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| Fact sheet 18: Transitional arrangements |

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For projects assessed under the Environmental Assessment Act 1982

# Introduction

In recognition of the need to reform and modernise the Northern Territory’s (the Territory) environmental management and protection framework, the Northern Territory Government (the Territory Government) started a wide ranging environmental regulatory reform program in 2016.

The Environment Protection Bill 2019 (the Bill) and its supporting Environment Protection Regulations will introduce considerable improvements to the Territory’s environmental impact assessment 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.

# Purpose of transitional arrangements

The Environmental Assessment Act 1982, in conjunction with its supporting Environmental Assessment Administrative Procedures 1984, establishes the Territory’s existing environmental impact assessment system.

There are a number of projects that are currently under impact assessment under that legislation.

Different projects are at different stages of the assessment process. Projects may be waiting for:

* terms of reference
* preparation of environmental impact statements (EIS)
* the preparation of an assessment report by the Northern Territory Environment Protection Authority (NT EPA).

Transitional arrangements provide mechanisms to manage these projects when the new Environment Protection Act 2019 starts.

## Arrangements for projects that have completed an assessment before the new Act commences

Projects that have completed an environmental impact assessment process and are operating under existing authorisation requirements are not required to seek an environmental approval under the new legislation. However, any significant variations to these projects will need to be referred to the NT EPA for consideration under the impact assessment system.

Special circumstances will apply to those projects that have recently completed the impact assessment process (which requires the NT EPA to have provided an assessment report prepared under the Environmental Assessment Act 1982 to the Minister for Environment and Natural Resources (the Minister)) but which have not started. For these projects, the following will apply:

* Those that can be authorised under the Mining Management Act 2001 will have a period of three years in which to seek an authorisation.
* Those that can be authorised under the Waste Management and Pollution Control Act 1998 or Planning Act 1999 will have a period of two years in which to seek an authorisation.
* Those that can be authorised under the Petroleum Act 1984 must have submitted their request for authorisation prior to the commencement of the Bill.
* Those that are not authorised by the above legislation will need to be issued with an environmental approval by the Minister. The NT EPA’s assessment report will be used to prepare a draft approval for the Minister.

## Arrangements for projects that will complete an assessment after the Act commences

Projects that have already started the assessment process when the new Environment Protection Act commences will be transitioned into the new process. This will occur at the next decision point or part of the process.

For example, a project that has completed a draft EIS but has not yet submitted a supplement will be required to publish the supplement for public comment.

This means projects that begin the process under the current legislation will still reap the benefits of the new system. The timeframes for decision making that apply under the new framework will apply to the projects in the system from when they transition to the new process. This will include the Minister’s decision on the environmental approval within 30 business days of the completion of the NT EPA’s assessment report.

Projects where a Notice of Intent has been made to the NT EPA but a decision as to whether an environmental impact assessment is required has not been made, will come under the new system at the point where the NT EPA decides whether impact assessment is necessary. This means that in addition to the NT EPA’s decision about whether assessment is required, a decision will also be made on the tier/method of assessment. This may result in a project requiring assessment being assessed under a lower tier.