



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Member - National Farmers' Federation & Cattle Council of Australia

Tuesday, June 18, 2019

Northern Territory Cattlemen's Association **Submission on the Environment Protection Bill 2019** **to the Social Policy Scrutiny Committee**

To whom it may concern

The Northern Territory Cattlemen's Association primary concern, as it has always been since the first draft, is that the proposed Environmental Protection Legislation will have the unintended consequence of adding considerably to the overall reporting and financial burden associated with any development which will be required to undertake the processes associated with the new Act.

These types of development could include but are not exclusive to the non-pastoral use diversification of the pastoral estate. Such diversification includes the planting of crops, tourism, forestry and aquaculture. These concerns relate to the preparatory work for such ventures including tree clearing and associated approvals.

We believe it highly likely that the new legislation will require project or development proponents to provide a significant amount of additional information to require an Environmental Approval after referral, compared with the current legislation.

Although we acknowledge the number of referrals is likely to increase only slightly, it is of major concern that there are still unpublished triggers for referral. The new legislation requires that referrals are either accepted, as being required under the published triggers or refused if they do not meet any of those "triggers" and therefore the referral "was not required to be made".

If you consider this alongside the existing system, as to whether a referral is required to be processed under the Act involves consideration as to whether a Public Environment Report or an Environmental Impact Statement is required; in many cases those additional processes are NOT required, and the process is at an end, albeit with conditions imposed in some cases.

The new legislation will also mean a significant increase in the cost of undertaking any development which requires an approval to be issued. These costs will be likely to include a bond for the development to be lodged, an environmental levy imposed, potentially financial assurance to be provided once the project has been completed and, in most cases, it is likely that an environmental audit will be required to be undertaken, at least at the end of the project if not during the project as well. This will make it extremely difficult to cost projects and add to the overall level of uncertainty for developers.

This new legislation will not only increase the "Red and Green Tape" associated with development projects but will also add significantly to the costs of development both in regard to bonds and levies but also to the development of the amount of reports and audits that will be required.

As a consequence, the proposed Act has separate environmental licensing, bonding, auditing, enforcement and transfer approvals.

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This means that:

(a) a unified approval now becomes two approvals with two separate licences and conditions; (b) the Environment Minister (potentially confined by the NTEPA) has a veto over all major projects; (c) given the broad definition of "environment" and that major projects continually effect the environment there is likely to be large degrees of regulatory overlap and Departmental duplication in regulation; and (d) the Environment Minister (guided by the Department and NTEPA) must acquire skills to regulate all major projects.

We oppose the concept of an environmental approval vested with a singular Minister, in this instance the Minister for Environment. The scope of power this legislation grants to the Minister is breathtaking, and there is no other Australian jurisdiction of which we are aware in which so much authority is granted to a Minister with portfolio of the environment. Such a proposal would have been dramatically opposed were it being suggested by those from Opposite political persuasions.

Concerns are also held in relation to the new proposed powers associated with the CEO and the Environmental Officers, who do not appear to have to be trained and or qualified as environmental investigators, but will be able to impact heavily on a project, if in their view the project is not being undertaken in an environmentally sensitive and or sustainable manner.

This will all no doubt impact negatively on the competitiveness of the NT to attract developers. All of the new costs borne by developers will of course be passed on to the end consumer which will also add to the overall affordability of living in the NT.

This seems to be in direct opposition to the current activities by the NT Government whereby it is trying to reduce costs, attract more business and more people to the NT through the diversification of its economy, of which the pastoral estate is fundamental.

The NTCA has happy to present its concerns directly to the Committee should it be required.

Ends

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