

Territory Coordinator Bill 2025

*Submission to the Northern Territory
Legislation Scrutiny Committee*

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About Doctors for the Environment Australia

Doctors for the Environment Australia (DEA) is an independent, non-government organisation of medical doctors in all Australian states and territories.

DEA's work is based on the premise that humans need a future with clean air and water, healthy soils capable of producing nutritious food, a stable climate, and a complex, diverse and interconnected humanity whose needs are met in a sustainable way. We are therefore interested in environmental protection and restoration to promote human health and social stability.

Acknowledgement of Country

Doctors for the Environment Australia's members live and work around Australia. We acknowledge Aboriginal and Torres Strait Islander peoples as the Traditional Owners of these lands, in the spirit of reconciliation.

We recognise that First Nations peoples have cared for Country and lived sustainably for millennia, and that sovereignty of this land was never ceded. We pay our respects to First Nations Elders past and present, and to emerging leaders.

Introduction

DEA acknowledges the invitation to provide a submission to the Northern Territory (NT) Legislation Scrutiny Committee in its inquiry into the Territory Coordinator Bill 2025. Our submission addresses each of the points the Committee is to inquire into, namely:

- (i) whether the Assembly should pass the Bill
- (ii) whether the Assembly should amend the Bill
- (iii) whether the Bill has sufficient regard to the rights and liberties of individuals
- (iv) whether the Bill has sufficient regard to the institution of Parliament.

DEA urges the Legislation Scrutiny Committee to **extend the one week submission period** to enable effective scrutiny, particularly among groups who may struggle to respond in such a brief period with no prior notice. For example, people with limited internet access, language barriers (particularly First Nations Territorians whose primary language is not English) and others whose scrutiny may highlight critical concerns with the Bill. One week is manifestly inadequate as a genuine consultation process.

(i) whether the Assembly should pass the Bill

DEA urges the Assembly to not pass the Bill because the risks, harms and costs likely to arise from the Bill outweigh potential benefits. The Bill seeks to address a perceived need for coordination and integration of regulatory processes in NT in order to drive economic development. However, the need and strategy for

increased coordination to drive economic development should be reviewed.

NT leads all of Asia and Europe and all Australian states except WA as a preferred jurisdiction for mining investment according to a global survey of mining companies.¹ This shows that our resource potential, regulatory environment and governance are attractive to investors. Thus NT remains competitive for mining investment, contrary to the perception that has driven the development of this Bill. However, the regulatory processes that the Bill would allow the Territory Coordinator to overrule have social, cultural and environmental and sustainability benefits, so the Bill could undermine its intended goal.

Furthermore, some barriers to investment may be worsened by the creation of a Territory Coordinator. For example, the Minerals Council of Australia identified, among other concerns, lack of community engagement as a barrier to investment in NT.² The Territory Coordinator Act would function to reduce community engagement by:

- allowing the Territory Coordinator to step in and override government employees
- exempting works from statutory requirements
- reducing opportunities for consultation
- authorising people to enter private land in Territory Development Areas.

Other barriers to investment in NT identified by Defence experts are:

- reliance on fly-in-fly-out workers
- negative media and social media reports
- the small size of local markets
- competent community engagement.³

Rather than creating the Territory Coordinator role, alternative strategies could be used to address each of these barriers to investment in NT.

(ii) Whether the Assembly should amend the Bill

If the Bill is to be passed, DEA believes that major amendments are required to ensure the Act is informed by knowledge of the issue it seeks to address, namely economic prosperity in NT.

As outlined in our submission to the Department of the Chief Minister and Cabinet on the Bill, DEA believes that a major impediment to prosperity of the NT is the poor health of the Territory's Aboriginal people.

¹ Mejia J, Aliakbari E. 2024. Survey of Mining Companies 2023. Fraser Institute.

<https://www.fraserinstitute.org/studies/annual-survey-of-mining-companies-2023>

² Minerals Council of Australia. Recommendations clear barriers for NT to become major global supplier of critical minerals.

<https://minerals.org.au/resources/recommendations-clear-barriers-for-nt-to-become-major-global-supplier-of-critical-minerals/>

³ Burgess, M. 2024. Re-defining successful investment in Northern Australia.

<https://www.aspistrategist.org.au/re-defining-successful-investment-in-northern-australia/>

Aboriginal Territorians constitute around 30% of the population but use 70% of hospital beds.⁴ The poor health of such an important segment of the population, besides the suffering this entails, slows NT's economic growth both directly through the costs involved as well as indirectly. Better health and longer lives encourage individual and community investment, which are fundamental to economic development and growth. Reducing population morbidity by 10% is estimated to increase long run economic growth by 10.6%.⁵ A clear strategy to better address Aboriginal health in NT, developed with Aboriginal leadership, is needed as a prerequisite to improving our economic prosperity.

Economic prosperity includes sustainability, which must address economic, social, cultural and environmental factors. Each of these factors needs to be considered if the Bill is to effectively drive NT prosperity. The Bill as proposed, while superficially focussed on narrowly defined economic prosperity, could undermine NT's social, cultural and environmental sustainability, with overall negative outcomes.

(iii) Whether the Bill has sufficient regard to the rights and liberties of individuals

DEA believes that the Bill has insufficient regard to the rights and liberties of individuals, through the powers concentrated in the Chief Minister and Territory Coordinator.

Powers that allow the Territory Coordinator or Chief Minister to exempt works and projects from any statutory requirements in the 32 Scheduled Acts risk breaching the rights of individuals that these Acts protect. Deeming statutory requirements unnecessary because works or projects are of 'economic significance' according to a single officer, provides inadequate protection of rights and liberties of individual Territorians.

The power of the Territory Coordinator to authorise people to enter private land without a warrant or permission to conduct works deemed necessary to develop a Territory Development Area plan has insufficient regards to the rights of landholders.

The lack of transparency of the Territory Coordinator decisions, with no requirement for publishing these decisions, has insufficient regard for public rights to this information.

The removal under section 95 of any right to review or appeal any decision under the Act or any other law of the Territory that is authorised under the Act, shows insufficient regard to the rights of individuals. Overall, the Bill's regard for the rights of individuals is deeply insufficient.

(iv) Whether the Bill has sufficient regard to the institution of parliament

DEA believes that the Bill as proposed has insufficient regard to both the NT and Commonwealth parliaments. The power of the Territory Coordinator through the Bill risks undermining both Commonwealth

⁴ NT Health. Aboriginal and Torres Strait Islander Health.

<https://health.nt.gov.au/professionals/aboriginal-and-torres-strait-islander-health/introduction>

⁵ Rocco L, Fumagalli E, Mirelman AJ, Suhrcke M 2021. Mortality, morbidity and economic growth. PLoS ONE 16(5): e0251424. <https://doi.org/10.1371/journal.pone.0251424>

and NT parliaments.

Section 8 states that the primary principle of the Act is to drive economic development and this consideration is to prevail over other Acts. This has insufficient regard to any other Act and the parliamentary institution under which the Acts were passed.

DEA believes that if other legislation requires amendment or overriding to facilitate economic development in NT, then there must be a robust process of parliamentary debate and community consultation to review the legislation. The Territory Coordinator should not have such power.

Conclusion

DEA is deeply concerned by many aspects of the Territory Coordinator Act, including the power invested in a single individual to override long-standing legal conventions, simply to drive short-term development. DEA urges caution in its passage and implementation. We note that the new CLP Government was elected in 2024 in a landslide, ousting the ALP government it accused of secrecy and lack of accountability.⁶ Territorians were promised a government with transparency and accountability, and newly elected members used their first speeches to highlight the need to listen to, support and be accountable to their constituents.⁷ The Territory Coordinator role seems to directly counter these initial aspirations.

⁶ Gibson J, Thompson J. Northern Territory government under fire over standards of staff behaviour and transparency. ABC News 2021

<https://www.abc.net.au/news/2021-02-23/nt-labor-government-under-fire-over-behaviour-transparency/13185248>

⁷ Maiden Speeches, Northern Territory. <https://www.youtube.com/playlist?list=PLr-X1WlJuvRkA21pFgbUjOjk7zWlAla5>