

**From:** environment policy  
**Sent:** Wednesday, 28 June 2017 11:44 AM  
**To:** environment policy  
**Subject:** Environmental Regulatory Reform

**Please provide any comments you may have on the NT EPA's Roadmap.**

**What other initiatives could be introduced to improve the quality of information available in the assessment and approval process?**

Clear specification of acceptable data eg for biodiversity surveys the season of field survey appropriate for detection of potential significant species on a site. - Refusal to accept proposals where the data is clearly inadequate to inform the decision required. - Where substantial data gaps, a requirement for further surveys and/or data prior to detailed assessment or approval of proposals. Support the use of a higher quality of data in assessments and the public disclosure of information used with few exceptions for sensitive data.

**What mechanisms could be introduced to better access and use Indigenous traditional knowledge in the system?**

**Should draft Environmental Assessment Reports be made available for review? Either to proponents or publicly? What value is there for either proponents or the public by making the draft reports available for review?**

Draft Environmental Assessment Reports should be made available to the public to increase information flow and accountability.

**Should upfront engagement with the community be legislated so that all referral documents are required to contain a consultation report as well as an ongoing stakeholder engagement plan?**

Yes, because without a requirement for consultation, this aspect is easily given inadequate attention.

**How can meaningful community engagement be achieved in the EIA process while keeping timeframes manageable?**

By ensuring proponents do work up-front to engage the community.

**Should draft EIS documents that are provided to the NT EPA before publication (for adequacy review) include a consultation report (outlining the outcomes of engagement through the EIA process and how this has informed the draft EIS) as well as a proposed stakeholder engagement plan to illustrate how the public is to be engaged through the exhibition period? Should an EIS document fail its adequacy review if it does not provide evidence of ongoing engagement and community input into the project?**

A consultation and engagement report should be required. Inadequate attention to consultation and engagement with the community should be grounds for failure at the adequacy review.

**Do you support any of the options outlined? Please provide information to explain why an option is supported.**

**If you do not support third-party referrals, please provide information to support this position. Are there other mechanisms to address the issue of regulating consistently and fairly across the whole of the Territory?**

**Should the legislation include provisions that allow for third-party injunctions and if so, how broadly should these be applied (that is, to the public or to defined groups?). Please outline the concerns you have if you do not support third-party injunctions.**

Provision should be made for third-party injunctions, including a system for individuals to contact EPA and with EPA to be able to escalate a response if there are multiple complaints or the issues raised are considered significant.

**How can this proposal be improved to strike the appropriate balance between providing business certainty and ensuring accountability in decision making? What groups or entities should be included or not included? Please provide information to explain your position.**

Third party appeals should be allowed as development activities impact on a much broader group of people than the direct participants. The scope for third parties should be broad as the Territory is our home. The capacity for broad participation will bolster confidence that the interests of Territorians are being taken into consideration. At a minimum injunctions should be allowed from: affected individuals; organised environmental, community or industry organisations; and persons or organisations who made a legitimate submission during the assessment or approval process.

**Do you have any suggestions for how we can ensure frivolous and vexatious applications are minimised or avoided?**

A penalty system for frivolous and vexatious applications eg an initial warning, with repeat frivolous or vexatious applications followed by exclusion for a time period from further submissions.

**Which decisions made in the assessment, approval and monitoring system should be reviewable? Please provide information to explain your position.**

**Should a statement or recommendation made in an assessment report be subject to review?**

**Which option (1, 2, 3 or 4) is best for the Territory? Please provide information to explain your position.**

A capacity for review is supported. Option 3, as this includes a concept supported by the Productivity Commission.

**What alternative option do you suggest we consider?**

**Might your position change depending on who is given responsibility for decisions in the assessment and approval processes? i.e. Might your position change if the NT EPA was not responsible for decisions in the assessment system?**

Yes, as the body given the primary task for decisions (or recommendations to a Minister for decisions) needs to have a high level of knowledge, understanding and expertise about the issues at hand.

**What combination of responsibilities should the NT EPA be given? Please provide information to explain why an option is supported. What improvements to the environmental management system will be achieved as a result of the NT EPA having these responsibilities?**

Roles as strategic assessor, strategic advisor and operational regulator should be retained. The inclusion of environmental regulation of mining and energy activities, and other appropriate environmental matters under the brief of the EPA is strongly supported.

**If you consider the NT EPA should not retain any of its existing responsibilities, who should be tasked with those responsibilities as the alternative? Please provide information to explain your position.**

**Any other comments?**

Support the introduction of strategic environmental assessment. The current system whereby individual projects are assessed largely in isolation from the cumulative impact of multiple projects is ineffective in achieving sustainable development. A strategic assessment should be able to provide both greater confidence for a proponent that a proposal will be acceptable and provide a more holistic approach to protecting environmental values.

## **Details**

**Please select one** Community Organisation

**Name** Top End Native Plant Society

**Publish - Please choose** Agree to publish name