



## Media Release – Embargoed until 6<sup>th</sup> December 2018

### NT Supreme Court to hear legal challenge against major deforestation approval

The Northern Territory Supreme Court will today hear arguments from lawyers acting on behalf of the Environment Centre NT (ECNT) in ground-breaking litigation. ECNT, represented by the Environmental Defenders Office NT (EDONT), questions the legal validity of the decision making processes which saw the NT's largest ever land clearing proposal approved without an environmental impact assessment.

The litigation raises legal issues with the processes followed by both the NT Environment Protection Authority (EPA) and the NT Pastoral Land Board (PLB). The challenges relate primarily to the way in which the EPA failed to properly consider climate change and the principles of ecologically sustainable.

“Our message to the Government is quite simple - it needs to take its responsibility to protect our environment seriously across all land tenures,” said ECNT Director Shar Molloy.

“The Northern Territory's environment is one of the things that makes where we live so special, that's why there is deep community concern when they hear about deforestation at such a large scale. It's especially concerning when we note the lack of effective safeguards and processes within the very agencies tasked with assessing the environmental impact of these decisions.”

“The NT Government has failed to put in place either an emissions or climate change policy - which is alarming in and of itself. However, the absence of this framework should not be used as an excuse for a regulator to do its job of protecting the environment. It is the responsibility of the EPA to make its decisions according to the legislation that does exist, notwithstanding the absence of a climate change policy. It's very clear that this hasn't occurred in this instance.”

"Based on recent scientific studies we estimate the greenhouse gas emissions from this single deforestation permit to be about 2-3 million tonnes. That's the equivalent of about 15-20% of the NT's entire annual emissions. The scale and impact of this destructive proposal is vast."

“Territorians want their government to protect the environment for the future. It's imperative that we have laws that strengthen deforestation rules alongside more open process in making environment assessments. What we need is a real vision for the Territory environment that starts with enhancing the things that make the NT great, not more bulldozing,” said Ms Molloy.

“Our client will argue that when it comes to a proposal to clear tens of thousands of hectares of native vegetation, the NTEPA is required by law to properly consider climate change and the principles of ecologically sustainable development - but in this instance, they failed to do so,” says EDONT Principal Lawyer Gillian Duggin.

“While it has many flaws, the Environmental Assessment Act does impose a serious task on the NTEPA. The NTEPA must decide whether or not a project is capable of having a significant effect on the environment and if so, require an environmental impact assessment. In relation to Maryfield Station, our client argues that the NTEPA did not properly discharge its decision-making role in accordance with the law.”

“The NTEPA and PLB have important responsibilities under environmental law here in the Northern Territory. Both statutory authorities must ensure they fulfil these responsibilities, and act in accordance with their own laws and procedures. This case will be an important test case about their legal obligations”, Ms Duggin said.

Media contact:

Shar Molloy, Director, Environment Centre NT [0488 112 350]

Gillian Duggin, Principal Lawyer, EDONT [0414 456 646]

Background:

- This is the largest single land-clearing permit ever issued in the Northern Territory, and also the first time the decision-making processes of the EPA and the PLB under this legislation have been challenged in the NT Supreme Court.
- It is believed to be the first in the Northern Territory which is based on grounds relating to climate change and ecologically sustainable development.
- In June 2016, the PLB received an application from Maryfield Station, a pastoral station approximately 550km south east of Darwin, to clear over 20,000 hectares of native vegetation. This is an area the equivalent to 200 times the size of the Darwin CBD.
- In June 2017, a full year after receiving the application, the PLB referred the matter to the EPA to assess whether an environmental impact assessment (EIS) or public environmental report (PER) was required under the *Environmental Assessment Act*, given the size and scale of the proposal.
- In late October 2017, the EPA Chairperson issued reasons<sup>1</sup> indicating it considered that the Maryfield application did not require assessment under the *Environmental Assessment Act*.
- In November 2017, the PLB determined to grant a permit for the clearing.
- In early 2018, the Environment Centre Northern Territory (ECNT), represented by the Environmental Defenders Office (NT)(EDONT), commenced proceedings challenging decisions of the NT Environment Protection Authority (EPA) and the Pastoral Land Board (PLB).

---

<sup>1</sup>[https://ntepa.nt.gov.au/\\_\\_data/assets/pdf\\_file/0011/459335/statement\\_reasons\\_maryfield\\_station\\_land\\_clearing.PDF](https://ntepa.nt.gov.au/__data/assets/pdf_file/0011/459335/statement_reasons_maryfield_station_land_clearing.PDF)