

Serial 17
Territory Coordinator Bill 2025
Mrs Finocchiaro

A Bill for an Act to provide for the appointment of a Territory Coordinator, to facilitate the undertaking of significant projects and works, to provide for the designation of infrastructure coordination areas and Territory development areas, to expedite certain statutory processes and decisions and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

TERRITORY COORDINATOR ACT 2025

Act No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

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An Act to provide for the appointment of a Territory Coordinator, to facilitate the undertaking of significant projects and works, to provide for the designation of infrastructure coordination areas and Territory development areas, to expedite certain statutory processes and decisions and for related purposes

10

[Assented to [] 2025]
[Introduced [] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

15

1 Short title

This Act may be cited as the *Territory Coordinator Act 2025*.

2 Commencement

(1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.

20

(2) If a provision of this Act does not commence before 8 February 2027, it commences on that day.

3 Definitions

In this Act:

25

Aboriginal land, see section 3(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

applicant, for Part 7, see section 62.

approved program of works means a program of works approved by the Minister under section 41.

condition variation notice, see section 84(1).

decision request, for Part 7, see section 66(1).

5 **economic significance**, see section 4.

eligible person, see section 11(2).

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

exemption notice, see section 77(1).

10 **IC activity** is an infrastructure coordination activity and means:

- (a) any activity undertaken by the Territory Coordinator to facilitate the implementation of an ICP; or
- (b) a project that is permitted under an ICP.

15 **ICA** means an area of land or water declared as an infrastructure coordination area under section 25(1).

ICP, see section 27.

interested party, see section 5(1).

Land Council, see section 3(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

20 **National Native Title Register** means the register established under section 192 of the *Native Title Act 1993* (Cth).

original entity, for Part 7, see section 71(c).

owner or occupier, in relation to land, means:

- 25 (a) the registered owner of the land or any other person registered on the land title; and
- (b) any person with an interest in the land recorded on the National Native Title Register; and
- 30 (c) if a person mentioned in paragraph (a) or (b) is not the occupier of the land, the occupier of the land, if the occupier can be readily identified.

plan area:

- (a) for a TDA plan – means the Territory development area to which it relates; or
- (b) for a proposed TDA plan – means the area to which it relates; or
- (c) for an ICP – means the ICA to which it relates; or
- (d) for a proposed ICP – means the area to which it relates.

primary principle, see section 8(1).

prioritisation request, for Part 7, see section 64(1).

program of works, see section 38.

progression-related request, for Part 7, see section 65(1).

proponent, of a project, means the person who proposes the project and includes a person who assumes conduct of the project under an agreement or other arrangement with a previous proponent of the project.

public body means any of the following:

- (a) an Agency;
- (b) a local government council;
- (c) a Government owned corporation as defined in section 3 of the *Government Owned Corporations Act 2001*;
- (d) any other body, whether incorporated or not, performing a public function on behalf of either:
 - (i) the Territory; or
 - (ii) a body mentioned in paragraph (a), (b) or (c).

public entity, see section 6(1).

registered owner, of land, see section 4 of the *Land Title Act 2000*.

relevant law, in relation to a statutory decision or statutory process, means the Scheduled law under which the decision may be made or the process undertaken.

responsible entity means:

- (a) for a statutory decision – the entity that may make the decision under the relevant law for the decision, other than a court or tribunal; or
- 5 (b) for a statutory process – the entity responsible for undertaking the process under the relevant law for the process, other than a court or tribunal.

Scheduled law means:

- (a) an Act listed in the Schedule; or
- 10 (b) an Act prescribed by regulation; or
- (c) subordinate legislation made under an Act referred to in paragraph (a) or (b).

significant project means a project in relation to which a designation under section 23 is in effect.

15 **statutory decision**, see section 7(1).

statutory process means a process required to be undertaken under a Scheduled law, other than by a court or tribunal.

Example for definition statutory process

20 *Under section 71B of the Water Act 1992, the Controller of Water Resources must give notice of the Controller's intention to make a water extraction licence decision.*

step-in notice, see section 68(2).

TDA activity means:

- 25 (a) any activity undertaken by the Territory Coordinator to facilitate the implementation of a TDA plan; or
- (b) a project that is permitted under a TDA plan.

TDA plan, see section 46(1).

Territory Coordinator means the person appointed under section 11.

30 **Territory development area** means an area of land or water in relation to which a designation under section 43 is in effect.

works projects, for Part 7, see section 62.

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

5 **4 Meaning of *economic significance***

A project or development is of ***economic significance*** to the Territory, or a region of the Territory, if the project or development facilitates any of the following in the Territory or region:

- (a) private sector investment;
- 10 (b) job creation;
- (c) population growth;
- (d) development or advancement of an industry.

5 **5 Meaning of *interested party***

(1) Each of the following persons is an ***interested party*** for an area:

- 15 (a) the registered owner of, or any other person registered on the land title for, land within the area or any adjoining land;
- (b) if any part of the area or any adjoining land is Aboriginal land – the Land Council and Land Trust for the land;
- 20 (c) any of the following, as defined in section 253 of the *Native Title Act 1993* (Cth), in relation to any part of the area:
 - (i) a registered native title body corporate;
 - (ii) a registered native title claimant;
 - (iii) a representative Aboriginal/Torres Strait Islander body;
- (d) the local government council for the area;
- 25 (e) a person prescribed by regulation.

(2) In this section:

Land Trust, see section 3(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

6 Meaning of *public entity*

(1) Each of the following is a *public entity*:

- (a) a public body;
- (b) an executive officer of a public body that is a body corporate;
- 5 (c) the Chief Executive Officer of an Agency;
- (d) a body corporate constituted for the purposes of any Act or that, being incorporated by the law of the Territory, is an instrumentality or agency of the Crown;
- 10 (e) an executive officer of a body corporate mentioned in paragraph (d);
- (f) the holder of any office established by any Act;
- (g) a public sector employee;
- (h) a person who is employed by:
 - (i) a public body; or
 - 15 (ii) a body corporate mentioned in paragraph (d); or
 - (iii) the holder of an office mentioned in paragraph (f) for the purposes of the Act that establishes the office.

(2) Despite subsection (1), a *public entity* does not include:

- (a) a court or tribunal; or
- 20 (b) an entity prescribed by regulation not to be a public entity.

(3) In this section:

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

25 7 Meaning of *statutory decision*

(1) A *statutory decision* is a decision to be made under a Scheduled law.

Example for definition statutory decision

Under section 71C of the Water Act 1992, the Controller of Water Resources must make a water extraction licence decision.

-
- (2) Despite subsection (1), a statutory decision does not include a decision of the Administrator that is to be made under a Scheduled law.

8 Primary principle of Act

- 5 (1) The primary principle of this Act is that, when exercising a key power under this Act, or when exercising a power or performing a function under any other Act in connection with the exercise of a key power, the Minister or the Territory Coordinator must have regard to following considerations:

10 (a) the primary objective of driving economic development for the Territory or a region of the Territory;

(b) the potential social and environmental outcomes for the Territory or a region of the Territory.

- 15 (2) When exercising a power or performing a function under any other Act as mentioned in subsection (1), the Territory Coordinator or Minister must also have regard to the relevant objects, principles or considerations under the other Act but, to the extent of any inconsistency with the considerations in subsection (1), the considerations in subsection (1) prevail.

- 20 (3) In this section:

key power means a power:

(a) to make a designation under section 23; or

(b) to make a declaration under section 25; or

(c) to vary the boundaries of an ICA; or

25 (d) to approve or vary an ICP; or

(e) to approve a program of works under section 41; or

(f) to make a designation under section 43; or

(g) to approve a TDA plan under section 50; or

30 (h) to vary the boundaries of a Territory development area under section 53; or

(i) to approve a variation of a TDA plan under section 57; or

(j) to give a request under section 64, 65 or 66; or

(k) to give a notice under section 68, 69, 80 or 84; or

- (l) exercised under a step-in notice.

9 Act binds Crown

- 5 (1) This Act binds the Crown in the right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.
- (2) No criminal liability extends to the Crown in the right of the Territory itself (as distinct from its agents, instrumentalities, officers and employees) under this Act.

10 Application of Criminal Code

- 10 Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 10

- 15 *Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

Part 2 Territory Coordinator

11 Appointment of Territory Coordinator

- 20 (1) The Administrator may, in writing, appoint an eligible person to be the Territory Coordinator.
- (2) A person is an eligible person if the person has suitable qualifications or experience relating to the Territory Coordinator's functions.
- 25 (3) Notice of the appointment must be published in the *Gazette* as soon as practicable after it is made.

12 Term and conditions of appointment

- (1) Subject to this Part, the Territory Coordinator:
- 30 (a) holds office for the period, not exceeding 5 years, specified in the appointment; and
- (b) is eligible for reappointment.
- (2) The Territory Coordinator holds office on the conditions, including conditions about remuneration, expenses and allowances, determined by the Administrator.

-
- (3) The Territory Coordinator's conditions of office cannot be varied to the detriment of the Coordinator during the Coordinator's term in office.

13 Vacancy in office

5 The office of Territory Coordinator becomes vacant if:

- (a) the person appointed to the office resigns by giving written notice to the Administrator; or
- (b) under section 14, the Administrator terminates the appointment of the person appointed to the office; or

10 (c) the person appointed to the office:

- (i) is no longer an eligible person; or
- (ii) is found guilty of an indictable offence, whether in the Territory or elsewhere, for which the maximum penalty is imprisonment for a term of at least 12 months; or

15 (iii) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or compounds with creditors or makes an assignment of remuneration for their benefit.

14 Termination of appointment

20 (1) The Administrator may terminate the appointment of a person as the Territory Coordinator:

- (a) if the person breaches a condition of the person's appointment; or

25 (b) if the person is absent from duty, without leave approved by the Minister under section 15 and without reasonable excuse, for:

- (i) 28 consecutive days; or
- (ii) 42 days in any period of 12 months; or

30 (c) on the ground of misbehaviour or physical or mental incapacity.

- (2) A termination of a person's appointment under this section must be by written notice given to the person.

- (3) If the appointment of a person as the Territory Coordinator is terminated under this section, the Minister must table in the Legislative Assembly a report regarding the termination that sets out the reasons for it within 6 sitting days after the termination.

5 **15 Leave of absence**

The Minister may grant the Territory Coordinator leave of absence on the conditions decided by the Minister.

16 Acting Territory Coordinator

- 10 (1) The Minister may, in writing, appoint an eligible person to act as the Territory Coordinator:

- (a) during a vacancy in the office; or
- (b) during a period when the Coordinator is unable, or unavailable, to perform the duties of the office; or
- 15 (c) if an actual or perceived conflict of interest arises in relation to the Coordinator exercising a power or performing a function in relation to a specific project or activity – to exercise the power or perform the function in relation to that project or activity.

- 20 (2) An appointment to act as the Territory Coordinator during a vacancy in the office may only be for a period or periods not exceeding in aggregate 6 months in any 12 months.

17 Territory Coordinator's staff, consultants and facilities

- (1) The Territory Coordinator's staff consists of the following:
- (a) public sector employees employed for the purposes of carrying out the Coordinator's functions;
- 25 (b) persons employed in an Agency made available to the Coordinator by the Chief Executive Officer of the Agency under an arrangement with the Coordinator.
- (2) The Territory Coordinator may engage the consultants that the Coordinator considers necessary for the performance of the Coordinator's functions under this Act or any other Act.
- 30 (3) The Chief Executive Officer must provide the Territory Coordinator with facilities to enable the Coordinator to properly exercise the Coordinator's powers and perform the Coordinator's functions.

18 Delegation

- 5 (1) Subject to subsection (2), the Territory Coordinator may delegate any of the Coordinator's powers and functions under this Act to any person who the Coordinator is satisfied has the appropriate qualifications or experience to exercise the power or perform the function.
- (2) The Territory Coordinator may not delegate a power or function under Part 7.

19 Functions

- 10 (1) The Territory Coordinator has the following functions:
- (a) to assess, facilitate and coordinate the delivery of projects or developments of economic significance;
- 15 (b) to identify and investigate projects and works that may be suitable to be designated as significant projects or programs of works and make recommendations to the Minister;
- (c) to identify and investigate areas of the Territory that may be suitable to be designated as infrastructure coordination areas or Territory development areas and make recommendations to the Minister;
- 20 (d) to prepare, coordinate and oversee the implementation of ICPs, IC activities, programs of works, TDA plans and TDA activities;
- 25 (e) to provide a single point of contact for case management for proponents in their engagement with government for significant projects, Territory development areas and programs of work;
- 30 (f) to facilitate collaboration and coordination between stakeholders including proponents, the Territory, local communities, traditional owners, native title holders and Land Councils, in relation to significant projects, programs of works and Territory development areas, with particular consideration of:
- (i) integrated strategic planning; and
- (ii) impacts and community benefit considerations;
- 35 (g) to provide strategic advice and advocacy to the Minister in relation to factors that impact the effective delivery of the Coordinator's functions;

(h) to perform any other functions conferred on the Coordinator:

(i) by this Act or any other Act; or

(ii) by the Minister in writing.

(2) In this section:

5 **native title holder**, see section 224 of the *Native Title Act 1993* (Cth).

20 Powers

(1) The Territory Coordinator has the powers necessary to perform the Coordinator's functions.

10 (2) Without limiting subsection (1), the Territory Coordinator may do any of the following:

(a) request information, documents or assistance from a public entity in relation to:

15 (i) a significant project, an ICA, an IC activity, a program of works, a Territory development area or a TDA activity;

(ii) any other project, works or area that the Coordinator considers may form part of a recommendation to the Minister as a significant project, a program of works or a Territory development area;

20 (b) direct a public entity to coordinate actions or share information with another public entity or a proponent in relation to a significant project, an ICA, an IC activity, a program of works, a Territory development area or a TDA activity;

25 (c) undertake public consultation regarding a proposed ICP or proposed TDA plan.

21 Impartiality and independence

(1) The Territory Coordinator must perform the functions and exercise the powers of the office impartially and independently.

30 (2) The Territory Coordinator is not subject to direction by any person, other than by the Minister in writing, about the way in which the Coordinator performs the functions or exercises the powers of office under this Act.

22 Cooperation with Territory Coordinator

- 5 (1) Each public entity has a duty to cooperate, including sharing information and documents, with the Territory Coordinator in the performance of the Coordinator's functions, to the extent that is reasonable and within the scope of the entity's functions.
- (2) Despite subsection (1), a public entity is not required to give information or documents to the Territory Coordinator if doing so would:
- 10 (a) constitute an offence against a law of the Territory or a law of the Commonwealth; or
- (b) breach a term of a contract.
- (3) If a public entity fails to cooperate with the Territory Coordinator, the Coordinator may, after informing the public entity, report the failure to the Minister.
- 15 (4) A failure that is reported to the Minister under subsection (3) may be included in the annual report prepared under section 99.

Part 3 Significant projects**23 Designation of significant project**

- 20 (1) The Minister may, in writing, designate a project to be a significant project for the Territory if the Minister believes on reasonable grounds that the project:
- (a) is of economic significance to the Territory or a region of the Territory; or
- 25 (b) is complex in nature and is of regional significance in terms of scale or impact; or
- (c) meets the criteria prescribed by regulation.
- (2) The designation remains in effect until it is revoked.

24 Notice of designation or revocation

- 30 (1) The Minister must give written notice in accordance with subsection (2) if the Minister:
- (a) designates a project under section 23; or
- (b) revokes the designation of a project.

(2) The notice must include:

- (a) a statement of reasons for the designation or revocation; and
- (b) the information prescribed by regulation.

(3) The notice must be:

- 5 (a) published on the Territory Coordinator or Agency website; and
- (b) given to the proponent of the project.

Part 4 Infrastructure coordination

Division 1 Infrastructure coordination areas

25 Declaration of infrastructure coordination area in relation to significant project

10 (1) The Minister may, in writing, declare an area of land or water that is necessary to investigate for the construction or operation of a significant project to be an infrastructure coordination area (an **ICA**) for the purpose of investigating the suitability of the area for the declaration of an ICP.

(2) The declaration under subsection (1) must:

- (a) state the significant project to which the ICA relates; and
- (b) state the proposed infrastructure for which the land is being investigated; and
- 20 (c) specify the boundaries of the area.

(3) The Minister may vary the boundaries of an ICA or revoke an ICA declaration.

(4) The Minister must give written notice if the Minister declares an ICA, varies the boundaries or revokes an ICA declaration.

25 (5) A notice of declaration of an ICA or variation of boundaries of an ICA must include:

- (a) a statement of reasons; and
- (b) any information prescribed by regulation.

(6) The notice must be:

- (a) published on the Territory Coordinator or Agency website; and
- (b) given to each interested party for the ICA.

26 Territory Coordinator's views to be sought on ICA applications

5 (1) In considering any application for a statutory decision or regarding a statutory process in relation to any land in an ICA for which an ICP is not in effect, a responsible entity must seek and take into account the Territory Coordinator's views on the application before making any decision.

10 (2) Subsection (1) applies despite any other law of the Territory.

Division 2 Infrastructure coordination plans

27 Infrastructure coordination plan

An infrastructure coordination plan (an *ICP*) is a plan in relation to a significant project that does of the following:

- 15 (a) identifies the infrastructure required to support the project;
- (b) identifies the entities that are responsible for delivering the infrastructure works;
- (c) identifies any governance or finance frameworks required for delivering the plan.

20 **28 Preparation of proposed infrastructure coordination plan**

(1) The Territory Coordinator must, if directed to do so by the Minister, or may, on the Coordinator's own initiative, prepare a proposed ICP.

(2) In preparing a proposed ICP, the Territory Coordinator:

- 25 (a) may direct a public entity to assist the Coordinator; and
- (b) must consult with each public body and public entity identified in the plan; and
- (c) may consult with any other person the Coordinator considers appropriate.

29 Public consultation

After preparing a proposed ICP, the Territory Coordinator must:

- (a) publish the proposed ICP on the Territory Coordinator or Agency website; and
- 5 (b) undertake public consultation on the proposed plan in accordance with the regulations.

30 Submission to Minister and decision

- (1) The Territory Coordinator must give the proposed ICP to the Minister for approval.
- 10 (2) The Minister may decide to:
 - (a) approve the proposed plan; or
 - (b) refer the proposed plan back to the Territory Coordinator for amendment; or
 - (c) refuse to approve the proposed plan.
- 15 (3) If the Minister refers the proposed ICP back to the Territory Coordinator the Coordinator must:
 - (a) consider the Minister's objections and comments and amend the plan as requested by the Minister; and
 - 20 (b) notify the public bodies and public entities consulted under section 28(2)(b) of the amendments; and
 - (c) resubmit the proposed plan to the Minister.
- (4) Subsections (2) and (3) apply in relation to a resubmitted plan as if it were the original plan submitted under subsection (1).

31 Effect of approval

- 25 (1) If an ICP is approved by the Minister, the Territory Coordinator must:
 - (a) give a copy of the approved plan to each public body and public entity identified in the plan; and
 - 30 (b) publish the approved plan on the Territory Coordinator or Agency website.
- (2) Each public body and public entity identified in the ICP must comply with the plan to the extent it is reasonably able to.

- 5
- (3) If a public body or public entity fails to comply with the requirements of the ICP, the Territory Coordinator may, after informing the public body or public entity, report the failure to the Minister.
 - (4) A failure that is reported to the Minister under subsection (3) may be included in the annual report prepared under section 99.

Division 3 Variation and revocation of ICPs

32 Variation of ICP

- 10
- (1) The Territory Coordinator must, if directed to do so by the Minister, or may, on the Coordinator's own initiative, prepare a proposed variation of an ICP.
 - (2) The Territory Coordinator must:
 - (a) publish the proposed variation on the Territory Coordinator or Agency website; and
 - 15 (b) if the proposed variation would in the opinion of the Coordinator effect a material change to the ICP, undertake public consultation on the proposed variation in accordance with the regulations (if any).

33 Recommendation to Minister

The Territory Coordinator must give the Minister the following:

- 20
- (a) a copy of the proposed variation;
 - (b) a summary of the submissions received during any public consultation required by section 32(2)(b);
 - (c) a recommendation in relation to the proposed variation.

34 Minister's decision

- 25
- After receiving a recommendation in relation to a proposed variation of an ICP under section 33 and considering any summary of submissions received, the Minister may decide to:
- (a) approve the proposed variation; or
 - 30 (b) refer the proposed variation back to the Territory Coordinator for amendment; or
 - (c) refuse to approve the proposed variation.

35 Effect of decision

- (1) If the Minister approves a proposed variation of an ICP, the variation takes effect on the date specified in the notice published under section 37.
- 5 (2) If the Minister refers the proposed variation back to the Territory Coordinator, the Coordinator must amend the proposed variation as requested by the Minister.
- (3) Sections 32(2) to 34 apply in relation to the amended variation as if it were the original proposed variation.

10 **36 Revocation of approval of ICP**

- (1) The Minister may, in writing, revoke the approval of an ICP.
- (2) The revocation takes effect on the date specified in the notice published under section 37.

Division 4 Notices

15 **37 Notices in relation to ICPs**

- (1) The Minister must give written notice in accordance with subsection (2) if the Minister:
- (a) approves a proposed ICP or proposed variation of an ICP; or
- (b) revokes the approval of an ICP.
- 20 (2) The notice must include the information prescribed by regulation and be:
- (a) published on the Territory Coordinator or Agency website; and
- (b) given to:
- 25 (i) each interested party for the plan area for the ICP that is approved, varied or revoked; and
- (ii) in relation to an approval of a proposed ICP or a proposed variation of an ICP – each person who made a submission on the proposed ICP or variation.

- (3) A responsible entity must not approve an application for a statutory decision or regarding a statutory process in relation to any activity being carried out on land in an ICA unless:

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- (a) the activity is consistent with the approved ICP in effect in the area; or
- (b) the Territory Coordinator gives consent.

Part 5 Programs of works

38 Meaning of *program of works*

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A ***program of works*** enables social or economic development in the Territory or a region of the Territory by documenting an aggregation of works, projects, services, utilities, undertakings or functions to be undertaken by a public entity or a proponent of a project in the Territory or the region.

39 Preparing a program of works

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- (1) The Territory Coordinator must, if directed to do so by the Minister, or may, on the Coordinator's own initiative, prepare a program of works for the Territory or for any region of the Territory.

- (2) A program of works must:

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- (a) state the period of time for which it is in effect; and
- (b) describe each of the works, projects, services, utilities, undertakings or functions to be delivered in the period; and
- (c) if the program does not apply to the Territory as a whole – state which region it applies to; and

25

- (d) identify the public entities that are responsible for delivering each of the works, projects, services, utilities, undertakings and functions in the program; and
- (e) identify any governance and finance frameworks required for delivering the works, projects, services, utilities, undertakings and functions in the program.

30

40 Selection of works for program and performance of works

- (1) Works, projects, services, utilities, undertakings or functions to be included in a program of works are at the discretion of the Territory Coordinator, having regard to the primary principle.

- (2) The Territory Coordinator may nominate works, projects, services, utilities, undertakings or functions included in a program of works that are to be undertaken by any public entity or person who is required or permitted by any Act to do so.

- 5 (3) Before selecting a work, project, service, utility, undertaking or function for inclusion in the program, the Territory Coordinator:

(a) must consult with any public body, public entity or person to be identified in the plan as responsible for delivery; and

- 10 (b) may consult with any other person the Coordinator considers appropriate.

41 Submission to Minister and decision

- (1) The Territory Coordinator must submit a proposed program of works to the Minister for approval.

- (2) The Minister may decide to:

- 15 (a) approve the proposed program of works; or

(b) refer the proposed program back to the Territory Coordinator for amendment; or

(c) refuse to approve the proposed program.

- (3) If the Minister approves the program, the Minister must:

- 20 (a) give written notice on the Territory Coordinator or Agency website that the Minister:

(i) approves the program of works; and

(ii) authorises its implementation by the Territory Coordinator; and

- 25 (b) publish a statement of reasons for the approval on the Territory Coordinator or Agency website.

- (4) If the Minister does not approve the program, the Minister must return the program, together with the Minister's objections to and comments on the program, to the Territory Coordinator.

- 30 (5) The Territory Coordinator must:

(a) consider the Minister's objections and comments and amend the program as requested by the Minister; and

(b) resubmit the program to the Minister.

- (6) Subsections (2) to (5) apply in relation to a resubmitted program as if it were the original program submitted under subsection (1).

42 Effect of approval

- 5 (1) On publication of the notice under section 41(3)(a), the program of works is an approved program of works.
- (2) The Territory Coordinator must:
- (a) give a copy of the approved program of works to each public body and public entity identified in the approved program; and
- 10 (b) publish the approved program on the Territory Coordinator or Agency website.
- (3) Each public body and public entity identified in an approved program of works must comply with the program to the extent it is reasonably able to.
- 15 (4) If a public body or public entity identified in an approved program of works fails to comply with the requirements of the approved program, the Territory Coordinator may, after informing the public body or public entity, report the failure to the Minister.
- (5) A failure that is reported to the Minister under subsection (4) may be included in the annual report prepared under section 99.
- 20 (6) The Territory Coordinator must, on the direction of the Minister, or may, on the Coordinator's own initiative, undertake and commission investigations, prepare plans, give directions and take any other actions that the Coordinator considers necessary or desirable to secure the proper planning, preparation, coordination and control of
- 25 each work, project, service, utility, undertaking and function listed in an approved program of works.

Part 6 Territory development

Division 1 Territory development areas

43 Designation of Territory development area

- 30 (1) Subject to subsections (2) and (3), the Minister may, in writing, designate an area of land or water to be a Territory development area.

(2) The Minister may make the designation only if the Minister considers that:

(a) the area has potential for development of economic significance to the Territory or a region of the Territory; or

5 (b) the area has potential for construction of infrastructure that would enable, or be enabled by, development of economic significance to the Territory; or

(c) the area meets any other criteria prescribed by regulation.

(3) The designation must:

10 (a) assign a name to the Territory development area; and

(b) specify:

(i) the intended development of economic significance of the area to the Territory, or region of the Territory; or

(ii) the other reason why the area is being designated; and

15 (c) specify the boundaries of the area.

(4) The Minister must publish a statement of reasons for the designation on the Territory Coordinator or Agency website.

(5) The designation:

20 (a) takes effect on the date specified in the notice published under section 60(2); and

(b) has effect until revoked.

44 Powers of Territory Coordinator in relation to Territory development area

25 The Territory Coordinator may do any of the following in relation to a Territory development area:

(a) direct a public entity to undertake or coordinate investigations or studies or prepare reports required for the development of a proposed TDA plan;

30 (b) engage a person to undertake investigations or studies or prepare reports required for the development of a proposed TDA plan;

- (c) give an authorisation under section 92(1).

Note for paragraph (a)

See section 22 for the requirement of a public entity to cooperate with the Territory Coordinator.

5

Note for section 44

Powers under Part 7 are also available in relation to a Territory development area.

45 Territory Coordinator's views to be sought on Territory development area applications

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- (1) In considering any application for a statutory decision or regarding a statutory process in relation to any land in a Territory development area for which a TDA plan is not in effect, a responsible entity must seek and take the Territory Coordinator's views on the application into account before making any decision.

15

- (2) Subsection (1) applies despite any other law of the Territory.

Division 2 Making of Territory development area plans

46 Territory development area plans

20

- (1) A Territory development area plan (a ***TDA plan***) is a plan for the Territory development area to which it relates that may identify the following:

25

- (a) the activities, land uses, development outcomes and environmental and social values or outcomes for the plan area;
- (b) the infrastructure and services required for the activities, land uses and development proposed for the plan area;
- (c) land that may be acquired;
- (d) any governance or finance frameworks required for delivering the plan.

30

- (2) A TDA plan may set out requirements for activities, land uses or development undertaken in the plan area including:

35

- (a) the recovery from proponents of projects of reasonable costs relating to the process of preparation, approval and implementation of the plan; and
- (b) requirements relating to any other matter prescribed by regulation.

(3) A TDA plan may provide for the following:

- (a) the establishment of an authority for the plan area;
- (b) provisions regarding the membership of the authority;
- (c) how the authority will operate;
- (d) the powers and functions of the authority.

47 Preparation of proposed TDA plan

- (1) The Territory Coordinator must prepare a proposed TDA plan for each Territory development area.
- (2) The Territory Coordinator may prepare a proposed TDA plan for any other area.

48 Public consultation

After preparing a proposed TDA plan, the Territory Coordinator must:

- (a) publish the proposed TDA plan on the Territory Coordinator or Agency website; and
- (b) undertake public consultation on the proposed plan in accordance with the regulations.

49 Recommendation to Minister

After public consultation has been undertaken on a proposed TDA plan, the Territory Coordinator must give the Minister the following:

- (a) a copy of the proposed TDA plan;
- (b) a summary of the submissions received during the public consultation;
- (c) a recommendation in relation to the proposed plan, including any changes proposed.

50 Minister's decision

5 After receiving a recommendation in relation to a proposed TDA plan under section 49 and considering the summary of submissions received during the public consultation undertaken under section 48(b), the Minister may decide to:

- 10 (a) approve the proposed plan and, if the plan area is not a Territory development area, designate the area to be a Territory development area; or
- (b) refer the proposed plan back to the Territory Coordinator for amendment; or
- (c) refuse to approve the proposed plan.

51 Effect of decision

- 15 (1) If the Minister approves the proposed TDA plan:
- (a) from the date specified in the notice published under section 60(2), the plan is the TDA plan for the Territory development area; and
- (b) the Territory Coordinator must publish the plan on the Territory Coordinator or Agency website.
- 20 (2) If the Minister refers the plan back to the Territory Coordinator, the Coordinator must amend the proposed TDA plan as requested by the Minister.
- (3) Sections 48 to 50 apply in relation to the amended plan as if it were the original proposed TDA plan.

52 Activities to be consistent with TDA plan

- 25 (1) A responsible entity must not approve an application for a statutory decision or regarding a statutory process in relation to any activity being carried out on land in a Territory development area unless:
- (a) the activity is consistent with the approved TDA plan in effect in the area; or
- 30 (b) the Territory Coordinator gives consent.
- (2) Subsection (1) applies despite any other law of the Territory.

Division 3 Variation and revocation of Territory development areas and plans

53 Variation of boundaries of Territory development area

- 5 (1) Subject to subsection (2), the Minister may, in writing, vary the boundaries of a Territory development area.
- 10 (2) The Minister may vary the boundaries in a manner that results in additional land or water (the **new area**) being incorporated into the Territory development area only if the Minister considers that:
- 15 (a) the new area has potential for development of economic significance to the Territory, or a region of the Territory; or
- (b) the new area has potential for establishment of infrastructure that would enable, or be enabled by, development of economic significance to the Territory; or
- 20 (c) the new area meets any other criteria prescribed by regulation.
- (3) If the Minister varies the boundaries of a Territory development area:
- (a) the variation takes effect on the date specified in the notice published under section 60(2); and
- (b) the Minister must publish a statement of reasons for the variation.

54 Revocation of designation of Territory development area

- 25 (1) The Minister may, in writing, revoke the designation of a Territory development area.
- (2) If the Minister revokes the designation of a Territory development area:
- 30 (a) the revocation takes effect on the date specified in the notice published under section 60(2); and
- (b) if a TDA plan is in effect for the area – when the revocation takes effect, the plan is automatically revoked.

55 Variation of TDA plan

- (1) The Territory Coordinator must, if directed to do so by the Minister, or may, on the Coordinator's own initiative, prepare a proposed variation of a TDA plan.

(2) The Territory Coordinator must:

- 5
- (a) publish the proposed variation on the Territory Coordinator or Agency website; and
 - (b) if the proposed variation would in the opinion of the Coordinator effect a material change to the TDA plan, undertake public consultation on the proposed variation in accordance with the regulations (if any).

56 Recommendation to Minister

The Territory Coordinator must give the Minister the following:

- 10
- (a) a copy of the proposed variation;
 - (b) a summary of the submissions received during any public consultation required by section 55(2)(b);
 - (c) a recommendation in relation to the proposed variation.

57 Minister's decision

15 After receiving a recommendation in relation to a proposed variation of a TDA plan under section 56 and considering any summary of submissions received, the Minister may decide to:

- (a) approve the proposed variation; or
- 20 (b) refer the proposed variation back to the Territory Coordinator for amendment; or
- (c) refuse to approve the proposed variation.

58 Effect of decision

- 25
- (1) If the Minister approves a proposed variation of a TDA plan, the variation takes effect on the date specified in the notice published under section 61(2).
 - (2) If the Minister refers the proposed variation back to the Territory Coordinator, the Coordinator must amend the proposed variation as requested by the Minister.
 - 30 (3) Sections 55(2) to 57 apply in relation to the amended variation as if it were the original proposed variation.

59 Revocation of approval of TDA plan

- (1) The Minister may, in writing, revoke the approval of a TDA plan.

- (2) The revocation takes effect on the date specified in the notice published under section 61(2).

Note for section 59

A TDA plan may be automatically revoked under section 54(2)(b).

5 **Division 4 Notices**

60 Notices in relation to Territory development areas

- (1) The Minister must give written notice in accordance with subsection (2) if the Minister:

- 10 (a) designates an area of land to be a Territory development area;
 or
 (b) varies the boundaries of a Territory development area; or
 (c) revokes a designation of a Territory development area.

- (2) The notice must include the information prescribed by regulation and be:

- 15 (a) published on the Territory Coordinator or Agency website; and
 (b) given to each interested party for the Territory development area.

61 Notices in relation to TDA plans

- 20 (1) The Minister must give written notice in accordance with subsection (2) if the Minister:

- (a) approves a proposed TDA plan or proposed variation of a TDA plan; or
 (b) revokes the approval of a TDA plan.

- 25 (2) The notice must include the information prescribed by regulation and be:

- (a) published on the Territory Coordinator or Agency website; and
 (b) given to:
 (i) each interested party for the plan area for the TDA plan that is approved, varied or revoked; and

- (ii) in relation to an approval of a proposed TDA plan or a proposed variation of a TDA plan – each person who made a submission on the proposed TDA plan or variation.

5 **Part 7 Expediting statutory processes and decisions**

Division 1 General matters

62 Definitions

In this Part:

10 ***applicant***, in relation to a statutory decision or statutory process, means the person seeking the decision or the undertaking of the process under the relevant law for the decision or process.

condition variation notice, see section 84(1).

decision request, see section 66(1).

original entity, see section 71(c).

15 ***prioritisation request***, see section 64(1).

progression-related request, see section 65(1).

works projects means projects undertaken as part of the implementation of an approved program of works.

63 Application of Part

20 (1) This Part, and any request or notice given under it, applies despite any other law of the Territory to the contrary, other than the *Interpretation Act 1978*.

25 (2) The reference to the *Interpretation Act 1978* in subsection (1) does not include section 62A of that Act in relation to sections 75(2) and 85(2).

(3) This Part applies, with any necessary modifications, to activities in:

- (a) an ICA for which an ICP is not in effect in the same manner as it applies to an IC activity; and
- 30 (b) a Territory development area for which a TDA plan is not in effect in the same manner as it applies to a TDA activity.

Division 2 Requests

64 Prioritisation request

- 5 (1) Subject to subsection (2) and section 67, the Territory Coordinator may, by written notice (a **prioritisation request**) given to a responsible entity for a statutory process, request the entity to prioritise undertaking the process for one or more specified significant projects, works projects, IC activities or TDA activities.
- (2) Before giving the prioritisation request, the Territory Coordinator must consult the responsible entity about the proposed request.
- 10 (3) On receiving the prioritisation request, the responsible entity must give priority to undertaking the statutory process for the project, activity or area specified in the request over any other matter for which the responsible entity is responsible that is subject to the same statutory process.
- 15 (4) Subsection (3) does not apply to a responsible entity who is a Minister.
- (5) Subject to this section, the relevant law for the statutory process continues to apply to the process.

65 Progression-related request

- 20 (1) Subject to subsection (2) and section 67, the Territory Coordinator may, by written notice (a **progression-related request**) given to the responsible entity for a statutory process, request the entity:
- 25 (a) to start or complete the process in relation to a significant project, a works project, an IC activity or a TDA activity within the period specified in the request; or
- (b) to pause, or to continue to undertake, the process in relation to a significant project, a works project, an IC activity or a TDA activity for the period specified in the request.
- 30 (2) Before giving the progression-related request, the Territory Coordinator must:
- (a) consult the responsible entity about the proposed request; and
- (b) have regard to the requirements and timeframes, if any, under the relevant law for the undertaking of the process.

(3) On receiving the progression-related request, the responsible entity must:

- (a) comply with the request; and
- (b) notify the Territory Coordinator of the compliance as soon as practicable after it occurs.

(4) Subsection (3) does not apply to a responsible entity who is a Minister.

(5) Subject to subsection (6), the relevant law for the statutory process continues to apply to the process.

(6) In the case of a request to pause a statutory process:

- (a) any statutory timeframe set out in the relevant law for the process is also paused; and
- (b) if section 42 of the *Northern Territory Civil and Administrative Tribunal Act 2014* applies to the statutory process, the operation of that section is suspended while the pause request is in effect.

(7) If the Territory Coordinator revokes a pause request given under subsection (1)(b), the statutory process resumes when the notice is received by the responsible entity.

66 Decision request

(1) Subject to subsections (2) and (3) and section 67, the Territory Coordinator may, by written notice (a **decision request**) given to the responsible entity for a statutory decision, request the entity to make a specified decision in relation to a significant project, a works project, an IC activity or a TDA activity within the period specified in the notice.

(2) Before giving the decision request, the Territory Coordinator must:

- (a) consult with the responsible entity about the proposed request; and
- (b) have regard to the requirements, if any, under the relevant law for the decision about public notification of information or other matters in relation to the decision.

(3) The period specified in the decision request must be at least:

- (a) 20 business days after the request is given; or

- (b) if, under the relevant law for the statutory decision, the responsible entity would, but for this section, be required to make the decision within a period that is less than 20 business days after the request is given – the lesser period.

- 5 (4) On receiving the decision request, the responsible entity must:
 - (a) make the statutory decision specified in the request within the period specified in the request; and
 - (b) notify the Territory Coordinator of the decision as soon as practicable after it is made.
- 10 (5) Subsection (4) does not apply to a responsible entity who is a Minister.
- (6) Subject to this section, the relevant law for the statutory decision continues to apply to the making of the decision.

67 When Minister may make request

- 15 (1) If the Territory Coordinator is the applicant for a statutory decision or statutory process in relation to a works project, an IC activity or a TDA activity:
 - (a) the Coordinator cannot make a prioritisation request, progression-related request or decision request in relation to
20 the decision or process; and
 - (b) the Minister may instead make the request under this Division.
- (2) If the responsible entity for a statutory decision or statutory process in relation to a significant project, a works project, an IC activity or a TDA activity is a Minister:
 - 25 (a) the Territory Coordinator cannot make a prioritisation request, progression-related request or decision request in relation to the decision or process; and
 - (b) the Minister may instead make the request under this Division.
- 30 (3) If the Minister makes a prioritisation request, progression-related request or decision request under this Division in accordance with subsection (1)(b) or (2)(b), a reference to the Territory Coordinator in section 64, 65 or 66 is taken to be a reference to the Minister.

Division 3 Step-in notices

68 Territory Coordinator may give step-in notice

- 5 (1) Subsection (2) applies, subject to sections 69 and 70, in relation to a statutory decision to be made, or statutory process to be undertaken, in relation to a significant project, a works project, an IC activity or a TDA activity.
- 10 (2) The Territory Coordinator may give the responsible entity and the applicant for the statutory decision or statutory process a written notice (a **step-in notice**) advising that the Coordinator will step-in to make the statutory decision or undertake the statutory process in place of the responsible entity.
- 15 (3) The step-in notice must state that the Territory Coordinator is the responsible entity for the statutory decision or statutory process from the time the notice is given until the Coordinator finishes making the decision or undertaking the process.

69 When Minister may give step-in notice

- 20 (1) If the Territory Coordinator is the applicant for a statutory decision or statutory process in relation to a works project, an IC activity or a TDA activity:
- (a) the Coordinator cannot give a step-in notice in relation to the decision or process; and
- (b) the Minister may instead give a step-in notice under section 68.
- 25 (2) If the responsible entity for a statutory decision or statutory process in relation to a significant project, a works project, an IC activity or a TDA activity is a minister:
- (a) the Territory Coordinator cannot give a step-in notice in relation to the decision or process; and
- 30 (b) the Coordinator may recommend that the Minister gives a step-in notice under section 68; and
- (c) the Minister may instead give a step-in notice under section 68.
- 35 (3) If the Minister gives a step-in notice under section 68 in accordance with subsection (1)(b) or (2)(c), a reference to the Territory Coordinator in sections 70 to 74 is taken to be a reference to the Minister.

70 When step-in notice may be given

The Territory Coordinator must not give a step-in notice for a statutory decision or statutory process unless the Coordinator has consulted the responsible entity for the decision or process about the proposed notice.

71 Effects of step-in notice

If the Territory Coordinator gives a step-in notice for a statutory decision or statutory process:

- (a) the Coordinator becomes the responsible entity under the relevant law for the decision or process from the time the step-in notice is given until the Coordinator finishes making the decision or undertaking the process; and
- (b) for making the decision or undertaking the process – the Coordinator has all the powers of the responsible entity under the relevant law for the decision or process; and
- (c) the entity (the **original entity**) that was the responsible entity for the decision or process before the step-in notice was given must comply with section 72; and
- (d) no person (including the original entity) may take any action in relation to the decision or process, other than to comply with section 72, until the Coordinator gives a notice of completion under section 74; and
- (e) despite paragraph (a), the making of the decision or undertaking of the process by the Coordinator is taken to be the exercise of a power or performance of a function of the Coordinator under this Act.

72 Original entity to give assistance or recommendations

- (1) The original entity must give the Territory Coordinator all reasonable assistance and materials the Coordinator requires to act under this Division, including:
 - (a) all information and documents about the statutory decision or statutory process the entity had before the step-in notice was given; and
 - (b) all information and documents received about the decision or process by the entity after the step-in notice was given.
- (2) Subsection (1) does not apply in relation to material that is subject to client legal privilege.

- (3) Without limiting subsection (1), the Territory Coordinator may, by written notice, require the entity to give the Coordinator, within the reasonable period specified in the notice, a written report containing the following:

- 5 (a) an assessment of matters, specified in the notice, relevant to the statutory decision or statutory process;
- (b) recommendations about the assessment mentioned in paragraph (a).

Example for subsection (3)(b)

10 *Recommendations about proposed conditions relevant to the statutory decision.*

- (4) This section does not limit section 22.

73 Making the statutory decision

- 15 (1) When making a statutory decision under a step-in notice, in addition to applying the relevant law, the Territory Coordinator must have regard to the primary principle.
- (2) For subsection (1), in imposing any conditions permissible under the relevant law in making a statutory decision under a step-in notice, the Territory Coordinator may also impose any conditions the Coordinator considers necessary or desirable to promote the primary principle.
- 20

74 Notice of completion

- 25 (1) When the Territory Coordinator finishes making a statutory decision or undertaking a statutory process under this Division, the Coordinator must give written notice to the applicant and the original entity for the decision or process.
- (2) The notice must include:
- (a) a statement to the effect that the original entity is to resume its function as the responsible entity for the decision or process; and
- 30 (b) for a notice in relation to a statutory decision:
- (i) the reasons for the Territory Coordinator's decision; and
- (ii) the conditions, if any, imposed under section 73(2) in relation to the decision.

(3) The statutory decision takes effect:

- (a) when the applicant for the decision and the original entity are given notice under subsection (1); or
- (b) on any later date specified in the notice.

5 **75 Effect of statutory decision made under step-in notice**

- (1) A statutory decision made by the Territory Coordinator under this Division, including a decision to impose a condition, has effect as if it were a decision of the original entity.
- (2) For subsection (1), the original entity may:

- 10 (a) administer and enforce the decision accordingly, despite any purpose or object underlying the relevant law to the contrary; and
- (b) take the action necessary to comply with and give effect to the decision.

15 *Note for subsection (2)(a)*

This provision is intended to displace section 62A of the Interpretation Act 1978.

- (3) To avoid doubt, the original entity must not change or interfere with a decision made under a step-in notice.

76 Subsequent alteration or imposition of conditions

- 20 (1) The original entity must not make a material alteration to a condition imposed by the Territory Coordinator as specified in accordance with section 74(2)(b) unless the original entity has consulted with the Coordinator about the proposed alteration.

- 25 (2) If the original entity subsequently imposes a condition in relation to a statutory decision made by the Territory Coordinator under a step-in notice, the condition is of no effect to the extent it is inconsistent with a condition imposed by the Coordinator, unless the Coordinator consents to the imposition of the condition.

- 30 (3) The original entity may apply or renew a condition imposed by the Territory Coordinator under this Division despite anything to the contrary in the relevant law.

Division 4 Exemption notices

77 Exemption notice

(1) An **exemption notice** is a notice that:

- 5 (a) relates to a statutory decision to be made, or statutory process to be undertaken, in relation to a significant project, a works project, an IC activity or a TDA activity; and
- 10 (b) states that, for the purposes of the decision being made or the process being undertaken, the application of the relevant law, or a provision of the relevant law, is modified or excluded in the manner specified in the notice.

(2) An exemption notice cannot be given in relation to a statutory decision or statutory process that involves a matter prescribed by regulation.

78 Grounds for giving exemption notice

15 (1) Each of the following is a ground for giving an exemption notice:

- 20 (a) having regard to the primary principle and the purpose and objectives of the relevant law, the application of the law, or part of the law, is not necessary for achieving effective or efficient regulation of the significant project, works project, IC activity or TDA activity;
- 25 (b) modifying or excluding the law, or part of the law, would achieve efficient and effective regulation because the law substantially duplicates a statutory process or part of a statutory process that is completed or will be completed in relation to the relevant project or activity.

(2) An exemption notice must state the ground on which it is made.

79 Recommendation to Minister

30 (1) Subject to subsection (2), the Territory Coordinator may recommend to the Minister that the Minister gives an exemption notice in relation to a statutory decision to be made, or statutory process to be undertaken, in relation to a significant project, a works project, an IC activity or a TDA activity if the Coordinator is satisfied a ground mentioned in section 78(1) exists.

(2) Before making the recommendation, the Territory Coordinator:

- 35 (a) must consult with the responsible entity and the applicant for the statutory decision or statutory process; and

- (b) may consult with any other person the Coordinator considers may be affected by the proposed exemption notice.

(3) The recommendation must set out:

5

- (a) the ground on which the Territory Coordinator is satisfied the exemption notice can be issued; and
- (b) details of who was consulted under subsection (2); and
- (c) a summary of the views of those consulted.

80 Minister may give exemption notice

10

- (1) Subject to subsections (2) and (3), the Minister may give an exemption notice to the responsible entity and the applicant for the statutory decision or statutory process specified in the notice:

- (a) on the recommendation of the Territory Coordinator; or
- (b) on the Minister's own initiative.

15

- (2) Before giving an exemption notice on the Minister's own initiative, the Minister:

- (a) must consult with the responsible entity and the applicant for the statutory decision or statutory process specified in the notice; and
- (b) may consult with any other person the Minister considers may be affected by the proposed exemption notice.

20

- (3) The Minister must not give an exemption notice unless the Minister is satisfied, on reasonable grounds, that a ground mentioned in section 78(1) for giving the notice exists.

81 Effect of exemption notice

25

- (1) The application of the relevant law, or a provision of the relevant law, to the statutory decision or statutory process to which the exemption notice relates is taken to be modified or excluded in the manner specified in the notice.

30

- (2) A decision maker (including an original decision maker) is authorised to make a decision in accordance with the law as modified or excluded by the notice.

82 Tabling and disallowance

- (1) The Minister must table a copy of an exemption notice in the Legislative Assembly on the next sitting day after it is made.

(2) The Legislative Assembly may pass a resolution disallowing an exemption notice, or a specified provision of the notice, whether or not it has been tabled.

(3) Notice of a resolution under subsection (2) must be given within:

5 (a) if the exemption notice is tabled in accordance with subsection (1) – 6 sitting days after it is tabled; or

(b) if the exemption notice has not been tabled in accordance with subsection (1) – 6 sitting days after the day on which the notice was required to be tabled.

10 (4) If a resolution disallows an exemption notice or provisions of it, the disallowance has, subject to subsection (5), the same effect as a revocation of the notice or provisions.

15 (5) The disallowance of an exemption notice or provisions of it does not affect anything done before the disallowance under the relevant law in relation to the significant project, works project, IC activity or TDA activity to which the exemption notice relates.

Division 5 Condition variation notices

83 Meaning of *approval*

In this Division:

20 ***approval*** includes an authorisation, a permission, a consent, a lease, a licence, a certificate or another authority.

84 Territory Coordinator may give condition variation notice

25 (1) The Territory Coordinator may give a written notice (a ***condition variation notice***), in the terms permitted by section 85, varying the conditions imposed on a statutory decision made in relation to a significant project, a works project, an IC activity or a TDA activity.

(2) Before giving the condition variation notice, the Territory Coordinator must:

(a) consult with the following about the proposed notice:

30 (i) the responsible entity for the statutory decision;

(ii) any entity that in the opinion of the Coordinator would be affected by the proposed notice; and

(b) if the responsible entity is a Minister – obtain the consent of the Minister to the notice.

(3) The condition variation notice must be given to:

- (a) the responsible entity; and
- (b) any other entity to which the statutory decision applies.

85 Permitted variations

5 The conditions imposed on a statutory decision may be varied by a condition variation notice only if:

- (a) the conditions are varied in accordance with the provisions of the relevant law under which the decision was made that relate to the variation of the conditions; or
- 10 (b) the applicant for the decision has consented to the variation; or
- (c) for a decision that was the grant of an approval for a period of time – the variation is to take effect on renewal or extension of the approval for a further period; or
- 15 (d) the Territory Coordinator is satisfied, on reasonable grounds, the variation:
 - (i) provides for consistency between the conditions applying to the decision and any requirements or conditions applying under a law of the Commonwealth in relation to the significant project, IC activity, works project or TDA activity; or
 - 20 (ii) is likely to prevent harm to a person or material environmental harm as defined in section 8 of the *Environment Protection Act 2019*; or
 - 25 (iii) is in connection with an inability by the applicant for the decision to comply with a requirement under a law of the Territory or a condition of an approval under a law of the Territory; or
- 30 (e) the Coordinator is satisfied, on reasonable grounds, the circumstances prescribed by regulation exist.

86 Effect of condition variation notice and revocation of condition

- (1) A condition imposed on a statutory decision by a variation made by a condition variation notice is taken to be a valid condition operating under the relevant law under which the decision was made, whether or not the variation effecting the condition could have, but
35 for the operation of this section, been validly made under the

relevant law.

(2) For subsection (1), the original entity may:

- 5 (a) administer and enforce the condition accordingly, despite any purpose or object underlying the relevant law to the contrary; and
- (b) take the action necessary to comply with and give effect to the condition.

Note for subsection (2)(a)

This provision is intended to displace section 62A of the Interpretation Act 1978.

10 (3) The Territory Coordinator may, at any time, revoke a condition imposed on a statutory decision made by a condition variation notice given by the Coordinator, by written notice given to the responsible entity and the holder of the approval.

87 When Minister may give condition variation notice

15 (1) If the Territory Coordinator was the applicant for a statutory decision in relation to a works project, an IC activity or a TDA activity:

- (a) the Coordinator cannot give a condition variation notice varying the conditions imposed on the decision; and
- 20 (b) the Minister may instead give a condition variation notice under this Division.

(2) If the Minister gives a condition variation notice under this Division in accordance with subsection (1)(b), a reference to the Territory Coordinator in section 84, 85 or 86 is taken to be a reference to the Minister.

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Division 6 Publication and reporting

88 Publication of requests and notices

30 As soon as practicable after giving one of the following requests or notices, the Territory Coordinator or Minister must publish a copy of the request or notice and a statement of reasons on the Territory Coordinator or Agency website:

- (a) a step-in notice or notice of completion under section 74;
- (b) an exemption notice;

- (c) a condition variation notice or notice of revocation of a condition under section 86(3).

89 Reports about requests

- 5 (1) Within 5 business days after giving a prioritisation request, progression-related request or decision request, the Territory Coordinator must give the Minister a report about the request that includes:
 - (a) a copy of the request; and
 - (b) a statement of reasons for giving the request.
- 10 (2) If a prioritisation request is not complied with, the Territory Coordinator must give the Minister a report about the non-compliance within 5 business days after the Coordinator becomes aware of it.
- 15 (3) If a progression-related request or decision request is not complied with, the Territory Coordinator must give the Minister a report about the non-compliance within 5 business days after the period specified in the request expires.

90 Reports about notices

- 20 (1) Within 5 business days after giving a step-in notice or condition variation notice, the Territory Coordinator must give the Minister a report about the notice that includes:
 - (a) a copy of the notice; and
 - (b) a summary of the reasons for giving the notice.
- 25 (2) Within 5 business days after giving a completion notice under section 74, the Territory Coordinator must give the Minister a copy of the notice.
- (3) If the Minister gives a step-in notice, the Minister must prepare a report about the notice within 5 business days after giving a completion notice under section 74(1).
- 30 (4) A report under subsection (3) must include the following:
 - (a) a copy of the step-in notice;
 - (b) a summary of the reasons for giving the step-in notice;
 - (c) a copy of the notice given under section 74.

91 Tabling of reports

5 The Minister must table a copy of a report given to the Minister under section 90(1) or (2), or prepared under section 90(3), in the Legislative Assembly within 6 sitting days after receiving or preparing the report.

Part 8 Entry to land without warrant**92 Power to enter land**

- 10 (1) The Territory Coordinator may, in writing, authorise a person to enter land:
- (a) within an ICA to carry out work required to develop a proposed ICP; or
- (b) within a Territory development area to carry out work required for the development of a proposed TDA plan.
- 15 (2) A person who is authorised by the Territory Coordinator to enter land must give the owner or occupier of the land written notice of the person's intention to enter at least 14 days before the proposed entry.
- (3) The notice must specify the following:
- (a) the land proposed to be entered;
- 20 (b) the name and address of the person and any other person who will enter the land;
- (c) details of the work the person is authorised to carry out on the land;
- (d) any other matters prescribed by regulation.
- 25 (4) Subject to subsection (5), the person must not enter premises under this section without the consent of the owner or occupier of the land.
- (5) The person must not enter residential premises under this section.
- 30 (6) The person must show the written authorisation to enter the land to the owner or occupier of the land on request.

93 Powers on entry

- 5 (1) A person who is authorised under section 92(1) to enter land may enter the land without obtaining a warrant and, on entry, do any of the following in relation to the development of the ICP or proposed TDA plan (as the case may be):
- (a) inspect the land and anything on the land;
 - (b) bring vehicles, equipment, machinery and materials onto the land and install and maintain any equipment, machinery or materials;
 - 10 (c) take photographs and make sketches or other records of the land;
 - (d) measure anything, or take samples of anything, on the land;
 - (e) take any other action reasonably required for the development of the plan.
- 15 (2) The person must:
- (a) ensure any work done has minimal impact on the land; and
 - (b) once the work is complete:
 - (i) remove all things brought onto the land; and
 - 20 (ii) to the extent possible, leave the land in the same condition it was in immediately before the person entered.

94 Compensation for damage

- 25 (1) If, in the performance of a person's work under section 93, damage is caused to land, the Territory must pay to the owner or occupier of the land, as the case requires, the amount, if any, that is determined by the Territory Coordinator to be the amount of the damage.
- (2) For this section, damage to land includes loss suffered as a result of any of the following:
- 30 (a) deprivation of the access to the surface of the land;
 - (b) damage to the surface of the land or to improvements on the land;
 - (c) damage to a crop or to stock on the land.

Part 9 General matters

95 Limitation on review or appeal

- 5 (1) A person is not entitled to apply for a review of, or appeal against, any decision under this Act or any other law of the Territory that is authorised or required by or under this Act, despite anything to the contrary in a law of the Territory.
- (2) Subsection (1) does not affect a person's right to seek judicial review of a decision.

96 Keeping of register

- 10 (1) The Territory Coordinator must keep a register of information about the following:
- (a) designations of significant projects and revocations of significant projects;
- 15 (b) declarations of ICAs, variations of ICA boundaries and revocations of ICAs;
- (c) approvals, variations and revocations of ICPs;
- (d) approvals of programs of works;
- 20 (e) designations of Territory development areas, variations of the boundaries of those areas and revocations of those designations;
- (f) TDA plans approved under section 50 and variations and revocations of those plans;
- (g) requests made and notices given under Part 7.
- 25 (2) The register must include a copy of each document mentioned in subsection (1) and any other information prescribed by regulation.
- (3) The Territory Coordinator must make reasonable endeavours to ensure the register is kept updated.
- (4) The register must be available for inspection by the public.

97 Recovery of costs

- 30 (1) Subject to subsection (2), the Territory Coordinator may recover from a proponent of a significant project or a program of works reasonable costs incurred by the Coordinator or an Agency in:
- (a) issuing or complying with a request or notice under Part 7; or

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- 5
- (b) if a step-in notice is given – making or complying with the statutory decision or undertaking the statutory process to which the step-in notice relates; or
 - (c) carrying out any of the Coordinator's functions in relation to the proponent.
- (2) The Territory Coordinator may only recover costs under subsection (1) in accordance with an agreement with the proponent.
- 10
- (3) Costs recovered by the Territory Coordinator on behalf of an Agency under subsection (1) must be remitted to the Agency.
- (4) An amount a proponent is required to pay under an agreement referred to in subsection (2) may be recovered as a debt due and payable to the Territory.

98 Acquisition on just terms

15 If the operation of this Act would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

- 20
- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
 - (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

99 Annual report

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- (1) The Territory Coordinator must, by 31 October following the end of each financial year, prepare and give the Minister a report on the operation of this Act during that year.
 - (2) The annual report must include a copy of each condition variation notice, exemption notice and step-in notice given during the financial year.
- 30
- (3) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after receiving it.

100 Review into matters relevant to Territory Coordinator's functions

- 5 (1) The Territory Coordinator must, if directed to do so by the Minister, conduct a review into any matter that, in the opinion of the Minister, is one with which the Coordinator should be concerned in the general operation of the Coordinator's functions.
- 10 (2) The Territory Coordinator may, on the Coordinator's own initiative, conduct a review into any matter that, in the opinion of the Coordinator, is one with which the Coordinator should be concerned in the proper performance of the Coordinator's functions under this or any other Act.
- (3) The Territory Coordinator must prepare a report on the outcome of a review under subsection (1) or (2) and give the report to the Minister.
- 15 (4) The Minister must, as soon as practicable, but within 6 months after receiving the report:
- (a) give the Territory Coordinator a written response to the report; and
- 20 (b) if the Minister has not followed, or does not intend to follow, the advice or any recommendation contained in the report – include in the response reasons why the Minister has not implemented, or does not intend to implement, the advice or recommendation.

101 Publication of review report and response

- 25 (1) Subject to subsection (2), in relation to each review conducted under section 100, the Territory Coordinator must make the following available for inspection by the public in the manner the Coordinator considers appropriate:
- (a) a copy of the report on the outcome of the review;
- 30 (b) the response from the Minister to the report.
- (2) Before making the report or response available, the Territory Coordinator:
- (a) must redact all information that is commercial-in-confidence; and
- 35 (b) may redact any information that the Coordinator is satisfied:
- (i) is in the public interest to withhold; or

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- (ii) there are other reasonable grounds for withholding.

102 Offence to give misleading information

- (1) A person commits an offence if:

- 5 (a) the person intentionally gives information to another person;
and
- (b) the other person is a TC officer; and
- (c) the information is misleading and the person has knowledge of that circumstance; and
- 10 (d) the TC officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) A person commits an offence if:

- 15 (a) the person intentionally gives a document to another person;
and
- (b) the other person is a TC officer; and
- (c) the document contains misleading information and the person has knowledge of that circumstance; and
- 20 (d) the TC officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (3) Strict liability applies to subsections (1)(b) and (2)(b).

- 25 (4) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant, when giving the information or document:

- (a) draws the misleading aspect of the information or document to the TC officer's attention; and

- (b) to the extent to which the person can reasonably do so – gives the TC officer the information necessary to remedy the misleading aspect of the information or document.

Note for subsection (4)

5 *The defendant has an evidential burden in relation to the matters mentioned (see section 43BU of the Criminal Code).*

- (5) In this section:

10 ***acting in an official capacity***, in relation to a TC officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

TC officer means the Territory Coordinator or a person employed or engaged to carry out functions of the Coordinator under this Act.

103 Offence to disclose certain information

- (1) A person commits an offence if:

- 15 (a) the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; and
- (b) the information is confidential and the person is reckless in relation to that circumstance; and
- 20 (c) the person intentionally engages in conduct; and
- (d) the conduct results in the disclosure of the information and the disclosure is not:
- 25 (i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or
- (ii) to a person who is otherwise entitled to the information; and
- (e) the person is reckless in relation to the result and circumstance referred to in paragraph (d).

30 Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(a).

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- (3) If the information referred to in subsection (1) relates to a person, it is a defence to a prosecution for an offence against that subsection if the person has consented to the disclosure of the information.

Note for subsection (3)

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In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

104 Protection from liability

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- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as:

(a) the Territory Coordinator; or

(b) a member of the Coordinator's staff; or

15

(c) any other person acting for or on behalf of the Coordinator.

- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

- (3) In this section:

exercise of a power includes the purported exercise of the power.

20

performance of a function includes the purported performance of the function.

105 Regulations

The Administrator may make regulations under this Act.

Note for section 105

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See section 65 of the Interpretation Act 1978.

Schedule Acts that are Scheduled laws

section 3, definition **Scheduled law**,
paragraph (a)

- 1 *Building Act 1993*
- 2 *Control of Roads Act 1953*
- 3 *Crown Lands Act 1992*
- 4 *Darwin Waterfront Corporation Act 2006*
- 5 *Electricity Reform Act 2000*
- 6 *Energy Pipelines Act 1981*
- 7 *Environment Protection Act 2019*
- 8 *Fisheries Act 1988*
- 9 *Geothermal Energy Act 2009*
- 10 *Heritage Act 2011*
- 11 *Land Development Corporation Act 2003*
- 12 *Land Title Act 2000*
- 13 *Lands Acquisition Act 1978*
- 14 *Local Government Act 2019*
- 15 *Mineral Titles Act 2010*
- 16 *National Gas (Northern Territory) Act 2008*
- 17 *Pastoral Land Act 1992*
- 18 *Petroleum Act 1984*
- 19 *Petroleum (Submerged Lands) Act 1981*
- 20 *Planning Act 1999*
- 21 *Port of Darwin Act 2015*
- 22 *Ports Management Act 2015*
- 23 *Radiation Protection Act 2004*
- 24 *Radioactive Ores and Concentrates (Packaging and Transport) Act 1980*
- 25 *Special Purposes Leases Act 1953*
- 26 *Territory Parks and Wildlife Conservation Act 1976*
- 27 *Traffic Act 1987*
- 28 *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010*

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| 29 | <i>Waste Management and Pollution Control Act 1998</i> |
| 30 | <i>Water Act 1992</i> |
| 31 | <i>Water Supply and Sewerage Services Act 2000</i> |
| 32 | <i>Weeds Management Act 2001</i> |