

14 June 2019

Secretary
Social Policy Scrutiny Committee
NT Parliament House

RE: Environmental Protection Bill

Dear Committee Members,

The Indigenous Carbon Industry Network (ICIN) welcomes the reform of NT environmental law and appreciates this opportunity to provide feedback to the Environmental Protection Bill. I note that some of our members in the Northern Territory, including the Northern Land Council and NAILSMA, have already provided detailed feedback to the Department of Natural Resources and Environment in previous submissions responding to an earlier version of this Bill. It is unfortunate that much of this expert feedback from significant stakeholders in the Northern Territory has not been included in the drafting of the Final Bill.

Of particular concern is the omission of any reference to greenhouse gas emissions in any part of the environment regulatory process identified in the Bill, including Environmental Impact Assessment, consideration of Approval by a Decision-maker or under the section describing Environmental Offsets.

The carbon industry is fundamentally based upon the recognition by governments and decision-makers that all development and economic activity has a greenhouse gas emissions footprint, and that to mitigate climate change, all polluters must reduce their greenhouse gas emissions as much as possible. In purchasing carbon credits generated by carbon producers, a developer can therefore, in full or in part, offset its greenhouse gas emissions footprint as a carbon offset.

Indeed, the Northern Territory Government has previously been at the forefront of developing innovative approaches to offsetting greenhouse gas emissions of developments in the NT. The NT Government brokered the innovative West Arnhem Land Fire Abatement (WALFA) project with ConocoPhillips under the conditions of their development permit to support a project that could offset the clearing of vegetation as well as the increased carbon emissions from operating the Darwin LNG plant. The WALFA project then became the landscape scale model upon which the savanna burning methodology was based, measuring the greenhouse gas emissions avoidance and sequestration generated by reinstating Indigenous fire management practices.

Today the savanna burning methodology supports 27 Indigenous owned and operated carbon projects across the north, currently producing 10% of Australia's total carbon credit units.

State and Territory policies and regulations supporting the reduction of greenhouse gas emissions provide our industry with certainty and drive demand for carbon credits, particularly in the absence of a federal policy structure supporting an open national carbon market beyond the Emissions Reduction Fund established under the Carbon Credit (Carbon Farming Initiative) Act.

Therefore, a failure by the NT Government to regulate the greenhouse gas emissions impact of a proposal or to contain a regulatory framework for carbon offsets represents a huge missed opportunity for carbon businesses, particularly our members, who generate 93% of carbon credits produced in the NT.

Our members generate around 1 million carbon credits each year in the NT, equivalent to around \$12 million of annual production. This income is invested into Indigenous land management activities and remote Indigenous communities, supporting Indigenous ranger groups to care for country through better fire management and empowering communities to generate local jobs on country in remote areas where unemployment is very high.

This in turn supports better protection of the environment by supporting more rangers on the ground in the Territory's very remote areas.

By avoiding any reference to greenhouse gas emissions or a specific carbon offset policy; not only does this Bill fail to recognize an emerging environmentally sustainable industry which generates jobs and income for very remote Indigenous communities; it ignores the Northern Territory's global responsibility to reduce its greenhouse gas emissions and reduces the power of decision-makers to determine that the greenhouse gas emissions of a particular future development should be avoided or reduced.

Although the Bill refers to 'guidelines' and a 'framework' for Environmental Offsets, this is not sufficient to provide the NT Government with a good point of leverage to avoid or reduce the greenhouse gas emissions of a proposed development. Furthermore, excluding these policies from environmental regulations removes a key incentive for a developer to reduce or offset its greenhouse gas emissions.

In the good faith that it will support clearer policy setting for managing the NT's climate impact, ICIN has fully participated in informing the drafting of the NT's Climate Change Strategy.

However, it remains to be seen what tools the NT Government will have to implement any future Climate Change Strategy if it misses this rare opportunity to provide a regulatory framework for the assessment and offset of the greenhouse gas emissions of a proposed development.

Therefore, we call on you, the Committee, to amend the Environmental Protection Bill to:

1. Ensure that reducing the Territory's greenhouse gas emissions, and increasing action to draw down atmospheric greenhouse gases, is an Object of the Bill, and a mandatory consideration for every decision-maker and authority throughout the Bill, including s73.
2. Define a carbon offset as being separate to other types of environmental offsets (under s125 and s126) since unlike other environmental offsets, a carbon offset is clearly measured and regulated by the Clean Energy Regulator through the sale of Australian Carbon Credit Units (ACCUs) under the Carbon Credits (Carbon Farming Initiative) Act 2011.

Kind regards,



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Attachment 1: What is the Indigenous Carbon Industry Network?

The Indigenous Carbon Industry Network (ICIN) has evolved to support a pathway for improved communication between internal and external parties in the Indigenous carbon industry. It was initiated early in 2018 as an outcome of the Savanna Fire Forum held in Darwin. Its primary goal is to support Indigenous land managers to participate in emerging carbon industries as fully as possible with a good understanding of its associated risks and benefits.

Indigenous Carbon Industry Network Objectives

The Network's core objectives are:

1. Building capacity through knowledge sharing among Indigenous practitioners.
2. Setting best-practice standards and guidelines for Indigenous engagement.
3. Facilitating engagement and collaboration with state, territory and Australian governments in policy development.
4. Increasing access and engagement by Indigenous projects with the corporate sector.
5. Strengthening the role of the ICIN.

The Commonwealth Department of Environment and Energy as well as the Northern Territory Government and Queensland Government have committed seed funding for a part-time ICIN Coordinator to support the network until June 2020.

The ICIN includes Indigenous savanna carbon producers, Indigenous project developers and supporting organisations from across northern Australia. It is overseen by a Steering Committee consisting of representatives from Indigenous organisations with significant experience in hosting carbon projects across northern Australia.

Our members in the Northern Territory currently include:

- Tiwi Land Council
- Northern Land Council
- ALFA (NT) Limited (Arnhem Land Fire Abatement)
- Jawoyn Association Aboriginal Corporation
- Kakadu National Park Mirrar and Wurrk Traditional Owners
- Thamarurr Development Corporation
- North Australian Indigenous Land and Sea Management Alliance (NAILSMA)
- Indigenous Land and Sea Management Corporation
- Mimal Land Management Aboriginal Corporation
- Warddeken Land Management Ltd
- Arafura Swamp Rangers Aboriginal Corporation
- Demed Aboriginal Corporation
- Laynhapuy Homelands Aboriginal Corporation
- Bawinanga Aboriginal Corporation
- KIRP Kakadu