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| Fact sheet 14: Compliance and enforcement tools |

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Improving environmental outcomes

# Introduction

The Environment Protection Bill 2019 (the Bill) introduces a range of tools to ensure that proponents and approval holders comply with their obligations to participate in the environmental impact assessment process and act in accordance with any requirements specified in an environmental approval.

Under changes to the environmental management framework, the Northern Territory Environment Protection Authority (NT EPA) will be responsible for conducting the environmental impact assessment process and providing strategic environmental advice. The Department of Environment and Natural Resources (the department) will be responsible for regulatory activities, including compliance.

Most compliance and enforcement powers in the Bill are granted to the department’s Chief Executive Officer (CEO) and appointed environmental officers. A limited number of powers have been provided specifically for the NT EPA to enable it to ensure compliance with the environmental impact assessment process.

## NT EPA powers

Under the Bill, the NT EPA can issue a:

* call-in notice requiring a project which has the potential for significant impact to be referred and
* stop work notice requiring work on-site to cease while a project is being considered under the environmental impact assessment process.

These powers provide a safety net to make sure a project that has the potential for significant impact on the environment does not proceed before it has been evaluated. This assessment ensures appropriate measures to prevent and minimise impacts to acceptable levels are incorporated into project design and implementation.

Failing to comply with these notices is an offence.

## Powers of the CEO

The Bill introduces an environmental approval to be granted by the Minister for Environment and Natural Resources following an impact assessment process. There are a range of offences associated with failing to comply with the environmental approval once it has been granted.

The Bill introduces environment protection notices which can be issued by the CEO. These provide a means of making sure that certain actions are taken by a person (including a proponent and an approval holder) to prevent, minimise and address environmental impact and harm.

The CEO is given powers to bring both civil and criminal proceedings. An infringement notice scheme will also be introduced through regulations.

## Powers of environmental officers

The Bill enables the CEO to appoint environmental officers. These officers are given broad powers to investigate potential breaches of the legislation and to take action to enforce compliance. These include powers to:

* issue directions requiring a person to take action to prevent, minimise or manage environmental harm within a certain time
* enter property for the purposes of conducting investigations and to collect evidence, such as by taking photographs and samples.

Environmental officers can bring criminal proceedings with the agreement of the NT EPA or CEO (as relevant).