the water that is used in Darwin every year and that is to one proponent in the Northern Territory. That water, as we know, is all free; they do not pay for that water.

The scale of that extraction is over a trillion litres over the 30-year licence, which is equal to two times all the groundwater in Sydney Harbour. A trillion litres is hard to capture, but we are talking about hugely expansive impacts here.

This is a shallow groundwater region. Just a few metres below the surface is the groundwater table and this project proposes to lower the groundwater table by 50 metres, which threatens to damage and destroy a 50-kilometre stretch of groundwater-dependent habitat, threatens up to 40 sacred sites, as well as bringing up to 40,000 tonnes of salts to the surface every year. This evidence is all from the department and the proponents' work, just to ensure that this is probably a conservative number. The impacts could be greater than this.

On top of that, there are still extreme levels of uncertainty that exist with this project. What are the impacts explicitly to certain cultural sites, groundwater-dependent ecosystems as well as the salinity impacts? A government report already states that it could have far-reaching implications for land use in that region in the medium to long-term already.

The Singleton project is useful because it is currently undergoing the environmental assessment process. It is the first agricultural project in NT history to get the highest level of uncertainty assessment. This is not because of lawfare or activist groups; it is because of the disproportionate and extreme impacts that are posed from this development and the huge amount of uncertainty that is making this go through a rigorous process of assessment and scrutiny.

This Bill, with the step-in powers, could grant the Territory Coordinator to make the decision instead of the Northern Territory Environment Protection Authority, or potentially exemption powers could be used to exempt certain aspects of legislation from this project altogether.

Around this project there is huge and ongoing resistance to this development. The reasons for that are based in the severity of impacts and the uncertainty that exists. This is a nationally significant scale of water extraction in this region, handing over up to a trillion litres of groundwater for free to the proponent. This could be represented elsewhere. If we look at the Ti Tree basin, up at the Georgina Wiso basin and other areas where there are already scant protections for our water and then this legislation further promotes sidestepping scrutiny, accountability measures and obviously the concerns of communities affected by the development.

J DAVIS: Thank you both for appearing today. You said in your opening statement that you characterise this Bill as bringing potentially chaos and dysfunction to the Northern Territory. You talked about it being a dangerous precedent. I am interested in your comments on how you foresee this Bill affecting our overall governance in the Northern Territory, particularly in terms of transparency, accountability and public trust.

Ms EKIN: Do you want me to give an example? While the stated purpose of this Bill is to streamline our regulatory processes, it actually opens up more uncertainty because of the level of discretion that an individual—the Territory Coordinator and the Chief Minister—has. There are a lot of questions relating to that. How will that interact with existing laws—both Territory laws and federal laws that have precedence over Territory laws? An example of that would be how it might interact with the *Native Title Act* or the Land Rights Act.

I can foresee, for example, in the development of shale gas in Beetaloo basin region near Elliott, there is currently a process of negotiation required for the sale of appraisal gas. There is a number of companies wanting to sell what is called appraisal gas—gas where they do not yet have a production licence. To enable that sale, laws were passed a couple of years ago that ensured that if they are selling gas, even if they do not do it under a production licence, they would have to negotiate with native title holders and ensure that the same processes apply as they would under a full production licence. To ensure that the NT *Petroleum Act* is in line with the *Native Title Act*.

I can see a possibility, through the Territory Coordinator, of relevant laws—for example, the provisions under the *Petroleum Act* that say, 'If you are going to sell gas, you have to first go through appropriate native title processes'—being overridden. This would lead to a loss of rights for native title holders who have the right to negotiate over royalties and protections they might want for their land. It also leads to the possibility that there could be legal challenges. It is greater uncertainty for the proponent as they are not sure if they can get away with doing things this way. For native title holders it is confusing and also places an unfair burden on them to provide, in court, that they have the right under native title to negotiate such developments.

It is backwards, which could lead to an erosion of trust in NT governance and legal proceedings. The NT Government could wind up in court unnecessarily and increases the likelihood of that happening, not decrease, and generally create regulatory chaos. We need to be instead making really clear processes that everyone has to follow, invest in our Environment department and create the legal frameworks which mean they can actually appropriately assess applications and their environmental impacts and enforce any problems that might happen.

I note that some of these examples have also been raised by the Northern Land Council and the Central Land Council, which facilitate these processes and know more about them than me; I am not a lawyer. For more detail on that, I suggest you read the Northern Land Council's submission.

We are also concerned about the prosecution of any breaches. At the moment, as a result of many years of community concern about the impacts of shale gas fracking in the Northern Territory, we have more of a solid process of approvals required to analyse and assess the environmental impacts those projects would have. If something goes wrong, the environmental management plan say: 'If you want to drill and frack 10 wells here, these are the things you have to do and that you will take these measures to ensure that this is safe'. For example the storage of wastewater which is toxic; weed management; and bushfire risk. If you do not meet the terms of that contract, you can be prosecuted by the NTEPA.

My reading of the Territory Coordinator Bill is that if he chooses to remove this process and say that this company does not need to go through it because we want this project to get up, both the initial scrutiny is not there or the capacity for the government to prosecute a company which does damage. This could lead to many unknown outcomes that are dangerous.

J DAVIS: Given what you have described as a lot of potential uncertainty, do you think that could actually contribute to delays in decision-making rather than speeding things up?

Ms EKIN: If I was a company wanting to undergo a major project in the NT and I saw these laws and was told that the Territory Coordinator says that your project is a priority, do not bother with anything, I would think: what if I trigger the EPBC Act federally; am taken to court by traditional owners; or if something goes wrong and I find that, in fact, these laws were in conflict with other parts of NT laws or unconstitutional. That would make it really hard for a proponent to make informed decisions and proceed. Investors et cetera would be wondering if this is a safe thing to go ahead with and what am I doing. That investor uncertainty could plausibly lead to companies taking a longer time to go through the processes.

Mr PAECH: The current government has removed the merits review which would then only now allow judicial review if there were a challenge. That is a mechanism which will not speed up development and, in fact, will prolong it before the judiciary. Your point about the water concerns and allocations and approvals being granted.

Can you provide some comment on the landscape and the process, or the concern in the community around the Northern Territory Environment minister who has revoked the water allocation plan in the Davenport Ranges? What level of concern do you think that provides for proponents looking to do a project with their social licence when you have a Territory controller who is awarding water and could be in contravention of the water allocation? Where is the level of transparency, accountability and liability? That is probably a major concern for your membership group; is it not?

Mr VAUGHAN: Definitely, using water in the Western Davenport Water Allocation Plan as an example is really useful. We would say the Northern Territory Government is not trusted on water, particularly water allocation planning. The Western Davenport Water Advisory Committee was stood down without any consultation. This water allocation plan was revoked without any consultation and a new plan was put forward without any consultation that increased water allocations in the region by around 30%.

This has been an extremely contentious and ongoing issue in the region, but it has predominantly been with most stakeholders against the Northern Territory Government's agenda which is to suppress scrutiny and ignore the varied decisions. Fundamentally, too much water is being allocated in this region. In that water plan, Singleton gets about half the allocation, but I think it is now double that. The amount of habitat at risk of being damaged or destroyed is 500 kilometres in that region.

The government does not have good relationships in that region. It is not trusted around water resources. This further erosion of scrutiny assessment coming through this Bill and obviously water resources and water licences are fundamental to major projects—planning, fracking, big ag projects, cotton as well as potentially other vehicles. We have very big issues around the approach taken here which is that affected communities and experts are being explicitly excluded already around water, and we are seeing the Territory Coordinator creates opportunities for the merits of people's concerns being further ignored and undermined again.

Singleton and Western Davenport is a great case study, but obviously Mataranka, Georgina Wiso and the Ti-Tree basins all have huge question marks over them. We know that water is intrinsic to our way of life in the Northern Territory in the arid lands. Across the arid lands we are basically 100% dependent on groundwater. It shapes where people live, storylines and culture, as well as environmental values. These processes within

and in complement with the Territory Coordinator Bill and outside of it, create a very scary proposition around the future management of water resources in general.

Mr PAECH: You made reference to sacred sites and I acknowledge in the legislation there is the provision around considering and excluding sacred sites, but we know that heritage is listed in there. My question is around the important role water plays with sacred sites in terms of sacred sites are not necessarily just objects; they are living trees, shrubs and soakages.

You mentioned this would potentially have the risk for that legislation, whether it is saying it is included or not—would have an unintended consequence on that if you were extracting large amounts of water that had been approved by a Territory Coordinator and would unintentionally destroy Aboriginal sacred sites because of the reduction of the watertable.

Mr VAUGHAN: From anthropological work the Central Land Council has done to do with that Singleton project, we understand there are up to 40 sacred sites that may be impacted as a result of this level of groundwater extraction. Yes, sacred sites cannot be legally damaged, but we have significant concerns around the slow erosion and damaging and potential destruction that can happen in situations where in situ water is gradually removed as that groundwater table is lowered by up to 50 metres.

Ms EKIN: I would also like to add that while the Sacred Sites Act is not currently scheduled as part of the Territory Coordinator Bill, we are really concerned that in the first draft of the Bill it explicitly said that sacred sites and heritage would not be impacted. Our understanding is that later the government can simply create regulations, without going through parliament, that would add the Sacred Sites Act into the Schedule at a future date, which means that legislation like sacred sites would still be interfered with by the Territory Coordinator.

We think that one of the things that should be done to this Bill is that government should reintroduce protection of the Sacred Sites Act and Territory acts to exclude them specifically from being interfered with by the Territory Coordinator.

Mr PAECH: They should be prescribed in the legislation that they are exclusion zones? Would you support the expansion of that? We heard earlier from Top End Coasts around areas that should be excluded should be enshrined in the legislation around the particular coastal marine areas being no-go zones as well. Do you think it is better to have it enshrined in the legislation rather than be told the goodwill of government will be to not touch those?

Ms EKIN: That really gets to the heart of the problem with this Bill—the bulk of the decision-making is at the heart of the government and we are reliant on hoping that whoever makes that decision chooses to make the right one. That lack of clarity is what has people alarmed.

Yes, we want things to be outlined as certain things that could be impacted. Another example might be if it will declare one of these Territory development areas, that should not happen on Aboriginal land, national parks or areas that have already been identified as places that should be protected. If it was to happen, for example, on Aboriginal land, there needs to be a process where the Aboriginal landholders have the right to say yes or no to the application of the Territory development area.

Mr HOWE: Alex, to quickly follow up on some of your points, you mentioned the government avoiding scrutiny, especially with regard to legislation. I would like your thoughts on the fact that we are here, we have raised this committee and we have a parliament that is broadcasting this to the NT to listen to any ideas you have on how we can improve it. Do you not think this is potentially some of the strongest scrutiny that has been done on legislation in the parliament in some time?

Mr PAECH: A three-day turnaround?

Mr VAUGHAN: ALEC welcomes the Legislative Scrutiny Committee but we have also engaged in this process from the start and provided three submissions to date on this Bill and all we have seen is this legislation. Despite overwhelming responses against it and the far-reaching, wide, discretionary and unprecedented powers given, we are seeing largely no changes being made and only powers becoming even broader, with less transparency, and more vague. We have not seen safeguards introduced.

From the evidence we have seen and the direction that this Bill proposes, in addition to the consultation being largely over the summer/Christmas window, there was not an opportunity for huge numbers of stakeholders to participate in this process.

This Bill gives unprecedented power, further removes merits rights and judicial review. We have heard from the interim Territory Coordinator himself, as well as the Environment minister, that big business and industry support this Bill and legislation, but when questioned on what projects currently have been held up, neither has been able to list a single project that has been affected and held up by our current regulatory reform system.

The Environment minister has used Singleton as an example of lawfare, but that is not true; it has not disrupted the process. They are still trying to get their environmental assessment ...

Mr HOWE: I suppose my question goes to this. Regardless of the decisions of the minister or how government has responded, how can we go beyond even what we are doing right now? For anyone in the NT to listen to your organisation's views, how could we make that any better than what we have done today?

Ms EKIN: I can think of a few things. As I said, the scrutiny committee is good. It was a short timeframe, which means that a lot of people have not been able to get their heads fully around the Bill. It is also difficult. We are literally gaming out what might be able to happen with this Bill. It is much more difficult to scrutinise decision-making in the abstract of 'what could they possibly do with the Territory Coordinator' than what I am used to which is a specific decision about a specific project, being able to look through the documents and make an analysis of what the risks are and whether or not that is a good decision.

While it is positive to have this scrutiny committee, previous rounds of submissions and consultation have led to the release of a summary that no-one understood. They were done very quickly over summer and people were quite fatigued by this process. I tried to get more people engaged with this consultation process and I heard from a lot of people, 'We already did a submission. We already turned up in person. They just made the legislation worse. Why should we bother? What could be achieved out of this?' I tried to convince them that things could be achieved out of this, but I think this is a real problem, a lack of faith in the intent of government in engaging with scrutiny.

The things that can be done to improve that are to have this process earlier in the piece, when we do not have a sense that it is a done deal effectively, and give people time. Ideally, a Bill this broad is very hard to understand the full implications of it. It would be better governance to break things down into more specific outlines of government powers so that we can understand the implications and have informed input.

Mr VAUGHAN: This is unconditional transformation of the powers and tools of government and this would have to be a multi-year process and talking to affected communities. As Hannah just said, hopefully there would be targeted engagement—like we have seen in South Australia—about what the aspiration is of the government introducing this legislation, rather than unconditionally vague legislation around where and how the powers can be used.

For the Territory Coordinator, who in our briefing did not even know what an environmental impact assessment was, to be responsible for the administration of potentially 32 different pieces of legislation—as Hannah pointed out, just through the regulations, we understand that a whole other tranche of Bills could be introduced, whether that is around nuclear waste or otherwise. It is not possible for someone to be able to be across all that legislation; one piece of legislation is difficult enough.

To put the onus on community stakeholders, affected communities and non-government organisations to engage with this over a summer period I do not think that is not supporting a transparent or rigorous process. It is clear, by the overwhelming responses—even today over 250 submissions with one week's notice—it demonstrates the concern people have about the Territory Coordinator proposal and also the process that underlies it.

J DAVIS: Thank you for your suggestions on how we can improve the process of scrutiny in the future. Given where we are now with this Bill, we had a suggestion, from the submissions that were put in the previous consultation process—they were made public—at least how many were for and how many were against so people could see that.

I note you made reference to this, and also in your submission, that the interim Territory Coordinator had said that extractive industries had been lobbying the government strongly in favour. We note that some changes to the two versions of the Bill, which you outlined, are very concerning in terms of potentially benefiting those industries.

In terms of bringing more transparency to that lobbying and to what happened with that initial consultation process, do you have thoughts, not so much in the long-term future, but if there is anything we could do now

to try and give people the sense that the government is committed to being open to what people are concerned about?

Ms EKIN: It would be good for those original submissions to be public in the way that the scrutiny committee ones are, so that we have the content. Particularly when they are being summarised and we are being told, it is quite hard to know who the people are who are saying what, and it gives us a better picture of what the balance of opinion is on this.

If industry has been strongly lobbying for this Bill, we would like to know who specifically, what they have been saying and how they are communicating this with government. This is a question more broadly around—we go through this transparent process of consultation, but industry has a different form of access to government, so we often do not know.

I looked through the scrutiny committee's submissions admittedly just the day after, and there might have been more uploaded at the time—things like the Pastoral Land Board saying, 'It is good' with a thumbs up. That does not really give us a clear sense if they have met with the government and said, 'Put this and this in'. If there are ways in which they are feeding into the process outside of the formal submission process—whether it is meeting with ministers or whatever it is—that should also be transparent and made public.

Any other thoughts AI?

Mr VAUGHAN: I think that is good.

Mr DEPUTY CHAIR: On behalf of the committee, I thank you for taking the time to meet with us and putting in your submissions. I acknowledge the short turnaround and pressure we have put on your organisation. Thank you for taking the time.

The committee suspended.

City of Palmerston

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome via videoconference to give evidence to the committee from the City of Palmerston Mayor Athina Pascoe-Bell and Nadine Nilon, interim CEO. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee, and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

Can you please each state your name and the capacity in which you are appearing?

Ms PASCOE-BELL: Athina Pascoe-Bell, Mayor of the City of Palmerston, and I am here with Nadine Nilon, interim CEO, City of Palmerston.

Mr DEPUTY CHAIR: Before we begin, I acknowledge my fellow committee members. I am Andrew Mackay, the Member for Goyder; we have Chansey Paech, Member for Gwoja; Clinton Howe, Member for Drysdale; Justine Davis, Member for Johnston; and telecommunicating in is the Member for Wanguri, Oly Carlson.

Would you like to make an opening statement?

Ms PASCOE-BELL: Given the time, I might just skip any opening statement. The majority of our concerns are outlined in the recent submission.

Primarily we are concerned that this legislation changes the previous principles of ecologically sustainable development in favour of just economic development. Given that Palmerston is such a significant urban

environment we are concerned for social and economic outcomes for our community. We are also concerned about any significant projects where the council may have our visions and concerns through planning overruled by the removal of conditions in urban development.

That is the summary ...

Mr DEPUTY CHAIR: I remind people to please have phones off in this area. I will open up to the committee then for questions.

J DAVIS: Thank you for appearing. Following on from what you were just saying, I wonder whether you can give an example of your concerns regarding the Territory Coordinator's role. What specific developments in Palmerston or surrounding areas are you concerned about? Give an example of how you believe this Bill could negatively impact a development in your local community.

Ms PASCOE-BELL: For us there are two main issues. First is the City of Palmerston had extensive urban subdivision for a number of decades. We are the fastest-growing area in the Northern Territory. The Territory Coordinator Bill has clauses that will allow an area to be declared and that may then undergo planning exemptions and conditions of planning.

The council relies on other processes through the Development Consent Authority and building approvals. We have conditions placed by us, particularly with development, to meet council's guidelines and requirements. There are times where we may be in disagreement with developers about suitability of infrastructure—things like the adequacy of stormwater drains, retention basins and other things that may, if they are not constructed appropriately, cause harm to the community, say, a major rain event, with upstream flooding.

The council is expected to take on these assets—roads and stormwater drains—and manage them long into the future—in some cases, well over 100 years. If they are not adequately designed and the conditions that we place on a development permit through the DCA are overruled, we may see ourselves in a situation where council becomes liable for people's private properties flooding.

Outside of the City of Palmerston, everyone is aware of the developments at Middle Arm. We all want to make sure that those developments are done in a way that is safe for the community. Council does not hold a position either way on whether the proposal at Middle Arm will be unhealthy for our community or not. We just expect that there are reasonable oversights into the environment and the ecological sustainability of the area, and make sure that the people in Palmerston, and other large regional centres to that area, are safe.

J DAVIS: I note that LGANT has pointed out some of the risks it sees in its submission to local council in terms of this Bill. With some of the things you are outlining—I was looking for it and will find it and quote back to you. Maybe I will hand to someone else while I look for that.

Mr PAECH: Following on from that line of questioning, Madam Mayor, the concern is that the Territory Coordinator could come in regarding a planning decision, do a development and it could end up at a standoff between a council not accepting a development because it is not of their guidelines—whether it is stormwater drainage guidelines or so forth—because it does not comply with those. That could then end up in a legal challenge around who then is legally liable for that infrastructure because of council's guidelines, they will not accept it. It could potentially by default end up in no person's land or the responsibility of the Northern Territory Government to deliver what would potentially be a local government service. Is that correct?

Ms PASCOE-BELL: That is one of the risks if council refuses to accept the asset. The other risk is if we end up in a disagreement, with the developer about suitability of engineering that the Territory Coordinator may come in over the top and force the issue in favour of one party or the other rather than the two parties mediating what should be a sensible solution between the two opposing opinions.

Currently we engage the services of independent assessors for where we have a dispute with a developer, so there is a risk that the process we have worked on for quite a long time with some of our developers in our area will then be set aside for the position of one party or the other, whoever has the stronger hold of the Territory Coordinator at that time.

Mr PAECH: Great. I note in your submission you raise concerns and potential benefits for local communities. We spoke to the Nhulunbuy Corporation this morning, and we posed this question to them. I am asking you, as a local council, should there be a formal requirement for local councils and traditional owners to approve Territory development areas before they are declared?

Ms PASCOE-BELL: I think we would like to have a say in the approval of it, at least some consultation on the matters that may affect our council and our community and our decision making. Generally there are other ways of going around sorting out development and getting it done in a more timely manner or getting better coordination and cooperation from the NT Government agencies rather than having an individual come over the top.

We would like to always be part of the conversation. We would always like to have the opportunity to hear all sides of the argument about why it needs to be one of these particularly designated areas and what would be the sticking points for our communities.

Mr PAECH: I will hand over to my committee colleague, the Member for Drysdale, who has a question about the City of Palmerston in a minute. Just to confirm the Palmerston City Council is very much advocating that the authority around zoning and land use planning is one that the Palmerston City Council remains actively control of, or involved in shaping that, given you are the custodians of the municipality essentially?

Ms PASCOE-BELL: While we do not have ultimate control over it, we have a significant say currently as the authority, especially for the roads and other assets that we will acquire at the end of a development. The zoning is particularly interesting because most of the Northern Territory is not zoned, and I think the Bill was sort of targeting areas which are effectively unzoned—the big developments such as the Beetaloo. This legislation has thrown in that potential for development and changing land uses and other things like that within what are the urban areas and within what council definitely could have a say over.

Mr HOWE: Thanks for coming in. So far there are some really good tangible outcomes we have there. I have three points I would like to go over. One is to continue on with other concerns you have. I know you just spoke of zoning; if you could elaborate on that and any other tangible concerns you have?

Ms PASCOE-BELL: Zoning is just one of those things that the Territory controller can come and make decisions on. As it is, we have zones. People make applications through the Development Consent Authority for planning to rezone areas for their particular development. Council has a say on that. I do not really see why the Territory controller would need to intervene in rezoning an area because it is generally not something that is heavily contested.

Mr HOWE: You mentioned some benefits. Where do you see the benefits for the council in this legislation? Are there areas that have been particularly difficult for council in the past, working with NTG?

Ms PASCOE-BELL: I will pass that question to Nadine because it is generally the staff who work with the Northern Territory Government.

Ms NILON: Thank you. We see it as potentially a way to facilitate the conversation between the parties rather than—at the moment the government acts as the middleman in it all. If even we are trying to negotiate with the developer, the government is in the middle of it instead of us all being three equal parties in how we get to where we need to go.

There is a potential opportunity where the coordinator could facilitate that conversation without it—at the moment, we often have to request meetings that have everyone there, to get everyone at the table. We are trying to facilitate, but we have no powers to facilitate. It is out of relationships and negotiation to try to get somewhere rather than someone stepping away from it, going, 'Where are we at? What is going on?' That is a potential benefit to it with the developments and more broadly, getting all of the relevant stakeholders in the room in an appropriate way. At the moment, the whole process is government.

Mr HOWE: It is fair to say that the Territory Coordinator could facilitate greater consultation of affected parties in a more level playing field.

Ms NILON: Potentially. That is where it needs to—our concern, though, is that if the government or the developer has that slightly stronger push or whatever it might be, we are not adequately heard. That is the risk as well. It is both ways.

Mr HOWE: Specifically, to the Bill, are there any other points you have recommendations for that you would like to see change—any inclusions, exclusions? Are there any particular points you would like to see in our recommendations?

Ms PASCOE-BELL: Nothing specific.

J DAVIS: You have made some recommendations in your submission. They are helpful to us, thank you, your things to consider in terms of how the Bill could address some of the concerns you have raised.

You did say in your submission, and this morning, that your primary concern is that the Territory Coordinator appears to prioritise economic development at the expense of ecologically sustainable development principles. You have given some examples already. Do you have any specific examples of concerns you could share with us? This Bill is likely to pass and given that is the situation, do you have any recommendations for how your concerns could be addressed with any amendments to the Bill?

Ms PASCOE-BELL: Okay. This is external to Palmerston where I can see that the flow-on effect would affect our community. A lot of people are very keen to see the Beetaloo developed for that gas industry. I understand that there is now baseline in environmental, social and cultural information regarding the communities in that area. But if we were to prioritise economical development at the expense of social and cultural factors, there is a potential that we could see more people displaced and disenfranchised from the regional areas and end up in the metropolitan areas. A lot of the social problems within the municipality relate to people who come in from outer, regional areas and bring their social issues with them.

If we are going to prioritise economic development over social and cultural factors, there is a risk of declining socioeconomic conditions in regional areas instead of increasing socioeconomic advantage could adversely affect urban areas and see more people displaced. Does that give you an example of where I think it could cause us problems?

J DAVIS: Do you have any thoughts on the economic impact of that, if and when that does happen?

Ms PASCOE-BELL: I think the economic impacts on those who have gainful employment will be much better off. But potentially those who do not see their socioeconomic conditions improve through that economic development will not get the opportunities that everyone gets. It is a different question as to how we ensure that people in regional areas also get economic and social benefits from these types of developments. When it is prioritising only economic development, there is the risk that the social, cultural and ecological factors will be set aside in favour of just economic growth.

J DAVIS: We have heard through some of our witnesses this morning that sometimes economic development is seen as in opposition to sustainable development. I would be interested your thoughts on that. Coming back to my earlier question, about do you have any thoughts on any amendments which could be made to this Bill to try and address those concerns.

Ms PASCOE-BELL: I do not agree that economic development is in opposition to ecological or social factors. They go hand-in-hand, especially when they are done appropriately and people are getting appropriate education, training and employment opportunities through that development. If they are not considered, that is the whole reason why development across the globe has gone to ecological sustainable development to make sure that communities are brought along with those socioeconomic advantages.

I am hesitant to say that we should completely change the primary focus. It is clear what that primary focus is for economic development. but there should be sufficient consideration given to the other factors as well to ensure that communities are not disadvantaged.

J DAVIS: What would sufficient consideration look like to you, if that was included?

Ms PASCOE-BELL: There needs to be real consideration of any disadvantage from a particular development, especially to social and cultural outcomes—or even during the development process so that there are some ways of measuring a stop point, to say social conditions are not improving and therefore we need to revisit or stop and make sure we are getting the social and cultural development we require in our remote regions; not just focusing on the economic benefit which will mostly flow to urban environments.

J DAVIS: So some built-in robust evaluation processes as part of the Bill?

Ms PASCOE-BELL: Yes.

Mr PAECH: I have one question. This is in relation to planning and zoning decisions being made by a Territory Coordinator and not by a local government. That could potentially result in an increase in rates, I would assume, given that the infrastructure could be demanding infrastructure to service and maintain. Is that correct?

Ms PASCOE-BELL: It would depend on what the rezoning is for. Some zones may not be rateable as well, depending on where it is. I am sure you are aware that—it does not affect Palmerston so much—a lot of pastoral leases are not rated the same as other areas. Mining would not be rated the same way.

For things like urban development, yes, we get rates from housing blocks, commercial lots and industrial lots. Remember too, council does not have the ultimate say in zoning; it is done by the Consent Authority, an NT Government authority. We have a say in that. We are concerned that the cooperation and discussion that goes on between various agencies would be overwritten by a Territory controller decision.

Mr PAECH: If a subdivision—I will not name any—were to happen and infrastructure is put in, community spaces, roads, drainage and all of that is done by the Territory Coordinator, then the local council has no decision-making or input into it, yet that local council will be left to foot the bill for the ongoing maintenance charges and accept maintenance of that indefinitely, but has not been involved in any of that. It could potentially result in a rate increase to maintain that asset.

Ms PASCOE-BELL: Yes. That could be a risk if we already are not a landowner, and that zoning changes or the infrastructure is altered against our wishes. Nadine might have something more to add to that.

Ms NILON: It is not just the infrastructure of how wide the road is. That is not ideal if it does not last as long; that is going to have a cost impact—as an example—or having to rebuild the stormwater construction because it was not adequate. It will have a cost impact, but often the immediate impact is the quality or the service level that the community gets. The parks might not be sufficient or the pathway networks to have accessibility or community infrastructure like community halls might not be sufficient because the priority was to release the land and get it done. Yes, there will be rates for that.

The technical bits of the infrastructure can be managed—not ideal if there are any problems with it. It is more what that community will then have. Sometimes it is a lower level of service, not necessarily a cost thing. Then there is the catch-up to do with that park needs to have a bigger playground or it needs to have shade; we need to install more footpaths if you can get access; or we need to lobby the government to get access to land to build a new community hall.

It is bigger than just the cost; it is the bigger impact as well. If the priority is to just release the land for economic development, it is the consideration of all those other factors along the way.

Ms PASCOE-BELL: There are some other issues that may arise in terms of rezoning land. You are probably aware that the Palmerston CBD area is significantly underdeveloped. That causes a lot of social issues, particularly in the evenings and overnight, because there is a significant lack of people and visibility in the city centre. That is a result of other pieces of land being rezoned for commercial development outside of our city centre and dragging a lot of that foot traffic and passive surveillance outside of our city centre.

There are concerns too that if there is a big push for another significant project and rezoning outside of what the council understands is the best interests of our community it may then further exacerbate that by drawing businesses, other foot traffic and passive surveillance further out of what was originally intended to be our city centre. It is important that council has a say on these things and that our concerns are understood because we are here locally every day and have visibility into that. It is difficult for someone who is not actively living in the community to understand those social conditions and the concerns.

Mr HOWE: As a follow up question to that, we heard a case where we could have an increase in rates. Would it be fair to say too the Territory Coordinator could help facilitate those developments in an underdeveloped CBD increasing—if a Territory Coordinator is ensuring councils listen to appropriate zoning, could that see a decrease in rates in a best-case scenario?

Ms PASCOE-BELL: As far as the CBD is concerned, the council without the assistance of the Territory Coordinator can work with developers to build and establish the city centre. We just do not have an appetite for current land holders to do that. There are a whole lot of other factors around it. I do not know that we would need the Territory Coordinator to intervene in our city centre. For other areas potentially it could see a decline in our rate base depending on what development goes on there or what we have projected, because we look forward up to 50 years in some of our areas about what development is likely to go there, and we have modelled that and made acquisitions of previously unincorporated land based on that modelling. If it is rezoned to something that we were not expecting—it could then alter our future projections of what we see the city to be in the next 50 years, and the financial sustainability.

J DAVIS: I have one more brief question because I do not think we have touched on it. You said in terms of your recommendations, your second recommendation which is that there is a more transparent process if this is implemented. Could you talk briefly to what that might look like?

Ms PASCOE-BELL: We need very robust consultation and discussion around it, especially if the Territory Coordinator is intending to come in and make decisions. The community needs to be aware of the reasons for it and why. The other statutory authorities, such as the council, should have a significant amount of input into the decisions and the ability to raise our concerns. That is basically what we are asking. All there needs to be is some transparency around it rather than just being able to make a decision and say this is how it will be.

Mr DEPUTY CHAIR: Thank you for the answer and for taking the time to do a submission and meeting with us at short notice, it has been appreciated.

The committee suspended.

Private Citizen – Mr Justin Tutty

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome to the table to give evidence to the committee, Mr Justin Tutty. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public you may ask the committee to go into a closed session and take your evidence in private.

Can you please state your name and the capacity in which you are appearing.

Mr TUTTY: My name is Justin and I am a member of the public.

Mr DEPUTY CHAIR: Before we begin I will introduce my fellow members of the committee. We have the Member for Gwoja, Mr Chansey Paech; the Member for Drysdale, Mr Clinton Howe; the Member for Johnston, Justine Davis; the Member for Wanguri is joining us by telecommunication behind you; and I am the Member for Goyder, Andrew Mackay.

Would you like to make an opening statement?

Mr TUTTY: I will start with full respect for Larrakia. That is not a token gesture; I fully endorse the contribution from the Larrakia Nation and their recommendations. I also commend the contribution from Larrakia Development Corporation, Larrakia man, Nigel Browne. I welcome the contributions from Eric Fejo and Dr Richard Fejo. I acknowledge we are on Larrakia country, but I am thanking the Larrakia people for their leadership on this issue.

I also note from the Larrakia Nation response their expression of solidarity with other Aboriginal people in the NT. I read the contributions from the NLC, the CLC and the peak organisations; there are great recommendations from them.

My first job, a week out of high school, was in the oil and gas industry. I have worked in mining services. There are many of us from the industry who care about better regulation. I came up here in 1998, and since then I have been really interested in environmental policy reform, planning and assessment.

There are a couple of things which I am still getting my head around. Going over my notes, I noticed a few errors in my contribution, most of all the omission of section 52 which requires responsible entities who are making statutory decisions, or are performing statutory processes, to not be inconsistent with any Territory

development area plan irrespective of any existing NT law. I am sorry I missed that previously; it is quite outrageous.

I have been looking at this kind of stuff for 25 years. This has got to be the most audacious Bill I have ever seen. Nothing like it comes close in the NT.

I think I heard someone mumble earlier that this is the kind of legislation that is happening around the country; it is not. In Queensland we had that state assessment referral ...

Mr DEPUTY CHAIR: Coordinator-General in Queensland; it has a different title, but same type of body.

Mr TUTTY: Yes. It was the *Economic Development Act* that said something about priority development areas, but the powers in there do not come close to this. I have always looked down on South Australia's indenture Act, and I am now wondering if you are going to do this why cannot you focus a little.

I will leave it there and welcome your questions.

Mr PAECH: Thank you, Justin, and thank you for your submission. I acknowledge that you have taken the time to do a very comprehensive submission and that takes time in the short notice period that was put out. First of all, I want to acknowledge that. It is quite a comprehensive submission you have put in, which prompted us to ask a number of questions. I will pose some questions. Please feel free if you need further clarification on any of them, or it enables you to further highlight another area please feel free to do so.

In your submission, you talk about the powers and that the Bill proposes that exemption notices should require independent, external approval rather than just ministerial discretion. What should an external review process look like? What could that body potentially look at?

The CLP government has the numbers on the committee and government. The Bill will pass, unfortunately. If we want to make sure that we have the best chance of putting a number of recommendations up through this committee for the government to consider making possible amendments, I want to ascertain we are getting the best understanding from you regarding how we can advocate to the government for improvements.

Mr TUTTY: The easiest way is to remove the powers for issuance of notices and Section 52. There is definitely value in coordination in this and areas in infrastructure. That all makes sense. This Bill would still make sense without those powers. That would be my first recommendation.

There is no simple answer to your question—I'm sorry, Chansey—because this Bill eradicates so many values of natural justice and merit-based decision-making. I cannot offer you one simple recommendation. I have offered you a hundred and now, maybe they do not all line up to the new version of the Bill.

A couple of obvious things is that a notice about an intent to issue a notice should be given to parliament first before it is actually done. That is pretty simple, concrete and achievable. We could have an independent authority, or we could employ or empower ICAC to perform that kind of role you described.

Mr PAECH: That goes to your second part, Justin. In your submission, you highlight that the Bill's broad exemption powers create a risk of corruption or political interference. Do you suggest that ICAC could potentially be a mechanism introduced into the Bill to prevent or address that issue?

Mr TUTTY: It is an obvious existing body which could take on some additional associated work regarding reviewing the functions of the coordinator or the use of those powers.

J DAVIS: I thank you as well, Justin, for the work you have put into this. Your summary of the changes between the two changes of the Bill was very helpful. I have a couple of questions. You have talked a lot regarding the impact on Indigenous land rights and one of the changes between the two versions of the Bill was the inclusion of the *Heritage Act* in the new version. Can you comment on how you think that might impact on issues that you have outlined that you are concerned about?

Mr TUTTY: Maybe a little. I do not know that the *Heritage Act* does a lot Indigenous heritage. We have a few examples. That is rights which would be lost through the application of this Bill.

J DAVIS: Going to the issues that you have raised in your submission, you have noted that the Bill allows the minister to designate infrastructure coordination areas beyond specific projects which could potentially

broader land use decisions. Could you share how you think that discretion to expand infrastructure coordination areas—ICAs—could lead to unintended consequences for land use or for community interests?

Mr TUTTY: Yes, that is an interesting one. That is one of those changes by regulation which remain. One of the improvements between the two drafts is that there were quite a number of permitted changes by regulation. There are problems with that precept. A number of those were addressed, but a few remain; that is one of those.

The Chief Minister can, by regulation, change the criteria by which those areas can be extended, so they are no longer necessarily about even the primary principle or the criteria related to major projects. That could be for any reason.

It goes beyond that as well because you cannot draw dotted straight lines around nature; it does not work that way. The decisions we make in an area will bleed out the edge and impact surrounding areas.

J DAVIS: Could you give a layperson an example of what that may look like?

Mr TUTTY: Yes, sure. A really obvious example is that the Gouldian finch will not stay in that small area with the dotted line around it at the dam at Lee Point. Imagine we have a declared area which will be concreted; obviously anything there is gone. We think we know what species were there, but different animals at different times of the year might visit different areas. They might have a wide range or different food or habitat needs. That way, what we have done in that area will impact life surrounding it.

J DAVIS: In ways that could be unintended but sometimes also foreseeable consequences that we are not necessarily taking into account.

Mr TUTTY: To some level they are taken into account by our existing laws.

J DAVIS: You also pointed out—you made reference to it then—that the Bill allows the executive to expand its scope through regulation rather than requiring parliamentary approval. Can you talk about your concerns about that, once again in layperson's terms? That is helpful.

Mr TUTTY: Obviously I was disturbed to see that Nuclear Waste Prohibition Act included in the Schedule, and now it is out. Next year someone might, by regulation, add it. Actually, anything could be added.

I think an important defence against that might be to include a block list, so specifically in the Bill say, 'You are never going to add this' so that this Bill is never going to interfere with Nuclear Prohibition, Sacred Sites Act or whatever else we agree through our discussions should not be affected by this Bill.

That way, even if we retain that power to add other Acts by regulation—which I do not think should exist; it is not necessary. It can be done by amendment, which only means the parliament has oversight. You can still make that change if it is a good change that is needed, just go to parliament and change the law.

If we are to keep adding an Act through regulation, perhaps we should have a block list as well.

Mr PAECH: To be clear, we heard this morning from a number of key witnesses advocating that whilst they are not supportive of the Bill there needs to be a provision where sacred sites is enshrined in that Bill and it cannot be touched so that it is not sneakily done in regulation later. These environmental protection areas, Indigenous protected areas or the radioactive waste are enshrined so that they are no-go zones; it is a breach of the law if you go there—rather than relying on the goodwill of the government of the day to say, 'We said we will not go there; we will not go there.' It needs to be, at a minimum, enshrined there that it is against the law to go there.

Mr TUTTY: Yes, put it in writing.

Mr PAECH: In your submission you warn that the Bill could violate the Northern Territory and Commonwealth bilateral agreement under the EPBC Act and could potentially lead to a federal intervention or legal challenges on projects in the Northern Territory. Given one of the most controversial topics in the Territory is water and gas, is that a real concern around the Territory Coordinator ignoring the SREBA and those types of works?

Mr TUTTY: I would like to draw your attention to the contribution from INPEX. Their last paragraph encourages the NT Government to pursue agreements with the Commonwealth to streamline regulation.

That is exactly what the EPBC is. That is exactly what the bilateral agreements are about. They were carefully constructed over many years. Was it 1998 or 1999 Senator Robert Hill?

I am concerned that inadequate attention has been given to the very real risk that application of the powers in this Bill could easily lead to a review of that bilateral agreement which would almost inevitably result in more duplication of regulation.

Mr PAECH: Justin, you are a member of the community. Do you think this Bill is in line with community expectations when it comes to environmental protections and regulation?

Mr TUTTY: I expect to be informed of pending decisions and to be able to have my say. This Bill takes those rights away.

J DAVIS: Justin, I know Chansey asked you earlier if there are any specific recommendations that you would highlight, as we know this Bill is likely to pass, hopefully with some amendments. I know you have done a lot of work on talking about what they could look like. I wondered, while you are here, are there any that you have not mentioned that you would like to highlight or make sure that the committee can consider?

Mr TUTTY: I would like to reiterate my frustration about section 52. I am a little confused about how this committee interfaces with parliament. I do hope that you can make recommendations about the risk in EPBC.

I think we need proactive parliamentary assent to issuance of notices. As it is written, I think it is only the exemption powers which have to be reported to parliament within a few sitting days or whatever, which could be a few weeks—couldn't it?

J DAVIS: It could be, depending on when.

Mr TUTTY: Then parliament has a few days to disallow it. There are a few problems with that. One is that anything done in that period is still valid. That really invites a certain type of risky gamification by the developers. Sorry; I have lost my thought.

J DAVIS: Talking about parliamentary oversight of exemption.

Mr PAECH: What is retrospective as well.

Mr TUTTY: It is not required of parliament, so it might happen that you might be at work that day and someone might have pinged you, you might have noticed, and it gets discussed. It should be required that parliament is informed, 'Okay, these powers are going to be used', and parliament purposefully and deliberately decides whether or not to disallow it.

As you say, the CLP have the numbers. There is no risk to them doing that; is there? If the majority of members of parliament agree it is a good idea, it is just a tick and flick; isn't it? What is it? We have waited a few weeks. Is a few weeks what we are trying to cure?

Mr DEPUTY CHAIR: On behalf of the committee, thank you for your time and the incredible dedicated work that you put into your submission. Without the backing of an organisation it is incredible. Thank you for that and for taking the time to come see us today

The committee suspended.

Australian Energy Producers

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome via videoconference to give evidence to the committee from the Australian Energy Producers, David Slama, Director of Northern Territory and South Australia, and Aaron Heugh, senior policy adviser. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protections of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use for the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public you may ask the committee to go into a closed session and take evidence in private.

Can each of you please state your name and the capacity in which you are appearing?

Mr SLAMA: David Slama, Australian Energy Producers Northern Territory and SA Director.

Mr HEUGH: Aaron Heugh, senior policy adviser, Australian Energy Producers.

Mr DEPUTY CHAIR: Before we begin, my name is Andrew Mackay, I am the Deputy Chair of this committee, and the Member for Goyder. Joining me today are fellow committee members: Chansey Paech, the Member for Gwoja; the Member for Drysdale, Mr Clinton Howe, who will join us in a minute; the Member for Johnston, Justine Davis; and joining via telecommunication is the Member for Wanguri, Mrs Oly Carlson.

Would you like to make an opening statement?

Mr SLAMA: I would like to, Chair. Thank you, members, good afternoon. I am David Slama and I am joined by Aaron Heugh who is in the Canberra office today. I am in Adelaide, so I am unable to be there in person, but I thank you for the opportunity to attend via Teams.

Representing today we are Australian Energy Producers, formally known as APPEA (Australian Petroleum Production Exploration Association), founded in 1959 with members right across Australia. We represent energy producers in the Territory today and across the board.

We are here to express our support of the Territory Coordinator Bill 2025 and to highlight the critical role that natural gas plays in our economy and in (inaudible).

The passage of this Bill is a significant step forward, attracting investment in the Northern Territory, enhancing economic benefits derived from our natural gas resources. Natural gas serves as a reliable and affordable energy source for our industries, communities and households throughout the Territory. It is cleaner combustion compared to coal and oil, not only reduces harmful emissions but also aligns with our commitment to improve air quality and support local environmental goals.

In a time where we are striving to meet climate commitments, the role of natural gas as a cleaner energy alternative is absolutely essential for sustainable growth and industrial development. The infrastructure projects that are associated with natural gas not only create local job opportunities, but they also attract both domestic and international investment and they foster economic diversification and long-term stability.

Reliable energy supply provided by natural gas is absolutely critical for the expansion of these sectors. The oil and gas sector, mining, manufacturing, agriculture and tourism, just to name a few. It ensures that remote communities that may struggle with conventional grids have access to stable power 24/7, thereby supporting hybrid renewable solutions along the way.

Natural gas also plays a pivotal role in supporting essential public services, such as healthcare, hospitals, education and enhancing overall quality of life for Territorians. Strategic extraction drives energy technology research, bolstering economic resilience and fostering innovation.

As outlined in our submission dated 25 January and subsequently 19 February—if you downloaded the submission on the portal yesterday, we apologise for an incorrect date on that submission; the correct date was meant to be 19 February. It has been updated since.

We believe that there are several key considerations that confer the strength in this Bill. These include ensuring confidential safeguard for information sharing, providing reasonable notice before stepping interventions and ensuring timing approvals, that take into account, financial and contractual impacts on projects. Additionally, we also advocate for the establishment of prioritisation mechanisms, similar to those in Queensland, and for extending the development area time limits and large-scale projects. We also emphasise the importance of strengthening collaboration with neighbouring states on cross-border projects, which will enhance the effectiveness of this Bill.

In conclusion, we firmly believe the timely development of the Northern Territory's gas resources represents a significant opportunity for economic and social advancement. If properly enacted, the Territory Coordinator Bill 2025 can catalyse investment and unlock substantial benefits for our natural gas resources for all Territorians.

I would like to add a personal touch to this, having owned, invested in and operated a small business for nearly 20 years prior to my corporate days. I understand and know the investment-ready window. I know exactly what that is and understand the challenges of attracting investment in a timely manner at the right time and attracting capital and people while obtaining complex government approvals and dealing with all sorts of organisations which come across our way and contribute not much to state economic growth.

As an elected member for four years in local government, I understand what it means to serve the community, represent constituents, navigate politics and stakeholders and make a real difference at the same time. I give full respect to the members on this panel who are elected to do so.

Having worked as an Executive Director, Major Projects in the Northern Territory Government between 2018 and 2020, I understand the complexity of public servants ...

Mr DEPUTY CHAIR: Excuse me, David; I remind the public gallery to try to keep the noise down to a minimum so that I can hear the contributions. I have been respectful to everyone today; let us keep it going. Please continue, David.

Mr SLAMA: I understand the complexity public servants face in navigating bureaucracy and commercial reality and achieving outcomes, having been there and done that. For almost three years around the Chamber of Commerce in Adelaide, I understand the plethora of challenges that small businesses downstream plays in complying with regulation, keeping staff, growing their businesses and putting food on the table at the same time. Members, this Bill addresses all that.

Members of the committee, the Northern Territory Government is faced with an extremely large debt and an industry ready that can provide solutions for economic discovery. The window of opportunity is here now and, as such, Australian Energy Producers supports the passage of this Bill in parliament.

Mr DEPUTY CHAIR: Is there anything you would like to add, Mr Heugh, before we get into questions.

Mr HEUGH: I concur wholly and completely with Mr Slama's statement.

Mr HOWE: Thank you for your time today, gentlemen. I have a few questions. As it currently stands how would you rate the NT's competitiveness when it comes to timelines for approvals and that whole process for industry, especially compared to states we are competing with, such as WA and Queensland?

Mr SLAMA: I look forward to Mr Heugh's supplementary comments. As one who looks after the Northern Territory and South Australia with colleagues in Queensland and WA, as you mentioned, the timelines we are facing in the Territory at the moment are not conducive to investment confidence. Gaining some of these larger projects, as I mentioned before, need the opportunity of investment confidence in a time when the window of opportunity presents itself.

There is no point being ready for investment when global markets are not looking at putting money into these types of investments. The opportunity is here now, and we have a lot of work to do in streamlining those processes. That was very much what our submission was all about.

Mr HOWE: Mr Heugh, if you would like to add any tangible examples as well, it would be great—your assessment of the NT's current competitiveness and how it could look after this Bill.

Mr HEUGH: The Bill can only do good things for streamlining approvals. That would obviously increase the competitiveness of the NT.

Investors' companies are looking for confidence that they can invest capital in large-scale projects that take decades to produce first gas. They need assurances that they can invest this capital and achieve timely approvals. This Territory Coordinator Bill is a good step in the right direction for the NT.

Mr HOWE: For you, Mr Slama. We heard today from other organisations—I do not know if this figure is correct or not; I would like your assessment—that gas revenues would total \$63m for the NT. Is that a sound figure? Is it potentially bigger or less? That would be per year, I believe.

Mr SLAMA: For clarification of that question, is that current figures or potential figures?

Mr HOWE: Potential. Our best-case scenarios is the combined revenues to the Northern Territory in future.

Mr SLAMA: We will have to take that on notice because the projects that currently are in development are still not at final approval stage. We are talking about the proponents in Beetaloo. Until we know exactly what gas flows come out it would be hard to identify exactly what revenues we can predict. I have to take it on notice.

Mr HOWE: Is it a fair question ...

Mr PAECH: He cannot answer.

Mr HOWE: I want to make sure I am getting ...

Mr PAECH: You will have to check the *Hansard*.

Mr HOWE: All right, I will check it. I want to make sure it is like for like in the question.

J DAVIS: Thank you both for appearing today. I thank you, Mr Slama, for your clear outlining of both the interests of Australian Energy Producers and your personal interest in this Bill.

There are a few things I would like to address. I will start with one of the terms of reference on this committee is to determine whether the Bill has sufficient regard to the institution of parliament. Given your strong presence in the Territory, the manner in which this Bill has been drafted and the nature of your submission, prior to the drafting of this Bill or the preceding private members' bill tabled by the now Chief Minister in 2020, did anyone from your organisation meet with the CLP opposition in 2020?

Mr SLAMA: I did not start in this role until later 2022 so I cannot comment for those before me. I would also have to take on notice whether someone spoke to the CLP. We talk to all sides of government all the time. Specifically on this particular matter I cannot comment; I am not aware of any.

J DAVIS: Since you started have you had any meetings where you or your colleagues discussed the drafting of this Bill or a Bill of similar intent with the CLP?

Mr SLAMA: We made public our pre-election commitments. In that commitment we spoke about the need to streamline processes in the Northern Territory for clients' investment, general details about investibility, streamlining approval processes and looking at prioritising the Beetaloo basin area as a key development area. It has been a public position of ours for quite a while.

J DAVIS: I am interested in your private conversations.

Mr SLAMA: With?

Mr PAECH: Members of the government.

J DAVIS: With the members of the government.

Mr SLAMA: Not specific to this Bill, no.

J DAVIS: Did AEP make a submission to initial round of consultations on the Bill in late 2024?

Mr SLAMA: Sorry, I did not quite get that.

J DAVIS: Did you make a submission in the initial round of consultation on the Bill at the end of last year?

Mr SLAMA: Yes, correct. We submitted that on 17 January.

J DAVIS: Thank you. We have not been privy to that submission so I am interested in whether your submission made recommendations regarding changes to the original drafting of the Bill.

Mr SLAMA: I am happy to make the document that was submitted on 17 January available. We made several comments and recommendations regarding additional clarity for some of the powers of the Bill. We touched

on section 13, information sharing and privacy aspects relating to those. We talked about step-in powers. There is a range. I will not go through them all now. We have made some comments regarding improving them.

J DAVIS: Were any of those recommendations adopted in the new version of the Bill?

Mr SLAMA: As per our submission on the 17th, we then summarised those positions. Many of them have been addressed and clarified, however we still raised several points in that submission that continue to be relevant for the consideration of this Bill which relates to privacy considerations and encouraging the government to have a look at what is happening in Queensland and how the Coordinator-General has helped almost \$50bn of investment into Queensland (inaudible).

J DAVIS: I have a couple of comments. I am also interested in—as is the Member for Drysdale. I cannot remember who asked it—some tangible examples or a concrete example of a delay that you can describe to us that you think this legislation will address and, if there is a delay, what you can attribute that to.

I also look forward to the question you have taken on notice in relation to future potential revenues.

Can you answer the first question? Do you have any tangible examples of current delays? If so, what do you attribute those delays to?

Mr PAECH: Mr Slama said he knows exactly what they are. We should start with him.

J DAVIS: I am happy for anyone to answer that.

Mr SLAMA: I am happy to go. I have a good practical example of delays regarding the environmental approvals. It does keep coming back to an enormous amount of money being spent on approval processes, consultations, reports, scientific reports that then come through the process. There has been delay after delay with getting those conditions approved even though the work has already been done. This is not for our industry or our members to ...

Mr DEPUTY CHAIR: Excuse me, David. I remind the audience to please pay the same respect that a lot of speakers have had today, otherwise we will be removing people from the gallery. I would like to hear the submission like I have heard every other submission today. Please continue, David.

Mr SLAMA: The amount of money that has been spent on public consultation in all the right areas, the work that has been done in communities, people on the ground talking with impacted stakeholders across the board is significant. We are looking to this coordinator Bill and to the actions of the coordinator to assisting streamlining some of the approvals and perhaps avoiding duplications that we seem to be quite often going over and over again the same.

Mr PAECH: Your identification of processes being delayed is largely involved, in your experience, due to consultation and environmental assessments requiring scientific reviews being done in the areas that are being proposed for development.

Mr SLAMA: Yes, that is correct.

Mr PAECH: I am interested in your position, as the Australian Energy Producers support the Bill, how do you see that this would facilitate investment in the Territory's energy sector? That is largely because the consultation process and the research component would be overlooked to allow this development to happen; is that right?

Mr SLAMA: No, that is not correct. Sorry if I got something wrong.

There are no shortcuts in our processes. We are not looking to avoiding having to do consultation, avoiding to get scientific reports or doing any of that; that work is being done and will be done. There is no gas company or mining company who wants to do the wrong thing by the environment or the people of the Northern Territory. All we are looking for is ...

Mr PAECH: We have heard largely from lots of stakeholders around identifying particular areas, but we are yet to have specific examples of any project in the Northern Territory that has been held up because of consultation or environmental assessments. Are you able to provide the committee with an actual specific

example of a project in the Northern Territory that has been held up or delayed because of consultation or because of overdoing scientific evaluation and research?

Mr SLAMA: I will refer to the Santos project that was held up. I am talking about the Barossa project. Consultation was done across the board, and we all know what the outcome of that court hearing was. That is one most recent example that everyone would know where the right amount of consultation was done, and the court has found that—has ruled in the favour of the proponent. That is the most recent one.

Mr PAECH: Does the Australian Energy Producers industry support any additional safeguards to ensure environmental risks are properly managed?

Mr SLAMA: We support safeguards, whether they be state or federal policies. We comply by the safeguard mechanisms, the Environmental Protection Biodiversity Act. In fact, there is a string of environmental regulations, both federal that overlap into the Northern Territory jurisdiction as well as local Northern Territory guidelines. No, we would never walk away from not complying with any regulation. This is not what this Bill is about. This is about getting through all the requirements as quick as possible.

Mr PAECH: Does the AEP support that there should be an independent oversight of gas projects fast-tracked under this Bill?

Mr SLAMA: AEP supports—yes, absolutely, we would love to find streamlined approvals with the support of this Bill. That is why we support it.

Mr HOWE: Would it be fair to say that the industry you are part of, social licence is an incredibly important aspect of it and regardless of what we might do in this Chamber in parliament here, social licence is a key part of business today? Could you and Mr Heugh elaborate on how you view that social licence?

Mr SLAMA: Having recently travelled with the show circuit, for example, last year, spoken at multiple schools throughout the Territory, attended public hearings across the board, Territorians are starting to realise that this industry is absolutely critical to our survival, energy security and reliability. As such, social licence from when I started three years ago to where it is now, people are starting to get a better understanding and starting to sift through the mist and the misinformation that is so often spread by others that perhaps are anti-development or anti-fossil fuel projects.

That social licence has come a very long way. In fact, we have had some polling down and compared some of those polls from two and three years ago, sentiment is moving very much towards a positive attitude towards having energy reliability and security, and they see that the natural gas industry is the one that can provide it.

Mr HOWE: Mr Heugh, do you have anything to add on, especially the social licence aspect, regardless of parliamentary Bills such as this, the importance modern industry places on that?

Mr HEUGH: I have no further comments on the social licence aspect.

Mr PAECH: Following on from the Member for Drysdale's question about social licence and being involved in the community, what is Australian Energy Producers' position on climate change?

Mr SLAMA: We are in support of climate change and net zero.

Mr PAECH: Is that net zero by 2050?

Mr SLAMA: I might take that on notice, but I am pretty sure that is correct. I do not have a formal company line on it.

Mr PAECH: I am happy to take that on notice, through the Chair, and perhaps coming back with another tangible physical example of any barriers and delays would also be useful for the committee.

J DAVIS: I am wondering whether there are any projects that you or any of your members have discussed with the Office of the Chief Minister or interim Territory Coordinator?

Mr SLAMA: Any specific projects? Not specific to this Bill, not as far as Australian Energy Producers are concerned. We, of course, have spoken to all of our members right through from Central Australia up through Daly, Elliott and Katherine and those who have already been operating offshore with operations onshore.

Our position is a general position that supports strong regulation that is effectively very important in ensuring support for this Bill. The Bill is not designed to undo those for instance. It is designed to help those companies navigate those large, complex regulatory frameworks we have.

J DAVIS: There are no specific projects that you see at this point would be assisted specifically by this Bill?

Mr SLAMA: The Beetaloo basin in general is one specific area that we hope can be covered by this Bill.

J DAVIS: Have you had discussions about that specific project with the government in relation to this Bill?

Mr SLAMA: We are in constant discussion. This is what we do as an industry—advocate for projects to advance. We are always in discussion with government about assisting proponents in the Beetaloo basin and Central Australia's other basins to get their regulatory approvals in place.

Yes, we have spoken to those proponents about this Bill. All of those proponents are in full support.

J DAVIS: This morning we heard from a number of organisations that in their view regulatory certainty will not be improved by this Bill because it is so broad and it introduces too many opportunities for judicial review. Is there any concern among your members about the prospective projects that could be tied up in the courts for years, including potential legislative issues with the Commonwealth due to the nature of the Bill and the lack of clarity in several aspects of it?

Mr SLAMA: The question exactly is, do we think there is a lack of clarity in the Bill?

J DAVIS: We heard from other people who appeared before us that they think that creates a possibility for further delays, and the lack of clarity also creates a risk in the relationship between the Commonwealth and Territory law.

Mr SLAMA: We do not think there is a lack of clarity. As I mentioned in my opening statement, we are advocating for the government to provide greater transparency and clarity, but also work with neighbouring jurisdictions on some of those larger projects—for example, Queensland, New South Wales or even South Australia might be beneficiaries of the Beetaloo basin gas coming out of the ground sooner.

This is in mind with what is happening in Queensland. It already has the state development and a Coordinator-General. New South Wales has the Infrastructure department with an Infrastructure Coordinator-General. Tasmania and WA have one. Victoria and South Australia apparently are undergoing a soon to be established process.

The Northern Territory is not operating in isolation. The Interim Territory Coordinator has been travelling to speak to counterparts interstate—which we support—to see what is being done in other states. It is practical, it makes sense and will be in line with what other jurisdictions are doing in this area. We do not want to be left behind. We want to make sure we have the best possible Bill that enables the government to be transparent, progressive and support risk-based evidence and safeguards, not necessarily bureaucracy.

Mr PAECH: You will acknowledge that this has greater power and decision-making than any other legislation of its kind across any other Australian jurisdiction? Yes?

Mr SLAMA: I cannot comment on that.

Mr DEPUTY CHAIR: On behalf of the community, I thank you for making your submission. In the interests of time and getting onto the other people wishing to speak before the committee today ...

Mr SLAMA: Chair, can I clarify the net zero thing. My colleague has just texted me that we definitely have a net zero across the economy and the industry consistent with The Paris Agreement for 2050.

Mr DEPUTY CHAIR: Thank you for your time in appearing today.

Mr PAECH: Confirming through the Chair that they will come back with other tangible ...

Mr DEPUTY CHAIR: We can write to them as the committee as well.

J DAVIS: There are a couple of things on notice.

The committee suspended.

Heritage Council Northern Territory

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025. I welcome to the table to give evidence to the committee from the Heritage Council NT, Mr Randle Walker, Chairperson.

Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today. This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for the use of the committee and may be put on the committee's website.

If at any time during the hearing, you are concerned that what you say should not be made public, you may ask the committee to go into a closed session and take the evidence in private.

Can you please state your name and the capacity in which you are speaking today?

Mr WALKER: Randle Walker. I am the Chairperson of the Heritage Council NT.

Mr DEPUTY CHAIR: Before we begin I will introduce my fellow committee members. We have the Member for Gwoja, Mr Chansey Paech; the Member for Drysdale, Mr Clinton Howe; the Member for Johnston, Justine Davis; and the Member for Wanguri, Ms Oly Carlson joining via telecommunication today.

Mr Walker, would you like to make an opening statement?

Mr WALKER: Yes. Thank you for the opportunity to speak before the committee. Whilst I appreciate the discussion may expand further on regarding the *Heritage Act*, the council's submission is primarily focused on the belated inclusion of the *Heritage Act* in the schedule of the Bills that will fall under the Territory Coordinator Bill.

Just some background on the *Heritage Act*—it is the principal legislation that protects tangible (or physical) cultural heritage in the Northern Territory. The *Heritage Act* provides a considered, balanced, evidence-based and consultative approach to the management of cultural heritage. The Act establishes classes of protected places, a criteria for assessing significance and a process for approving works.

The Act also establishes the Heritage Council and provides compliance and investigative powers for heritage officers.

Protected places include places that can be nominated on a case-by-case basis and there are 306 declared places on the Heritage Register. Since 2011, when the new Act came into place, there have been 73 recommendations to the minister for approval, 38 of which have been approved.

Also under the Act is the protection of Aboriginal archaeological places, of which there are over 8,000. They are not individually put onto the register, but there is database of all those archaeological places.

The obligation of the *Heritage Act* is to notify the department on the discovery of Aboriginal and Macassan archaeological places. This allows the department to understand the resource and provide informed advice to land-users and developers of those archaeological places.

Under the *Heritage Act*, the functions of the Heritage Council include, but are not limited to:

- advise the minister on matters affecting the Territory's cultural and natural heritage
- advise the minister on the conservation, use and management of heritage places and objects

assess work applications that will impact heritage places. It is important to remember that the Heritage Council is only the decision-maker for minor heritage works. If it is classified as major heritage work, then it is a recommendation to the minister. We meet four times a year to make those assessments but we also

have out-of-session meetings when work assessments are more pressing and timeframes dictate that we meet sooner.

I will quote some extracts from our submission:

It is significant that the Territory Coordinator Consultation Paper released in October 2024 sought to exclude the Heritage Act. It stated:

Furthermore, it is proposed that TC's powers will not apply to the Northern Territory Aboriginal Sacred Sites Act 1989 (NTSSA) and the Heritage Act 2011, being Northern Territory legislation that seeks to protect Aboriginal rights and interests [page 16.

However, the guide to the Territory Coordinator Bill, dated 14 November 2024, then states that:

While the limitation currently applies to the Heritage Act 2011, we would welcome your feedback on whether this should remain in the final Bill.

Following the consultation report for the draft Territory Coordinator Bill released in February 2025, went on to state that:

The status of the Heritage Act 2011, the Northern Territory Aboriginal Sacred Sites Act 1989 and the draft bill attracted a variety of comment and were often discussed together. Several stakeholders supported the removal of the limitation of the use of powers under the draft Bill regarding these Acts, particularly for prioritisation, progression and decision requests. Some suggested all legislation should be included, while others argued to maintain limitations on powers in relation to both Acts—page 7.

The draft bill released in February 2025 includes the *Heritage Act* in its schedule, meaning it will be captured in the Territory Coordinator Act 2025.

It is important to clarify that the Heritage Council was not consulted about this change, first flagged in the guide to the Territory Coordinator Bill, nor provided any details on specific feedback referred to in the consultation report. However, the original submission made by the Heritage Council to the Territory Coordinator Consultation Paper remains valid and has been provided.

In the Heritage Council's submission, we argued that in order for Aboriginal rights and interests to be protected then all provisions of the *Heritage Act* must be then exempted from the Territory Coordinator's powers, not only those provisions (section 17 and 18) that provide blanket protection for Aboriginal and Macassan archaeological places and objects (regardless of whether they are listed on the NT Heritage Register). As I mentioned, that is over 8,000 Aboriginal and Macassan archaeological places and objects.

It is important to remember that within the Northern Territory, Aboriginal places and objects are intertwined with cultural and natural values. At least 25% of all declared places and objects in the NT Heritage Register have both historical and Aboriginal heritage values. Some examples of those places with intertwined values are the Gurindji Wave Hill Walk-Off route, the Alice Springs Telegraph Station and Fort Dundas (Punata), which recently celebrated its 200th anniversary.

It is also important to remember that the *Heritage Act* intersects with Commonwealth legislation. Twenty-nine heritage places in the Northern Territory are currently protected, of which twelve are under the Commonwealth Heritage List, five under the National Heritage List, two under the World Heritage List and 10 under the *Underwater Cultural Heritage Act*. Many of those places are already also on the *NT Heritage Act*. Impacts on those particular places will therefore involve repercussions under both Territory and Commonwealth legislation. We believe it has the potential to create further work against the intent of the legislation and will further delay projects.

Our recommendation is— were the functions of the Territory Coordinator to extend the overall or any aspect of the *Heritage Act*, there is risk of irreversible damage to the diverse range of places of significant Aboriginal places in the Territory. Following recent high-profile national incidents such as the damage to Gunlom Falls in the Northern Territory and the destruction of Juukan Gorge in Western Australia, the council believes the applications of the power of the Territory Coordinator to the *Heritage Act* would expose the Territory to legal action which may create project delays and present unacceptable risk to the Territory's reputation.

It is important to reflect that the Territory Coordinator Consultation Paper excluded the *Heritage Act* which is understood as being Northern Territory legislation that seeks to protect Aboriginal rights and industry. In this

context, the Heritage Council notes that the functions of the Legislative Scrutiny Committee detailed under the terms of reference considers whether a Bill is consistent with principles of natural justice and sufficient regard to Aboriginal and Torres Strait Islander tradition and does not adversely affect rights and liberties or impose obligations retrospectively and does not confer immunity from procedural prosecution without adequate justification.

Based on the government's original position that the *Heritage Act* will be exempted to protect Aboriginal rights and interests, serious consideration of this should be given to whether its recent inclusion corrects any conflict with these principles. For this reason, and those outlined earlier, the Heritage Council recommends that the functions and powers of the proposed Territory Coordinator should not align to the *Heritage Act 2011*.

Mr DEPUTY CHAIR: Thank you, Mr Walker. In your submission you talk about the maximum time under the Act for an assessment to be made is 10 months and that is the accumulative six months, 28 days, 30 days and so forth. Do you have any—how long would a normal assessment take place in the Territory? Are the timelines you have experienced in your time on the Heritage Council traditionally within a couple of months, have you seen it blow out to years, what has your experience been in terms of timelines?

Mr PAECH: Mr Deputy Chair—timelines and what the process is?

Mr DEPUTY CHAIR: The process is quite detailed, I was wondering...

Mr PAECH: Is each heritage a particular different set of circumstances or considerations?

Mr WALKER: Once a nomination is received, yes, there have been a lot of assessments that have taken a lot longer and that is dependent on the circumstances of what has been nominated and who is the level of consultation that is required. Yes, some have blown out, and we have informed the nominators that the process has taken a lot longer. Some of these places are remote and, as you can appreciate, at particular times of the year it is not appropriate to send people there, or not safe to send people there. It is also a department with limited budget that has to do these assessments and some of them involve going to remote places.

Mr HOWE: In your time, what is the longest you have seen the process take?

Mr WALKER: I cannot comment on that. There is probably some that have been there since I joined in 2021, but they would be ones the department is prioritising low at the moment; they are concentrating on the ones that are of higher significance.

Mr PAECH: You expressed concerns about the erosion of free, prior and informed consent. How would you like to see the free, prior and informed consent respected and incorporated into the Bill, particularly in relation to projects that may affect traditional owner lands?

Mr WALKER: I believe the current processes do provide adequate consultation with the communities and affected parties. When proponents come forward with applications for works, we check that the appropriate cultural authorities have been attained to do work. It is a pre-requisite of applications for works on heritage places and sites, yes. We already incorporate that into the processes with how that works.

Mr PAECH: The ideal position is that heritage and sacred sites are enshrined in the legislation as exemptions.

Mr WALKER: Correct.

Mr PAECH: In terms of a practical sense, the Northern Territory is enormous in land mass. Where developments may be identified to be undertaken under the proposed legislation, a development could, during the process of construction, land clearing, surveying, find objects of historical value, under the proposals that process could be completely overlooked and those objects and artefacts could be removed without any assessments being undertaken to the social value and the historical value.

I am referring, to give an example to help—the Territory has a very proud history with the Macassans, particularly the Yolngu people. Any development in that area could expose an historical site, which would be of enormous heritage value, under the proposals the Territory Coordinator could order those objects to be scooped up in a bucket and moved away, and there would be no provision for Heritage to do a survey to look at the protection of those works. Is that the concern of the Heritage Council?

Mr WALKER: It is a potential concern, yes.

Mr PAECH: Mr Walker, you said that the Bill fails to adequately engage traditional owners before the development of the infrastructure coordination plan. Can you elaborate on why the timing of this consultation is problematic and what you believe is an appropriate process for involving traditional owners in decision-making?

Mr WALKER: We abide by the principles of free, prior and informed consent and consulting with land councils where required, or even local traditional owner groups. Again, we insist that applications for work have undergone the correct consultation with traditional owners for that area. In approvals for work we put in prerequisites, as you said before, if archaeological objects are located during the process that work stops, and there is proper assessment done of what is found before work proceeds. We would not like to see that superseded with another process that effectively ignores the rights of the traditional owners.

Mr DEPUTY CHAIR: With regard to the Heritage Council and your own opinion of the Bill, obviously the concern primarily in this is relating specifically to the inclusion of the *Heritage Act*. That was the topic.

With regard bits that were not included on the schedule, does the Heritage Council have a position on the rest of the Bill or is it specifically because of that? I can see the way your focus would be drawn to that provision but in general is there a view of the rest of the Bill?

Mr WALKER: No, we do not have a view of the rest of the Bill other than it should be excluded in toto because of how it impacts—it is not just the traditional view of Western heritage of the 309 places that are declared which also have Aboriginal characters about them; it is the 8,000 archaeological places that are also underneath the *Heritage Act* as well.

There is a lack of understanding out there in the public that the act is an umbrella over the two types of cultural analogies.

Mr PAECH: You spoke about the litigation risks and costs. The submission indicates that the Bill may increase the risk of litigation, especially in conflicts with federal laws like the *Native Title Act* and the *Environmental Protection and Biodiversity Conservation Act*. Do you have any examples of how that could play out in practice, Mr Walker?

Mr WALKER: No, I am sorry, not in my time as Chair, sorry.

Mr PAECH: That is completely fine. For the committee's information, the definition for the Heritage Council is that a heritage listing does not have to be one of historical value; it could be a place recorded in time for future historical value?

Mr WALKER: Correct. Again, that is maybe public misinformation that heritage relates to colonial times and that sort of stuff. We have places on the Heritage Register from nominations are recently as 2017. The Wave Hill Walk-off—recently it was the 60th anniversary of that. We are not necessarily talking about places built in 1897; we are talking about places up to the modern era which have become of significance to the Northern Territory.

Mr PAECH: The Chair took the opportunity to talk about heritage. If it was prescribed in the legislation as an exemption and no-go, along with the Aboriginal Areas Protection Authority legislation and Indigenous protected areas, the Heritage Council would be satisfied and would not suggest any further legislative amendments?

Mr WALKER: Sure.

Mr DEPUTY CHAIR: Are there any further questions from the committee? I thank Mr Randle Walker for his time today. Thank you for the submission, for coming in and the time jumbling up. It was appreciated. The committee will now break until 3.15 pm when we will be talking to Ms Catherine McLeish.

Ms KNIGHT: Chair, I notice we have witnesses here, if you want to ...

Mr DEPUTY CHAIR: I am happy to bring it up. If Catherine McLeish would like to go now, I am more than happy to see you now. We will take a five-minute quick break.

The committee suspended.

Private Citizen – Ms Catherine McLeish

Mr DEPUTY CHAIR: On behalf of the committee I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome to the table to give evidence to the committee Ms Catherine McLeish. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If, at any time during the hearing, you are concerned that what you say should not be made public you may ask the committee to go into a closed session and take your evidence in private.

Can you please state your name and the capacity in which you are appearing.

Ms McLEISH: I am Catherine McLeish. I am appearing as a private citizen.

Mr DEPUTY CHAIR: Before we begin, I acknowledge my fellow committee members who are here today. We have the Member for Gwoja, Mr Chansey Paech; the Member for Drysdale, Mr Clinton Howe; the Member for Johnston, Justine Davis; and joining us via Teams is the Member for Wanguri, Ms Oly Carlson. I am Andrew Mackay, the Member for Goyder.

Ms McLeish, would you like to make an opening statement?

Ms McLEISH: Just a short one. Thank you to the committee and all your busy staff for organising to re-enliven this committee. I think it is important, and I am pleased that I have been able to make a submission that might be useful. It is an unofficial submission because it is just my understanding of our community, and bits and pieces. That is democracy though.

In addition to the submission I made, I thought I would mention three more things. One is that between submitting and today I found a 2020 Productivity Commission report that I provided to the committee secretary, which is about resource industry regulation. That aligns with my submission, which is about better regulation and resourcing rather than less.

The crux of that report is that, to ensure public confidence in resource projects—which I think we all agree is required—you need public confidence in the regulatory regime. My submission says that this Bill undermines both of those things: the regulatory regime and, therefore, public confidence in projects. It is not good for industry, I think, from outside industry or anybody else.

I want to submit that coming into government with a majority, but enacting exemptions to well-established laws, is somewhat arrogant and ignorant. It is anti-democratic. I do not say it lightly, but these are things that are being discussed in my circles in the community at the moment in regard to this proposal.

I am pleased that this committee is here to look at this slightly radical Bill.

Secondly, I recall that the CLP, like Labor before, had promised to implement the Pepper recommendations, and I think this Bill sets the government up to break that promise. There has been a lot of focus on the importance of those recommendations and good regulations for the Territory, and I think that is a good promise to keep.

Thirdly, in addition to the more substance in my written submission, I am fairly troubled by the current and former governments' open hostile rhetoric towards environmentalists. I have been shocked many times at the quickness of our leaders to dismiss an entire group of our community and voters in that way. I would observe that most Territorians are environmentalists. We live in a really extreme climate, we do not have to

but we do and stay; we fish, camp, hike, kill cane toads, and we brave cyclones and extreme heat. We are all environmentalists; we are all living in this environment.

I ask what is driving our elected leaders to be so anti-environment? Who are they listening to? I heard the second-last speaker before me, and I have to say I am not the only voter who is quite sick of hearing the gas industry tell us what is good for the NT. It is no surprise that every time we ask what is good for the NT, they say gas. If we could stop asking them, I think we understand what they are on about. I would like them to worry about doing their job, stop complaining about regulatory burden and get their proper approvals and let the parliament do its job in other areas.

Hopefully everyone here, and everyone elected, is already aware that Darwin and much of Northern Australia is forecast to be unliveable in decades coming due to dangerous extreme heat. That is not only my kids' lifetime but my lifetime. This should be the basis of urgent action in the House. You are hearing from environment experts in this process, which is important, but that is not my role here. I am here because I want to represent a common view in the community that we want better governance, not less governance. I do not think voters want to replace risk assessments by experts in government departments by risk assessments by non-experts; two non-experts being the Chief Minister and the Territory Coordinator. That is not good governance which is why I say this is quite a radical Bill. It is anti-democratic and frankly it is hugely open to political influence and corruption.

If big projects are so good for us, they can navigate our normal regulatory regime just as middle sized businesses do. If they cannot, perhaps they are not fit to do business in a way that could jeopardise the Territory. I do not think we should blame our public service if proponents are not providing sufficient information and planning to get their timely approvals; if it is the departments which are struggling to assess projects in good time, then let us resource them better.

Mr DEPUTY CHAIR: I will open up to the committee for any questions.

Mr HOWE: Thank you for coming in. Reading through your submission points on liberties and individual liberties, I would like to open the floor to you to expand on that. Importantly, what recommendations would you like to see from our committee to strengthen it? Not just in that aspect, but across the Bill. If we look at that individual liberty piece and then any other recommendations you would like to see as well.

Ms McLEISH: It is not an area that I have had an expert deep dive into, but basically it is looking to cut out processes that, to my knowledge, involve the community. Perhaps having scientific and cultural reports done which have to consult community. I am not completely across it, but it reduces public and expert involvement, and it greatly reduces transparency. In Australian and NT politics, we are seeing that people do want transparency and this is cutting a great big hole in transparency of how major projects might proceed in the Territory. I think that is sad for this community, and it is risky for the economy. What will happen is the individuals and organisations will dispute more decisions, and this Bill leaves the door wide open for dispute, and they will be protracted, complicated and messy. They will be cross-jurisdictional, and they will be funded; that is not a good way to do business. The way I would like to see the Territory doing business is to have good regulations, so people know what to expect and they know the timelines. If you want to assist them with the timelines, creating more uncertainty does not do that.

Mr HOWE: Do you think transparency measures, from our perspective as a committee, would be positive?

Ms McLEISH: I am sorry, if ...?

Mr HOWE: If we were to recommend some forms of transparency measures, do you think that would be a positive introduction to the Bill?

Ms McLEISH: There are some significant parts of the Bill that are removing transparency. The appointment of the coordinator is not transparent; the removal of the coordinator is not transparent. Unless I have read it wrong, because this is just a hobby of mine, the way that the coordinator or Chief Minister might choose a project for exemption is not transparent. Removal all those things—this parliament at this point in our political world, could really focus on transparency.

Mr PAECH: Catherine, thank you for taking the time to put together a considered submission. Even if you think it is a hobby it is a good hobby to have, so thank you for that. Your deputation today is very passionate. We can see it and I acknowledge it. From where I sit and from what I have heard today I am not in a position to be comfortable with where the proposed Bill is, but the government has the numbers on the committee,

and has the numbers on the floor of parliament. Part of my role as a committee member, and the other members, is to look at what recommendations we can put in.

Building on what the Member for Drysdale spoke about and previous expert witnesses today, there is the need for an element of exemptions for particular areas of land. We heard from the Keep Top End Coasts Healthy around having the marine parks being enshrined in the legislation that they are exempt, the Aboriginal protected areas are exempt, heritage legislation is exempt and sacred sites legislation is exempt. I acknowledge the government has not put in there that it is not exempt, or it is exempt, but we heard from Arid Lands Environment Centre today that it could be done by regulation later.

In terms of putting recommendations forward, would you be inclined to agree that it would be important to have, at a bare minimum, those levels of exemptions. In addition to that are there any reporting mechanisms that you would recommend to the committee that we put into our report? We heard earlier from Justin talking about a section regarding exemptions. That comes back to how the decision is made and on what grounds the Territory Coordinator is making that ruling, because there are 32 pieces of legislation we are requiring one person to have all the tertiary understanding and to be above all of it. I am trying to look at ways that we can recommend as a committee consideration of the government. Do you have anything, as a concerned community member? What level of accountability could be brought into the committee to give the community an understanding that there is not an independent process around accountability and integrity?

Ms McLEISH: Around the accountability of what the coordinator may do?

Mr PAECH: Yes.

Ms McLEISH: That is a very long question. I am not sure. I do not know the Bill inside out. The concept that—was it 32 areas of legislation would potentially be exempted, you said?

Mr PAECH: Yes. If someone said today, 'ICAC'. But the ICAC cannot tell you that it is investigating because that area is under investigation. In terms of giving the public that certainty that there are appropriate mechanisms for this role, there really is no independent ...

Ms McLEISH: I cannot get my head around how a government seeking to be transparent could communicate clearly with the public or with me—I will speak for me—regarding how these decisions could possibly be made and to not abide by 32 pieces of legislation because one person who is quite busy being the Chief Minister or the Territory Coordinator decided that was appropriate and that the risks were acceptable. I do not see how you could allay the community's fears regarding lack of transparency and these powers being used in the way they are drafted.

Mr PAECH: The community would be concerned about a decision regarding water or an environment or a development and there is expert advice. The coordinator or the Chief Minister has gone against that and there is no mechanism in place to compel them to justify why they have gone against that.

Ms McLEISH: It is dark. I cannot really imagine how that would happen in a way that you could say to the community, 'This is legitimate'. The question answers itself, if I can answer that way.

Mr PAECH: Do you think that an independent environmental commissioner should be established to help oversee and hold the Territory Coordinator accountable?

Ms McLEISH: I cannot say I have thought about that or what that position might do. We have a quite detailed regulatory regime for environmental approvals. Seeking to completely put it aside for particular projects and have one or two positions plus maybe a commissioner seems like a big job. I do not think it washes with community expectations.

Mr DEPUTY CHAIR: Any further questions from the committee?

Mr PAECH: Thank you very much for the time. You have identified the biggest risks of fast-tracking those development areas. You have provided the areas of concern in your submission. From your understanding, you have provided an opportunity for us to consider different elements. Is there anything in addition that you would like the committee to consider or further investigate?

Ms McLEISH: I am interested that this committee exists, and I am thankful for that. I will not be the only one watching how you manage to balance all the different information that comes in and make some robust recommendations. I heard our Chief Minister on the radio this week saying that the Bill would progress. I

assume what she meant was, depending on what this committee might recommend, it will progress somewhere. There are some real public trust issues here. Having a week to make submissions—and you have received 300—really speaks to that. Thank you for being here.

Mr PAECH: Catherine, I have one more question. I have asked this of other members. The Chief Minister claims that this legislation is being pushed forward because it is in line with community expectations when it comes to the environment, development and the economy. You are a community member. Do you think this Bill is in line with community expectations?

Ms McLEISH: No, not at all. To make exemptions from our normal laws is a shady way to do government. There was a discussion before regarding social licence for projects. I noted that the AEP spokesperson said that Territorians are coming to realise that gas is critical. I do not know if he has sources for that. I do not agree with that. I have seen lots of evidence to the contrary and am living with conversations to the contrary. Territorians have realised for a long time, increasingly, that gas is currently critical; it is keeping the lights on, but it is not what the community expects for our future. It is not how to get ahead. It is not up to the gas industry to tell us what is good for us. There is a closeness there that people can see clearly between industry and policy making. We do not like it; we are not silly.

If the AEP is asked about its climate policy, they probably should know it. Another thing that gentleman submitted was that he referred to opponents of fossil fuels. What he would find is that the global scientific community since at least 1970 or 1980 are the opponents of fossil fuels.

That is why I spoke earlier about the demonisation of environmentalists and people who dare to raise climate change, the increasing heat, the future of this place and all of the biodiversity that we love and interact with day by day here in our lives. Community expectation is that we look after this place for all.

Mr PAECH: Catherine, you have to further expand it. Do you think that in terms of this Bill and the rest of the political landscape at the moment that the funding of environmental advocacy and research groups plays into people having mistrust of what the government's legislative agenda is?

Ms McLEISH: Yes, I think so. It is anti-democratic. This is a civil society, a first world country, and everyone has an interest in the environment. No-one is profiting out of running the ECNT or whatever. This is because people give up their free time between earning a living, raising their kids and trying to get some sleep to stick up for the environment because it cannot do it itself.

To undermine those organisations which run on probably not much money at all, then to give millions and billions of dollars to the fossil fuel industry at this point in human history is not in line with community expectations.

Mr DEPUTY CHAIR: On behalf of the committee, I thank you for your time. I again highlight that, as a private individual making a submission, you take time out of your day to appear on a Wednesday with only a few days' notice. It is appreciated. Thank you for your time today and your submission.

Ms McLEISH: Thank you very much.

Mr DEPUTY CHAIR: The committee will break until 3.30 pm when we will be joined by the Environmental Defender's Office.

The committee suspended.

Environmental Defenders Office

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome to the table to give evidence to the committee from the Environmental Defenders Office, Elanor Fenge, Managing Lawyer NT/SA Region; Rufus Coffield-Feith-, Senior Solicitor; and Natalie Czapski, Senior Solicitor. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

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Can you please state your name and the capacity in which you are appearing?

Ms FENGE: My name is Elanor Fenge. I am appearing in my capacity as Managing Lawyer for the Environmental Defenders Office.

Mr COFFIELD--FEITH: My name is Rufus Coffield-Feith. I am appearing in my capacity- as a Senior Solicitor for the Environmental Defenders Office.

Ms CZAPSKI: My name is Natalie Czapski. I am appearing in my capacity as a Senior Solicitor for the Environmental Defenders Office.

Mr DEPUTY CHAIR: Before we begin I will quickly introduce the committee members who are with me today. We have the Member for Gwoja, Mr Chansey Paech; the Member for Drysdale, Mr Clinton Howe; the Member for Johnston, Justine Davis; and joining us by telecommunications is the Member for Wanguri, Ms Oly Carlson. I am the Deputy Chair of this committee, Andrew Mackay, the Member for Goyder.

Ms Fenge, would you like to make an opening statement?

Ms FENGE: Thank you to the committee for the invitation to appear before you today. We acknowledge that we are meeting on Larrakia land and pay our respects to the Larrakia people.

The Environmental Defenders Office is a community legal centre specialising in public interest environmental law. Our submission, therefore, focuses on the impacts of the Bill relevant to this area of expertise.

As outlined in the submission that was put before you, the EDO's principal concerns with this Bill are, first, its concentration of power and its extraordinary scope of the powers. This Bill concentrates the exercise of extraordinary powers over existing regulatory processes in the Territory. For example, the Territory Coordinator has the power to issue requests; to prioritise and progress activities; as well as requests to make a decision. They also have the power to issue a step-in notice and then step into the shoes of the original decision-maker and act as the responsible entity for that decision.

It is only in relation to the exemption power that the Territory Coordinator's power is limited to recommending its use to the Minister.

The Territory Coordinator also has the power to vary conditions that have already been imposed on the statutory decision by the responsible entity. The condition variation power is of particular concern to us. The Territory Coordinator is only required to consult with the responsible entity and is permitted to vary conditions that were already in place previously.

We recommend that Part 7 of the Bill which contains that power be removed.

Mr COFFIELD--FEITH: The second concern relates to the lack of accountability and oversight in the Bill. The powers in the Bill are not subject to appropriate checks and balances and lack parliamentary scrutiny.

What we mean by that, among other things, is the Bill does not allow for any review of decisions except through judicial review. The power to conduct a review into the exercise of powers by the Territory Coordinator sits with the Territory Coordinator himself and not an independent or external party to investigate concerns about his own office's operations.

There is limited parliamentary scrutiny of decisions made by the Territory Coordinator; in particular the Legislative Assembly is only given the opportunity to disallow an exemption notice. That is ultimately a power to be exercised by the Chief Minister.

If the Bill is passed, transparency and accountability should be improved.

There is also a concern in the limitation of public participation in the Territory Coordinator scheme. The Bill includes limited requirements to consult with the public. Currently, it only requires public consultation in

relation to a proposed infrastructure coordination plan and a Territory development area plan. The minimum standard of consultation is not set by Parliament in the Bill, but will be prescribed by regulation.

There is also a gap in consultation requirements in how responsible entities that are reconsulted on the development of an infrastructure coordination plan may not be included in the plan; may not be consulted on the content of the plan; but then are required by clause 37(3) of the Bill to ensure their decisions are consistent with the infrastructure coordination plan, without being consulted.

It is our submission that public consultation should be expanded throughout the Bill if it is passed.

Ms CZAPSKI: Finally, another concern is the lack of appropriate limitations in this Bill on the exercise of powers. Quite apart from how broad the Bill is, we also note—you will have heard from others—that previously clause 14 of the draft exposure Bill had clear limitations set out on the exercise of the Territory Coordinator’s powers.

In our submission this section should be reinstated in its entirety. That includes removing the *Heritage Act* as a scheduled law and instead including it as part of the limitations in that clause. Going beyond what was in the exposure draft, those limitations should also be applied to the responsible minister—here the Chief Minister—when exercising powers under the Bill.

We also suggest that we include prohibited areas within the Bill, within a schedule where the powers in this Bill cannot be exercised such as in relation to parks and reserves. We also note that while the powers under this Bill can currently be exercised in relation to 32—Scheduled Laws—the government can pass regulations at any time which insert further laws into that schedule, including laws that were previously removed from the exposure draft. That could further widen the scope of this far-reaching Bill without appropriate parliamentary scrutiny.

Mr DEPUTY CHAIR: Thank you. Before I open it up to the committee for questions, I will ask some of my own. Can you elaborate on the concerns regarding the powers to enter land that have been raised?

Ms FENGE: I will pass it over to Nat.

Ms CZAPSKI: As we have articulated previously, we are concerned by how broad the powers to enter land are and, similarly, that the compensation provisions that are provided when those powers are exercised, do not provide for independent review.

This committee has heard examples of other powers where there is entry to land, such as under the *Water Act* and under the *Mineral Titles Act*. While some of those powers have similar notice provisions, they are for very specific purposes—investigating water resources, preliminary exploration for minerals.

In some cases, there are consent requirements and offence provisions to breach, for example, in the *Water Act*, the specific terms of your investigation permit. Under the *Water Act*, there are also merits review provisions available for those who might be directly affected by the exercise of the permit or by the grant of the permit.

In our case, the powers of the Territory Coordinator Bill are much broader and apply to a much wider range of circumstances within Territory development areas and infrastructure coordination areas. We suggest that those are revisited.

Mr HOWE: Could you give any more specifics on how we could improve a recommendation, especially on that point? Is there a better baseline in current legislation? How could we provide better powers of entry so that there is more power to the landowner in that situation?

Ms CZAPSKI: In some circumstances—for example, under the *Petroleum Act*—land access agreements are negotiated. It may be worth consulting with relevant landholders or groups in that area regarding the kinds of agreements or protections that landowners might like to see in legislation. It may be a case of requiring consent or requiring notice every time the land was entered or articulating in much greater detail the kinds of activities that are authorised so that what is carried out is very clearly defined for people.

Mr PAECH: The current Bill as it stands requires or allows the Territory Coordinator the power to look at the compensation for access to land. Talk us through your position on that approach. You mentioned before in your deputation that there was concern regarding things not being prescribed in the legislation as exemption areas which then creates the opportunity for things to be done by regulation.

If Indigenous protected areas, sacred sites, heritage sites are not prescribed as exemptions, could you walk us through the process of how that then can be dealt with in regulation where that then would become an area of scope for the Territory Coordinator?

Ms FENGE: Just to confirm, there are two questions, one being the compensation aspect in terms of the land access and those particular issues.

Mr PAECH: Yes.

Ms FENGE: The second being the application or the ability to then deal with things by regulation.

Mr PAECH: Yes.

Mr COFFIELD-FEITH: On the compensation, can I just speak briefly? We do not see necessarily that the case has been established for having the powers in clause 93 in the Bill. If they are there, if there will be entry and if there will be works done on land, the compensation for damage being determined by the Territory Coordinator is not an appropriate level of scrutiny for potentially significant financial burden borne by a landowner. You would see in other schemes potentially an independent third party making the decision regarding compensation.

Mr HOWE: On that point, what could be an appropriate body to make that determination?

Mr COFFIELD-FEITH: In keeping with the scheme itself, there is a lot of power given to the Territory Coordinator with a limited level of review by the Chief Minister, which we think is probably, particularly when it is such far-reaching powers, not sufficient review. The Territory Coordinator and Chief Minister are very close operating bodies under this scheme.

At the very least, rather than the Territory Coordinator reviewing compensation to a land owner themselves, it would be in keeping with the other kinds of powers in the scheme for the Chief Minister, for example, to provide that. We would suggest you could probably go a lot further in terms of having an independent body, separate to the scheme, which is reviewing compensation. It could be an application to a court or tribunal.

Mr PAECH: The second question is about the regulation.

Ms FENGE: We have flagged—feel free to jump in—briefly in our statement that one of the concerns is that Regulations can be made to prescribe further Acts to the Scheduled laws. Our view is that the Bill should not permit the addition of further legislation by regulation. The ability to prescribe further Acts to be scheduled laws, goes beyond the principle that an Act should only be amended by another Act; that is a reference to one of your terms of reference being 3 subsection (b)(iv)(c). We recommend that be amended.

We note that the Bill contains reference to Regulations that have yet to be released. We are in a situation where we are commenting on something we have not seen yet. For example, a significant project can be designated if the Minister believes, on reasonable grounds, that the project meets criteria prescribed by regulation. Again, we do not know what that is. There is a similar provision in relation to the criteria for Territory development areas. We do not know what that criteria is.

The Regulations can also prescribe additional circumstances in which the condition variation power can be utilised. There are a list of exemptions, I think in clause 85 or 86. The Regulations can prescribe the minimum standards for consultation for an ICP under clause 29(b) and Territory development area plan under clause 48(b). Our point and concern is that a lot in this Bill has been left to Regulations that we have not as yet seen. We do not see a reason why the Regulations have not been drafted and released for public comment alongside this Bill. That would certainly provide the community with a lot more of an opportunity to properly consider the impacts of this Bill and how far-reaching they will be.

Mr PAECH: Is it safe to say that the scope of the Territory Coordinator Bill is quite broad now, but it can be even broader—and the regulation of which no-one has access to, of what that looks like or how far-reaching that could be?

Ms FENGE: Yes, that is correct.

J DAVIS: Thank you for your helpful submission and appearing today. You talked about the ambiguity of the Territory Coordinator's powers and the removal, for example, of clause 14 and what that might mean. Could

you talk us through what legal policy risks arise from the Bill's lack of clear limitations on when and how the Territory Coordinator can exercise powers?

Ms FENGE: What we would say, and have said throughout our submissions made at different stages, is that there does not seem to be any policy reason that has been put forward as to why that very clear limitation clause has been removed. I suppose we have an exposure draft Bill which had that limitation in there and we fully supported that clause being included. We made submissions and comments on the fact that it had been included. We actually made submissions that it should be further extended with other Bills included.

I hear the question of talking you through that policy change. We are in a position where we do not understand, because there has not been any information provided, with that change between the exposure draft and the tabled Bill, as to why that has been removed and any type of justification. Our submission essentially is that it should be reinstated and that there is no reason why we should not have clear limitations and parameters around the use of the Territory Coordinator's powers, and that clarity that a very clear limitations clause will provide, will then result in certainty given that that seems to be one of the issues at the forefront for this Bill.

J DAVIS: Thank you. I was not totally clear in my question. What I am interested in is, what risks do you see that pose, legally in terms of policy and potentially economically?

Ms FENGE: We have a few risks—off the back of what we have discussed of any other pieces of legislation being added by regulation to the Scheduled laws, if we have the risk is that something could be, and if we want to ensure that there is a limitation then those pieces of legislation we do not want to infringe on and we want to ensure remain as is, should then be included in the limitation clause. One of the risks is that we do not have that clarity.

J DAVIS: Are there any examples you can give where that might be a concern?

Mr COFFIELD-FEITH: Looking at clause 14, the two subsections as it was in the exposure draft, it does set out, in a sense, the kinds of risks that not having that kind of limitation exposes the whole Territory community to. Because it sets out the object of rights people would have under, and previously it was, legislation including protection of a range of values under Northern Territory legislation. Rights relevant to the scrutiny committee's terms of reference to do with whether the Bill has sufficient regard to the rights and liberties of individuals, the rights protected under that legislation that is now no longer protected through removal of the limitation clause, creates risk to whoever would have a right that would have been protected. Potentially through the correction of that risk it creates risk to the government and to responsible entities that would not have the clarity from the limitation clause anymore.

J DAVIS: One of the things that we have heard from other witnesses is that lack of clarity can contribute to the opposite of what this Bill is intended to achieve, which is trying to make things more streamlined. Do you have any comments on that?

Ms FENGE: We would agree with that. Having clear parameters in the use of powers will allow for certainty, it will help and assist with that. What we have right now is a Bill where many of the submissions that we have reviewed are similar in the sense that there are gaps, there is a lack of clarity in terms of how it will be utilised and how it will be applied. Having as many clear parameters through, for example, limitations clauses or the inclusion, as we suggested in our opening statement, of having protected or prohibited areas makes it clear where this can be utilised and where these powers can be utilised, and that, in our submission, will result in certainty.

Mr HOWE: Going back to the opening statement, I am seeking on this one, recommendations that we could potentially use. Referring to transparency and accountability element, open to all three, are there any measures you think that could be introduced to assist with those two things?

Mr COFFIELD-FEITH: In terms of transparency, I refer the committee to our submission dated 19 February. On page 2 we talk about transparency. Some recommendations that would allow for greater transparency under the scheme, second paragraph on page 2, 'If the Bill is passed EDO recommends the Bill should be amended to require any review of the conduct of the Territory Coordinator to be completed by an external and independent agency.' Separate to that in terms of the Bill, if passed into an Act, we would recommend inclusion of an independent review of the Act's operation after two years of it being in effect. It is an opportunity essentially for the Assembly to go back and see whether the scheme as passed is working as it intended to.

Ms CZAPSKI: In terms of transparency and guardrails around how this Bill might be implemented, we mentioned in our submission the potential to have particular zones or areas where the powers could not be exercised under this Bill or perhaps could not be subject to a Territory development area plan or infrastructure coordination area plan.

Under the South Australian legislation that is currently being considered, it has a schedule which protects certain wilderness areas, for example, and reserves from being included in state development areas under that Bill. Similarly, there are precedents in Northern Territory law, in terms of reserving certain areas from powers or activities under particular Acts.

The example I would use is under the *Petroleum Act*. Section 9 of that Act states the relevant minister can declare areas as reserved blocks which cannot be subject to exploration or production activities. It has been used quite extensively to date to protect areas of ecological significance, parks, conservation areas, other sites of significance, Indigenous protected areas, areas of cultural significance and of tourism significance.

There is a similar power that exists under the *Mineral Titles Act* as well. If this Bill is implemented, it would be strengthened by articulating areas that might be consistent with ones that we already protect under legislation which cannot be subject to the extensive powers under this Bill.

Mr PAECH: You are advocating for a schedule that has Indigenous protected areas, sacred sites, heritage areas that are exempt from the Act. A question that the Member for Johnston or possibly the Deputy Chair may have asked regarding streamlining the process and being really clear on what the process is—if the Bill passes as is, we have heard today from our expert witnesses that it creates some areas of confusion, in particular with the Commonwealth EPBC Act and the mandated requirements under Commonwealth law regarding reviews and approvals, which the Territory Coordinator has no impact on whatsoever, it will create uncertainty for business. Is that a view that the EDO has?

This process will potentially stall because Commonwealth law trumps Territory law. The EPBC and under that the things like compliance with the SREBA and those elements still have to forego their process. The controller is powerless when it comes to Commonwealth law.

Ms FENGE: We agree with that. When we made our submissions in relation to the limitations clause be reinserted, making it really clear within the Bill in relation to that. You are correct.

J DAVIS: I am interested in your views about how you see the Bill in its current form affecting business confidence in the Territory, environmental protections and community trust in government decision-making.

Ms FENGE: To be honest, commenting on business is probably relatively outside our area of expertise. We can comment loosely on the issues with the Bill in terms of not having enough certainty and potentially how that might play out.

In terms of trust with community, there are some clear changes that could be made. We have a Bill that permits very limited consultation with the public. That is solely in relation to a Territory development area plan and an infrastructure coordination plan. There is no public consultation required at all in relation to the declaration of those two areas or any other stage in this Bill.

There is some discretion that is provided to the Territory Coordinator to consult with any other person in relation to the use of some of the powers but there is no requirement. Our view is that having a very limited requirement to consult with the public will undermine public confidence.

Another issue that I suppose would be helpful to raise at this stage as well is that in our opening statement we flagged our concern with the condition variation power. That power is a situation where you may have conditions which have been put on a water licence, for example. You may have had an opportunity when that water licence was being determined for the public to be consulted on what types of conditions and what the issues are at hand. Those conditions would be put on that licence. Then if a condition variation power is utilised by the Territory Coordinator they could go and vary those conditions and there is no requirement to go back to any person or the public and allow an opportunity to further comment on that change or that variation.

Mr PAECH: They could retrospectively go back and alter a water allocation or extraction and there is no accountability for that change.

Ms FENGE: We have raised that. I can find the page in our submission about that particular issue in terms of that limitation on public consultation. It is page 3 in relation to that. The power to impose conditions previously not authorised is at the top of that page of our submission.

Ms CZAPSKI: That includes conditions that, under the original law that approval was given, could not have been imposed.

Mr COFFIELD-FEITH: That goes to the question of certainty around environmental approvals. The community at present can expect certain processes to be conducted, a certain level of scrutiny of decisions and certain restrictions on the kind of conditions that could be imposed on a licence. If that can be changed using the condition variation power, community groups do not necessarily know what are the possible outcomes of an environmental approvals process as it starts to run and then it is completed and conditions are imposed, but also even decisions that have been made—that could have been made at any point before the Bill is enacted.

J DAVIS: Would it be correct to say that business interests also may not know? In terms of certainty and trying to give the business community a sense of confidence in what is happening, that lack of clarity would also contribute to that.

Mr COFFIELD-FEITH: Certainly anyone who would be looking at the kind of decision a responsible entity would make, they would be trying to understand the limits on the conditions. That certainty will potentially not exist in this new operating environment where the condition variation notice could be used.

Mr PAECH: There are also concerns, as we have heard today from other witnesses, around 32 pieces of legislation and one person able to make a decision about that and not necessarily having a tertiary-educated response or understanding of that particular legislation. But then not having any mechanism or accountability to the community to publicly respond as to how they have reached their decision, which may have been in opposition to the department or independent review experts in that area is a concern.

Ms CZAPSKI: Absolutely.

Mr DEPUTY CHAIR: I thank you for appearing today and taking the time to put in a very detailed submission and finding the time to come down to talk to us. It is very much appreciated

The committee suspended.

Protect Big Rivers

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Territory Coordinator Bill 2025.

I welcome to the table to give evidence to the committee from Protect Big Rivers.

Can each of you please state your name and the capacity in which you are appearing.

Ms WURRBEN: My name is Miliwanga Wurrben. I come from Katherine. I am also a traditional healer as well as wearing many hats—too many to say here.

Dr PHELAN: My name is Samantha Phelan. I am a veterinarian from Katherine. I have been involved in watching the progress of fracking since probably 2011 in the Northern Territory, and have followed it carefully. More recently, I have been involved in protecting water of the Big Rivers Region.

Ms LAKE: Cecelia Lake. I am a Mangarrayi woman from Mataranka/Jilkminggan region. I also have been involved with Dr Phelan in trying to protect our waterways in our region.

Mr DEPUTY CHAIR: Thank you for coming before the committee today. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If, at any time during the hearing, you are concerned that what you will say should not be made public you may ask the committee to go into a closed session and take your evidence in private.

Before we begin I will quickly introduce the fellow committee members. We have the Mr Chansey Paech, the Member for Gwoja; Mr Clinton Howe, the Member for Drysdale; Justine Davis, the Member for Johnston; and joining us by telecommunications is Ms Oly Carlson, the Member for Wanguri. I am Andrew Mackay, the Deputy Chair and Member for Goyder.

Dr Phelan, would you like to make an opening statement?

Dr PHELAN: I will let Miliwanga make the opening statement on our behalf.

Ms WURRBEN: A lot of the stories that we have heard hasn't come through into our communities, especially when it comes to our native tribal land. Traditionally speaking, as a traditional healer, we are the keepers of this land, wherever we are, and we are the law keepers of our land, of our waters, of our bush country and everything that we live and abide by.

We have our old traditional laws that we have abided by for so long, and that law has always been passed by our government and it has not been seen as our people's laws of the land and of everything that is on the land. A lot of the things that we have seen over many years that have come and gone we still see—our land being destroyed. We see land that has not been told to the traditional owners of their own country. We see everything. As we sit back and we watch, everything is being destroyed. For us as traditional keepers of the land and the law, the land does not own us and the land owns us but we, the people, do not own the land so that becomes what we normally say, Mother Earth.

To not be negotiated with, or confronted by the government, not acknowledging the rightful owners of this land—wherever all tribal people come from—not having to come and sit with the people and talk to them, this is not how our law works. We have our elders who are law keepers and who sit just like you people. Those who sit in the court; we have elders that are in charge. No-one has ever come from the government to sit and talk with these elders. We have elders from all over the Northern Territory. These elders are the law keepers and guardians of the land, the earth, the cosmos, the animals and the waterways. No-one has fully come to make us understand what is happening with the laws that are changing constantly. As for our laws, it has not been changed since the day our forefathers have lived and walked in this country.

Today I am here on behalf on our people speaking about the laws. To be able to have one man that can take control of everything, we do not have that; we have all our elders who come to an agreement. They do not come to agreement by the way; the law has already been set in place since time began. There is no need for the elders to make decisions on the spot, which the government does all the time. We do not change the laws; we do not take out the laws. It stays put.

For all these things to happen I would like my people from all over the Northern Territory to understand what is happening. We are just a few people here who know what is happening because we are passionate about the water that we drink, the water for the animals, the fish we eat from the water. We are passionate about the aquifers that are being destroyed by chemicals. These aquifers have a very special place where they have been set in place, like back in the Dreamtime, you could say the Dreamtime. People say our Dreamtime is like a myth, like a fairytale story. For us it is not that at all; it is the real thing. It is reality; it is a true fact. Even scientists—people who study water, the earth, animals, plants, you name them all—they are far behind us. We have been before all this in those times.

What we want to see is being transparent to the people that you govern. We are those people as well, and many more people. There are so many different ethnic groups that live in the Northern Territory alone, but mind you, the Indigenous people are the caretakers and the law keepers of the land.

For us, we cannot even uphold your law because you make those laws, but without the consultation of our people. As a traditional healer, keeper of the laws, keeper of our cosmos, keepers of our waters—in fact, we talk to everything we see that surrounds us—the plants, the animals, the waters. That water is alive. It is alive. Your children, your grandchildren all drink that. What would you do without water? You would have to go far away to bottle up water and buy water from the shop. Let alone the waters that flow; leave it for our people.

This is what you see today that is happening globally, the climate change. We do not have to go through seminars, forums and conferences to understand what climate change is. We have seen it from day one. We know what is happening. We are the people who want to protect this. If we don't, there will be great disasters which there is already happening.

I don't want to threaten people or scare people, but we have hundreds of traditional healers who are now looking into this matter. We have ways of punishing as well. This has to stop. I am not threatening you guys, but because we are the keepers of everything that surrounds us, that is our duty, our last duty that we must perform.

There are two different groups of people, the traditional healers and the people with the black magic. We are able to come and work together. We do not have to do this; we are peace-loving people. We abide by our laws under the traditional spirituality with traditional healer and the people who work with the black magic. But if there is a great disaster that will confront us people, then we have to make our move.

That is my story. I hope you will listen to this story and make the right decision please. Thank you.

Mr DEPUTY CHAIR: Thank you. I will open it up to the committee for any questions.

Mr PAECH: Thank you, Miliwanga, for coming all the way from Katherine to be here. It is good for you and Cecelia to be here because a lot of the talk today is about the Bill and what that will mean in the bush. It is good to have our brothers and sisters up here talking about it at the table.

I want to ask you a question about the Territory Coordinator Bill talks about giving power to one person who might be a *balanda/kardiya* to make decisions and maybe not listen or not do the consultation. I am interested, from you talking to community, what that means for Aboriginal people in the bush if no consultation is done or if consultation is listen, but then someone makes a decision and does not listen properly to what was said, do you think that will cause fighting in our communities because people will blame our elders for not being strong and not talking up. They might have been but this person did not listen to what they had to say.

Ms WURRBEN: For sure it will cause chaos, especially with our mob. As for the elders, they are the wise ones; they sit back and listen and watch. They observe things. When they have meetings and so forth this is where people need to have a contact person in the communities—be it north, west, south, east and central.

We need to have interpreters on board as well. The interpreters are there to explain what is happening. A lot of times—not just this time only; there have been plenty of times—where a lot of people would come in, have the traditional elders, the traditional owners of their land, sign a paper without them understanding or knowing what it means. Because a lot of our elders are illiterate and do not know English as their first language; they have their own language to speak.

When trying to come up with something that the government wants to put in place, this is where all our people need to know about what is going to happen. If so, that is where these interpreters come in and work closely with the elders, spokeswomen and spokesmen of their communities. If we do not work, negotiate and be transparent about all these things, it just won't work. This is where we say 'ah-ha', so they went ahead and did it, without coming to seek us. That would be a fatal blow to our communities.

Mr PAECH: Cecelia?

Ms LAKE: This Territory Coordinator is new to us. Living in remote communities, we do not know this person existed. We had no idea about this until Sam rang us up a few days ago. I understand that this one person can make a decision that could damage everything that runs through us, through law and culture. Our waterways, our land—we are all connected. We had no idea about this Territory Coordinator person and the decisions.

It would be good—the government need to come out and inform not just one community, but all the communities. It is a cry for help in our region—Mataranka and Jilkminggan. It's terrible. The waterways have been drying up for the past 10 years. We are a few kilometres away from Elliott, where fracking is going on. Underground aquifers—it damages our springs, and the spring feeds us.

Mr PAECH: Dr Phelan, in the Act, section 31(1) states that the coordinator's decisions can apply despite other Northern Territory laws. Given all three of you women have worked very hard in the Big Rivers region in keeping on top of government around the laws and water, can you give us an example of how this could impact existing water laws, land clearing and pollution regimes?

Dr PHELAN: Enormously, is the short answer. It is really important to acknowledge the changes on country that are being seen and spoken about by people from Mataranka, Minyerri and Ngukurr. There is a consistent theme that that river is struggling. In 1958 that river flowed backwards, salinified the aquifer and Ngukurr had to be evacuated. This is the catastrophic impact that we are actually talking about.

At present, if you want to get water for say Larrimah—which I assume will be a Territory development area under this Bill for both fracking and irrigated agriculture—at present the proponent has to apply for a licence. It is put out to public scrutiny.

At that point, I would go to people who understand waterways in a very different way to Western scientists and I would speak to them about the pathway of water. We would document that and put that back to the department, who would then make a decision regarding a water licence, via the water controller, that we would then be privy to and it would have conditions on it that may be protective. It might say three bores downstream. If they drop below a metre, you have to pull up or reassess. We would then have the ability to take that licence to merits appeal and possibly recruit independent scientists.

That is the current process and is somewhat protective. For example, Larrimah, a 10-billion-litre-a-year licence, was overturned at merits appeal in 2022 because of the risk to the aquifer flowing backwards and stopping the springs at Mataranka was identified as a real and present risk attached to that 10 billion litres of water. That licence has now been put forward again by the lessee of the *Northern Territory Land Corporation*.

This Territory Coordinator, with the stroke of a pen and as an individual man utilising no science at all and for the benefit of gas and cotton, will be able to allocate that water, and we will have no ability to comment or have any access to any way of making that fair and proper.

Just because that happens in a Territory development area does not stop the impacts being felt on Cecelia's community. It does not stop the impacts being felt at the mouth of the Roper River. Yet we vest this interest, an enormous responsibility, that at the moment is overseen—not particularly well, to be honest, but at least it is overseen by a lot of different holding patterns around that decision. To put that authority in one person who has an interest in development only, is completely negligent, as far as I am concerned.

Water buybacks cost billions. River restoration costs billions. The economic cost of getting this wrong now when everybody who lives on that river are already saying, 'This river is dying'. People are waiting for the death of this river. There are multiple channels in this river that have closed that used to flow permanently and now, by June, they are dry. There are places called Barramundi Crossing because that is where you could always get barramundi, and it is dry by June.

We have asked and asked in all sorts of forums for people to come onto the ground and see what is happening to this river and not one person in an official capacity had come, until one spring went green and then they descended like flies because all of a sudden there might be litigation involved.

Mr PAECH: I am really thankful for this contribution because you are talking about something that has undergone merits review that was then ruled out and now could be subject to a person who has no experience or understanding in the ecology of the region and could sign away something, with total disregard for a merits review, to allow development.

Dr PHELAN: Yes, and to allow development where 50 kilometres—if we are talking about Larrimah—both surface water and underground water. Let us not forget that this person can also authorise those same farms to put massive billion-litre dams on them at the stroke of a signature—'Yes, you can have 10 billion litres a year from underground water and, hey, look, while we are at it, you can have another 3-billion-litre dam', that would have otherwise flowed overland 50 kilometres to Warloch Ponds which is the very first place where the spring erupts from underground before it proceeds to the Roper. These are catastrophic impacts we are talking about, and they cannot be underestimated.

The nature of this Bill is pure negligence, to be honest. At this point in time, we know—CSIRO tells us—the rivers will decline by 20% to 40% from climate change alone over the next 50 years. Yet you are authorising an individual with no scientific background to sign away more water as we go into a period of time that is incredibly uncertain from a water and a climate perspective. It rings to the idea that we are a sacrifice zone down there and that you will simply sacrifice our water, land and ecology until people are forcibly moved off country because the water is unpotable; then where do we go?

J DAVIS: I say a big thank you, Miliwanga and Cecelia and Sam, for coming from Katherine, for articulating so clearly the fact that no-one has consulted with you on your country ever and for you putting the effort to

come here. Our job as the scrutiny committee for the parliament is when a Bill goes to parliament to have a look and hear from people about what problems might be with that Bill and then report back to parliament. It is helpful for us to hear from you so clearly about what problems might be so we can think about that, talk about it and let the parliament know what people think. I thank you for your work.

Thank you, Sam, for articulating so clearly and practically the potential impact of the Bill. You talked about the Pepper inquiry and its recommendation in your submission, particularly on waste management for fracking. I am interested in your views on how this Bill might contradict or undermine those recommendations.

Dr PHELAN: The Pepper inquiry was a really robust inquiry. It was there because, internationally, communities recognise that fracking is a dangerous process and that risk, if not mitigated, becomes catastrophic for communities. With that underpinning, Pepper—with an exhaustive inquiry and a huge amount of scientific input—came up with 135 recommendations. Over the last six to eight years, we have seen gradual legislative change to accommodate the Pepper inquiry recommendations. They include things like how wastewater—100 million litres of water goes down every fracking well; all of it is contaminated when it goes down, and all of it is more contaminated when it comes up. Fifty per cent to 70% might come back up, as low as 30% sometimes, but significant volumes of water come back up. It is contaminated with heavy metals, is often radioactive. It is really really toxic water. It has endocrine disruptors—things that damage fertility for ongoing generations in us but also in any wildlife that it comes in contact with.

Pepper regulated, for example, how that wastewater needed to be stored, how and where it needed to be transported and how it needed to be contained and managed on sites where it was transported to. All that sits in a legislative framework under the *Petroleum Act*. The Territory Coordinator now will have the ability to determine what truck picks up the water, who is licensed to transport that water and where that water goes; he will have the ability to create a licensed facility.

At the moment we stumbled upon one, the Hydrera water treatment plant just north of Tennant Creek that people did not know existed. When we found out it existed, some members went and had a look. There were pumps pumping water—they were not actively pumping at the time, but it was clear that they were set up to pump water from the site—out over the bund wall and out onto the flat which is only three kilometres as the crow flies from Tennant Creek. They tested that water. It was full of heavy metals you would expect from a fracking operation.

This is the type of thing that happens the minute you are out of sight and out of mind. You are giving one person, who currently is a gas company executive whose sole focus for however long has been to promote the gas industry, who now has a development agenda with gas at its forefront, deciding who will transport this toxic water—who is licensed to deal with it. It is fundamentally cowboy city. You are opening it up to cowboys. You are opening it up to 'who's the mate'. If you have a covered truck, 'Go and see him', is how it will work on the ground.

We are dealing with incredibly toxic chemicals. We have seen, in the last 12 months, two major fish kills in Newcastle Creek and over 300 waterbirds die in a mass waterbird death. None of them can be explained. We have tested the water. The department of Environment federally are now looking at it. There are high levels of copper, lead, zinc, barium are in that water and we do not know why.

We do know that Tamboran, a very long way upstream, spilled—deliberately pumped; they did not spill—400,000 litres of toxic wastewater out onto their well pad as dust suppression. We have seen pumps—again photographed pumps taking water off the well pad out onto the flat.

We have Ucharonidge upstream of these fish kills and bird kills with, I think, now 10,000 hectares cleared for cotton, and active spraying of PFAS chemicals and all sorts of pesticides. Let us not forget cotton is part of this development agenda as well. These are the two big kahunas of development in our region and all that comes with it—whether it be sand mining or whatever—that this person will have sole authority over authorising.

Again, it is negligent. This stuff is dangerous. This is not muck-around stuff; this is big stuff. This is capable of mass fish kills and mass bird deaths. When you look at the now compiled medical data of the impact of these chemicals on anybody living downstream, regardless of the quality of regulation—it is compiled; I have put a note of it in our submission. You can find it via the Protect Big Rivers submission. It is now well documented that this stuff causes cancer, infertility, it causes all sorts of severe health impacts. And we are letting one person decide how all of that water is managed to expedite development—at the expense of Territory people, I would say. That is who will be in the firing line of this. That is still who is drinking this water.

In Katherine, we drank PFAS-contaminated water for over a decade. We know this story. Our children have incredibly high levels of PFAS. I do not want to see that happen to the people who drink from Marlinja, who drink from Newcastle Creek and eat from that Newcastle Creek, or to Cecelia, whose family eats from the Roper River every weekend. I do not want to see those children contaminated, knowing that we could have stopped it, but knowing that you guys authorised a single signature to say, 'Yes, you are good to go, fellas'.

Let us face it, every time you put a Pepper inquiry recommendation in, you cost them money. That is just how it works because sticking to regulations costs money. When you are a company like Tamboran, scrambling for capital, you do not want anything that costs you money, but you do want your mate, the Territory Coordinator, to sign off for you because you have another mate who can truck it cheaper, and another mate who can run the open tank for you to evaporate it. When nobody is looking, that other mate can pump it off. And if nobody is looking, it will flow downstream in the Wet. In fact, you wait for a monsoon event before you tell your mate to dump the water. This is happening already, but you are about to give them complete carte blanche to do whatever they want with this water now.

J DAVIS: Thank you for once again explaining so clearly what the potential impacts of this Bill are. I want to be clear again about our role because one of the things you talked about really clearly was that you are not informed about how decisions are made and how things happen. We know that this committee, and our government has a majority of CLP people on it, and they have said they support this Bill. What is likely to happen is that when this Bill comes to government in March, the majority of people will vote to support it.

Given that, is there anything that you can see that we could suggest goes into this Bill to make it less harmful?

Dr PHELAN: I am sorry. This Bill is very harmful for our region. I am completely supportive of the idea of the fast-tracking process so you can have a streamlined approach to development, and I am more than comfortable with that. With consultation and a streamlined approach, there is no problem. Why that person, who is actually a bureaucrat, needs to have legislative control is beyond me. What are you doing in your jobs if that person takes that responsibility? He is not accountable to us; you are accountable to us. We voted you in; we did not vote him in. He should be accountable to you, but that is not how gas works in the Northern Territory.

Mr PAECH: I acknowledge the contribution, really powerful and important. The areas around interpreters needing to be used is incredibly important. You have been here all day and heard the testimony of everyone else. I wonder if you are aware of any examples, because I am yet to hear a tangible example of the environment sector or the community sector holding up development. Every time today we have heard the bureaucratic nature of things being held up. We have had people say that there should not be consultation or that it is slowing it down.

Dr Phelan, are you aware of particular instances where community consultation or environmental organisations have deliberately held something up out of spite, rather than going through the regulated mandatory processes and making sure that they are culturally respectful processes? I have asked this all day. If you can give me a tangible example—the Australian Energy Producers gave an example which was wrong because that was Commonwealth and no jurisdiction in the Northern Territory. I am yet to get an example that is a tangible Territory example.

Dr PHELAN: No, is the short answer. I think the reality is that the people with the interests in this development, who are set to profit from this development, do not want to hang around for due process and regulation; they just want to get what they want to get and get out of here.

Our landscape is dotted with contamination events of people getting what they want to get and getting out of here and you are rubberstamping that process.

Mr PAECH: Hearing today from Cecelia and Miliwanga, there is great concern the government, of which I am not a part, could choose to alter sacred sites through regulation as well?

Dr PHELAN: We have to acknowledge that both these women are leaders in their communities. They are two of the most switched-on to what is happening in a political space of any people that I work with. Both these women had no idea until I phoned them that this Bill was afoot.

We are talking about 35% of the Northern Territory population who do not know this Bill exists, yet it has far-reaching implications for their children, their grandchildren, their culture, their country and their sacred sites. People do not know what this Bill is, so it is impossible for people to comment. There has been nothing but a lack of transparency about this is.

Even CLP diehards in Katherine that went to the public hearing were aghast at what was happening with this Bill. If this fellow tries to force a pipeline through—which he will do—an infrastructure corridor straight through the CLP heartland of Katherine, it is madness.

Mr PAECH: There was consultation in Darwin, Katherine and Alice Springs, but no consultation in remote communities on this Bill.

Dr PHELAN: Which is the heartland of Territory development areas.

Mr DEPUTY CHAIR: Did you not see that—for example, in my electorate of Goyder. I represent part of the rural area. When I am delivering my newsletter to people's gates—I have about 30% to go; to my credit, I have been busy here instead of on a scooter today—I included information about the Territory Coordinator. I have been taking meetings on it for the last four or five months in my office. I have met with a couple of the people who have presented today to discuss it one on one.

Is that not a failure of those local members to go out there and make sure that the communities are aware? The government can advertise and put it on television, radio or wherever, but shouldn't the local members be going out there and talking to people in their communities and trying to get their views?

Mr PAECH: Why should the government not take responsibility? It is the government's responsibility to communicate its changes.

Mr DEPUTY CHAIR: If you know a better way, would that not make more sense?

Mr PAECH: Well, go into remote communities ...

J DAVIS: You have heard from these women here about better ways we could do it.

Dr PHELAN: You travel. It is boots on the ground. There is no other way in remote communities to impart information. It is boots on the ground, and if you do not have them you are not talking to remote communities.

Mr DEPUTY CHAIR: I can only speak for my own patch, the way I have consulted with my community.

Dr PHELAN: You have a literate community with English mostly as their first language, close to Darwin, go to markets where there will be a stall that might be telling them about it. It is a very different story. It is a government responsibility. These are far-reaching changes. You have not told the Territory what is coming.

Thousands of people turned out to the Pepper inquiry. Thousands contributed to the process. Millions of taxpayers' dollars went into that process, probably hundreds of millions by the time you counted everybody who was part of all the changes ongoing. You are putting all of that into a garbage bin and saying, 'Wrap it up. Chuck it away. Let us just get fracking.' That is really what you are saying.

Mr DEPUTY CHAIR: Thank you for coming and thank you for your time. We appreciate you making the trip up to Darwin. Safe travels. Thank you for putting in a detailed submission, as well as coming to today's hearing. My understanding is that this was our final one for today.

Ms WURRBEN: Can I just say something before we go?

Mr DEPUTY CHAIR: Yes.

Ms WURRBEN: It is for my people who have always been spiritual people, and abiding by our traditional spirituality that we have. It includes everything we have spoken about. It is part of our culture. Our culture is under that. That is the very foundation of our culture. Every decision that our elders have made going back to the Dreamtime, everything that our elders speak about does not come from the mind, but from the heart. We have seen the different mindset of your government and our government, which are the elders. We have different hierarchies of elders that sit just like you—people that you represent; we have that too. Everything they have to make on decisions, they do it through their heart and not through the mind. We have different mindsets, and that is what always makes it difficult to understand each other—the barriers. When it comes to you making your laws, amendments and whatever else that is done through your mind, it is not done through your heart, because the heart speaks not only for one person it speaks for the entire—we could say—of mankind. I just want to leave that with you; it is just a thought. We believe in that thing you all know about, karma. In my language we call it ingarni. Think about it. Thank you for having us.

Mr DEPUTY CHAIR: Thank you for coming and for your submission. We will resume the hearing at 9 am tomorrow, starting with LGANT joining us with their submission.

Ms WURRBEN: Thank you.

Mr DEPUTY CHAIR: Safe travels.

The committee concluded.
