

5<sup>th</sup> October 2016

By email:

[ntepa.consult@nt.gov.au](mailto:ntepa.consult@nt.gov.au)



Environment  
Institute of  
Australia and  
New Zealand

## Re: Comment on Draft advice - Response to Dr Hawke's review

### Key Points

- Lack of community trust in environmental assessments and government can delay both projects and new industries.
- Consequently, we support the model of an independent EPA as presented in the NT EPA's review and argue that the model proposed in the Hawke review will not give the confidence the community requires.
- The current environmental approvals framework in the NT has been found wanting by both the community and industry. We support the NT EPA's whole-of-policy review.

Dear Sir/Madam,

Thank-you for the opportunity to comment on the NT EPA's *Draft advice regarding Dr Allan Hawke's Review of the Northern Territory's Environmental Assessment and approval processes* (hereafter NT EPA review).

The Environment Institute of Australia and New Zealand (EIANZ) represents environmental practitioners across Australia and New Zealand. EIANZ members work with environmental policy development and implementation across the environmental sector including consultancy, government and mining.

There is little faith in the NT's current environmental assessment and approvals processes. Developers argue that there is no consistency and certainty of process, the process is too long and administration heavy; the community argues that the processes are applied inconsistently and there is little transparency in the approvals process or in implementation of approval conditions.

Recent events have brought the ineffectiveness of the NT approvals in sharp relief: the lack of a responsible Minister for a port development, lack of accountability when a breach occurs, no publicly available information when environmental issues are raised and a judiciary that does not appear to consider the importance of applying the principle of general deterrence in decisions around environmental wrongdoing.

It is within this context that public was asked to consider a perceived new industry-fracking. The issue quickly became contentious and there remains substantial community concern. We argue this is partially because, due to the recent examples above, the community has little faith in the environmental regulatory processes or in government to implement them.

Alan Hawke's *Review of the Northern Territory Environmental Assessment and Approval Processes* (Hawke's review) provided three options to ensure a robust environmental regulatory system; recommending Option 3: *strengthening the sectoral 'one-stop-shop' model, supported by enhanced transparency and independent*



GPO Box 4832, Darwin NT 0801  
Head Office Tel: 03 8593 4140  
Web: [www.eianz.org](http://www.eianz.org)  
ABN 39 364 288 752

*performance monitoring*. We believe that even with enhanced transparency and independent performance monitoring the sectoral approval model will always be plagued with accusations of conflict of interest whether real or perceived. It also appears that the NT EPA single environmental approval model is by far the least complex after comparing the flow diagrams on pages x and xi of the NT EPA review. This complexity further confounds the transparency of environmental approvals process and the confidence the process holds with the community and industry.

Thus we can only conclude that the single environmental approval model outlined in the NT EPA review is the only model that will achieve community confidence.

Importantly the NT EPA review outlines the deficiencies in the *Environmental Assessment Act* and the associated procedures (page xvi). Many of these are issues which have been raised with us by industry and consultants trying to support industry. We support a reform that starts by articulating what is wrong with the current model.

To correct these shortcomings, we support the whole of legislation approach outlined as the only way to achieve the reforms.

We have a concern with the single environmental approval framework outlined in the NT EPA review. How can, as way of example, the NT EPA be conversant of all aspects of a complex mine development without having access to the skills and experience within the former Department of Mines and Energy? We would like further explanation on how the NT EPA intends to exploit the considerable skills within government departments and avoid the perception of sectoral capture.

In summary, we believe that the single environmental approval framework proposed in the NT EPA review is the only model that will give confidence to the community. We further believe that the legislative changes proposed in the NT EPA review address many of the shortcomings in the current approach. As the EIANZ members have substantial practical expertise in applying environmental regulation we look forward to being involved in further developing the NT's environmental approval framework.

Yours Sincerely,



Jeff Richardson  
President, Northern Territory Division  
Environment Institute of Australia and New Zealand