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Subject: Territory coordinator bill submission for Scrutiny Committee
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Submission to the Legislative Scrutiny Committee of the Legislative Assembly of the Northern Territory

Subject: Concerns Regarding the Territory Coordinator Bill

Date: 19/02/2025

From: Donna Schakelaar, [REDACTED]

Introduction

I am writing to express my extreme concern about the Territory Coordinator Bill introduced on 12/02/2025. As a resident of the Northern Territory since 1994, I have witnessed various legislative proposals from different governments. However, I believe that the Territory Coordinator Bill is one of the most dangerous pieces of proposed legislation I have encountered in 30 years. It jeopardizes the Territorian way of life without guaranteeing any substantial benefits for the Territory as a whole.

Impact on Existing Legislation

My primary concern is that this bill, if enacted, will affect several significant existing Acts that are wide-ranging and impact all aspects of Territory life. While legislation can sometimes seem cumbersome, it is essential to remember that these laws were developed to protect Territorians and address issues they faced before these Acts were implemented. What some may see as barriers, others view as necessary protections.

Economic, Social, and Environmental Considerations

The primary principle of the Act requires the Minister or Territory Coordinator to consider driving economic prosperity and potential social and environmental outcomes. However, there is no mention of considering potential harm, both direct and indirect, that may result from developments, including worst-case scenarios.

For example, if a fracking project is considered under this bill, what regard will be given to health impacts and the strain on the Territory health system? The proposed Middle Arm development raises similar concerns about increased morbidity and mortality from pollution and its impact on the already struggling health system. Such pollution would also deter skilled professionals from moving to Darwin, further exacerbating the issue.

Definition of Economic Prosperity

How is "driving economic prosperity" defined? While Santos and Inpex are cited as examples of the type of project that this legislation wishes to assist, it is worth noting that

despite \$37 billion in gas exports from Darwin over the last four years, there has been no income from the Commonwealth Petroleum Resource Rent Tax or royalties. The gas industry has been described by the ATO as systemic non-payers of tax. Moreover, the gas industry does not employ significant numbers of Territorians, and my fear is that these industries will only increase jobs in health due to pollution risks.

There is no requirement to identify loss of potential income from other sources such as tourism, agriculture etc on affected lands for an example of a fracking project.

Governance and Oversight

The Territory Coordinator is a powerful position chosen with no public input, chosen solely by the government of the day. Of greater concern is the even more powerful Minister responsible for the Act. Exemption notices allowing modifications of existing laws risk being abused by future governments. I would ask the Scrutiny committee to consider the potential for misuse by politicians on the other side of the house from where they stand at some point in the future especially if they are no longer on the side of a majority government. Would CLP members approve of this legislation if it had been proposed by Michael Gunner back in the day?

Conditional variation notices potentially allow for retrospective approvals, which could be problematic under the Planning Act. Step-in notices are also concerning, as they bypass the expertise of public servants who are well-versed in relevant laws and science. Decisions must be evidence-based.

Public Consultation and Transparency

It is troubling that the Territory Coordinator Bill was not discussed during the last election. This bill deserves careful consideration and significant public input to identify potential hazards and make necessary modifications. I urge Parliament to prioritize making submissions available to the public in full, allowing for further commentary, allowing this bill to be further amended with consultation across the house and modifying the bill to reflect Territorians' concerns. This leads to better legislation.

Conclusion

In summary, this proposed bill is incredibly risky as it undermines legislative protections that safeguard Territorians. The checks and balances expected by Territorians are absent, and there is significant potential for misuse or abuse of the law by both the Territory Coordinator and the overseeing Minister. I remain unequivocally opposed to this bill in its current form and feel significant amendments are required to protect Territorians and the Territory lifestyle.

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