Submission to the Northern Australia Taskforce: Australian Government Green Paper on Developing Northern Australia

August 19 2014

Introduction

Those of us who live in the north value its unique environment - its wildlife, stunning landscapes, resilient people, rich cultural heritage and diverse Indigenous languages and cultures, including some of the oldest living cultures in the world.

Many Territorians want sustainable development which protects these valuable attributes (see Ochre Green Statement, p.13).

Environment Centre NT (ECNT) is signatory to, and supportive of the vision for northern Australia articulated by Kimberley to Cape in its submission to this Green Paper. It is also broadly supportive of the work by Indigenous leaders to develop a prospectus for northern development through the North Australian Indigenous Experts Forum on Sustainable Economic Development, including the principles and protocols outlined in the NAILSMA Position Paper ‘An Indigenous prospectus for northern development: setting the agenda’.

Unfortunately, the vision articulated in this Green Paper risks placing Australia behind the rest of world as it fails to take up the global challenges of species loss, degraded landscapes, loss of ecosystem services and increasing greenhouse gas emissions through innovation, implementing best practice management and progressive industries which improve ecosystem services and social outcomes.

An alternative vision to that presented in the Green Paper is that Northern Australia is a unique and productive environment, where best practice management is demanded, where development is highly water and energy efficient, where the benefits of development are shared more equally and where a decentralised model of development provides for sustainable communities and decreases the need for investment in expensive infrastructure or creating cities with large demands for water, energy, land and other resources.

The Australian Government should instead take this opportunity through the Green Paper to acknowledge the vast and significant opportunities to support sustainable development which improves landscapes, rather than degrades them; which sustains clean air, land and water, rather than pollutes them; which supports happy, healthy, educated and connected communities.

The Green Paper must shift its focus away from risky oil and gas development to developing an economy which instead exploits our abundant renewable energy resources, supports important land management activities and includes real commitments to a clean energy future.

Rather than committing to further cutting environmental protection regulation, referring to it as ‘green tape’, it needs to ensure effective and efficient safeguards that will not only save money, but also properly protect communities and the environment. It must be honest in its assessment of the economic benefits of mining, by acknowledging the millions of dollars’ worth of damage already
committed to the Territory’s environment by some mining companies, as shown in the Redbank mine case as well as the thousands of legacy mines located across the north which continue to pollute our air, land and water.

The Australian Government must properly heed the advice of a large body of work by scientists and others, including the Northern Australian Land and Water Taskforce, demonstrating the very high value of the north’s free-flowing rivers to the economy, local communities and the environment. Despite perceptions by some politicians that dams drive economic benefits, in fact dams have very high environmental impacts, and usually only deliver negligible economic outcomes.

The Australian Government needs to demonstrate that it has learned from its past mistakes, listened to local people with long-standing connections to the north, and considered the large body of research invested in the area of northern development.

Although ECNT is heartened to see the inclusion of funds to support education and research in the region, more support and serious investment is required for to ensure accessible education to all Territorians and to in turn generate a Knowledge Economy, where Northern Australia is viewed as a central hub of innovation and knowledge.

ECNT hopes that, in considering our feedback, the Northern Australia Taskforce will think beyond rehashing old ideas and instead ensure that the White Paper embraces this fantastic opportunity to create sustainable industries across the north that are the envy of the world, supporting happy and healthy communities living in a unique, beautiful and highly productive environment.

Key Recommendations

Recommended Actions to be implemented by the Northern Australia Taskforce include:

1. Protect and preserve the rich and globally-significant biodiversity, ecological, cultural and heritage values of the north by including a conservation strategy in the White Paper.
2. Recommend policies to ensure that all development is highly resource, energy and water efficient and has the least environmental impact.
3. Acknowledge the added value of sustainable development by encouraging development which is ecologically sustainable, culturally sensitive and driven by local communities.
4. Acknowledge the fundamental history of Australia and rights of its Indigenous peoples by recommending the recognition of Aboriginal and Torres Strait Islanders as Australia’s first people in the Constitution.
5. Review literature and consult peak bodies regarding the history and significant conservation and cultural values of the Northern Territory and include in the White Paper.
6. Undertake a cost-benefit analysis to compare the real value of different industries including a life-cycle analysis of economic, environmental and social benefits/costs.
7. Draft and implement a climate action plan for northern Australia as part of the White Paper, including actions to shift from a fossil fuel-dependent economy to a renewable energy-dependent economy through achieving the Renewable Energy Target and growing knowledge and uptake, particularly of solar energy technologies, to support industry and land management practices which reduce greenhouse gas emissions.
8. Reinvest funding intended to support the shale gas or coal seam gas industries into renewable energy sources such as solar or tidal and provide research funding to further investigate the potential of exporting solar power to Asia.

9. Demonstrate the value of an Emissions Trading Scheme to the viability of industries such as the emerging fire abatement economy or renewable energy sector.

10. Provide details of who will benefit from the policy framework proposed in the Green Paper.

11. Properly consider the reality of resource availability in the north, where water is scarce for most of the year and soils are generally very poor.

12. Support a diverse and growing Knowledge Economy by increasing the accessibility of education to all and further support research and innovation in sustainable energy, livelihoods, land and sea management, traditional Indigenous knowledge and environmental science through further resourcing local research providers.

13. Recommend policy instruments and research funding to support value-added industries such as the emerging global ecosystem services and cultural and conservation economies which contribute multiple economic, environmental and social benefits.

14. Consider the lack of legislation and regulations to protect the environment in the NT relative to southern states (Victoria, New South Wales and South Australia) and details of the potential impact of the ‘one-stop shop’ policy of the Australian Government upon the ecological, biodiversity and cultural values of the NT.

15. Review and remove unhelpful references to ‘red tape’ and ‘green tape’ and instead work with the NT Government to significantly strengthen environmental regulations.

16. Review the bilateral agreement with the NT Government on the EPBC Act and instead strengthen Commonwealth oversight of environmental assessment and approval for matters of national environmental significance.

17. Reflect whole of life costs of industries, including rehabilitation, contingency, environmental, safety, tax benefits and compensation costs into assessments of the value of mining and petroleum industries to the economy.

18. Include the large body of work by the TRaCK consortium, Northern Australian Land and Water Taskforce, CSIRO, NAILSMA, the NERP Northern Australia Hub and other scientists, demonstrating the high value of free-flowing tropical rivers.

19. Recommend strengthening NT legislation to ensure it is compliant with the National Water Initiative, including ensuring that any water licences are issued in accordance with a water allocation plan and principles of ecologically sustainable development.

20. Recommend that the construction of any new dam is to be avoided due to the damage this would pose to the environment, local economy, recreational and commercial fishing industries and Indigenous customary and cultural values. Redirect funds to investigate dams into water efficiency measures, and investigations into sustainable agriculture.

21. Acknowledge the right of Traditional Owners and local communities to determine what type of development occurs on their lands, including respecting the principles of free, prior and informed consent and the protocols outlined by the North Australian Indigenous Experts Forum and the North Australian Indigenous Land and Sea Management Alliance.

22. Ensure that mechanisms for public consultation and environmental regulation on proposed developments are robust, informed and independent of political interference.
About the Environment Centre NT

The Environment Centre of the Northern Territory (NT) is the peak community sector environment organisation in the Northern Territory.

The mission of the Environment Centre NT is to

- protect and restore biodiversity, ecosystems and ecological processes,
- foster sustainable living and development, and
- cut greenhouse gas emissions and build renewable energy capacity.

The Environment Centre NT (ECNT) works by

- advocating for the improvement of environmental policies and performance of governments, landholders, business and industry;
- partnering on projects and campaigns with conservation and climate organisations, governments, Indigenous organisations, community groups, businesses, and landholders;
- raising awareness amongst community, government, business and industry about environmental issues and assisting people to reduce their environmental impact;
- supporting community members to participate in decision making processes and action;
- recognising the rights, aspirations, responsibilities and knowledge of the Territory’s Indigenous peoples; and,
- acknowledging that environmental issues have a social dimension.

Issues requiring further consideration in the Green Paper

Profile of northern Australia

This section could better represent the historical context of northern Australia. It must redress the ‘Northern Myth’ that northern Australia is a frontier ready to be conquered and dismiss the concept of ‘terra nullius’ which was disproven in the Mabo case of 1992.

Regarding the questions under Section A, we suggest the Taskforce review the large amount of information available about the history, population, demographics and employment of Northern Australia.

There is particularly scant reference to the level of disadvantage experienced by Indigenous people living in northern Australia, including high levels of unemployment, relatively low levels of education, significant health issues and significantly lower than average life span.

Natural Resources and Environment

This section should include reference to the high rate of extinctions of small mammals across north Australia driven by predation by feral pests, a change in fire regimes, habitat loss and land degradation.

It should also include reference to current threats to the environment posed by some developments, such as the Mt Todd Gold Mine, Redbank Mine, McArthur River Mine, Ranger Uranium Mine, sandalwood plantations in the Daly River region or petroleum exploration and development.
The global context of north Australia needs further emphasis; including reference to the substantial opportunities to enhance economies which seek to improve rather than degrade landscapes, such as the emerging ecosystem services economy. Australia is well placed on the global stage to contribute positively to serious global environmental problems through greenhouse gas abatement, land and sea management activities, health programs, education, providing high quality research, offset programs, innovation, sustainable design and maintaining high environmental standards in industry and construction.

The opportunity for the NT to capitalise on its reputation as a tourist destination for its globally significant natural and cultural values, could also be further emphasised, as well as the opportunity to conserve additional significant sites and regions through the reserve system, or Indigenous Protected Areas to ensure against threats posed by some types of development to those significant conservation sites.

This section must highlight the north’s significant ecosystems and species, such as the 209 species listed as threatened in the NT\textsuperscript{vi}, including the Gouldian Finch and Large-toothed Sawfish which are vulnerable to damming; and the 67 Sites of Conservation Significance in the NT\textsuperscript{v}.

Resources and Energy
The Green Paper could significantly strengthen its policies toward integrated action on climate change beyond the removal of a price on carbon and the implementation of the Direct Action program, which does not adequately address Australia’s very high rate of greenhouse gas emissions, particularly those generated by big polluting industries such as coal and gas.

It must better address the need for adaptation and mitigation of the impacts of climate change on northern Australia, through increased sea level rise, more extreme weather events, more hot days and very high evaporation rates, despite referring to global warming trends.

Global Energy Markets
ECNT is disappointed to note there is no commitment in the Green Paper to explore opportunities to export renewable energy despite expert evidence that it could be feasible.

In its submission to the NT Government’s ‘Framing the Future’ strategy, ECNT states the following.

A strategic vision for the Northern Territory needs to realise the enormous economic potential of growing a large-scale renewable energy industry. The Northern Territory has been identified as a solar hotspot with the highest solar radiation average per square metre than anywhere else in the world.

Thus the NT has considerably large untapped potential as a solar energy resource for northern Australia and export energy markets. There is also considerable tidal energy that can be developed further with the right policy incentives.

As fossil fuel energy prices rise and the cost of solar technologies has rapidly decreased, the time has come for the Northern Territory to properly invest in this resource. In the face of climate change it makes good economic and environmental sense to develop policies that facilitate the transition to these cleaner greener options.
Similarly, barriers around the intermittency of solar energy have largely been overcome with new storage solutions.

The NT is fundamentally failing to reach the 20% Renewable Energy Target by 2020, given that less than 1% of stationary electricity in the NT is generated from renewable energy sources. To address this issue, in July 2013, the Environment Centre NT and Charles Darwin University held a joint workshop in Darwin exploring the idea of a subsea cable connecting the electricity grids of the NT with South East Asia. The workshop brought together over 25 experts and practitioners in the areas of renewable energy and energy markets, subsea electricity cabling, policy makers and government officials from the NT, Indonesia and Timor Leste.

The workshop concluded that such an idea is an important opportunity for the development of Northern Australia, is technically feasible now and would be based on the following drivers:

- Reducing emissions and tackling climate change
- Meeting rising energy demand in SE Asia
- Developing Northern Australia
- Addressing the inevitable depletion of non-renewable fossil fuel sources such as oil, gas and coal
- Realising the untapped world class renewable resources in the region
- Reducing the health and environmental impacts of coal, diesel and nuclear power
- Alleviating energy poverty
- Increasing energy security and reducing energy conflict risks
- Promoting energy cooperation for reduced energy conflicts
- Building regional partnerships
- Reducing the budgetary costs in Indonesia of major subsidies for diesel and coal electricity
- Falling costs of solar power and rising costs of fossil fuels

ECNT does not support exploration for exploitation of ‘unconventional’ shale or coal seam gas as it is unnecessary for energy security purposes and the activities associate with these industries present serious risks to the environment, communities and the economy.

There is currently an Inquiry into Hydraulic Fracturing in the NT underway. The ECNT Submission to the Inquiry states:

*The Northern Territory does not need to undertake to access ‘unconventional gas’ to fulfil its energy needs, as outlined below by the ECNT report to the NT Committee on Energy Futures, A Sustainable Energy Future for the Northern Territory*. The Northern Territory also has an obligation to fulfil its responsibilities under the Kyoto Protocol to significantly reduce its greenhouse gas emissions. The Second Green Energy Taskforce report highlights that the government-owned Power and Water Corporation has to pay the Australian Government between $12M and $21M annually for failing to meet its obligation to the Renewable Energy Target.

ECNT’s position on hydraulic fracturing, or ‘fracking’ in the Northern Territory (NT) is available on its website.
Economic Diversification

ECNT supports the assertion in a recent paper presented at the Northern Development Summit, From Myth to Reality: New Pathways for Northern Development, which highlights the omission of the Green Paper to adequately address Indigenous development and environmental sustainability challenges and states:

The history of grand northern visions based on policy myths rather than well-informed reality has generally resulted in conflict, economic failure, and a continuation of a boom-bust economy.

The paper also highlights the value of the as yet largely unrealised ecosystem services economy:

A regionally aggregated and managed ecosystem services economy could also see a new layer of economic activity that is just gradually emerging; one that could see the redistribution of the environmental costs of consumption into the northern Australian landscape. Under this economy, traditional owners and pastoralists across the north would gain a real and paid role for the management of our landscapes. New agricultural development would retain a good mix of larger corporate and small to medium enterprises. The key resource extraction industries in each of these regions would start strategically re-investing in the region’s social and economic future. A better process for managing project assessment and approvals would have resulted in real and lasting community development initiatives being established alongside major project development.

A Cultural and Conservation Economy for Northern Australia recognises the added values generated by supporting a cultural and conservation economy, including by:

- recognising Aboriginal culture, rights and title;
- building and supports strong, vibrant, sustainable communities;
- providing meaningful work, good livelihoods and sustainable enterprises; and
- conserving and restoring the environment by supporting caring for country.

NAILSMA, TRaCK, ANU, CDU, JCU, UWA and CSIRO have all conducted a number of investigations into cultural and conservation economy projects.

ECNT would generally like to see a shift away from some traditional industries which are highly damaging to the environment such as large-scale water intensive irrigated agriculture, unsustainable grazing practices and risky mining and petroleum projects towards industries which are of higher value, more appropriate and less damaging to the environment. This may include eco-tourism, cultural tourism, sustainable building materials, carbon abatement through fire management, bush products, solar power, design and innovation, research and training providers or organic agriculture.

Coupled with this, ECNT would like to see strong political support for uptake of emerging cultural and conservation economies which have multiple environmental, cultural and social benefits. Payment for Ecosystem Services (PES) schemes such as the REDD are a major focus of research and engagement by the United Nations Environmental Program (UNEP) and the International Union Conservation Network (IUCN). Australia cannot ignore the important role it can play in supporting the emergence of these industries and the contribution it makes to the global conservation issues such as climate change, deforestation and species decline as well as improving health outcomes for its people and promoting greater equity in development.
Planning for Urban Zones

Sustainable design, accessible public transport and ecologically sustainable development must be cornerstones of urban planning. The Draft Darwin Regional Land Use Strategy recently released by the NT Planning Commission fails to take heed of sustainable living principles, instead proposing a large recreational dam on the Elizabeth River, widespread urbanisation and development of a new port at Glyde Point, despite the large amount of infrastructure, channel dredging and development already occurring at East Arm Wharf.

Yet through the right policy decisions there is a great opportunity for the Australian Government and the Northern Territory Government to support towns and cities like Darwin to become Australia’s next ‘sustainable communities’.

Darwin’s residential water use is the highest in Australia. Water efficiency measures such as water recycling, education, water restrictions and improved water regulations for industry could be implemented to negate the need for Darwin to build another dam to fulfil its potable water needs.

Less than 1% of the Northern Territory’s electricity is generated from renewable sources, yet it has the world’s most abundant solar resources. Due to rising electricity prices driven by high costs of infrastructure, most Darwin householders with PV solar panels installed on their roofs can currently expect to see a financial return on their investment within around four years.

Health

Despite a large body of evidence indicating the strong connection between a healthy environment and healthy people, the Green Paper does not consider the significant opportunity to reduce health service costs through focusing on tied environmental and primary health outcomes which embrace connection to country, particularly for Indigenous people who face significant health challenges and for whom connection to country is paramount.

For example, an article published in the Medical Journal of Australia investigating quantifying this link found reduced rates of diabetes, obesity concluded that:

*Greater Indigenous participation in caring for country activities is associated with significantly better health. Although the causal direction of these associations requires clarification, our findings suggest that investment in caring for country may be a means to foster sustainable economic development and gains for both ecological and Indigenous peoples’ health.*

Additionally, in its policy statement on Ecologically Sustainable Human Society the Public Health Association of Australia (PHAA) states:

*The protection of the health of diverse local, regional and global ecosystems, as well as of individuals and communities dependent upon those ecosystems, needs to be given equal priority when considering trade and economy policy.*

The Healthy Country, Healthy People report released by CSIRO in 2008 states:

*The growth of formalised Indigenous land and sea management groups over the last decade, coupled with increasing business opportunities in cultural and natural resource management, are driving the development of an emerging Indigenous land and sea management sector. This sector is a*
component of the broader cultural and natural resource management and conservation industry in the NT.

ECNT considers that there remains significant opportunities to promote positive health and economic outcomes through acknowledging this connection in the environmental assessment and approvals process, health program design, and in assessing trade-offs between different types of development.

**Education Research and Skills**

ECNT supports further investment in tropical ecosystems, conservation and climate change, Indigenous knowledge and creative technologies and innovation. However, we are concerned about recent policy changes which make tertiary education less accessible to those without access to resources to pay for higher university fees.

ECNT supports cross-cultural and cross-sector exchanges in education, research and training to build an inclusive Knowledge Economy off the back of world-class research institutions incorporating the economic, cultural and environmental settings of the north.

ECNT is encouraging innovation in sustainable living through its Community Solar and Coolmob programs. Since 2002 COOLmob has been delivering household sustainability education and outreach across Darwin and surrounding Top End towns. COOLmob also operates in Alice Springs through the Arid Lands Environment Centre.

COOLmob aims to motivate and assist people to reduce their environmental impact, predominantly through reducing energy, water and waste in their everyday lives.

Arising out of the Cool Communities program funded by the Federal Government, COOLmob’s main focus has been on reducing household energy consumption via the delivery of home energy assessments and advice. COOLmob has been sponsored by NT Government and PowerWater Corporation to deliver home energy assessments (2002-2013) for the public and also for Hardship customers of PWC who are struggling to pay electricity bills. This Government support has been in recognition of the importance of reducing energy consumption (and associated carbon emissions) in the residential sector.

In this time, COOLmob has delivered at least 1000 home audits, helping Top End residents from many different backgrounds save energy at home. It is anticipated that the advice given in a COOLmob home audit can generate anywhere from 10% to 30% home energy savings. Based on the average consumption of a Darwin home, this equates to anywhere from 2.5kWh to 8.3kWh per day saved: over a year this represents a $247 to $742 savings on home energy bills per household per year. The greenhouse gases associated with these energy savings are significant: from an average 6.8 tonnes CO2e emitted per Darwin household per year, a savings of 10-30% will save 0.68-2.3 tonnes CO2e per year per home.

In 2013 COOLmob attracted a $2.7M grant from the Federal Government’s Low Income Energy Efficiency Program (LIEEP) to deliver the Smart Cooling in the Tropics project. Smart Cooling aims to bring home energy saving advice and information to targeted low income communities in Darwin, in partnership with local agency Consortium members: Melaleuca Refugee Centre, Yilli Housing, COTA NT and Carers NT. The project will deliver 480 home audits and a range of free and comprehensive
home retrofits and products which are intended to reduce reliance on energy for cooling. It is anticipated that the data collected by Smart Cooling in partnership with Charles Darwin University, as well as the 19 other LIEEP projects around Australia, will directly impact on future energy policies.

COOLmob has promoted sustainable tropical house design, via home audit advice, website, and technical publications.iii

Key in alleviating the more dangerous impacts of climate change is reducing society’s energy consumption. COOLmob works to reduce the consumption of energy in homes, offices and schools. COOLmob also works with industry to promote the public uptake of energy and other resource efficient products and services.

COOLmob has assisted hundreds of Darwin households to install solar PV or solar hot water on their roof (through special offers and bulk buy initiatives with local businesses), and is now exploring ways to assist people to invest in or donate to public (community) solar projects, to increase the contribution to the NT’s energy generation through renewable forms of energy.

COOLmob’s work towards resource efficient homes, products and design leads to our contribution to a more sustainable urban design.

The program has positive environmental impacts but also positive social impacts including community development, community engagement, an improvement in connectedness and reduction of social isolation – all of which contribute to a more sustainable society.

ECNT is working on developing closer ties with educational institutions, community groups and industry groups to build on its COOLmob program.

Water
The ‘development’ of water resources across northern Australia must not be viewed as a precursor to economic development. We strongly support the point raised on page 37 “even when it can be secured, a reliable supply of water is not in itself enough to support development”. iii

Most of Northern Australia is a highly water-limited environment where seasonal rains drive highly productive tropical river ecosystems which in turn support valuable recreational fishing, commercial fishing and tourism industries as well as provide for the livelihoods of many Indigenous and non-Indigenous people from the food they provide.

As a great deal of research shows, including that by the TRaCK consortium, the Northern Australia Land and Water Taskforce, NAILSMA and the National Water Commission, free-flowing rivers provide for a wide range of economic and other values which are often overlooked by policy-makers.

As acknowledged by the Green Paper, the soils of northern Australia are generally very poor and not suited to agricultural development. High evaporation rates and the expense of water delivery infrastructure means that dams are not a very economically feasible option. The ‘development’ of water resources must be taken very seriously and driven by need, rather than a precursor to economic development.

The case of the Ord Irrigation Scheme demonstrates that dams are expensive, environmentally and culturally damaging and that the economic benefits derived from that scheme do not stack up when these costs are taken into consideration.
For all of these reasons and more, the Australian Government must avoid the construction of new
dams wherever possible.

Furthermore, groundwater resources must be carefully allocated according to the Australian
Government’s own National Water Initiative, including an allocation of water for Indigenous
economic development purposes. The National Water Commission must be immediately reinstated
and granted additional powers which enable it to work with states and territories to regulate water
allocation planning in States and Territories.

The NT Government has recently been heavily criticised by a broad range of industry groups and
representative bodies, including ECNT, for its recent water licencing decisions in the Mataranka
(Tindall aquifer) and Daly (Ooloo aquifer) regions, where water resources are now over-allocated,
without any public consultation and without a water allocation plan in place, through the issuing of
10 year water licences.

The NT is not compliant with the National Water Initiative, not due to lack of demand for water, as
suggested in the Green Paper, but due to political decisions by the NT Government to refuse to
implement the Draft Water Allocation Plans already finalised for the Mataranka (Tindall) and Ooloo
aquifers. Instead, in 2012 it appointed a new Controller of Water Resources who has subsequently
issued over 63GL of water licences from the Ooloo and 19GL from the Tindall aquifers, exceeding
the agreed caps in place in the draft water plans after a lengthy consultation period and excluding
the allocation of a Strategic Indigenous Reserve despite the land tenure and population of
Indigenous people in the Mataranka region being around 70%.

The Fly-in Fly-out Workforce

ECNT does not support the FIFO model as it:

- Decreases opportunities for local employment
- Decreases education and training opportunities for local communities
- Encourages the creation of a workforce disconnected from the local community and
  environment, decreasing the likelihood that the workforce will contribute positively to the
  community or environment
- Increases the greenhouse gas emission footprint of companies through increased transport
  demand
- Increases the demand for infrastructure such as temporary housing, etc.

Instead developments must be required to provide jobs and skills training to the local region.

Environmental regulations

The Green Paper refers to unhelpful phrases such as ‘red tape’ and ‘green tape’ which do not
adequately reflect the poor regulatory systems in place in the Northern Territory.

Environmental legislation, policy and regulations must be strengthened rather than weakened if we
are to avoid development which damages the environment. As remarked in ECNT’s submission to
‘Framing the Future’.

The current (NT) Environmental Assessment Act is 30 years old and 4 pages long. This is one of the
weakest environmental legislations in Australia, and it should be reviewed, updated and
strengthened.
A recent article in the Australian Environment Review outlines\textsuperscript{III}, the objects of the Act only go so far as to “ensure that matters capable of having a significant effect on the environment are examined and taken into account the greatest extent possible”. This stops far short of preventing environmental damage caused by development or supporting the principles of ecologically sustainable development.

ECNT has also provided the following information to the Australian Government in response to the Draft Bilateral Agreement between the NT Government and the Commonwealth relating to environment assessment (\textit{S.45 EPBC Act 1999}).

Reducing environmental regulation is not effective in reducing costs to government in the long-term as it does not properly account for the costs of clean-up of pollution events or for the loss of environmental service benefits and social, cultural and environmental impacts which occur due to poor management of development or inappropriate development.

The case of the Montara Oil Spill off the West Australian coast in 2009 demonstrated that the cost of cleaning up a single significant environmental pollution event far outweighs the cost of regulation, and is more likely to be borne by the taxpayer than by the company which profited from taking the environmental risk in the first place. The Australian Government noted in its response to the Montara Commission of Inquiry in 2011;

“it is essential that a regulatory system encourage the creator of the risk to move beyond minimum standards in a continuous effort for improvement, and not just accept the minimum standard.”\textsuperscript{IV}

Government departments require further resourcing and must be structured to ensure developments comply with the EPBC Act, as well as NT regulatory frameworks such as the Environmental Assessment Act, Water Act or Mining Act. Poor compliance enforcement, miscommunication and a lack of coordination between departments in the past has resulted in major environmental failings by NT Government departments.

For example, the Redbank copper mine, south of Borroloola, which closed 18 years ago, was found to be contaminating water 35 kilometres from the site. A recent EPA report\textsuperscript{VIII} on the matter found “the regulatory framework has failed to effectively manage environmental impacts at the Redbank site.”

This included allowing mining to commence without an approved environmental management plan. The report found that “the provision of inadequate information during an assessment process is not unique to the Redbank example” and that “the recent history of the Redbank Mine reveals the continuing failure of mining companies to meet the requirements of mining approvals.” Further, it found that commitments in Mining Management Plans “were not acted upon” and finally, that:

“The inability of operators to develop a financially viable operating model (has) left the Government with the choice between bearing the full cost of managing the Redbank Mine site or working with an existing operator to progress limited options.”

The cost of rehabilitating the mine area was estimated to be in excess of $10 million. The report recommended obligating companies to comply with environmental approval conditions.
ECNT calls on all governments to agree to ensure that the environment impact assessment is independent across all jurisdictions and that decisions relating to resource management and development are driven by proper scientific assessment, proper public consultation, and the principles of ecologically sustainable development, rather than the political agenda of the government of the day.

Compatibility of industries and cumulative impacts of development
ECNT would like the Australian Government working with local communities, landholders and experts to consider the compatibility of some industries which damage the environment with industries which benefit from protecting or improving the environment.

For example, Ranger Uranium Mine lies in middle of the World Heritage-listed Kakadu National Park. Since Kakadu is a national tourist icon for its natural and cultural values, unique biodiversity and beauty, we consider that it is an incompatible place for a uranium mine.

Consideration of compatibility of industries in favour of those less likely to threaten our water, land, seas, air, heritage, health, culture and biodiversity must be a key role of the Australian Government in planning for development of Northern Australia.

To address the cumulative impacts of development we would also like to see key areas of significance mapped and development concentrated in areas where it is least likely to threaten the most important and valued areas, including investigating the potential for a system of protected areas linked across the north.

Ochre Green Statement 2014
The following statement summarises key themes and issues aired at the Ochre Green conference held in Darwin on World Environment Day in June 2014, and was unanimously supported by participants.

Over 100 people gathered together to learn about and network for our amazing Territory environment. With increasing climate change, ongoing environmental degradation and now impending funding cuts we must escalate our shared campaigns to protect our environment and strongly confront those who would destroy it.

From Darwin to Alice, from Palmerston to Katherine, from Maningrida to Melbourne to Singapore, we called for our environment to be protected, respected, restored, and used in ecologically sustainable ways. We called on our political leaders to fund the important work done by the Environment Centre NT, Arid Lands Environment Centre, Environmental Defenders Office NT and Australian Marine Conservation Society.

We heard from 25 passionate, committed and amazing speakers about all the great things they are doing to protect and value our environment. We learnt much from them, we were inspired by them, and we were informed by them about how to take action for our environment.

We say we have Just One Earth, where we want our communities to connect with their hearts to the land and sea, where we farm our heart. We were reminded that when we work together ‘with many skins’ we can achieve great things.
We want a climate that’s safe for our kids, our health, Indigenous communities, our wildlife, our wetlands, the world’s largest tropical savanna, and amazing shallow tropical seas.

We value and recognise the first peoples of the Territory who continue to struggle to care for their land and sea, and who can teach mainstream society much about walking lightly on the Earth.

Our planet faces a climate and ecological crisis, and we must act. We want the Australian and Territory Governments to take strong action - now - to rapidly cut greenhouse gas emissions to avoid dangerous climate change. We want to create our own solar future, and build our own community renewable energy plants, not stick with dirty gas or have a dangerous nuclear power future forced on us.

We want clean water and healthy rivers, full of fish, supporting Indigenous communities and growing our food sustainably and locally. We want a healthy harbour not Nightcliff Island or damaging canal estates. We want our urban bushland protected and restored through networks of protected areas and land use zoning which are full of native vegetation and wildlife, not invaded by weeds and urban sprawl.

We want more support for Indigenous Rangers and pastoralists to care for Country. We want respect for Country and the rights of Indigenous traditional owners and managers to protect their ancestral estates and Dreaming places from uranium mining and nuclear waste.

We want governments to fund the operational needs of community groups to be a strong voice for the environment.

We want to conserve, restore and sustainably develop Northern Australia, not a future of shale gas fields and polluting mines damaging our sensitive areas and creeks, or big dams killing our free-flowing rivers, or bulldozers flattening tens of thousands of hectares of tropical savanna, or our small mammals being driven to extinction by wildfires, weeds, overgrazing by cattle and feral animals.

We want strong, modern and effective laws and regulatory institutions, not loopholes and a pro-development bias.

And finally we want to keep working with Indigenous communities and organisations, businesses, governments, schools and landholders to live sustainably, protect nature and create a safe climate.

And we will.

Further Recommendations
As referred to in ECNT’s submission to the Joint Parliamentary Committee on Northern Australia, recommendations for a Prosperous Economy include development that:

- Is ecologically sustainable and culturally appropriate
- Supports strong environmental compliance through strong and effective environmental legislation and regulation creating an expectation of world’s best practice management
- Is driven by local communities and fits within cultural and environmental conditions
- Recognises the potential of a large scale renewable energy industry
- Prepares our economy for a low carbon future
- Supports a decentralised system of electricity delivery to remote communities through solar power
- Supports urban, rural and remote communities to grow their own food
- Enhances the protection of the environment the biodiversity it supports
- Driven by demand and not the provision of access to free resources (land, water, minerals, knowledge) to companies by governments
- Does not use taxpayer funds to subsidise polluting industries at the expense of cleaner industries
- Recognises trade-offs in resource allocation and favours high value, long-term uses of resources over short-term gains
- Seeks a diversified economy that focuses on opportunities for internal economic development such as land and sea management
- Includes reference and acknowledgement of Indigenous landholders and the cultural and conservation economic sector
- Promotes the Territory as an ‘eco-tourism’ destination with sustainable urban centres
- Supports a knowledge-based economy
- Grows smarter, stronger and healthier communities

The Environment Centre NT supports the following principles developed by the Kimberley to Cape forum as submitted to the Northern Australian Taskforce.

**Kimberley to Cape**

**Principles to guide the future of Northern Australia:**

- A resilient, diverse and sustainable economy for Northern Australia is necessary to underpin the wellbeing of its communities, the long-term management of its resources and its contribution to society
- Northern Australia’s unique, intact and globally-significant natural and cultural values must be recognised, utilised and safeguarded as central to its future
- Indigenous interests must be recognised, and northern development and socio-economic development need to be pursued together, since neither is sustainable, nor equitable, without the other
- Development must involve genuine collaboration with local communities and be compatible with local cultures and conditions.

Such core principles should shape the goals of economic development in northern Australia as well as the outcome tests against which success is measured.

We recommend the following supporting actions be embedded in the White Paper and in the delivery of policy priorities consequent to it:

**Actions and policy priorities for the White Paper and beyond**

1. Recognise and support strategic and systematic development and conservation planning across northern Australia, in collaboration with communities and at multiple scales (local, regional and landscape), to identify for example areas to target for development/conservation, values that
need to be protected, criteria for landuse compatibility and locations of potential conflict and agreement (ToR Tasks 1 to 3 and Questions A5, B6, B7, B8, D1, D5). Kimberley to Cape is scoping a strategic planning initiative in this regard.

2. Include in the stocktake of natural assets (ToR Task 1) information on the North’s unique and internationally significant landscape and biodiversity values (and their threats). The comparative advantage of Northern Australia’s intact natural and cultural values has been identified as an increasingly scarce and valuable asset (eg CSIRO Megatrends report) and there is great potential for industries based on safeguarding it (Qs A5, B6, B8, C2, D1). We are pursuing a ‘connected landscape’ initiative to maintain the world’s last large tropical savanna and its outstanding values.

3. Building on Northern Australia’s natural and cultural comparative advantage, identify the opportunities and support mechanisms required to foster high socio-economic benefit, low ecological footprint industries such as renewable energies, culture based economies, knowledge economies, bioprospecting, ecosystem service-based industries, and multiple forms of tourism (sports, experiential, educational, medical etc) (ToR Task 1 and Qs B7, D1, D5). One mechanism being scoped by Kimberley to Cape here is ‘Marketing what’s unique about the North’.

4. Ensure policy actions use and build on the work of Traditional Owners and Indigenous bodies such as the North Australian Indigenous Experts Forum on Sustainable Economic Development and the Kimberley and Cape York Appropriate Economies Roundtables, and support ongoing mechanisms to engage with such processes (ToR Task 2 and Qs B6, B8, D1, D5).

5. Recognise that the cumulative benefits of local and small to medium scale projects often exceed those of ‘mega’ projects. For proposed large/high impact developments, ensure robust benefit and impact assessments, risk assignments and insurances to minimise degradation and legacy issues (ToR Task 2 and Qs A5, B6,7,8, D1,2,5). Kimberley to Cape is currently investing what this might look like via its ‘Shared policy framework for large developments’ initiative.

6. In addition to identifying economic and social infrastructure, identify the environmental and cultural infrastructure needed to support and maintain the region, and identify ways to support planning and investment in this (ToR Task 3 and Qs A1, A3, B7, B8, C2).

7. Heed existing and emerging science, the lessons of the past and elsewhere, the knowledge of local communities, the rights of existing users, and climate change, invasive species and other predictions, to better understand and communicate positive and negative impacts of development options and to ensure that options work within ecological and cultural boundaries (ToR tasks 1-3, Qs B8, C1,C6, D5). This is especially applicable to the Green Paper’s focus on water and dams.

8. Engage Northern Australians, especially its Indigenous people, and others, in a genuine dialogue about the purpose of development, future aspirations, priorities and associated policies, and hear local voices and values. Also ensure development is based on a genuine free, prior and informed consent approach and that sufficient resources and time are allowed for this (ToR Tasks 1-3).
viii James Cook University, Charles Darwin University, The University of Western Australia (June 2014) http://researchonline.jcu.edu.au/33823/
iX IUCN (2014) http://www.iucn.org/about/union/commissions/cem/cem_work/cem_services/
xviii NT EPA (2014) Recommendations on the environmental assessment and regulation of mine sites, NT EPA, March 2014
xix http://www.kimberleytocape.net.au