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| Fact sheet 7: More public participation and scrutiny |

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Improved access to information under the environment protection legislation

# Introduction

Improvements to the environmental impact assessment and environmental approval system have been underscored by a commitment to improve transparency and accountability within the environmental management framework.

# Public participation and access

The improved environmental impact assessment system provides increased opportunities for public participation and access to information throughout the process. This includes publishing:

* all assessment documentation and making this available for public scrutiny, and increased opportunities for the public to comment on documentation prepared during the assessment process[[1]](#footnote-1)
* all comments received during the environmental assessment process
* all environmental approvals granted by the Minister for Environment and Natural Resources (the Minister)
* proposed significant variations to assessed projects and making these available for public scrutiny and comment.

Opportunities for public participation are also available in relation to proposals:

* by the Minister to declare environmental objectives and environmental triggers
* by the Administrator of the Northern Territory to declare prohibited actions and protected environmental areas.

# Transparency and accountability of decision making

Public access to decision-making is improved through the preparation and publication of a statement of reasons for all decisions made by the Minister and the Northern Territory Environment Protection Authority (NT EPA) as part of the impact assessment and approval process. This includes decisions:

* taken by the NT EPA in the impact assessment process, including that a proposed action does or does not require an environmental impact assessment
* by the Minister to grant or refuse to grant an environmental approval
* by the Minister relating to the declaration of environmental objectives and environmental triggers.

# Public access to information about environmental impacts

The publication of all environmental approvals will provide transparency by demonstrating how the outcomes of an environmental impact assessment process are incorporated into the approvals that are subsequently granted.

There will be improved access to information about environmental impacts from developments. This will occur through requirements for approval holders to submit reports about their compliance with the environmental approval. In addition, the Chief Executive Officer of the Department of Environment and Natural Resources (CEO) is required to publish (at least annually) a report of the outcomes of any compliance and enforcement activities.

The CEO is also required to maintain public registers of material:

* used in the environmental impact assessment process
* relating to the grant, refusal, amendment and transfer of environmental approvals
* relating to environmental offsets
* used to ensure compliance with the approval, such as environment protection notices.

# Review (appeal) processes

The Environment Protection Bill 2019 contains explicit decision review (appeal) processes to provide certainty.

A person with standing can request the Supreme Court to review any decision made in the environmental impact assessment and approval process. This is known as judicial review and considers whether the legal process for making the decision was followed. The following people have standing to request a review:

* the proponent of the action
* an applicant for an environmental approval notice, or transfer or amendment to an environmental approval
* a person directly affected by the decision
* a person who has made a genuine and valid submission during the impact assessment and approval process.

A person who is directly affected by a decision of the CEO or an environmental officer (such as a person who is issued with an environmental protection notice) can seek judicial review of the decision. These people may also request the Northern Territory Civil and Administrative Tribunal (NTCAT) conduct a merits review of the decision (i.e. a determination of whether the decision was the correct decision in the circumstances).

1. Environmental impact assessment processes will be specified in Environment Protection Regulations. These Regulations will identify additional opportunities for public participation before the NT EPA makes a decision on whether impact assessment is required and the level of assessment, and additional opportunities for public review and comment on draft impact assessment documentation. [↑](#footnote-ref-1)