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| Fact sheet 17: Closure notices and closure certificates |

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Difference between a closure notice and a closure certificate

# Introduction

The Environment Protection Bill 2019 (the Bill) and its supporting Environment Protection Regulations will introduce considerable improvements to the Northern Territory’s (the Territory) environmental impact assessment and approval system. This will result in a process that is contemporary, fit for purpose, responsive to the Territory’s circumstances, and in keeping with the principles of ecologically sustainable development.

The Bill contains provisions to issue closure notices and closure certificates. Closure notices are mechanisms that can manage the closure of a site to which an environmental approval did or does apply. Closure certificates release an environmental approval holder of the environmental approval and all its attached obligations.

Although both provisions are related to the closure of a site where an action under an environmental approval has occurred, they are two completely different mechanisms with different objectives.

## Closure notices

The Minister for Environment and Natural Resources (the Minister) can issue a closure notice where the Minister considers that ongoing investigation, monitoring or management is, or will be, needed because of the activities at the site.

A closure notice is given to the environmental approval holder, or if the environmental approval has expired or been revoked, to the person who was the environmental approval holder immediately before it expired or was revoked. The occupier or owner of the land must also be given a copy of the notice.

The effect of a closure notice is to require the person identified in the notice to undertake monitoring and other specified actions in order to mitigate the risk of environmental harm, and remediate and rehabilitate a site as part of its closure.

To ensure transparency about the existence of a closure notice and any pre-existing environmental issues or contamination associated with land, a copy of a closure notice may be lodged with the Registrar-General to assist any person undertaking due diligence in regards to the site.

If is an offence not to comply with a closure notice.

## Closure certificates

Following completion of an action, including all rehabilitation and remediation requirements associated with the action, an environmental approval holder may wish to completely absolve themselves of all responsibility associated with the land where the action took place. They can do this by either selling the land, returning the land to the land holder, or transferring the land to another person or government.

A closure certificate issued to the approval holder by the Minister facilitates this process. It provides complete certainty to the approval holder and other interested parties in the land, that the approval holder has no future liability for any future environmental impact associated with the former use of the land. The liability for the future environmental impacts associated with the former use of the land becomes a liability of the Territory.

Before issuing a certificate, the Minister must be satisfied:

* the environment approval holder has complied with all environmental approval conditions
* completed all remediation, rehabilitation and closure requirements specified for the activity
* completed any other requirements determined by the Minister.

To provide certainty and transparency about closure requirements for certain types of activities, the Minister may determine and publish criteria to be met by environmental approval holders in order for them to be eligible to apply for a closure certificate.

## Key difference between a closure certificate and closure notice

A closure notice is a compliance tool that can be used by the regulator to manage and minimise environment impacts.

A closure certificate is a tool that can be used by a person (environmental approval holder) as a means to absolve themselves of all future liability providing certainty in relation to a site where an action with an environmental approval took place.