

NORTHERN TERRITORY OF AUSTRALIA
ENVIRONMENT PROTECTION REGULATIONS

Subordinate Legislation No. [] of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2019*

Environment Protection Regulations

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Environment Protection Act*.

Dated 2019

Administrator

By Her Honour's Command

Minister for []

CONSULTATION DRAFT ONLY
PREPARED FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES

* Notified in the *Northern Territory Government Gazette* on [] 2019.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Environment Protection Regulations 2019*.

2 Commencement

These Regulations commence on the commencement of Part 2 of the *Environment Protection Act 2019*.

3 Terms used

In these Regulations:

assessment process means an environmental impact assessment process under Part 5.

assessment report means an assessment report prepared under Part 5, Division 8.

Chief Health Officer means the Chief Health Officer appointed under section 67 of the *Public and Environmental Health Act 2011*.

environmental work, see regulation 176.

method of assessment, see regulation 5.

proponent initiated EIS referral means a referral mentioned in regulation 19.

referral means a referral of a proposed action under Part 6, Division 3 of the Act for:

- (a) a standard assessment; or
- (b) a strategic assessment.

standard terms of reference means standard terms of reference approved under regulation 78.

terms of reference, in relation to an environmental impact assessment, means:

- (a) the terms of reference determined under Part 5, Division 4 for the assessment; or

- (b) if the terms of reference are amended under these Regulations, the terms of reference as amended.

Part 2 Concepts in Act

4 Fit and proper person

- (1) The following matters are prescribed for section 76(4), 87(3), 105(2) and 116(2) of the Act in relation to a person:
 - (a) whether the person has contravened the prescribed legislation;
 - (b) whether the person has held a licence or other authority under the prescribed legislation that has been suspended or revoked;
 - (c) the person's record of compliance with the prescribed environmental legislation;
 - (d) whether in the opinion of the Minister, the action or thing to be authorised by the environmental approval is not or will not be in the hands of a technically competent person;
 - (e) whether in the opinion of the Minister, the person is of good repute, having regard to character, honesty and integrity;
 - (f) whether the person has, in the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;
 - (g) whether the person, during the previous 3 years, was an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with the person's creditors or made an assignment of the person's remuneration for their benefit;
 - (h) whether the person is or was a director of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years;
 - (i) whether the person has demonstrated to the Minister the financial capacity to comply with the person's obligations under the environmental approval;

- (j) whether the person is in partnership, in connection with the action that is the subject of the environmental approval, with a person whom the Minister does not consider to be a fit and proper person under this regulation.
- (2) If the person is a body corporate, the following additional matters are prescribed for section 76(4), 87(3) 105(2) and 116(2) of the Act:
- (a) whether a director of the body corporate:
 - (i) has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked; or
 - (ii) is or has been the director of another body corporate that has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked;
 - (b) in the case of a body corporate that is the subsidiary of another body or company (the **parent company**), whether:
 - (i) the parent company or a director of the parent company has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked; or
 - (ii) a director of the parent company is or has been the director of another body corporate that has contravened the prescribed legislation or has held a licence or other authority under the prescribed legislation that has been suspended or revoked;
 - (c) the record of compliance with the prescribed environmental legislation of any director of the body corporate;
 - (d) whether in the opinion of the Minister, a director of the body corporate is of good repute, having regard to character, honesty and integrity;
 - (e) whether a director of the body corporate has, in the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;
 - (f) whether the body corporate is the subject of a winding up order or has had a controller or administrator appointed during the previous 3 years.

- (3) In this regulation, a reference to a director of a body corporate includes a reference to a person concerned in the management of the body corporate.
- (4) Despite subregulation (1), the Minister may disregard contraventions mentioned in that subregulation having regard to:
- (a) the seriousness of the contraventions; and
 - (b) the length of time since the contraventions occurred; and
 - (c) any other matters that appear relevant to the Minister.
- (5) In this regulation:

prescribed environmental legislation means the following:

- (a) the Act;
- (b) the *Waste Management and Pollution Control Act 1998*
- (c) the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- (d) the *Environment Protection Act 1997* (ACT);
- (e) the *Protection of the Environment Operations Act 1997* (NSW);
- (f) the *Environmental Protection Act 1994* (Qld);
- (g) the *Environment Protection Act 1993* (SA);
- (h) the *Environmental Management and Pollution Control Act 1994* (Tas);
- (i) the *Environment Protection Act 2017* (Vic);
- (j) the *Environmental Protection Act 1986* (WA).

prescribed legislation means:

- (a) prescribed environmental legislation; or
- (b) the following:
 - (i) the *Territory Parks and Wildlife Conservation Act 1976*;
 - (ii) the *Work Health and Safety (National Uniform Legislation) Act 2011*;

- (iii) the *Work Health and Safety Act 2011* (Cth);
- (iv) the *Work Health and Safety Act 2011* (ACT);
- (v) the *Work Health and Safety Act 2011* (NSW);
- (vi) the *Work Health and Safety Act 2011* (Qld);
- (vii) the *Work Health and Safety Act 2012* (SA);
- (viii) the *Work Health and Safety Act 2012* (Tas);
- (ix) the *Occupational Health and Safety Act 2004* (Vic);
- (x) the *Occupational Safety and Health Act 1984* (WA).

5 Methods of environmental impact assessment

- (1) The methods of environmental impact assessment that may be required for a referred action are:
 - (a) assessment by referral information; or
 - (b) assessment by supplementary environmental report; or
 - (c) environmental impact statement assessment; or
 - (d) assessment by inquiry.
- (2) An assessment by inquiry may be conducted separately or with any other method of environmental impact assessment.

Part 3 Environment protection policies

6 Application of Part 3

- (1) This Part provides for the preparation of a proposed environment protection policy.
- (2) This Part does not apply to an environment protection policy mentioned in section 28(1) of the Act.

7 Preparation of draft environment protection policy

The Minister may prepare a draft environment protection policy.

8 Draft environment protection policy to be published

The Minister must publish a draft environment protection policy prepared under regulation 7.

9 Notice of draft environment protection policy

- (1) The Minister must give notice of the draft environment protection policy.
- (2) The notice must:
 - (a) advise where the draft environment protection policy may be inspected and obtained; and
 - (b) invite interested persons to make submissions to the Minister on the draft environment protection policy within the submission period specified in the notice.
- (3) The submission period must be not less than 30 business days after the date of publication of the notice.

10 Submissions

- (1) A person may make a submission to the Minister on the draft environment protection policy within the submission period specified in the notice.
- (2) Subject to subregulation (4), the Minister must publish all submissions on the environment protection policy.
- (3) A person making a submission may request that the submission not be published.
- (4) On receipt of a request, the Minister may:
 - (a) withhold the submission from publication; or
 - (b) remove any identifying information from the submission before publication.

11 Consideration of submissions

Before approving an environment protection policy under the Act, the Minister:

- (a) must consider any submissions made within the submission period; and

- (b) may make any changes to the draft environment protection policy the Minister thinks appropriate.

12 Amendment or revocation of environment protection policy

- (1) The Minister may amend or revoke an environment protection policy.
- (2) Regulations 9 to 11 apply to the amendment or revocation of an environment protection policy.
- (3) Subregulation (2) does not apply to an amendment that is solely of an administrative nature.

13 Amended environment protection policy to be published

The Minister must publish an amended environment protection policy.

14 Notice of amended environment protection policy

- (1) The Minister must publish notice of an amended environment protection policy in the *Gazette*.
- (2) The notice of an amended environment protection policy must advise where the amended policy may be inspected and obtained.

15 Notice of revocation of environment protection policy

The Minister must publish notice of the revocation of an environment protection policy in the *Gazette*.

16 When amended environment protection policy or revocation takes effect

- (1) An amended environment protection policy takes effect:
 - (a) on the date of the *Gazette* notice under regulation 14; or
 - (b) if the notice specifies a later date, on that later date.
- (2) A revocation of an environment protection policy takes effect:
 - (a) on the date of the *Gazette* notice under regulation 15; or
 - (b) if the notice specifies a later date, on that later date.

Part 4 Referral of proposed actions

Division 1 Application of Part 4

17 Application of Part 4

This Part sets out the processes for the consideration of a referral of a proposed action under Part 6, Division 3 of the Act for:

- (a) standard assessment; or
- (b) strategic assessment.

Division 2 Consideration of referral

18 NT EPA may request more information about referral

- (1) On receipt of a referral, the NT EPA may request the proponent to give any further information necessary to enable the NT EPA to decide whether a referral should be accepted.
- (2) A request must be made within 10 business days after the NT EPA receives the referral.
- (3) The proponent must give the information to the NT EPA within the period specified by the NT EPA in the request.
- (4) If the NT EPA requests information under this regulation, the required time for the NT EPA to make a decision on the referral ceases to run until the information is given.

19 Proponent initiated EIS referral

A proponent may include in a referral:

- (a) draft terms of reference for an environment impact statement assessment for the proposed action; and
- (b) information explaining why the proponent considers that an environmental impact statement assessment is appropriate for the proposed action.

20 Decision whether to accept referral for standard assessment

- (1) The NT EPA must accept or refuse to accept a referral for a standard assessment within 20 business days after the referral is made.

- (2) If the NT EPA does not make a decision under subregulation (1) within the required time, the referral is taken to be accepted.
- (3) The NT EPA must accept a referral for a standard assessment that is based on an approval trigger.

21 Decision in relation to referral for strategic assessment

The NT EPA may accept a referral for a strategic assessment if it considers it appropriate to do so.

22 Grounds for refusal to accept referral

- (1) The NT EPA may refuse to accept a referral if the NT EPA considers that the referral:
 - (a) contains insufficient information to make an assessment decision; or
 - (b) relates to part of a larger action and information on the whole action is required to make an assessment decision; or
 - (c) was not required to be made.
- (2) Without limiting subregulation (1), the NT EPA may refuse to accept a proponent initiated EIS referral if the NT EPA considers that an environmental impact statement assessment is not required for the proposed action.
- (3) If the NT EPA refuses to accept a proponent initiated EIS referral under subregulation (2), it may accept the referral under regulation 20 as a referral for a standard assessment that is not a proponent initiated EIS referral.
- (4) Without limiting subregulation (1), the NT EPA may refuse to accept a referral for a strategic assessment if it considers that a standard assessment is more appropriate for the proposed action.
- (5) If the NT EPA refuses to accept a referral for a strategic assessment, it may accept the referral as a referral for a standard assessment.

23 Notice of decision

- (1) The NT EPA must give notice of a decision under regulation 20 or 21 to:
 - (a) the proponent; and
 - (b) any relevant government authority.

- (2) The notice must:
 - (a) be in the approved form; and
 - (b) contain the following information:
 - (i) a statement that the referral has been accepted or refused;
 - (ii) the name of the proponent;
 - (iii) the name of the action;
 - (iv) the nature of the action.
- (3) If the NT EPA refuses to accept a referral, the NT EPA must give the proponent a statement of reasons for the decision.

Division 3 Accepted referral

24 Application of Division 3

This Division applies if a referral is accepted.

25 Accepted referral to be published

The NT EPA must publish the following:

- (a) a copy of the accepted referral;
- (b) any additional information request made under regulation 18;
- (c) any additional information given in response to the request;
- (d) in the case of an accepted proponent initiated EIS referral, the draft terms of reference prepared by the proponent.

26 Notice of accepted referral

- (1) The NT EPA must publish a notice of the acceptance of the referral.
- (2) The notice must:
 - (a) advise where the documents referred to in regulation 25 may be inspected and obtained; and
 - (b) invite interested persons to make a submission to the NT EPA about the referral within the period specified in the notice.

- (3) The notice must be published within 20 business days after the referral is accepted.
- (4) The submission period must be not less than 20 business days after the date of the notice.

27 Consultation with relevant government authorities

The NT EPA must:

- (a) consult with relevant government authorities about the referral;
and
- (b) invite those authorities to make a submission to the NT EPA about the referral within the submission period referred to in regulation 26.

28 Decision following consultation

- (1) The NT EPA may make a decision under this regulation after considering the following:
 - (a) the accepted referral;
 - (b) any further information given to the NT EPA;
 - (c) any submission made under regulation 26 or 27.
- (2) The NT EPA may:
 - (a) decide that an environmental impact assessment is not required; or
 - (b) decide that a standard assessment is required and decide the required method of assessment; or
 - (c) recommend a strategic assessment to the Minister and the proposed method of assessment; or
 - (d) recommend that the Minister refuse to give environmental approval for the action.
- (3) The NT EPA may make a recommendation under subregulation (2)(d) if it considers that the action is clearly unacceptable because it is likely to have significant impacts that cannot be appropriately avoided, mitigated or managed.

- (4) The NT EPA must decide that an environmental impact assessment is required if the referral was based on an approval trigger unless the NT EPA makes a recommendation to the Minister under subregulation (2)(d).
- (5) A decision under this regulation must be made within 20 business days after the end of the submission period referred to in regulation 26.
- (6) The required time for the NT EPA to make a decision under this regulation ceases to run until any consultation required under regulation 29 is completed.

29 Consultation on proposed decision

- (1) The NT EPA must consult with the Minister and the proponent before making a recommendation under regulation 28(2)(c).
- (2) The NT EPA may consult with a relevant government authority before making a recommendation under regulation 28(2)(c).
- (3) The NT EPA must consult with the proponent and any relevant government authority before making a recommendation under regulation 28(2)(d).
- (4) The NT EPA must consult with the Minister and the proponent before deciding or recommending a method of assessment that is or includes an assessment by inquiry.

30 Statement of reasons

- (1) The NT EPA must prepare a statement of reasons for its decision under regulation 28.
- (2) The statement of reasons for a decision under regulation 28(1)(b) must specify the reasons for the required method of assessment.
- (3) The statement of reasons for a decision under regulation 28(1)(c) must specify the reasons for the recommendation and the method of assessment.

31 Decision and statement of reasons to be published

The NT EPA must publish a decision under regulation 28 and the statement of the reasons for that decision as soon as practicable after making the decision.

32 Decision on recommendation for strategic assessment

- (1) This regulation applies if the NT EPA recommends to the Minister under regulation 28(2)(c) that a strategic assessment be carried out.
- (2) The Minister may:
 - (a) accept the recommendation for the strategic assessment and the proposed method of assessment; or
 - (b) refuse to accept the recommendation for a strategic assessment.
- (3) If the Minister refuses to accept a recommendation for a strategic assessment, the NT EPA must conduct a standard assessment unless the proponent withdraws from the assessment process under regulation 52.

33 Time for making decision

- (1) The Minister must make a decision under regulation 32 within 20 business days after receiving the recommendation under regulation 28(2)(c).
- (2) The Minister, by written notice to the NT EPA and the proponent, may extend the required time for a decision under regulation 32, if the Minister considers this necessary.
- (3) The notice must be given to the NT EPA and the proponent before the expiry of the required time.
- (4) If the Minister does not make a decision under regulation 32 within the required time:
 - (a) the Minister is taken to have made a decision accepting the NT EPA recommendations; and
 - (b) the method of assessment recommended by the NT EPA is taken to be the required method of assessment.

34 Statement of reasons

The Minister must prepare a statement of reasons for a decision under regulation 32.

35 Publication of decision and statement of reasons

- (1) The Minister must publish a decision under regulation 32 and the statement of the reasons for that decision as soon as practicable after making the decision.
- (2) If a decision is taken to be made under regulation 33(4), the Minister or the NT EPA must publish a statement that the decision has been made under regulation 33(4) as soon as practicable after the decision is made.

36 Decision on recommendation to refuse environmental approval for action

- (1) If the NT EPA recommends under regulation 28(2)(d) that the Minister refuse to grant environmental approval for a proposed action, the Minister may:
 - (a) agree with the recommendation and decide to refuse to grant environmental approval for the proposed action; or
 - (b) direct the NT EPA to carry out an assessment of the proposed action.
- (2) If the Minister makes a decision under subregulation (1)(a), the proponent is not eligible to refer the same or substantially the same action to the NT EPA under Part 6 Division 3 of the Act for the period of 12 months after the decision is made.

37 Time for making decision

- (1) A decision under regulation 36 must be made within 20 business days after the recommendation is made under regulation 28(2)(d).
- (2) The Minister, by written notice to the NT EPA and the proponent, may extend the required time for a decision under regulation 36, if the Minister considers this necessary.
- (3) The notice must be given to the NT EPA and the proponent before the expiry of the required time.
- (4) If the Minister does not make a decision under regulation 36 within the required time, the Minister is taken to have made a decision refusing environmental approval for the proposed action.

38 Statement of reasons

- (1) The Minister must prepare a statement of reasons for a decision under regulation 36.

- (2) The statement of reasons may refer to or adopt the recommendation of the NT EPA under regulation 28(1)(d).

39 Notice to proponent of decision and statement of reasons

The Minister must:

- (a) advise the proponent of a decision under regulation 36 to refuse to approve an environmental approval for the proposed action; and
- (b) give the proponent a copy of the statement of reasons for the decision.

40 Direction to conduct assessment

If the Minister directs the NT EPA under regulation 36 to carry out an assessment of a proposed action, the NT EPA must within 20 business days after the direction is given:

- (a) decide the method of assessment for the proposed action; and
- (b) advise the proponent of that assessment method.

41 Publication of decision and statement of reasons

- (1) The Minister must publish a decision under regulation 36 and the statement of the reasons for that decision as soon as practicable after making the decision.
- (2) If a decision is taken to be made under regulation 37(4), the Minister or the NT EPA must publish a statement that the decision has been made under regulation 37(4) as soon as practicable after the decision is made.

Part 5 Environmental impact assessment

Division 1 Application

42 Application of Part 5

This Part applies to an environmental impact assessment required under Part 4.

Division 2 General provisions for environmental impact assessment

43 NT EPA to have regard to Territory environmental objectives

The NT EPA must have regard to the Territory environmental objectives in carrying out an environmental impact assessment.

44 Additional information during assessment process

- (1) The NT EPA may request a proponent to give the NT EPA any further information required to assist the assessment.
- (2) A request for information may include a request for the proponent to give the NT EPA draft terms of reference for an environmental impact statement assessment.
- (3) A request for information may be made at any time during the assessment process.
- (4) The request for information may specify a time within which the information is to be given.
- (5) If the proponent fails to give the requested information within the specified time, the NT EPA may terminate the assessment process.
- (6) Any additional information given under this regulation forms part of the assessment documentation.
- (7) This regulation does not limit the operation of regulation 63.

45 Request and information given to be made available

The NT EPA must make a copy of the request and the information given in response to the request available for inspection during the assessment process.

46 Notice of request and information given

- (1) The NT EPA must publish a notice of a request for information under regulation 44.
- (2) The notice must:
 - (a) advise where the request and information may be inspected and obtained; and
 - (b) if the NT EPA considers it appropriate, invite interested persons to make a submission to the NT EPA in relation to them within the period specified in the notice.

- (3) The notice must be published as soon as practicable after the specified time for the proponent to give the information.
- (4) The submission period must be not less than 20 business days after the date of the notice.

47 Publication of submissions

- (1) Subject to subregulations (2) and (4), the NT EPA must publish all submissions received during an assessment process.
- (2) If the NT EPA receives a number of submissions in the form of a form letter prepared by a body or organisation or a petition, it is sufficient for the NT EPA to publish:
 - (a) one of the submissions; or
 - (b) the substance of the submission.
- (3) A person making a submission, other than the proponent or a person acting on behalf of the proponent, may request that the submission not be published.
- (4) On receipt of a request, the NT EPA may:
 - (a) withhold the submission from publication; or
 - (b) remove any identifying information from the submission before publication.
- (5) The NT EPA must give the submission to the proponent after removing any identifying information.

48 Power to obtain advice

The NT EPA may engage or ask a person or body that the NT EPA considers is suitably qualified to give advice in relation to any material, information or documents given to the NT EPA during an assessment process.

49 Power to require proponent to obtain independent review

- (1) The NT EPA may direct a proponent to include in the material, information or documents given to the NT EPA as part of an assessment process an independent review by a qualified person of:
 - (a) one or more elements of the proposed action; and

- (b) the management response proposed by the proponent to those elements.
- (2) The NT EPA may determine the qualifications or experience needed to be a qualified person.
- (3) The NT EPA must publish a determination under subregulation (2).

50 Power to require proponent to meet certain costs of assessment process

- (1) The NT EPA may require the proponent to pay the costs of:
 - (a) an inquiry panel appointed under Division 7 in relation to an assessment;
 - (b) any person or body engaged by the NT EPA under regulation 48 to give advice for an assessment.
- (2) The NT EPA may recover any costs incurred by the NT EPA for any matter referred to in subregulation (1) as a debt due to the NT EPA.

51 Termination of assessment process

- (1) The NT EPA, by written notice to the proponent, may terminate the assessment of a proposed action if:
 - (a) the NT EPA has requested additional information from the proponent during the assessment process and the proponent has failed to give that information by the time required by the NT EPA; or
 - (b) the proponent has failed to prepare a supplementary environmental report as required under Division 5; or
 - (c) the person has failed to submit a draft environmental impact statement within the period specified in the terms of reference or that period as extended under Division 7; or
 - (d) the proponent has failed to prepare a supplement to an environmental impact statement as required under Division 7.
- (2) The NT EPA must not issue a notice under subregulation (1)(a) or (b) in relation to an assessment by supplementary environmental report unless a period of at least 2 years has expired since the later of the following to occur:
 - (a) the request for information was made; or

- (b) the period for submitting the supplementary environmental report has expired.
- (3) The NT EPA must not issue a notice under subregulation (1) in relation to an environmental impact statement assessment unless a period of at least 2 years has expired since the last of the following to occur:
 - (a) the request for information was made; or
 - (b) the NT EPA directed the proponent to include information in the supplement; or
 - (c) the end of the period for submitting the draft environmental impact statement or that period as extended.

52 Withdrawal from assessment process

The proponent may withdraw from an assessment process by written notice to the NT EPA.

53 Fees and charges not refunded

If an assessment process is terminated or the proponent withdraws from the assessment process:

- (a) any fees or charges paid are not refundable; and
- (b) any outstanding fees and charges remain payable.

54 NT EPA may reconsider method of assessment

- (1) The NT EPA may reconsider the method of assessment of a proposed action if:
 - (a) substantial new information about the impacts of the action has become available and the NT EPA would have made a different decision if that information had been available at the time of making the original decision on the method of assessment; or
 - (b) there has been a substantial change in circumstances not foreseen when the original decision on the method of assessment was made; or
 - (c) the proposed action was to have had a co-operative assessment but the co-operative arrangement was cancelled before the co-operative assessment was carried out.

- (2) Subject to Part 6, the NT EPA must not reconsider the method of assessment after:
- (a) the assessment report on the proposed action has been completed; or
 - (b) the environmental approval for the proposed action has been granted; or
 - (c) if the NT EPA had determined that an assessment was not required, another statutory authorisation of the action has been granted.

Division 3 Assessment by referral information

55 Assessment by referral information

An assessment by referral information required under Part 4 assesses a proposed action on the basis of:

- (a) the information given with the referral; and
- (b) any further information, submissions or advice given to the NT EPA under Part 4 or Division 2 of this Part.

Division 4 Assessment by supplementary environmental report

56 Assessment by supplementary environmental report

An assessment by supplementary environmental report required under Part 4 assesses a proposed action on the basis of:

- (a) the information given with the referral; and
- (b) any further information, submissions or advice given to the NT EPA under Part 4 or Division 2 of this Part; and
- (c) a supplementary environmental report prepared under this Division.

57 Preparation of supplementary environmental report

- (1) The proponent must prepare a supplementary environmental report to respond to the submissions received on the referral information.

- (2) The NT EPA may direct the proponent to include additional information in the supplementary environmental report:
 - (a) to address the submissions; and
 - (b) to ensure that the NT EPA has sufficient information to complete the assessment process.

58 Proponent to publish supplementary environmental report

The proponent must publish the supplementary environmental report in the manner and within the period determined by the NT EPA.

59 Notice of supplementary environmental report

- (1) The proponent must publish notice of the supplementary environmental report.
- (2) The notice must:
 - (a) advise where the supplementary report may be inspected and obtained; and
 - (b) invite interested persons to make a submission to the NT EPA within the period specified in the notice.
- (3) The specified period must be determined by the NT EPA and must not be less than 20 business days after the notice is published.

60 Proponent to give supplementary environmental report to government authorities

The proponent must give a copy of the supplementary environmental report to any government authority that the NT EPA specifies.

61 Consultation with government authorities

- (1) The NT EPA must:
 - (a) consult with the government authorities to which the supplementary environmental report has been given under regulation 60; and
 - (b) invite those authorities to make a submission to the NT EPA within the submission period specified by the NT EPA.
- (2) The submission period must not be less than 20 business days from the date the invitation is given.

62 NT EPA to examine supplementary environmental report

The NT EPA must:

- (a) have regard to the supplementary environmental report for the purpose of preparing an assessment report; and
- (b) consider any submissions made in relation to the supplementary environmental report.

63 Direction to give further information

- (1) The NT EPA may direct the proponent to give the NT EPA within a specified time any further information the NT EPA considers necessary to facilitate consideration of the supplementary environmental report.
- (2) A direction under subregulation (1) must be given not later than 20 business days after the end of the submission period under regulation 59(3).

64 Publication of information received under regulation 63

- (1) The NT EPA must publish all information received under regulation 63.
- (2) The NT EPA must publish a notice stating where the information may be inspected and obtained.

Division 5 Terms of reference

65 Terms of reference

The NT EPA must prepare terms of reference for an environmental impact assessment that is or includes:

- (a) an environmental impact statement assessment; or
- (b) an assessment by inquiry.

66 Preparation of terms of reference

- (1) In preparing terms of reference, the NT EPA may:
 - (a) use any applicable standard terms of reference; and
 - (b) prepare any additional or other terms of reference the NT EPA considers appropriate.

- (2) In preparing terms of reference for an environmental impact statement assessment, the NT EPA may consider and use any draft terms of reference given by the proponent.
- (3) In preparing terms of reference for an environmental impact statement assessment, the NT EPA must specify the assessment period for the preparation of the environmental impact statement.
- (4) In determining an assessment period, the NT EPA must consider the following:
 - (a) the complexity of the action and the environment that may be impacted;
 - (b) the likelihood of significant change to the environment;
 - (c) the likelihood of significant variation in the nature of the action;
 - (d) any other matter the NT EPA considers relevant.
- (5) The NT EPA is not required to prepare draft terms of reference for an assessment if draft terms of reference were given for the proposed action under Part 4 under a proponent initiated EIS referral.

67 NT EPA to publish draft terms of reference for assessment

The NT EPA must publish draft terms of reference prepared under regulation 66 within 30 business days after the decision about the method of assessment was made under Part 4.

68 Notice of draft terms of reference

- (1) The NT EPA must publish notice of the draft terms of reference prepared under section 66.
- (2) The notice must:
 - (a) advise where the draft terms of reference may be inspected and obtained; and
 - (b) advise whether any of the terms of reference are standard terms of reference; and
 - (c) invite interested persons to make a submission to the NT EPA on the draft terms of reference (other than standard terms of reference) within the period set out in the notice.
- (3) The submission period must be not less than 20 business days from the date of the notice.

69 Consultation with relevant government authorities

The NT EPA must:

- (a) consult with relevant government authorities on the draft terms of reference; and
- (b) invite those authorities to make a submission on the draft terms of reference within the submission period specified under section 68.

70 Approval of terms of reference for action

- (1) After considering any submissions received under regulation 68 or 69 and making any changes to the draft terms of reference the NT EPA considers appropriate, the NT EPA may approve the terms of reference for an environmental impact assessment that is or includes:
 - (a) an environmental impact statement assessment; or
 - (b) an assessment by inquiry.
- (2) After considering any submissions received under Part 4 in relation to draft terms of reference published under regulation 25(d) and making any changes to the draft terms of reference the NT EPA considers appropriate, the NT EPA may approve the terms of reference for an environmental impact statement assessment.
- (3) The NT EPA must determine whether to approve the terms of reference within 20 business days after the end of the period specified under regulation 68(3).

71 Notice to proponent

The NT EPA must notify the proponent of the approved terms of reference.

72 Publication of approved terms of reference

The NT EPA must publish the approved terms of reference.

73 Notice of approved terms of reference

The NT EPA must publish a notice stating where the approved terms of reference may be inspected and obtained.

74 Standard terms of reference

- (1) The NT EPA may prepare standard terms of reference for:
 - (a) an environmental impact statement assessment; or
 - (b) an assessment by inquiry.
- (2) Standard terms of reference must set out the matters relating to the environment that are to be dealt with in an environmental impact statement assessment or an assessment by inquiry.
- (3) Standard terms of reference may be prepared in relation to:
 - (a) particular industries; or
 - (b) particular kinds of actions; or
 - (c) particular kinds of impacts.
- (4) Standard terms of reference must include an assessment period of not less than 3 years for completing the draft environmental impact statement or inquiry report.

75 NT EPA to publish draft standard terms of reference

The NT EPA must publish any draft standard terms of reference prepared under regulation 74.

76 Notice of draft standard terms of reference

- (1) The NT EPA must publish a notice in relation to any draft standard terms of reference prepared under regulation 74.
- (2) The notice must:
 - (a) advise where the draft terms of reference may be inspected and obtained; and
 - (b) invite interested persons to make a submission to the NT EPA on the draft terms of reference within the period set out in the notice.
- (3) The submission period must be not less than 20 business days from the date of the notice.

77 Consultation with relevant government authorities

The NT EPA must:

- (a) consult with all relevant government authorities on the draft standard terms of reference; and
- (b) invite those authorities to make a submission to the NT EPA on the draft standard terms of reference within the submission period specified in regulation 76.

78 Approval of standard terms of reference

After considering any submissions received under regulation 76 or 77, the NT EPA:

- (a) approve the standard terms of reference; or
- (b) approve the standard terms of reference with amendments; or
- (c) decide not to approve the standard terms of reference.

79 Publication of approved standard terms of reference

The NT EPA must publish the approved standard terms of reference.

80 Notice of approved standard terms of reference

The NT EPA must publish a *Gazette* notice stating where the approved standard terms of reference may be inspected and obtained.

81 Amendment or revocation of approved standard terms of reference

- (1) The NT EPA may amend or revoke an approved standard term of reference.
- (2) Regulations 74 to 80 (with any necessary changes) apply to the amendment or revocation of an approved standard term of reference.

Division 6 Environmental impact statement assessment process

82 Application of Division 6

This Division applies if an environmental impact statement assessment process is required under Part 4.

83 Terms of reference

- (1) The terms of reference for an environmental impact statement assessment are the terms of reference approved under Division 5 for that assessment.
- (2) The NT EPA and the proponent must comply with the terms of reference in carrying out the environmental impact statement assessment.

84 Matters to be included in environmental impact statement assessment

- (1) The matters to be included in environmental impact statement assessment may include all or any of the following:
 - (a) an assessment which considers the potential impact of the action on the biological or physical environment (a ***biological or physical environment assessment***);
 - (b) an assessment which considers the potential impacts of an action on human health and wellbeing (a ***health impact assessment***);
 - (c) an assessment which considers the potential impact of an action on society (a ***social impact assessment***);
 - (d) an assessment which considers the potential impact of an action on Aboriginal culture or sacred sites or the Territory's natural or built heritage (a ***cultural impact assessment***);
 - (e) an assessment which considers the potential economic costs and benefits of an action to the Territory or to a regional or local area of the Territory (an ***economic assessment***).
- (2) The NT EPA must consult with the Chief Health Officer before requiring a health impact assessment.
- (3) A health impact assessment must be conducted in accordance with any guidelines specified by the Chief Health Officer for this subregulation.

- (4) A social impact assessment must be conducted in accordance with any guidelines specified by the Minister [responsible for social policy] for this subregulation.

85 Preparation of environmental impact statement

- (1) The proponent must prepare an environmental impact statement in accordance with these Regulations and the terms of reference.
- (2) The proponent must prepare the environmental impact statement within the assessment period for the statement.

86 Extension of assessment period

- (1) A proponent may apply to the NT EPA for an extension of the assessment period for an environmental impact statement.
- (2) On an application under subregulation (1), the NT EPA may:
 - (a) extend the assessment period, with the same terms of reference; or
 - (b) extend the assessment period with amended terms of reference; or
 - (c) refuse to extend the assessment period.
- (3) Regulations 67 to 73 apply (with any necessary changes) to the amendment of the terms of reference under subsection (2)(b).

87 Statement of reasons

The NT EPA must prepare a statement of reasons for an extension of the assessment period.

88 Notice of extension of assessment period

- (1) The NT EPA must publish a notice of the extension of the assessment period.
- (2) The notice must:
 - (a) advise the period of the extension; and
 - (b) advise where the statement of reasons for the extension may be inspected or obtained; and
 - (c) if the terms of reference are amended, advise where the revised terms of reference may be inspected or obtained.

89 Submission of draft environmental impact statement to NT EPA

- (1) The proponent must submit a draft environmental impact statement to the NT EPA in the form required by the terms of reference for the assessment.
- (2) The proponent must comply with any requirements of the NT EPA in relation to the draft environmental impact statement.

90 Publication of draft environmental impact statement

The proponent must publish the draft environmental impact statement in the manner determined by the NT EPA.

91 Notice of draft environmental impact statement

- (1) The proponent must publish a notice of the draft environmental impact statement.
- (2) The notice must:
 - (a) advise that the environmental impact statement has been prepared and where the statement may be inspected and obtained; and
 - (b) invite interested persons to make a submission on the draft statement to the NT EPA within the period set out in the notice.
- (3) The submission period must be not less than 30 business days after the date of the notice.
- (4) The NT EPA may give directions to the proponent about the form and manner in which the notice is to be given.
- (5) A submission may be made:
 - (a) in writing; or
 - (b) orally in person or by audio or audio-visual communication or recording.
- (6) The NT EPA must give the proponent a statement of the substance of an oral submission made under this regulation.

92 Copy of draft environmental impact statement to be given to government authorities

The proponent must give a copy of the draft environmental impact statement to any government authority that the NT EPA specifies.

93 Consultation with government authorities

The NT EPA must:

- (a) consult with the government authorities to which the draft environmental impact statement has been given under regulation 92; and
- (b) invite each authority consulted to make a submission to the NT EPA in relation to the draft environmental impact statement within the submission period specified under regulation 91.

94 NT EPA to give copies of submissions to proponent

- (1) The NT EPA must give a copy of any written submission made under regulation 91 or 93 to the proponent.
- (2) The NT EPA must give the proponent a statement of the substance of an oral submission made under regulation 90.

95 Preparation of supplement to draft environmental impact statement

- (1) The proponent must:
 - (a) consider any submissions received on the draft environmental impact statement; and
 - (b) prepare a supplement to the draft environmental impact statement to respond to the submissions.
- (2) The NT EPA may direct the proponent to include additional information in the supplement to the statement:
 - (a) to address the submissions; and
 - (b) to ensure that the NT EPA has sufficient information to complete the assessment process.

96 Publication of supplement

- (1) The proponent must publish a supplement prepared under regulation 95 in the manner determined by the NT EPA.

- (2) The NT EPA may give directions to the proponent about the form and manner in which the supplement is to be published.

97 Notice of supplement

- (1) The proponent must publish notice of the supplement.
- (2) The notice must advise where the supplement to the environmental impact statement may be inspected and obtained.

98 Copy of supplement to be given to government authorities

The proponent must give a copy of the supplement to any government authority that the NT EPA directs.

99 Further consultation

- (1) The NT EPA must:
- (a) consult with each government authority to which the supplement has been given under regulation 98; and
 - (b) invite each authority consulted to make a submission in relation to the supplement within the submission period specified by the NT EPA.
- (2) The NT EPA must invite any person who made a genuine and valid submission under regulation 91 to make a submission on the supplement within the submission period specified by the NT EPA.
- (3) The submission period must not be less than 20 business days after the date the invitation is given.
- (4) The NT EPA must consider any submissions made under this regulation.
- (5) For subregulation (2), a ***genuine and valid submission*** by a person does not include:
- (a) a submission by the person in the form of a form letter prepared by another body or organisation or a petition; or
 - (b) a submission made after the end of the submission period under regulation 91, unless the NT EPA considers that in the circumstances it should be considered a genuine and valid submission.

100 Waiver of requirement for supplement

- (1) The NT EPA may waive a requirement for a supplement to an environmental impact statement on its own initiative or at the request of the proponent.
- (2) A request from a proponent for a waiver must set out the reasons why a supplement is not required.
- (3) If the NT EPA determines that a supplement is not required, it must publish a statement of reasons for that determination.
- (4) The NT EPA must not determine to waive the requirement for a supplement if the action is being assessed under a Bilateral Agreement with the Commonwealth in accordance with section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

101 Status of supplement

A supplement forms part of the environmental impact statement to which it relates.

102 Direction to proponent to give further information

- (1) The NT EPA may direct the proponent to give the NT EPA within a specified time any further information the NT EPA considers necessary to facilitate consideration of the environmental impact statement.
- (2) The direction must be given not later than 30 business days after the end of the submission period under regulation 99.

103 Publication of information received under regulation 102

- (1) The NT EPA must publish all information given under a direction under regulation 102.
- (2) The NT EPA must publish a notice stating where the information may be inspected and obtained.

Division 7 Assessment by inquiry

104 Application of Division

This Division applies if an assessment by inquiry is required under Part 4.

105 NT EPA to conduct the inquiry

- (1) The NT EPA is to conduct the inquiry.
- (2) Subject to regulation 108, the NT EPA must determine and publish the procedure for the inquiry.

106 Terms of reference

- (1) The terms of reference for an assessment by inquiry are the terms of reference approved under Division 5 for that assessment.
- (2) The NT EPA and any inquiry panel appointed under regulation 107 must comply with the terms of reference in conducting an inquiry.

107 Appointment of inquiry panel

- (1) The NT EPA may appoint a panel of one or more persons to assist with the inquiry.
- (2) The NT EPA must ensure that any person appointed to an inquiry panel has the appropriate qualifications or experience to assist the inquiry.

108 Procedure of inquiry panel

- (1) Subject to this Division, in assisting an inquiry an inquiry panel:
 - (a) may determine the procedure to be followed by the panel; and
 - (b) is not subject to direction in its decisions by the NT EPA or the Minister; and
 - (c) is not bound by the rules of evidence.
- (2) The inquiry panel must publish the procedure determined under subregulation (1)(a).

109 Hearings of inquiry panel to be in public

- (1) A hearing held by an inquiry panel as part of an inquiry must be held in public, unless the panel directs otherwise.
- (2) The inquiry panel must make publicly available (in any way the panel thinks appropriate) the content of any submission or evidence given to the panel in writing, unless the panel directs otherwise.

- (3) If the inquiry panel considers it desirable in the public interest, the panel may:
 - (a) give directions that all or part of a hearing be held in private, specifying the persons who may be present; and
 - (b) give directions prohibiting or restricting the publication of all or part of any submission or evidence given orally or in writing to the panel.

110 Timing of report of inquiry or inquiry panel

- (1) The NT EPA must complete a report of an inquiry within the period specified in the terms of reference.
- (2) An inquiry panel must complete a report of an inquiry and give it to the NT EPA within the period specified in the terms of reference.

111 Publication of report of inquiry or inquiry panel

- (1) The NT EPA must publish the report of an inquiry or an inquiry panel as soon as practicable after the inquiry is completed.
- (2) The NT EPA must give a copy of the report to the proponent.
- (3) However, the NT EPA must not publish, or give a copy of, the report to the extent that it sets out any submission or evidence if the inquiry panel has directed under regulation 109(3)(b) that publication of the submission or evidence be prohibited or restricted.

112 Proponent to have regard to report

The proponent must have regard to the report of an inquiry or an inquiry panel in relation to a proposed action in:

- (a) if applicable, preparing any draft environmental impact statement or supplement relating to the action; or
- (b) providing any additional information requested by the NT EPA under these Regulations in relation to the action.

Division 8 Assessment report

113 Assessment report

- (1) The NT EPA must prepare an assessment report on completion of an assessment process.

- (2) The assessment report is to be given to the Minister under Part 7 of the Act.
- (3) The purpose of the assessment report is:
 - (a) to assess the potential significant environmental impacts of a proposed action; and
 - (b) to make recommendations for mitigating and managing those impacts.
- (4) The assessment report must assess:
 - (a) the potential environmental impacts and risks of the proposed action; and
 - (b) whether there are any residual impacts remaining after all reasonable measures to avoid and then mitigate the risks.
- (5) The assessment report may identify that an offset may be appropriate in respect of the residual impacts identified in the report.

114 Preparation of assessment report

- (1) The NT EPA must consider the following in preparing an assessment report:
 - (a) any referral information given;
 - (b) any information gained through the assessment process;
 - (c) any environmental impact statement completed under Division 6 in relation to the proposed action;
 - (d) the report of an inquiry or an inquiry panel under Division 7 in relation to the proposed action;
 - (e) any relevant environmental protection policies, guidelines and standards.
- (2) The NT EPA may also consider the following in preparing an assessment report:
 - (a) information based on the NT EPA's own investigations and knowledge;
 - (b) any other information that the NT EPA considers relevant.

- (3) The NT EPA may:
- (a) refer to an inquiry report or an inquiry panel report in its assessment report; or
 - (b) adopt an inquiry report or inquiry panel report as its assessment report.

115 Draft environmental approval

- (1) The NT EPA must prepare a draft environmental approval to be given to the Minister with the assessment report.
- (2) The NT EPA is not required to prepare a draft environmental approval if it proposes to give the Minister a statement of unacceptable impact.

116 Draft statement of unacceptable impact

The NT EPA may prepare a draft statement of unacceptable impact.

117 Consultation

- (1) The NT EPA must:
 - (a) give a copy of the draft assessment report, draft environmental approval or draft statement of unacceptable impact to any relevant statutory decision-maker; and
 - (b) invite the statutory decision-maker to make a submission to the NT EPA on the draft report, approval or statement within the period specified by the NT EPA.
- (2) The NT EPA may:
 - (a) give a copy of the draft assessment report, draft environmental approval or draft statement of unacceptable impact to the proponent; and
 - (b) invite the proponent to make a submission to the NT EPA on the draft report, approval or statement within the period specified by the NT EPA.
- (3) The required time for the NT EPA to give an assessment report to the Minister under regulation 119 ceases to run during a period specified by the NT EPA under subregulation (1) or (2).

118 Decision on assessment report if no response from proponent

The NT EPA may finalise the assessment report and draft environmental approval or statement of unacceptable impact without a submission from the proponent or the statutory decision-maker if the proponent or decision-maker:

- (a) fails to make a submission on the draft assessment report or draft statement within the specified period; or
- (b) if applicable, fails to make a submission on the draft environmental approval within the specified period.

119 Time for provision of assessment report

- (1) The NT EPA must give the assessment report to the Minister and the proponent within the required period.
- (2) In this regulation, the ***required period*** means:
 - (a) for an assessment by referral information, 30 business days after the end of the submission period under regulation 26; or
 - (b) subject to paragraphs (c) and (d), for any other method of assessment, 40 business days after receipt by the NT EPA of the last of the information required to be given to the NT EPA under this Part in relation to the assessment; or
 - (c) subject to paragraph (d), if an inquiry report or inquiry panel report for an assessment by inquiry is completed after the period referred to in paragraph (b), 40 business days after the report is completed; or
 - (d) any longer period that the NT EPA, after consultation with the proponent, determines.

Part 6 Standard conditions of environmental approval**120 Preparation of standard conditions**

- (1) The NT EPA may prepare draft standard conditions of environmental approval.
- (2) The standard conditions may include conditions applying to any one or more of the following:
 - (a) different types of action;
 - (b) different types of industry or process;

- (c) actions within different areas;
- (d) specific environmental impacts.

121 Publication of draft standard conditions

The NT EPA must publish the draft standard conditions.

122 Notice of draft standard conditions

- (1) The NT EPA must publish notice of the draft standard conditions.
- (2) The notice must:
 - (a) advise where the draft standard conditions may be inspected and obtained; and
 - (b) invite interested persons to make a submission to the NT EPA about the draft standard conditions within the period specified in the notice.
- (3) The submission period must be not less than 20 business days after the date of the notice.

123 Decision by NT EPA on standard conditions

After considering any submissions made under regulation 122, the NT EPA may:

- (a) accept the standard conditions; or
- (b) accept the standard conditions with amendments; or
- (c) decide not to recommend the standard conditions.

124 NT EPA to give accepted standard conditions to Minister for approval

The NT EPA must give accepted standard conditions to the Minister for approval.

125 Approval of standard conditions

The Minister may approve the standard conditions given under regulation 124.

126 Publication of approved standard conditions

The Minister must publish the approved standard conditions.

127 Notice of approved standard conditions

- (1) The Minister must publish a notice of the approval of the standard conditions in the *Gazette*.
- (2) The notice must state where the approved standard conditions may be inspected and obtained.

128 NT EPA may prepare draft amendments to standard conditions

- (1) The NT EPA may prepare draft amendments to the approved standard conditions.
- (2) The draft amendments may include the revocation of a standard condition.
- (3) The amendments may be prepared at the request of the Minister or on the NT EPA's own initiative.

129 Publication of draft amendments to standard conditions

The NT EPA must publish the draft amendments to the standard conditions.

130 Notice of draft amendments to standard conditions

- (1) The NT EPA must publish notice of the draft amendments to the standard conditions.
- (2) The notice must:
 - (a) advise where the draft amendments to the standard conditions may be inspected and obtained; and
 - (b) invite interested persons to make a submission to the NT EPA about the draft amendments to the standard conditions within the period specified in the notice.
- (3) The submission period must be not less than 20 business days after the date of the notice.

131 Decision of NT EPA on draft amendments to standard conditions

After considering any submissions made under regulation 130, the NT EPA may:

- (a) recommend to the Minister the amendment of the standard conditions; or

- (b) recommend to the Minister the amendment of the standard conditions with further amendments; or
- (c) decide not to recommend the amendment of the standard conditions.

132 Amendment of standard conditions

- (1) The Minister may:
 - (a) after considering the recommendation of the NT EPA under regulation 131:
 - (i) amend the standard conditions; or
 - (ii) decide not to amend the standard conditions; or
 - (b) at any time, review and amend the standard conditions.
- (2) An amendment to a standard condition does not affect an existing environmental approval which contains the standard condition unless the approval is amended in accordance with Part 7, Division 7 of the Act.

133 Publication of amended standard conditions

The Minister must publish the amended standard conditions.

134 Notice of amended standard conditions

- (1) The Minister must publish a notice of the amended standard conditions in the *Gazette*.
- (2) The notice must state where the approved standard conditions may be inspected and obtained.

Part 7 Variation of actions

Division 1 Preliminary matters

135 Application of Part 7

This Part applies if a notice of variation is given or required to be given under section 64 of the Act.

136 NT EPA may ask for more information about variation

- (1) On receipt of a notice of variation under section 64 of the Act, the NT EPA may request the proponent or approval holder to give the NT EPA any further information necessary to make a decision on the variation under this Part.
- (2) The proponent or approval holder must give the information to the NT EPA within the required time.
- (3) If the NT EPA requests information under this regulation, the required time for the NT EPA to make a decision on the variation ceases to run until the information is given.

Division 2 Process for variation during assessment process

137 Application of Division 2

This Division applies if the NT EPA receives notice of a variation of an action before an assessment report has been given to the Minister in relation to the action.

138 NT EPA may suspend assessment process

- (1) The NT EPA may suspend the assessment process for the action until it has made a decision on the variation.
- (2) If the NT EPA suspends the assessment process under this regulation, the required time for the NT EPA to make a decision on the proposed action ceases to run until the NT EPA makes a decision on the variation.

139 Publication of documents

The NT EPA must publish the following:

- (a) a copy of the notice of variation;
- (b) any additional information request made under regulation 136;
- (c) any additional information given in response to the request.

140 Notice of variation

- (1) The NT EPA must publish a notice in relation to the variation.

- (2) The notice must:
- (a) advise where the documents mentioned in regulation 139 may be inspected and obtained; and
 - (b) invite interested persons to make a submission in relation to the variation to the NT EPA within the period specified in the notice.
- (3) The period specified in the notice must be not less than 20 business days from the date of the notice.

141 Consultation with government authorities

The NT EPA must:

- (a) give a copy of the documents mentioned in regulation 139 to relevant government authorities; and
- (b) invite the government authorities to make a submission to the NT EPA on the variation within the period specified in regulation 140.

142 Matters NT EPA must consider in relation to variation

In assessing a variation, the NT EPA must consider the following:

- (a) whether the variation will alter the action to the extent that a referral trigger or approval trigger that did not previously apply to the action now applies;
- (b) whether, having regard to any applicable Territory environmental objective, the variation will have a significant impact on the environment that differs in a material way from the impacts identified in the assessment process for the action;
- (c) whether the variation will result in new or additional areas or locations being subject to a significant impact of the action
- (d) whether the variation will result in a substantial change to the type or amount of any output of the action in a way that significantly changes the environmental impact;
- (e) whether the purpose of the environmental impact assessment of the action or the objectives of the Act will be undermined if the matters in the variation are not assessed.

143 Decision on variation

- (1) The NT EPA may make a decision under this regulation after considering the following:
 - (a) the notice of variation;
 - (b) any further information given to the NT EPA under regulation 136;
 - (c) any submission received under regulation 140 or 141;
 - (d) the matters mentioned in regulation 142.

- (2) The NT EPA may decide that:
 - (a) the variation does not raise any additional or different significant impacts and that the assessment can continue; or
 - (b) additional information is required for the assessment under regulation 44; or
 - (c) an assessment is no longer required; or
 - (d) the assessment method is no longer appropriate and determine an alternative method of assessment; or
 - (e) a new assessment is required for the matters in the variation but the existing assessment may continue; or
 - (f) the terms of reference for an environmental impact statement assessment or an assessment by inquiry are no longer relevant and need to be amended; or
 - (g) a direction given in the assessment process is no longer appropriate and make changes to that direction; or
 - (h) the content of any information given for the assessment no longer appropriately addresses the potential impacts or management responses and require the information to be resubmitted.

- (3) A decision under this regulation must be made within 20 business days after the end of the submission period under regulation 140.

- (4) A decision under subregulation (2)(f) that the terms of reference need to be amended may be made:
 - (a) for an environmental impact statement assessment, whether the notice of variation is given before or after a draft environmental impact statement is published; or
 - (b) for an assessment by inquiry, before the inquiry is completed.
- (5) The NT EPA must consult with the proponent before deciding a method of assessment that is or includes an assessment by inquiry.

144 Statement of reasons

The NT EPA must prepare a statement of reasons for a decision under regulation 143.

145 Publication of decision and statement of reasons

The NT EPA must publish:

- (a) a decision under regulation 143; and
- (b) the statement of reasons for the decision.

146 Notice of decision to be published

- (1) The NT EPA must publish a notice of a decision under regulation 143.
- (2) The notice must advise where the decision and the statement of reasons may be inspected and obtained.

147 Notice to proponent

The NT EPA must give written notice to the proponent of the decision under regulation 143.

148 Implementation of decision

A decision under regulation 143(2) (other than paragraph (f)) must be implemented as soon as practicable after the decision is made.

149 Amendment of terms of reference

- (1) This regulation applies if the NT EPA decides under regulation 143(2)(f) that the terms of reference for an environmental impact statement assessment or an assessment by inquiry need to be amended.

- (2) The NT EPA must prepare draft terms of reference that may be:
- (a) amended terms of reference; or
 - (b) new terms of reference; or
 - (c) an addendum to the terms of reference.

150 Publication of draft terms of reference

- (1) The NT EPA must publish any draft terms of reference prepared under regulation 149.
- (2) The draft terms of reference must be published within 30 business days after the decision is made under regulation 143(2)(f).

151 Notice of draft terms of reference

- (1) The NT EPA must publish notice of the draft terms of reference.
- (2) The notice must:
- (a) advise where the draft terms of reference may be inspected and obtained; and
 - (b) if applicable, advise that the terms of reference or some of them are standard terms of reference; and
 - (c) invite interested persons to make a submission to the NT EPA on the draft terms of reference (other than standard terms of reference) within the period specified in the notice.
- (3) The period specified in the notice must be not less than 20 business days after the publication of the notice.

152 Consultation with government authorities

The NT EPA must:

- (a) give a copy of the draft terms of reference to relevant government authorities; and
- (b) invite the government authorities to make a submission to the NT EPA on the draft terms of reference within the period specified in regulation 151.

153 Approval of terms of reference for action

- (1) The NT EPA must consider any submissions made under regulations 151 and 152 before making a decision in relation to the draft terms of reference.
- (2) The NT EPA may approve the terms of reference.
- (3) The NT EPA must make a decision under this regulation within 20 business days after the end of the period specified under regulation 151(2).

154 Publication of terms of reference

The NT EPA must publish the terms of reference approved under regulation 153.

155 Notice of terms of reference to be published

- (1) The NT EPA must publish a notice of the terms of reference approved under regulation 153.
- (2) The notice must advise where the terms of reference may be inspected and obtained.

156 Notice to proponent

The NT EPA must give written notice to the proponent of the terms of reference approved under regulation 154.

Division 3 Process for variation after assessment report completed

157 Application of Division 3

This Division applies if a notice of variation is given under section 64 of the Act:

- (a) after the assessment report on the action is prepared by the NT EPA; and
- (b) before an environmental approval is granted by the Minister for the action.

158 Minister may suspend consideration of assessment report

- (1) The Minister may suspend the consideration of the assessment report and draft environmental approval or statement of unacceptable impact for the proposed action until the NT EPA has made a decision on the variation.
- (2) If the Minister suspends the process under this regulation, the required time for the Minister to make a decision on the proposed action ceases to run until the NT EPA makes a decision on the variation.
- (3) The Minister must not consider an assessment report if the decision of the NT EPA on the variation is that a further assessment or a new referral is required, unless the NT EPA has decided that the existing assessment of the proposed action can continue.

159 Publication of documents

The NT EPA must publish the following:

- (a) a copy of the notice of variation;
- (b) any additional information request made under regulation 136;
- (c) any additional information given in response to the request.

160 Notice of variation

- (1) The NT EPA must publish a notice in relation to the notice of variation.
- (2) The notice must:
 - (a) advise where the documents mentioned in regulation 159 may be inspected and obtained; and
 - (b) invite interested persons to make a submission to the NT EPA in relation to the variation within the period specified in the notice.
- (3) The period specified in the notice must be not less than 20 business days from the date of the notice.

161 Consultation with government authorities

The NT EPA must:

- (a) give a copy of the documents mentioned in regulation 159 to relevant government authorities; and

- (b) invite the government authorities to make a submission to the NT EPA on the variation within the period specified under regulation 160(2).

162 NT EPA to be satisfied of and consider certain matters

- (1) Before making a decision on the variation under regulation 163 or 164, the NT EPA must be satisfied that the variation demonstrates:
 - (a) new environmental impacts or risks not previously assessed;
or
 - (b) significantly increased impacts or risks not considered in the previous assessment process.
- (2) The NT EPA must consider the following before making a decision under regulation 163 or 164:
 - (a) the notice of variation;
 - (b) any further information given to the NT EPA under regulation 136;
 - (c) any submissions received under regulation 160 or 161.

163 Decision on variation

- (1) This regulation does not apply to a variation of a proposed action for which a notice of unacceptable impact has been issued.
- (2) The NT EPA must consider the variation and determine whether:
 - (a) the variation can be managed through the proposed conditions specified in the draft environmental approval given to the Minister with the assessment report; or
 - (b) the variation can be managed through an amendment to the proposed conditions on the draft environmental approval given to the Minister with the assessment report; or
 - (c) the environmental impacts of the variation are such that further assessment is required.
- (3) If the NT EPA makes a decision under subregulation (2)(a), the NT EPA must advise the Minister of the variation and its assessment.

- (4) If the NT EPA makes a decision under subregulation (2)(b), the NT EPA must:
 - (a) advise the Minister of the variation and its assessment; and
 - (b) submit a draft environmental approval prepared under regulation 165.
- (5) If the NT EPA makes a decision under subregulation (2)(c), the NT EPA must determine the method of assessment required in accordance with Part 4, Division 3.

164 Decision if statement of unacceptable impact issued

- (1) This regulation applies to a variation if the NT EPA has issued a statement of unacceptable impact in relation to the proposed action.
- (2) The NT EPA must consider the variation and determine whether:
 - (a) the variation can be managed through the conditions on an environmental approval and recommend the issue of an approval and cancel the statement; or
 - (b) the variation does not identify how the environmental impacts can be avoided or mitigated or managed and confirm the statement.
- (3) If the NT EPA makes a decision under subregulation (2)(a), the NT EPA must:
 - (a) advise the Minister of the variation and its assessment; and
 - (b) submit a draft environmental approval prepared under regulation 165.
- (4) The NT EPA must advise the Minister of a decision under subregulation (2)(b).

165 Draft environmental approval

If the NT EPA makes a decision under regulation 163(2)(b) or 164(2)(a) the NT EPA must prepare a draft environmental approval to be given to the Minister with the assessment report.

166 Consultation on draft environmental approval

- (1) The NT EPA must:
 - (a) give a copy of the draft environmental approval to any relevant statutory decision-maker; and

- (b) invite the statutory decision-maker to make a submission to the NT EPA on the draft approval within the period specified by the NT EPA.
- (2) The NT EPA may:
- (a) give a copy of the draft environmental approval to the proponent; and
 - (b) invite the proponent to make a submission to the NT EPA on the draft approval within the period specified by the NT EPA.
- (3) The required time for the NT EPA to give an assessment report to the Minister under regulation 119 ceases to run during a period specified by the NT EPA under subregulation (1) or (2).

167 Decision on draft environmental approval if no response from decision-maker or proponent

The NT EPA may finalise the draft environmental approval without the submission of the proponent or the statutory decision-maker if the proponent or decision-maker fails to make a submission on the draft approval under this Division within the specified period.

Division 4 Variation after environmental approval granted

168 Application of Division 4

This Division applies if a notice of variation is given to the NT EPA under section 64 of the Act after the environmental approval for the action is granted.

169 Publication of documents

The NT EPA must publish the following:

- (a) a copy of the notice of variation;
- (b) any additional information request made under regulation 136;
- (c) any additional information given in response to the request.

170 Notice of variation

- (1) The NT EPA must publish a notice of the variation.

- (2) The notice must:
- (a) advise where the documents mentioned in regulation 169 may be inspected and obtained; and
 - (b) invite interested persons to make a submission in relation to the variation to the NT EPA within the period specified in the notice.
- (3) The period specified in the notice must be not less than 20 business days from the date of the notice.

171 Consultation with government authorities

The NT EPA must:

- (a) give a copy of the documents mentioned in regulation 169 to the relevant government authorities; and
- (b) invite the government authorities to make a submission to the NT EPA on the variation within the period specified in regulation 170.

172 Variation after grant of environmental approval

- (1) The NT EPA must consider the following before making a decision under this regulation:
- (a) the notice of variation;
 - (b) any further information given to the NT EPA under regulation 136;
 - (c) any submissions received under regulation 170 or 171.
- (2) The NT EPA must consider the variation and determine whether:
- (a) the variation can be managed through the existing conditions in the environmental approval; or
 - (b) the variation can be managed through an amendment to the conditions on the environmental approval; or
 - (c) the environmental impacts of the variation are such that further environmental impact assessment is required.
- (3) If the NT EPA makes a decision under subregulation (2)(a), the NT EPA must advise the Minister of the variation and its assessment.

- (4) If the NT EPA makes a decision under subregulation (2)(b), the NT EPA must:
 - (a) advise the Minister of the variation and its assessment; and
 - (b) give the Minister the proposed amendments to the conditions; and
 - (c) submit a draft environmental approval prepared under regulation 173.
- (5) If the NT EPA makes a decision under subregulation (2)(c), the notice of variation is to be taken to be a new referral of the action as varied.

173 Amended environmental approval

If the NT EPA makes a decision under regulation 172(2)(b), the NT EPA must prepare a draft environmental approval to be submitted to the Minister under regulation 172(4)(c).

174 Consultation on draft amended environmental approval

- (1) The NT EPA must:
 - (a) give a copy of the draft environmental approval to any relevant statutory decision-maker; and
 - (b) invite the statutory decision-maker to make a submission to the NT EPA on the draft approval within the period specified by the NT EPA.
- (2) The NT EPA may:
 - (a) give a copy of the draft environmental approval to the proponent; and
 - (b) invite the proponent to make a submission to the NT EPA on the draft approval within the period specified by the NT EPA.
- (3) The required time for the NT EPA to give an assessment report to the Minister under regulation 119 ceases to run during a period specified by the NT EPA under subregulation (1) or (2).

175 Decision on draft amended environmental approval if no response from decision-maker or proponent

The NT EPA may finalise the draft amended environmental approval without the submission of the proponent or the statutory decision-maker if the proponent or decision-maker fails to make a submission on the draft amended environmental approval within the specified period

Part 8 Registration of environmental practitioners**176 Meaning of *environmental work***

In this Part:

environmental work means any of the following:

- (a) preparing environmental impact assessment documents and amending documents;
- (b) providing an independent review of environmental impact assessment documents and information;
- (c) providing advice on the environmental impact assessment process;
- (d) undertaking any investigation under the Act or these Regulations;
- (e) preparing or reviewing any other document required under the Act or these Regulations.

177 Meaning of *fit and proper person*

In determining under this Part whether a person is a fit and proper person to be registered as an environmental practitioner, the CEO may have regard to the following:

- (a) whether in the opinion of the CEO, the person is of good repute, having regard to character, honesty and integrity;
- (b) whether the person has, in the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;
- (c) whether the person, during the previous 3 years, was an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded

with the person's creditors or made an assignment of the person's remuneration for their benefit;

- (d) whether the person is or was a director of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years.

178 Registration of environmental practitioners

- (1) The CEO may determine requirements and qualifications for environmental practitioners.
- (2) The CEO may determine the kinds of environmental work that a registered environmental practitioner is authorised to carry out.
- (3) The CEO must publish any determination under this regulation on the Agency website.

179 Application for registration

- (1) An application for registration as an environmental practitioner must:
 - (a) be made in the manner and form determined by the CEO; and
 - (b) contain the information required by the CEO; and
 - (c) be accompanied by the relevant application fee.
- (2) The CEO may by written notice require an applicant to give the CEO any further information the CEO requires to determine the application.
- (3) The applicant must give the information within the period specified in the notice.

180 Grant of registration

The CEO may grant a registration as an environmental practitioner to a person if the CEO is satisfied that the applicant:

- (a) meets the requirements and qualifications for registration; and
- (b) is a fit and proper person to be registered; and
- (c) has complied with the requirements of regulation 179; and
- (d) has paid the relevant application fee.

181 Refusal of registration

- (1) If the CEO proposes to refuse an application for registration as an environmental practitioner, the CEO must give written notice to the applicant that:
 - (a) the CEO proposes to refuse the application and the reasons for the proposed refusal; and
 - (b) the applicant may make a submission to the CEO about the proposed refusal.
- (2) The CEO must not refuse an application for registration unless the CEO:
 - (a) has given notice to the applicant under subregulation (1); and
 - (b) has given the applicant a reasonable opportunity to make a submission; and
 - (c) has taken into account any submission made by the applicant.

182 Notice of registration

If the CEO grants registration, the CEO must give the applicant written notice of the following:

- (a) the grant of registration;
- (b) any conditions to which the registration is subject;
- (c) the kinds of environmental work that the registered environmental practitioner is authorised to carry out;
- (d) the period of registration (which must not exceed 3 years).

183 Conditions of registration

- (1) The CEO may impose conditions on the registration of an environmental practitioner:
 - (a) on the grant or renewal of registration; or
 - (b) at any time during the period of registration.
- (2) The CEO may at any time during the period of registration, by written notice to the environmental practitioner, vary or revoke a condition of the registration.

- (3) A imposition, variation or revocation of a condition of registration during the period of registration takes effect on the later of:
- (a) the date specified in the notice under subregulation (2); or
 - (b) the date the written notice is given to the environmental practitioner under subregulation (2).

184 Application for renewal of registration

- (1) A registered environmental practitioner may apply to the CEO for the renewal of the practitioner's registration.
- (2) An application for renewal of registration must:
- (a) be made in the manner and form determined by the CEO; and
 - (b) contain the information required by the CEO; and
 - (c) be made within any period determined by the CEO under subregulation (3); and
 - (d) be accompanied by the relevant renewal fee.
- (3) The CEO may determine the period within which applications for renewal of registration must be made.
- (4) The CEO must publish a determination under subregulation (3).
- (5) The CEO may by written notice require the environmental practitioner to give the CEO any further information the CEO requires to determine the application.
- (6) The environmental practitioner must give the information within the period specified in the notice.

185 Grant of renewal of registration

The CEO may grant a renewal of registration as an environmental practitioner to an applicant if the CEO is satisfied that the applicant:

- (a) meets the requirements and qualifications for registration; and
- (b) is a fit and proper person to be registered; and
- (c) has complied with the requirements of regulation 184; and
- (d) has paid the relevant renewal fee.

186 Refusal of renewal of registration

- (1) If the CEO proposes to refuse an application for renewal of registration as an environmental practitioner, the CEO must give written notice to the applicant that:
 - (a) the CEO proposes to refuse the application and the reasons for the proposed refusal; and
 - (b) the applicant may make a submission to the CEO about the proposed refusal.
- (2) The CEO must not refuse an application for renewal of registration unless the CEO:
 - (a) has given notice to the applicant under subregulation (1); and
 - (b) has given the applicant a reasonable opportunity to make a submission; and
 - (c) has taken into account any submission made by the applicant.

187 Notice of renewal of registration

If the CEO grants a renewal of registration, the CEO must give the environmental practitioner written notice of the following:

- (a) the grant of renewal of registration;
- (b) any conditions to which the renewed registration is subject;
- (c) the kinds of environmental audit that the registered environmental practitioner is authorised to carry out;
- (d) the period of the renewed registration (which must not exceed 3 years).

188 Suspension or revocation of registration

- (1) The CEO may suspend or revoke the registration of an environmental practitioner if:
 - (a) the CEO is satisfied that the practitioner does not meet the requirements and qualifications for registration; or
 - (b) the CEO is satisfied that the practitioner is not a fit and proper person to be registered as an environmental practitioner; or

- (c) the practitioner has contravened:
 - (i) the Act; or
 - (ii) these Regulations; or
 - (iii) the conditions or requirements of registration; or
 - (d) the registration of the practitioner in another jurisdiction has been suspended or revoked on a ground similar to a ground in this subregulation; or
 - (e) the practitioner gave false or misleading information in an application for registration or renewal of registration as an environmental practitioner; or
 - (f) the suspension or revocation of the registration is justified having regard to:
 - (i) the quality of the practitioner's work as an environmental practitioner; or
 - (ii) any other matter the CEO considers relevant to the practitioner's suitability for registration.
- (2) The CEO may revoke the registration of an environmental practitioner that is suspended.

189 Notice of proposed suspension or revocation

- (1) If the CEO proposes to suspend or revoke a registration as an environmental practitioner, the CEO must give written notice to the practitioner that:
- (a) the CEO proposes to suspend or revoke the registration and the reasons for the proposed suspension or revocation; and
 - (b) the practitioner may make a submission to the CEO about the proposed revocation or suspension.
- (2) The CEO must not suspend or revoke a registration unless the CEO:
- (a) has given notice to the practitioner under subregulation (1); and
 - (b) has given the practitioner a reasonable opportunity to make a submission; and

- (c) has taken into account any submission made by the practitioner.

190 Notice of suspension

- (1) If the CEO suspends the registration of an environmental practitioner, the CEO must give written notice to the practitioner that the registration is suspended:
 - (a) for a specified period; or
 - (b) until conditions specified by the CEO are complied with; or
 - (c) until further notice by the CEO.
- (2) A notice of a suspension under subregulation (1)(b) must state that the environmental practitioner's appointment will be reinstated as soon as practicable after the practitioner has complied with the specified conditions.

191 Notice of revocation

If the CEO revokes the registration of an environmental practitioner, the CEO must give written notice to the practitioner of that revocation and the reasons for the revocation.

192 When suspension or revocation has effect

- (1) A suspension of registration has effect:
 - (a) for the period specified by the CEO; or
 - (b) for a suspension notified under regulation 190(1)(b) or (c), for the period beginning on the date of the notice and ending when the CEO notifies the practitioner that the registration has been reinstated.
- (2) A revocation of registration takes effect on the date specified in the notice under regulation 191.

193 Register of environmental practitioners

- (1) The CEO must maintain a public register of environmental practitioners.
- (2) The register must identify each registered environmental practitioner and specify the kinds of environmental work that the practitioner is authorised to carry out.

- (3) The CEO may adopt the register of environmental practitioners (however described) of another jurisdiction to form part of the public register of environmental practitioners.
- (4) A person registered on a register adopted under subregulation (3) is taken to be an environmental practitioner registered under this Part.

Part 9 Registration of environmental auditors

194 Meaning of fit and proper person

In determining under this Part whether a person is a fit and proper person to be registered as an environmental auditor, the CEO may have regard to the following:

- (a) whether in the opinion of the CEO, the person is of good repute, having regard to character, honesty and integrity;
- (b) whether the person has, in the previous 10 years, been convicted in the Territory or elsewhere of an offence involving fraud or dishonesty;
- (c) whether the person, during the previous 3 years, was an undischarged bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with the person's creditors or made an assignment of the person's remuneration for their benefit;
- (d) whether the person is or was a director of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years.

195 Requirements for registration of environmental auditors

- (1) The CEO may determine requirements and qualifications for registration of environmental auditors.
- (2) The CEO may determine the kinds of environmental audit that registered environmental auditors are authorised to carry out.
- (3) The CEO must publish a determination under this regulation.

196 Application for registration

- (1) An application for registration as an environmental auditor must:
 - (a) be made in the manner and form determined by the CEO; and
 - (b) contain the information required by the CEO; and
 - (c) be accompanied by the relevant application fee.
- (2) The CEO may by written notice require an applicant to give the CEO any further information the CEO requires to determine the application.
- (3) The applicant must give the information within the period specified in the notice.

197 Grant of registration

The CEO may grant a registration as an environmental auditor to a person if the CEO is satisfied that the applicant:

- (a) meets the requirements and qualifications for registration; and
- (b) is a fit and proper person to be registered; and
- (c) has complied with the requirements of regulation 196; and
- (d) has paid the relevant application fee.

198 Refusal of registration

- (1) If the CEO proposes to refuse an application for registration as an environmental auditor, the CEO must give written notice to the applicant that:
 - (a) the CEO proposes to refuse the application and the reasons for the proposed refusal; and
 - (b) the applicant may make a submission to the CEO about the proposed refusal.
- (2) The CEO must not refuse an application for registration unless the CEO:
 - (a) has given notice to the applicant under subregulation (1); and
 - (b) has given the applicant a reasonable opportunity to make a submission; and

-
- (c) has taken into account any submission made by the applicant.

199 Notice of registration

If the CEO grants registration, the CEO must give the applicant written notice of:

- (a) the grant of registration; and
- (b) any conditions to which the registration is subject; and
- (c) the kinds of environmental audit that the registered environmental auditor is authorised to carry out; and
- (d) the period of registration (which must not exceed 3 years).

200 Conditions of registration

- (1) The CEO may impose conditions on the registration of an environmental auditor:
 - (a) on the grant or renewal of registration; or
 - (b) at any time during the period of registration.
- (2) The CEO may at any time during the period of registration, by written notice to the environmental auditor, vary or revoke a condition of the registration.
- (3) An imposition, variation or revocation of a condition of registration during the period of registration takes effect on the later of:
 - (a) the date specified in the notice under subregulation (2); or
 - (b) the date the written notice is given to the environmental auditor under subregulation (2).

201 Application for renewal of registration

- (1) An environmental auditor may apply to the CEO for the renewal of the auditor's registration as an environmental auditor.
- (2) An application for renewal of registration must:
 - (a) be made in the manner and form determined by the CEO; and
 - (b) contain the information required by the CEO; and
 - (c) be made within the period determined by the CEO under subregulation (3); and

- (d) be accompanied by the relevant renewal fee.
- (3) The CEO may determine the period within which applications for renewal of registration must be made.
- (4) The CEO must publish a determination under subregulation (3).
- (5) The CEO may by written notice require the environmental auditor to give the CEO any further information the CEO requires to determine the application.
- (6) The environmental auditor must give the information within the period specified in the notice.

202 Grant of renewal of registration

The CEO may grant a renewal of registration as an environmental auditor to an auditor if the CEO is satisfied that the auditor:

- (a) meets the requirements and qualifications for registration; and
- (b) is a fit and proper person to be registered; and
- (c) has complied with the requirements of regulation 203; and
- (d) has paid the relevant renewal fee.

203 Refusal of renewal of registration

- (1) If the CEO proposes to refuse an application for renewal of registration as an environmental auditor, the CEO must give written notice to the applicant that:
 - (a) the CEO proposes to refuse the application and the reasons for the proposed refusal; and
 - (b) the applicant may make a submission to the CEO about the proposed refusal.
- (2) The CEO must not refuse an application for renewal of registration unless the CEO:
 - (a) has given notice to the applicant under subregulation (1); and
 - (b) has given the applicant a reasonable opportunity to make a submission; and
 - (c) has taken into account any submission made by the applicant.

204 Notice of renewal of registration

If the CEO grants a renewal of registration, the CEO must give the environmental auditor written notice of the following:

- (a) the grant of renewal of registration;
- (b) any conditions to which the renewed registration is subject;
- (c) the kinds of environmental audit that the registered environmental auditor is authorised to carry out;
- (d) the period of the renewed registration (which must not exceed 3 years).

205 Suspension or revocation of registration

(1) The CEO may suspend or revoke the registration of an environmental auditor if:

- (a) the CEO is satisfied that the auditor does not meet the requirements and qualifications for registration; or
- (b) the CEO is satisfied that the auditor is not a fit and proper person to be registered as an environmental auditor; or
- (c) the auditor has contravened:
 - (i) the Act; or
 - (ii) these Regulations; or
 - (iii) the conditions or requirements of registration; or
- (d) the registration of the auditor in another jurisdiction has been suspended or revoked on a ground similar to a ground in this subregulation; or
- (e) the auditor gave false or misleading information in an application for registration or renewal of registration as an environmental auditor; or
- (f) the suspension or revocation of the registration is justified having regard to:
 - (i) the quality of the auditor's work as an environmental auditor; or
 - (ii) any other matter the CEO considers relevant to the auditor's suitability for registration.

- (2) The CEO may revoke the registration of an environmental auditor that is suspended.

206 Notice of proposed suspension or revocation

- (1) If the CEO proposes to suspend or revoke a registration as an environmental auditor, the CEO must give written notice to the auditor that:
- (a) the CEO proposes to suspend or revoke the registration and the reasons for the proposed suspension or revocation; and
 - (b) the auditor may make a submission to the CEO about the proposed revocation or suspension.
- (2) The CEO must not suspend or revoke a registration unless the CEO:
- (a) has given notice to the auditor under subregulation (1); and
 - (b) has given the auditor a reasonable opportunity to make a submission; and
 - (c) has taken into account any submission made by the auditor.

207 Notice of suspension

- (1) If the CEO suspends the registration of an environmental auditor, the CEO must give written notice to the auditor that the registration is suspended:
- (a) for a specified period; or
 - (b) until conditions specified by the CEO are complied with; or
 - (c) until further notice by the CEO.
- (2) A notice of a suspension under subregulation (1)(b) must state that the environmental auditor's appointment will be reinstated as soon as practicable after the auditor has complied with the specified conditions.

208 Notice of revocation

If the CEO revokes the registration of an environmental auditor, the CEO must give written notice to the auditor of that revocation and the reasons for the revocation.

209 When suspension or revocation has effect

- (1) A suspension of registration has effect:
 - (a) for the period specified by the CEO; or
 - (b) for a suspension notified under regulation 207(1)(b) or (c), for the period beginning on the date of the notice and ending when the CEO notifies the auditor that the registration has been reinstated.
- (2) A revocation of registration takes effect on the date specified in the notice under regulation 208.

210 Register of environmental auditors

- (1) The CEO must maintain a public register of environmental auditors.
- (2) The register must identify each registered environmental auditor and specify the kinds of environmental audit that the auditor is authorised to carry out.
- (3) The CEO may adopt the register of environmental auditors (however described) of another jurisdiction to form part of the public register of environmental auditors.
- (4) A person registered on a register adopted under subregulation (3) is taken to be an environmental auditor registered under this Part.
- (5) A person registered as an environmental auditor under the *Waste Management and Pollution Control Act 1998* is taken to be an environmental auditor registered under this Part.

Part 10 Notice of environmental incidents**211 Relevant information to be given**

- (1) The relevant information about an incident required to be notified to the CEO under Part 11, Division 8 of the Act consists of the following:
 - (a) the time, date, nature, duration and location of the incident;
 - (b) the location of the place where the environmental harm is occurring or is likely to occur;
 - (c) the nature, the estimated quantity or volume and the concentration of any pollution involved;

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- (d) the circumstances in which the incident occurred (including the cause of the incident, if known);
 - (e) the action taken or proposed to be taken to deal with the incident and any resulting environmental harm, if known.
- (2) The information required by this regulation to be given is the information known to the person notifying the incident when the notice is required to be given.
 - (3) If the information required by subregulation (1)(c), (d) or (e) to be included in a notice of an incident is not known to that person when the initial notification is made but becomes known afterwards, that information must be notified immediately after it becomes known.
 - (4) A notice may be given orally in an emergency if a written notice containing the required information is given to the CEO within 24 hours after the oral notice is given.
 - (5) A notice is given to the CEO if it is given to a person appointed by the CEO to receive notices on the CEO's behalf.
 - (6) In this section:

pollution has the same meaning as in the *Waste Management and Pollution Control Act 1998*.

Part 11 Review by Civil and Administrative Tribunal

212 Review of decisions by Civil and Administrative Tribunal

For Schedule 3 of the Act:

- (a) the decisions set out in Schedule 1 are prescribed as reviewable decisions; and
- (b) the persons set out in Schedule 1 are prescribed as affected persons in relation to those reviewable decisions.

Part 12 Fees

213 Fees

The relevant fee for a provision set out in Schedule 2 is the fee set out in Schedule 2 in relation to that provision.

Part 13 Transitional provisions

Schedule 1 Reviewable decisions and affected persons

regulation 212

Reviewable decision	Affected person
To refuse an application for registration as an environmental practitioner under regulation 181	Applicant
To refuse an application for renewal of registration as an environmental practitioner under regulation 186	Applicant
To impose a condition on a registration or renewal of registration under regulation 183	Applicant Registered environmental practitioner
To vary a condition on a registration under regulation 183	Registered environmental practitioner
To suspend a registration under regulation 188	Registered environmental practitioner
To revoke a registration under regulation 188	Registered environmental practitioner
To refuse an application for registration as an environmental auditor under regulation 198	Applicant
To impose a condition on a registration or renewal of registration under regulation 200	Applicant Registered environmental auditor
To vary a condition on a registration under regulation 200	Registered environmental auditor
To refuse an application for renewal of registration as an environmental auditor under regulation 203	Applicant
To suspend a registration under regulation 205	Registered environmental auditor

Reviewable decision	Affected person
To revoke a registration under regulation 205	Registered environmental auditor

Schedule 2 Fees

regulation 213

Relevant provision	Fee
Application fee under regulation 179(1)	1495 revenue units
Renewal fee under regulation 184(2)	1495 revenue units
Application fee under regulation 196(1)	1495 revenue units
Renewal fee under regulation 201(2)	1495 revenue units
