

Julia Knight
Committee Secretary
NT Parliamentary Scrutiny Committee

via: Julia.Knight@nt.gov.au
LA.Committees@nt.gov.au

Submission re: Territory Coordinator Bill 2025

Summary

- i. I submit that the Bill should not be passed.
- ii. I submit that, if the Bill proceeds, it should be amended:
 1. To work in the interests of the Territory – its land, water, air, climate, biodiversity, people and economy – and not to the direct benefit of project proponents.
 2. To strengthen the foundations of our environmental protection processes by requiring (and then fully-funding) government departments to proactively monitor compliance with approval conditions through appropriate independent expert advice and fully-transparent community consultations,
 3. To create proportionate penalties and remedies for breaches, with the objectives of remediating all damage over the scientifically modelled time period and issuing penalties at a quantum that will serve as a genuine deterrent to the proponent.
 4. To remove all new powers to grant alternative processes to the normal legal and regulatory approvals.
- iii. The Bill does not have sufficient regard to the rights and liberties of individuals; rather it weakens the public consultation and review processes that our existing regime contains in areas of great concern to a majority of Territorians including environmental protection, public health, access to recreation in nature and Territory lifestyles, the energy transition, and public faith in government accountability for major economic and resource investments.
- iv. The Bill does not have sufficient regard to the institution of Parliament, as it plainly provides new powers to the proposed Territory Coordinator and the Chief Minister to exempt select projects from Territory laws made by our Parliament.

Reasons

I am opposed to the passage of the Bill. I appreciate the intention to afford major and strategic projects clarity of process and reasonable time-frames for approvals, and I am generally aware that a ‘coordinator’ role exists in other jurisdictions. However, I am strongly opposed to the powers in this Bill to exempt select developments from our legislative and regulatory framework.

This bill is at odds with the rule of law. This is a hugely concerning proposal and I have made time in my very busy family and professional life to make a second submission against this Bill and this legislative process.

The Bill seeks to consolidate power in a non-elected position which, as we have already seen, will be a political appointment. It diminishes transparency at a time of very low public trust in governments in the NT and in Australia, and this must be of concern to our Parliament. It seeks to allow projects with potentially massive impacts on the NT over decades (or longer) to bypass

essential legal and environmental safeguards that have been developed over decades of negotiation between the community, industry and governments. It thus risks undermining democratic principles and community rights to participate, and this is a very grave risk.

I am quite shocked at the proposal to allow a bureaucrat to exempt a chosen project from abiding by our laws. The initial appointment of a gas company executive, rather than someone with experience in public governance, is an overt signal that the strategic objective of this Bill is to provide certain influential industries a smooth road to development. I am not alone in the NT electorate in my opposition to this objective: this is not the primary role of government.

The Bill seeks to legislate non-transparent political discretion, favouritism, or worse.

I believe Community opposition is obvious and valid in this context. I submit that the lack of social licence for this Bill presents a higher risk to projects securing investment and meeting project timelines than working through existing approvals processes that the community can access and trust.

I foresee that community scrutiny of, and challenges to, any future decisions under this Bill if passed will continue, and create high-stakes uncertainty, dispute, wasting public resources, reducing investment in the NT, and harming community trust in our government.

Territorians are already aware that, as a jurisdiction, or environmental protection regime is relatively weak, and friendly to well-resourced proponents. I appreciate that timeframes can be unpredictable, but the answer to finding the balance between community expectations and reasonably predictable processes for proponents is to not give them a free pass: it is to resource the relevant departments appropriately.

Territorians do not want major development to be at the expense of our environment, lifestyle or democracy.

I raise the following non-exhaustive concerns about parts of the Bill.

Section 11: Appointment of Territory Coordinator

- **Issue:** The Territory Coordinator is effectively nominated by the government of the day without a transparent selection process or parliamentary oversight.
- **Concern:** This centralises significant power in a non-elected official, reducing democratic accountability.

Section 14: Termination of Appointment

- **Issue:** The government of the day effectively holds exclusive authority to terminate the Territory Coordinator's appointment.
- **Concern:** The lack of independent review mechanisms for termination decisions may lead to unchecked authority and potential misuse of power.

Section 20: Exemption Notices

- **Issue:** The Minister can issue exemption notices for certain projects, allowing them to bypass normal legislative requirements.

- **Concern:** This provision enables projects to circumvent established environmental assessment and approval processes, undermining environmental protections and community consultation.

Section 22: Step-In Powers

- **Issue:** The Territory Coordinator is granted 'step-in' powers to assume control over project approvals and assessments.
- **Concern:** This authority permits the Coordinator to override decisions made by specialised regulatory bodies, potentially sidelining expert evaluations and diminishing the role of environmental oversight.

Section 30: Limitation of Judicial Review

- **Issue:** Decisions made by the Territory Coordinator or under an exemption notice are excluded from merits review, limiting challenges to judicial review in the Supreme Court.
- **Concern:** Judicial review focuses solely on legal errors rather than the merits of a decision, and pursuing it is often costly and time-consuming. This restriction effectively reduces avenues for communities and stakeholders to contest decisions that may adversely affect them.

A brief submission on process

A very large number of community members have been engaged in the consultation processes, but the burden on individuals to provide detailed submissions again may well lead to a relatively modest number of submissions to the Scrutiny Committee. This should be seen as a product of the process and not a measure of community concern.

The Scrutiny Committee should have access to all public submissions made in relation to this Bill, to refer to at its discretion. What is more, all formal public submissions in relation to the Bill should be made public. To refuse could only be interpreted as politically convenient for the government of the day, undermining public confidence in the recently-elected CLP government and in our government processes.

Thank you for your work on this Bill and the opportunity to make a submission.

Yours faithfully

Catherine McLeish

