

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENTAL ASSESSMENT ACT

As in force at 30 December 1994

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 30 December 1994. Any amendments that commence after that date are not included.

ENVIRONMENTAL ASSESSMENT ACT

An act to provide for the assessment of the environmental effects of development proposals and for the protection of the environment

1 Short title

This Act may be cited as the *Environmental Assessment Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

environment means all aspects of the surroundings of man including the physical, biological, economic, cultural and social aspects.

proposed action means a matter referred to in section 4(a), (b), (c), (d) or (e).

4 Object of Act

Subject to section 6, the object of this Act is to ensure, to the greatest extent practicable, that each matter affecting the environment which is, in the opinion of the Minister, a matter which could reasonably be considered to be capable of having a significant effect on the environment, is fully examined and taken into account in, and in relation to:

- (a) the formulation of proposals;
- (b) the carrying out of works and other projects;
- (c) the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the Commonwealth, the States and other Territories);

(d) the making of, or the participation in the making of, decisions and recommendations; and

(e) the incurring of expenditure,

by, or on behalf of, a person, either alone or in association with another person.

5 Application

This Act binds the Crown in right of the Territory and, so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

7 Administrative procedures

(1) The Administrator may, from time to time, determine, and determine variations of, administrative procedures for the purpose of achieving the object of this Act, being procedures that are consistent with relevant laws, as affected by the Regulations.

(2) Without limiting the generality of subsection (1), the administrative procedures referred to in that subsection may provide for:

(a) the supplying to the Minister of information for the purpose of consideration, by him or on his behalf, of the necessity for assessment of the effect of a proposed action on the environment;

(b) authorizing the Minister to direct the preparation or obtaining, and the submission to him, of a public environmental report or an environmental impact statement;

(c) defining, or authorizing the Minister to determine the matters to be dealt with by, and the form of, a public environmental report or an environmental impact statement;

(d) the making available of a public environmental report or an environmental impact statement, in cases or circumstances specified by or in accordance with those procedures, for public comment;

(e) action to be taken in respect of reports resulting from inquiries made under section 10;

(f) the revision of a public environmental report or an environmental impact statement;

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- (g) the examination of information supplied in accordance with those procedures by or on behalf of the Minister and the making by or on behalf of the Minister of comments, suggestions or recommendations concerning the matters to which the information relates, including suggestions or recommendations concerning conditions to which approvals, agreements and other matters should be subject;
 - (ga) the making available of comments, suggestions and recommendations, in cases or circumstances specified by or in accordance with those procedures, to the public;
 - (h) exemptions from all or any of the requirements of those procedures;
 - (j) the establishing and maintaining by or on behalf of the Minister of a record in respect of each proposed action in respect of which a public environmental report or an environmental impact statement is prepared and submitted for examination and the making available of the record for public inspection; and
 - (k) the review of the effectiveness of an assessment of a proposed action under those procedures.

8 Determinations to be notified

Where a determination is made under section 7:

- (a) the Minister shall give notice in the *Gazette* of the determination having been made, and of the place where copies of the determination may be purchased or otherwise obtained; and
- (b) the determination shall take effect from the date of the *Gazette* in which the notice appears or, where another date is specified in the notice, from the date so specified.

9 Modification of operation of laws

Without limiting a power or duty of a minister or statutory corporation, apart from this Act, to take into account matters relating to the environment in the exercise of the power or the performance of the duty, the Regulations may:

- (a) make provision for or in relation to requiring or permitting a minister or statutory corporation to take into account, either generally or in accordance with the Regulations, matters affecting the environment in the taking of an action or the making of a decision or recommendation; and

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- (b) prescribe matters necessary or convenient to be prescribed as incidental to a provision so made, including matters relating to procedures and times,

and Regulations so made have effect notwithstanding any other law in force in the Territory.

10 Inquiries

Where, in the opinion of the Minister, a matter to which this Act relates cannot be determined except by an inquiry, the *Inquiries Act* shall be used to inquire into that matter and, for that purpose, the Minister shall, if he is not the Minister responsible for the administration of that Act, be deemed to be the Minister so responsible.

11 Delegation

- (1) The Minister may, by instrument in writing, delegate to a person, or the holder from time to time of a particular designation or office, any of his powers and functions under this Act, including powers and functions conferred or imposed upon him under a determination under section 7, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Minister.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

12 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular:

- (a) making provision for and in relation to ensuring the confidentiality of information obtained in or in connection with carrying out or giving effect to, or securing the observance of, a determination under section 7;
- (b) making provision for and in relation to the granting of exemptions, either unconditionally or subject to conditions, from the provisions of the Regulations;
- (c) providing for the recovery of costs and expenses, and fixing the fees to be paid, in respect of any matters under the Regulations;

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- (d) empowering the Minister or other persons to give directions to particular persons for the purposes of the Regulations;
 - (e) empowering the Minister to make provision by order with respect to any matter with respect to which provision can be made by the Regulations;
 - (f) prescribing the manner in which notices, orders, directions or instructions under the Regulations may be given or in which documents may be served; and
 - (g) prescribing penalties not exceeding \$10,000 for an offence against the Regulations or for a failure to comply with the requirements of a determination under section 7.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Environmental Assessment Act 1982 (Act No. 65, 1982)

Assent date	8 October 1982
Commenced	4 July 1984 (<i>Gaz</i> G26, 4 July 1984, p 3)

Environmental Assessment Amendment Act 1994 (Act No. 73, 1994)

Assent date	30 December 1994
Commenced	30 December 1994

3 LIST OF AMENDMENTS

s 6	rep No. 73, 1994, s 2
s 7	amd No. 73, 1994, s 3
s 11	amd No. 73, 1994, s 4
s 12	amd No. 73, 1994, s 5