

Serial
Environment Protection Legislation Amendment (Chain of Responsibility)
Bill 2022
Mr/Ms/Mrs/Dr

A Bill for an Act to amend the *Environment Protection Act 2019* to include
chain of responsibility provisions and for related purposes

**CONSULTATION DRAFT ONLY
PREPARED FOR THE DEPARTMENT OF ENVIRONMENT, PARKS AND
WATER SECURITY**

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENT PROTECTION LEGISLATION AMENDMENT (CHAIN OF RESPONSIBILITY) ACT 2022

Act No. [] of 2022

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2022

An Act to amend the *Environment Protection Act 2019* to include chain of responsibility provisions and for related purposes

[Assented to [] 2022]
[Introduced [] 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Environment Protection Legislation Amendment (Chain of Responsibility) Act 2022*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 1 July 2024, it commences on that day.

Part 2 Amendment of Environment Protection Act 2019

3 Act amended

This Part amends the *Environment Protection Act 2019*.

4 Section 4 amended (Definitions)

(1) Section 4

insert

Aboriginal and Torres Strait Islander corporation, see section 192B(1).

administered Aboriginal and Torres Strait Islander corporation, see section 192B(1).

associated entity, see section 192B(1).

CATSI Act, see section 192B.

commencement, for Part 9, Division 2A, see section 192B(1).

compliance notice, see section 192B(1).

contractor, for Part 9, Division 2A, see section 192Q(1)(b).

control, for Part 9, Division 2A, see section 192B(1).

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in the management of the body corporate.

financial assurance, see section 192B(1).

high risk entity, see section 192B(1).

holding entity, see section 192B(1).

monitor, see section 192Q(2)

petroleum activity, see section 192B(1).

prescribed Act, for Part 9, Division 2A, see section 192B(1).

prescribed approval, for Part 9, Division 2A, see section 192B(1).

prescribed compliance notice, see section 192B(1).

prescribed environmental duty, see section 192B(1).

related person, for Part 9, Division 2A, see section 192C.

- (2) Section 4, definition **CEO**
omit, insert
CEO means:
(a) the Chief Executive Officer; or
(b) for Part 9, Division 2A, in relation to a prescribed compliance notice or a prescribed approval or prescribed environmental duty under a prescribed Act, see section 192B.
- (3) Section 4, definition **environmental officer**, paragraph (b),
omit
officer.
insert
officer, or
- (4) Section 4, definition **environmental officer**, after paragraph (b),
insert
(c) for Part 9, Division 2A, in relation to a prescribed Act, see section 192B(1).

5 Section 176 amended (Environment protection notice – purpose and issue)

- (1) Section 176, before "The"
insert
(1)
- (2) Section 176, at the end
insert
(2) The CEO may issue an environment protection notice under this Division in the circumstances set out in Division 2A, Subdivision 2.

6 Section 183 amended (Emergency environment protection notice issued by environmental officer)

Section 183(3)

omit

in accordance with the regulations

7 Part 9, Division 2A inserted

After section 192

insert

Division 2A Chain of responsibility**Subdivision 1 Preliminary matters****192A Application of Division**

This Division applies in relation to a petroleum activity.

192B Interpretation

(1) In this Division:

Aboriginal and Torres Strait Islander corporation means a corporation registered under the CATSI Act.

administered Aboriginal and Torres Strait Islander corporation means an Aboriginal and Torres Strait Islander corporation:

- (a) for which a special administrator has been appointed under Part 11-2 of the CATSI Act; or
- (b) for which a receiver or another controller of its property has been appointed under Part 5.2 of the *Corporations Act 2001 (Cth)* as applied by Part 11.3 of the CATSI Act; or
- (c) for which an administrator has been appointed under Part 5.3A of the *Corporations Act 2001 (Cth)* (as applied by Part 11.4 of the CATSI Act); or
- (d) that is being wound up under Chapter 5 of the *Corporations Act 2001 (Cth)* (as applied by Part 11.5 of the CATSI Act).

associated entity:

- (a) in relation to a body corporate (other than an Aboriginal and Torres Strait Islander corporation) – see section 50AAA of the *Corporations Act 2001*; and
- (b) in relation to an Aboriginal and Torres Strait Islander corporation – see section 50AAA of the *Corporations Act 2001* (Cth) as if that section applied to the corporation.

CATSI Act means the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

CEO, in relation to a prescribed compliance notice or a prescribed approval or prescribed environmental duty under a prescribed Act, means the statutory authority responsible for enforcing the prescribed compliance notice, prescribed approval or prescribed environmental duty under the prescribed Act.

commencement means the commencement of section 7 of the *Environment Protection Legislation Amendment (Chain of Responsibility) Act 2022*.

compliance notice means:

- (a) an environment protection notice under Division 2 (other than an emergency environment protection notice under section 182, 182A or 183); or
- (b) a prescribed compliance notice.

Note

**Section 182A is to be inserted in the Environment Protection Act 2019 by the proposed Environment Protection Legislation Amendment Bill 2022.*

control:

- (a) in relation to a high risk entity (other than an Aboriginal and Torres Strait Islander corporation) – see section 50AA of the *Corporations Act 2001* (Cth); and
- (b) in relation to a high risk entity that is an Aboriginal and Torres Strait Islander corporation – see section 689-25 of the CATSI Act.

environmental officer includes, in relation to a prescribed Act, an enforcement officer or other person appointed or authorised to enforce the prescribed Act.

financial assurance includes bond (including an environment protection bond) and security.

financial interest, in a high risk entity, means a direct or indirect legal or equitable interest in:

- (a) shares in the high risk entity; or
- (b) a mortgage, charge or other security given by the high risk entity; or
- (c) income or revenue of the high risk entity.

high risk entity means a person who is, or was, the holder of a prescribed approval or a prescribed environmental duty and who:

- (a) is a Chapter 5 body corporate as defined in section 9 of the *Corporations Act 2001* (Cth); or
- (b) is an administered Aboriginal and Torres Strait Islander corporation; or
- (c) is an associated entity of a body referred to in paragraph (a) or (b); or
- (d) is bankrupt, has applied to take the benefit of a law for the relief of bankrupt or insolvent debtors or has compounded with creditors or made an assignment of remuneration for their benefit; or
- (e) has failed to comply with the requirements of a compliance notice; or
- (f) has failed to comply with the requirements of a prescribed approval or a prescribed environmental duty.

holding entity means:

- (a) for a body corporate (other than an Aboriginal and Torres Strait Islander corporation) – a holding company as defined in section 9 of the *Corporations Act 2001* (Cth); and
- (b) for an Aboriginal and Torres Strait Islander corporation – a holding body corporate as defined in section 700-1 of the CATSI Act.

petroleum activity means an activity for which any of the following is required:

- (a) an exploration permit under the *Petroleum Act 1984*;

- (b) a retention licence under the *Petroleum Act 1984*;
- (c) a production licence under the *Petroleum Act 1984*;
- (d) a permit or lease referred to in section 119(1) of the *Petroleum Act 1984*.

prescribed Act means an Act prescribed by regulation for this Division.

prescribed approval means:

- (a) an environmental approval; or
- (b) an authorisation under a prescribed Act, that is prescribed by regulation for this Division.

prescribed compliance notice means a notice, order or direction (however described) that:

- (a) is made or issued under a prescribed Act; and
- (b) relates to compliance with a prescribed approval or prescribed environmental duty under the prescribed Act; and
- (c) is prescribed by regulation as a compliance notice for this Division.

prescribed environmental duty means:

- (a) an environmental obligation under Part 5B; or
- (b) a duty or obligation under a prescribed Act that is prescribed by regulation for this Division.

Note

**Part 5B is to be inserted in the Environment Protection Act 2019 by the proposed Environment Protection Legislation Amendment Bill 2022.*

related person, see section 192C.

- (2) A reference in this Division (except in section 192G, 192H or 192J) to a period of 3 years includes a reference to a period of 3 years commencing before the commencement.

192C Meaning of *related person* of a high risk entity

- (1) A person is a ***related person*** of a high risk entity if:
 - (a) the CEO decides that the person has, or had in the preceding 3 years, a relevant connection to the high risk entity; or

- (b) the person is a holding entity of the high risk entity; or
 - (c) the person:
 - (i) is an associated entity of the high risk entity; and
 - (ii) is the owner or occupier of land on which the high risk entity carries out, or has, in the preceding 3 years, carried out a petroleum activity.
- (2) A person is not considered to be a related person of a high risk entity if:
- (a) the person is acting in the capacity of liquidator, receiver, receiver and manager or administrator of the high risk entity in accordance with:
 - (i) the *Corporations Act 2001* (Cth); or
 - (ii) the CATSI Act; or
 - (b) the person is acting as a special administrator of the high risk entity under Part 11-2 of the CATSI Act; or
 - (c) the person is acting in the capacity of small business restructuring practitioner for the high risk entity in accordance with the *Corporations Act 2001* (Cth); or
 - (d) the person is acting as a trustee in bankruptcy for the high risk entity under the *Bankruptcy Act 1966* (Cth).
- (3) In this section:
- owner**, of land does not include:
- (a) for land for which there is a native title holder under the *Native Title Act 1993* (Cth) – any registered native title party in relation to the land; or
 - (b) for Aboriginal land within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) – a person who has an obligation in relation to the land only because of a connection to the land.

192D Relevant connection to high risk entity

- (1) The CEO may decide whether a person has a relevant connection to a high risk entity in accordance with this section.

- (2) In making the decision the CEO must consider the extent to which the person is, or has been at any time within the preceding 3 years, in a position to influence the high risk entity's conduct in relation to:
- (a) the way in which the high risk entity complies with a prescribed approval, prescribed environmental duty or compliance notice; or
 - (b) the extent to which the high risk entity complies with a prescribed approval, prescribed environmental duty or compliance notice.
- (3) In making the decision, the CEO must also consider the following, to the extent the CEO considers relevant:
- (a) the extent of the person's control of the high risk entity;
 - (b) whether the person is an executive officer of:
 - (i) the high risk entity; or
 - (ii) a holding entity or other body corporate with a financial interest in the high risk entity;
 - (c) any agreements or other transactions the person has or has had with the high risk entity or with a holding entity or other body corporate mentioned in paragraph (b)(ii) other than an agreement for access to land under an enactment prescribed by regulation;
 - (d) the extent of the person's dealings with the high risk entity or with a holding entity or other body corporate mentioned in paragraph (b)(ii);
 - (e) the extent of the person's financial interest in the high risk entity;
 - (f) the extent of the person's cooperation and compliance with a prescribed requirement under this Act or a prescribed Act to provide information relevant to the CEO making the decision.
- (4) A reference in subsection (2) to a person being in a position to influence a high risk entity's conduct includes a person being in that position whether:
- (a) alone or jointly with an associated entity of the high risk entity; or
 - (b) by giving a direction or approval, by making funding available or in another way.

- (5) The matters the CEO may consider for subsection (3)(d) include the following:
- (a) how arm's length the dealings were;
 - (b) whether any transactions were made at market value or not;
 - (c) whether the dealings were on an independent, commercial footing;
 - (d) whether the dealings were for providing professional advice;
 - (e) whether the dealings were for providing finance, including any mortgage, charge or other security in relation to the provision of finance.
- (6) Subsections (1) to (5) do not limit the matters the CEO may consider in deciding whether a person has a relevant connection to a high risk entity.
- (7) In this section:

prescribed requirement means:

- (a) a requirement under section 163, 172 or 175 or under another provision of this Act under which information may be required to be provided; or
- (b) a provision of a prescribed Act under which information may be required to be provided.

Subdivision 2 Redirection to related persons by issue of compliance notices

192E Purpose of Subdivision

This Subdivision sets out the circumstances in which a compliance notice may be issued to a related person of a high risk entity in relation to a petroleum activity.

192F Matters to be considered in deciding to issue a compliance notice to related person

- (1) This section sets out matters for the CEO to consider in deciding whether to issue a compliance notice to a related person of a high risk entity in relation to a petroleum activity.

- (2) The CEO must consider the following:
- (a) if the compliance notice is issued under Division 2 – the objects of this Act;
 - (b) if the compliance notice is issued under a prescribed Act – the objects of the prescribed Act (if any);
 - (c) whether the related person took all reasonable and practical steps to influence the high risk entity's compliance with a prescribed approval, prescribed environmental duty or compliance notice relating to the petroleum activity;
 - (d) whether the related person took all reasonable and practical steps to influence the high risk entity's financial management of and provision in funding for:
 - (i) the requirements for compliance with a prescribed approval, prescribed environmental duty or compliance notice relating to the petroleum activity; and
 - (ii) the remediation and rehabilitation of the environment to address the environmental impacts of the petroleum activity over the lifetime of the activity.
- (3) The CEO may also consider any financial assurance held under this Act or a prescribed Act in relation to the petroleum activity.
- (4) Subsections (1) to (3) do not limit the matters the CEO may consider in deciding whether to issue a compliance notice to a related person of a high risk entity.
- (5) The CEO must not issue a compliance notice to a related person of a high risk entity if a reasonable person would consider the issue of the notice to the related person to be oppressive, unjust or unreasonable in the circumstances.

192G Issue of compliance notice to related person of high risk entity issued with notice

- (1) This section applies if a compliance notice has been issued in the preceding 3 years to a high risk entity in relation to non-compliance with a prescribed approval or prescribed environmental duty in relation to a petroleum activity.
- (2) The CEO may issue a compliance notice to a related person of the high risk entity in relation to non-compliance with the prescribed approval, prescribed environmental duty or compliance notice.

- (3) The period of 3 years referred to in subsection (1) may include a period before the commencement if:
- (a) the compliance notice that was issued before the commencement has not been complied with; and
 - (b) the CEO was not aware of the non-compliance with the compliance notice referred to in paragraph (a) until on or after the commencement.

192H Issue of compliance notice to related person of high risk entity not issued with notice

- (1) The CEO, in the circumstances set out in subsection (3), may issue a compliance notice to a related person of a high risk entity in relation to non-compliance with a prescribed approval, or prescribed environmental duty in relation to a petroleum activity.
- (2) Subsection (1) applies even if a compliance notice has not been issued in the preceding 3 years, to the high risk entity in relation to non-compliance with the prescribed approval or prescribed environmental duty.
- (3) The circumstances are the following:
- (a) the high risk entity has failed to comply with the prescribed approval or prescribed environmental duty in the preceding 3 years;
 - (b) the CEO is satisfied the high risk entity has a history of poor compliance or non-compliance with the prescribed approval or prescribed environmental duty, whether or not enforcement action has been taken against the high risk entity;
 - (c) the CEO reasonably considers:
 - (i) the site in relation to which the prescribed approval or prescribed environmental duty applies or applied is not being managed appropriately and there is a risk of material environmental harm or significant environmental harm; and
 - (ii) the high risk entity has not taken, or is not taking, all reasonable steps to comply with the prescribed approval or prescribed environmental duty;

- (d) the CEO reasonably considers:
- (i) for a high risk entity that is a body corporate – the high risk entity is in financial difficulty and is likely to become a Chapter 5 body corporate or an administered Aboriginal and Torres Strait Islander corporation; or
 - (ii) for a high risk entity that is an individual – the high risk entity is in financial difficulty and is likely to become bankrupt or apply to take the benefit of a law for the relief of bankrupt or insolvent debtors or to compound with creditors or make an assignment of remuneration for their benefit; or
 - (iii) there is a real possibility the Territory will bear the costs of the remediation and rehabilitation of the environment to address the environmental impacts of the petroleum activity.
- (4) The period of 3 years referred to in subsection (3)(a) may include a period before the commencement if the CEO was not aware of the non-compliance with the prescribed approval or prescribed environmental duty until on or after the commencement.
- (5) Nothing in this section prevents the CEO from issuing a compliance notice to a high risk entity after issuing a compliance notice to a related person of the high risk entity.

192J Issue of compliance notices after compliance notice issued to related person of high risk entity

- (1) This section applies if a compliance notice has been issued in the preceding 3 years to a related person of a high risk entity in any of the circumstances set out in this Subdivision.
- (2) The CEO may issue a compliance notice to another related person of the high risk entity in relation to compliance with the same prescribed approval, prescribed environmental duty or compliance notice.

192K Provisions applying to issue of compliance notice

- (1) A compliance notice issued in any of the circumstances set out in this Subdivision may impose any requirement on the related person that can be imposed on the high risk entity by a compliance notice under:
- (a) Division 2 (in the case of an environment protection notice); or
 - (b) the prescribed Act (in the case of a prescribed compliance notice).

- (2) The power to issue a prescribed compliance notice in a prescribed Act includes a power to issue a prescribed compliance notice in any of the circumstances set out in this Subdivision.
- (3) For subsection (2), the provisions of the prescribed Act apply to the prescribed compliance notice, including:
 - (a) provisions relating to the issue of, compliance with and enforcement of compliance with the prescribed compliance notice; and
 - (b) provisions relating to any appeal or review relating to the issue of the prescribed compliance notice.
- (4) The CEO may impose conditions on a compliance notice issued to a related person of a high risk entity that vary from the conditions imposed on a compliance notice issued to the high risk entity.

192L Procedure if land has changed hands

- (1) This section applies in relation to land on which a petroleum activity has been or is being carried out by a high risk entity.
- (2) The CEO may issue a compliance notice to a person who was a previous owner or occupier (the **original landholder**) of the land if:
 - (a) the ownership or occupancy of the land was transferred from the original landholder to another person within the preceding 3 years; and
 - (b) the original landholder was the owner or occupier of the land at the time the environmental impact to which the compliance notice relates occurred; and
 - (c) the original landholder is, or was at any time within the preceding 3 years, a related person of the high risk entity.
- (3) If the original land holder is a body corporate, subsection (2) applies even if the body corporate has been wound up within the preceding 3 years or is in the process of being wound up.

192M Joint and several liability for compliance

If a compliance notice is issued to 2 or more related persons of a high risk entity, the related persons are jointly and severally liable for compliance with the notice, including for the costs of compliance.

192N Enforcement of compliance by high risk entity not affected

Nothing in this Subdivision affects any liability of a high risk entity under this Act or a prescribed Act for any failure to comply with:

- (a) a compliance notice; or
- (b) a prescribed approval or prescribed environmental duty.

Subdivision 3 Powers of persons to enter land**192P Application**

This Subdivision applies if:

- (a) a compliance notice is issued to a person who is or was a related person of a high risk entity; and
- (b) the compliance notice requires the person to enter land or premises in order to comply with the compliance notice; and
- (c) the person to whom the compliance notice is issued:
 - (i) is not the owner or occupier of the land to be entered; or
 - (ii) does not have a right of access to the land to be entered.

192Q Power to enter land

- (1) The following persons may enter the land or premises in accordance with this section to comply with the compliance notice:
 - (a) the person to whom the compliance notice is issued;
 - (b) a person engaged by the person to whom the compliance notice is issued to carry out works on the land or premises (a **contractor**).
- (2) A person engaged as a **monitor** by the person to whom the compliance notice is issued or the CEO may enter the land or premises in accordance with this section to monitor the carrying out of works on the land or premises.
- (3) A person may enter the land or premises only:
 - (a) with the consent of the owner or occupier of the land; or
 - (b) if the person has given at least 10 business days written notice to the owner or occupier of the land; or

- (c) in an emergency, if there is a risk of environmental harm if works are not carried out immediately.
- (4) The person entering land or premises under subsection (3)(c) must:
 - (a) if possible, give oral notice of the entry to the owner or occupier of the land as soon as possible before, on or after that entry; and
 - (b) give written notice of the entry to the owner or occupier within 10 business days after that entry or the giving of the oral notice, whichever occurred first.
- (5) The notice under subsection (3)(b) or (4) must inform the owner or occupier of the land of the matters prescribed by regulation.
- (6) A person must not enter residential premises under this section without the consent of the owner or occupier of the land.
- (7) The power to enter land or premises under this section may be exercised, despite:
 - (a) the land or premises being Aboriginal land; and
 - (b) the related person not holding a permit under the *Aboriginal Land Act 1978* to enter or remain on Aboriginal land.

192R Notice to CEO

- (1) The person to whom the compliance notice is issued must give written notice to the CEO of the intention of the person, or a contractor or monitor engaged by the person, to enter land or premises under section 192Q.
- (2) The notice must be given at least 10 business days before entry to the land.
- (3) Despite subsection (2), if entry to the land or premises is made in an emergency under section 192Q(3)(c), the person to whom the compliance notice is issued must:
 - (a) give oral notice of the entry to the CEO as soon as possible before, on or after that entry; and
 - (b) give written notice to the CEO within 10 business days after that entry or the giving of the oral notice, whichever occurred first.

- (4) The notice given by a person under subsection (1) or (3) must inform the CEO of:
- (a) the name of any contractor or monitor engaged by the person to carry out, or monitor the carrying out of, works on the land or premises; and
 - (b) the matters prescribed by regulation.

192S Powers on entry

A person who is authorised under this Subdivision to enter land or premises may on entry do any of the following to comply with the compliance notice or to monitor the carrying out of works:

- (a) inspect the land or premises and anything found there;
- (b) dig up any land and operate any machinery or equipment;
- (c) bring equipment, machinery and materials onto the land or premises and install and maintain equipment, machinery or materials;
- (d) take photographs and make sketches or other records of the land or premises;
- (e) measure anything, or take samples of anything, on the land or premises;
- (f) take any other action reasonably required to comply with the compliance notice or monitor the carrying out of works.

192T Duties on entry

A person who is authorised under this Subdivision to enter land or premises:

- (a) must take reasonable steps to minimise disruption to the owner or occupier of the land or premises caused by the entry or inspection of the land or premises or the taking of an action specified in section 192S; and
- (b) must not remain on the land or premises any longer than is reasonably necessary.

192U Recovery of costs

- (1) This section applies if a person incurs loss or damage because of action taken under this Subdivision by:
- (a) a person to whom a compliance notice is issued; or

- (b) a contractor or monitor engaged by a person to whom a compliance notice is issued.
- (2) The person is entitled to be paid reasonable compensation for the loss or damage.
- (3) The person to whom the compliance notice is issued is liable to pay the compensation for the loss or damage.
- (4) This section does not apply to loss or damage incurred by the high risk entity referred to in section 192P(a).
- (5) No action lies against the Territory for any loss or damage referred to in subsection (1).

192V Offence to obstruct

- (1) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct obstructs compliance by another person with a compliance notice issued in any of the circumstances set out in Subdivision 2 and the person is reckless in relation to that result.

Penalty: environmental offence level 2.

- (2) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct obstructs a monitor from carrying out the monitoring of works that is authorised under this Subdivision and the person is reckless in relation to that result.

Penalty: environmental offence level 2.

- (3) It is a defence to a prosecution for an offence against this section if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.
- (4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

192W Offence to fail to give notice

- (1) A person commits an offence if:
 - (a) the person is required to give a notice under section 192Q or 192R; and

(b) the person contravenes that requirement.

Maximum penalty: 50 penalty units

(2) An offence against subsection (1) is an offence of strict liability.

192X Offence to fail to comply with duty on entry

(1) A person commits an offence if:

(a) the person has a duty under section 192T; and

(b) the person intentionally engages in conduct; and

(c) the conduct results in a contravention of that duty and the person is reckless in relation to that result.

Maximum penalty: 100 penalty units

(2) Strict liability applies to subsection (1)(a).

(3) It is a defence to a prosecution for an offence against this section if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

(4) The defendant has a legal burden of proof in relation to a matter mentioned in subsection (3).

8 Section 215 amended (CEO may accept enforceable undertaking)

After section 215(4)

insert

(5) In this Division, a reference to an approval holder includes a reference to a related person to whom an environment protection notice has been issued in the circumstances set out in Division 2A.

9 Section 265 amended (Criminal liability of executive officer of body corporate)

Section 265(8), definition *executive officer*

omit

10 Schedule amended (Reviewable decisions and affected persons)

Schedule, after item for section 185

insert

A decision of the CEO under Part 9, Division 2A to issue a compliance notice

The person to whom the compliance notice is issued

Part 3 Amendment of Environment Protection Regulations 2020

11 Regulations amended

This Part amends the *Environment Protection Regulations 2020*.

12 Part 9A inserted

After regulation 254

insert

Part 9A Environment protection notices

254A Prescribed enactments for section 192D of Act

The following enactments are prescribed for section 192D(3)(c) of the Act:

- (a) the *Petroleum Act 1984*;
- (b) the *Native Title Act 1993* (Cth);
- (c) the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth);
- (d) the repealed Act as defined in section 5 of the *Petroleum Act 1984* and continued by section 119 of that Act.

254B Information to be provided in notice of entry to land

For sections 192Q(5) and 192R(4)(b) of the Act, a notice under section 192Q(1)(b) or (2) or 192R(1) or (3) of the Act must inform the owner or occupier of the land or the CEO (as the case requires) of the following:

- (a) the intention to enter the land or premises;

- (b) the name of the person who is to enter the land;
- (c) the petroleum activity for which the compliance notice has been issued;
- (d) the name of the high risk entity;
- (e) the purpose of the entry and proposed works on the land;
- (f) the days and times when the entry is to be made and the expected duration of the proposed works;
- (g) the equipment, machinery or materials to be brought onto the land;
- (h) the changes to infrastructure and the surrounding environment that are expected as a result of the proposed works.

13 Schedule 2 amended (Infringement notice offences and prescribed amounts)

Schedule 2, omit the item for section 146(1)

insert

section 144(1) and 192W(1) 10 penalty units 50 penalty units

Part 4 Act repealed

14 Act repealed

This Act is repealed on the day after it commences.