

Fact Sheet 4: The changing role of the NT EPA

Responsibilities of the Northern Territory Environment Protection Authority under the draft environment protection legislation

What is the NT EPA?

The Northern Territory Environment Protection Authority, or NT EPA, is the Territory's independent environmental authority. It is established under the *Northern Territory Environment Protection Authority Act* (NT EPA Act).

The objectives of the NT EPA are to:

- promote ecologically sustainable development
- protect the environment, having regard to the need to enable ecologically sustainable development
- promote effective waste management and waste minimisation strategies
- enhance community and business confidence in the environmental protection regime of the Northern Territory.

The NT EPA has six members. Five members are appointed by the Administrator and the chairperson of the Northern Territory Planning Commission is the sixth member.

Members of the NT EPA are appointed based on their skills, experience and knowledge in environmental, regulatory and business fields.

The current NT EPA membership can be found at <https://ntepa.nt.gov.au/about-ntepa/members>

What does the NT EPA do?

The functions and powers of the NT EPA are set out in the NT EPA Act and in specific environmental management legislation.

The NT EPA currently:

- conducts the environmental impact assessment process on behalf of the Northern Territory Government
- regulates wastes and pollution in the Northern Territory through the *Waste Management and Pollution Control Act*
- administers the container deposit scheme and plastic bag ban through the *Environment Protection (Beverage Containers and Plastic Bags) Act*
- provides strategic advice on a range of environmental matters including emerging environmental issues, legislation and the quality (or health) of the Northern Territory environment.

How does the NT EPA perform its powers and functions?

The members of the NT EPA are responsible for the way the NT EPA's powers and functions are exercised.

The NT EPA receives support and assistance from staff in the Department of Environment and Natural Resources to fulfil its functions.

What responsibilities does the NT EPA have under the draft environment protection legislation?

Under the draft environment protection Bill and draft Regulations, the NT EPA is responsible for conducting the environmental impact assessment process. This includes making a range of decisions such as:

- whether or not to accept a referral about a project for impact assessment
- where impact assessment is required, determining what type or method of assessment should be conducted
- where required, issuing terms of reference to inform an environmental impact assessment by an environmental impact statement
- evaluating a project through the environmental impact assessment documents
- preparing an assessment report and either a draft environmental approval or a statement of unacceptable impact for the Environment Minister's consideration.

The draft Bill and Regulations place responsibility on the NT EPA to publish a statement of reasons to support its decision making throughout the environmental impact assessment process.

The NT EPA is given a range of other responsibilities designed to streamline and improve the environmental management and protection system over time, such as through developing proposed standard conditions for approvals or standard terms of reference for particular types of projects.

The NT EPA is also given powers to review the outcomes of impact assessment and approval processes to facilitate continuous improvement in this area.

The NT EPA does not have any regulatory responsibilities under the draft Bill and Regulations. That is, the NT EPA is not responsible for ensuring compliance with the environmental approval. Compliance and enforcement responsibilities sit with the Chief Executive Officer (CEO) of the Department of Environment and Natural Resources.

Summary of current and future responsibilities of the NT EPA

The following table provides a summary of the changes to the NT EPA's responsibilities as part of the environmental regulatory reform program.

Responsibilities	NT EPA now	NT EPA under the new environment protection regime
Independent Statutory Authority that cannot be directed by the Minister	Yes	Yes
Provide strategic environmental advice to the Minister for Environment and Natural Resources	Yes	Yes
Provide advice on specific proposals, policies, plans or other measures to manage the environmental impacts of development	No	Yes
Undertake environmental impact assessments	Yes	Yes
Regulator for environmental management including licensing functions for waste and pollution	Yes	No
Assurance Monitor – monitor and provide reports and recommendation to improve the environmental management system performance and outcomes	No	Yes