

Key changes between draft Environment Protection Regulations 2018 and 2019

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It may contain references to policy positions, approaches, documents or other information that has been superseded.

Introduction

The Northern Territory Government is reviewing and reforming the current environmental regulatory system. Reforms are critical to achieving a robust regulatory system that the community will trust while encouraging industry investment and economic growth.

The new Environment Protection Act 2019 improves the Territory's environmental regulatory management system. It establishes the basis for an improved environmental impact assessment system and a new environmental approval.

In October 2018 consultation draft Environment Protection Regulations 2018 (2018 Regulations) were released for public comment.

This document has been prepared to identify the key changes between the 2018 Regulations and the revised draft Environment Protection Regulations 2019 (2019 Regulations) that have been prepared to support the Act and are currently available for public review.

Further information on the draft Regulations 2019 can be found in the fact sheet 'Draft Environment Protection Regulations 2019'.

Key changes

Changes to reflect amendments to the Environment Protection Bill

A number of changes were made to the Environment Protection Bill 2019 as a result of public consultation processes and the inquiry into the Bill conducted by the Social Policy Scrutiny Committee. These changes have resulted in changes to the draft 2019 Regulations.

In summary changes reflected in the draft 2019 Regulations include:

- improving certainty and timeliness in the assessment system by ensuring that all decision making steps are subject to maximum timeframes and introducing set timeframes for consultation activities

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- clarification of proposed assessment processes, particularly those associated with strategic impact assessments and proponent initiated environmental impact statements
- clarification of assessment requirements where the proponent submits a significant variation to a proposal under assessment, including that the Northern Territory Environment Protection Authority (NT EPA) is to determine whether or not the proposed variation may have a significant impact on the environment or meet a referral trigger, consistent with its obligations when considering referrals generally
- clarification of the NT EPA's powers and responsibilities in the impact assessment system, including identification of additional decision making criteria where appropriate
- clarification of termination and suspension provisions for impact assessments
- identification of publicly consultative processes for the Minister to follow when declaring environmental objectives or triggers, and protected environmental areas or prohibited actions.

A number of matters have also been removed from the draft 2019 Regulations, reflecting removal of these provisions from the Bill. These include:

- processes associated with developing environment protection policies
- processes associated with developing standard terms of reference and standard conditions of approval
- removal of processes for granting registration to environmental auditors and practitioners, while retaining processes to adopt registers maintained in other jurisdictions.