

Submission on the draft Territory Coordinator Bill 2024

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**Aboriginal Medical Services
Alliance Northern Territory**

Policy & Research

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About AMSANT

The Aboriginal Medical Services Alliance NT (AMSANT) is the peak body for Aboriginal Community Controlled Health Services (ACCHSs) in the Northern Territory (NT). AMSANT has been established for 30 years and has a major policy and advocacy role, both within the NT and at national levels.

Our 26 members are located across the NT from Darwin to the most remote areas. The ACCHSs sector is the largest provider of primary health care to Aboriginal people in the Northern Territory. ACCHSs deliver comprehensive primary health care in an integrated, holistic, culturally secure framework which combines a population health approach with primary health care service delivery; in addition, ACCHSs are also involved in diverse health research activities.

AMSANT aims to grow a strong Aboriginal community controlled comprehensive primary health care (CPHC) sector by supporting our members to deliver culturally safe, high quality CPHC that supports action on the social determinants of health; and representing our members' views and aspirations through advocacy, policy, planning and research.

AMSANT provides guidance and advocacy on a wide range of research, public health issues, education, workforce, continual quality improvement programs, social and emotional wellbeing, housing and other determinants of health that affect NT Aboriginal people. AMSANT has high level collaborations with the NT and Commonwealth Governments on these issues.

Background

The primary aim of the draft Territory Coordinator Bill 2024 (the Bill) is to drive economic prosperity for the Northern Territory (NT), aligning with the Government's commitment ahead of the August 2024 NT General Election to "rebuild the Territory's economy." The Bill seeks to establish a strategic framework for "transparent and accountable decision-making" to deliver investment certainty, guided by the principle of driving economic growth for the betterment of Territorians.

While AMSANT acknowledges the importance of developing a strong, resilient, and adaptable economy that supports responsible investment and growth, we are concerned that the Bill does not adequately consider critical factors essential to the long-term health and prosperity of communities across the Territory, such as environmental, health, and social impacts.

In reflection of this, the following submission will comment on the draft Bill and the need for changes to the proposed legislation to better prioritise the long-term health and wellbeing outcomes of Territorians, not just short-term economic gains.

Summary of Recommendations

Recommendation 1

The Bill should clearly define whose economic interests it represents, recognising the diverse economic, political, and cultural interests of communities across the Territory, including those of Traditional Owners.

Recommendation 2

Long-term risks associated with primarily prioritising economic growth must be assessed. The Bill should include methods for risk assessment and address long-term economic, social, health, and environmental impacts.

Recommendation 3

The legislative review timeline for laws listed in the Bill's Schedule, including those already under review (e.g., the *Water Act 1992*), should be prioritised and finalised to modernise legislation, ensure best practice, and meet community standards.

Recommendation 4

The Bill and the Coordinator's role should better integrate existing regulatory and statutory mechanisms and their review processes. This should emphasise partnerships between government and non-government entities, working within existing service systems.

Recommendation 5

The scope of the Bill is broad and applies extensive power to the Coordinator and Chief Minister, without appropriate review mechanisms or oversight. Resources should be directed to enhancing, modernising and improving current legislation and regulatory frameworks so that economic development is not pursued at the expense of other social and community priorities and interests.

Context

Representation of economic interests and priorities across the NT

AMSANT acknowledges the Government's commitment to rebuilding the Territory economy as a cornerstone of its agenda. While AMSANT recognises this mandate, the Bill in its current form does not clearly define whose economic interests are being represented, how diverse views and priorities will be assessed, or how long-term economic impacts and benefits will be considered.

The Bill states that the Coordinator's powers are limited to decisions and processes under "relevant law," with the associated Schedule listing 32 Acts and accompanying regulations. These Acts broadly cover areas such as transport, mining, infrastructure, planning, environmental protections, water security, and resource management.

While the Government has made its desire to increase private investment and industry in the Territory clear, the Bill currently sets a path for the interests of private industry groups and developers to be prioritised over the long-term economic, health, social and cultural interests of Territorians, and the current legislation in place to determine process in these areas.

The Bill does not clarify how the role of the Coordinator will intersect with current Government commitments, such as the National Agreement on Closing the Gap. Many of the Acts listed in the Schedule directly impact the livelihoods and/or cultural and environmental interests of Aboriginal people in the Territory, and it unclear how the Coordinator's role will align with Priority Reform One: Formal partnerships and shared decision making under the National Agreement on Closing the Gap.

AMSANT recommends revising the Bill to clearly define the beneficiaries of economic development initiatives introduced under the Coordinator's role. Additionally, it should ensure that drivers of social and economic prosperity, including the diverse social, cultural, environmental, and health priorities of Territorians, are integrated into any assessments.

Risk mitigation associated with fast-tracking projects and development

In addition to these concerns, fast-tracked projects of economic significance risk creating another boom-and-bust cycle in the Northern Territory. The Bill, in its current form, does not mandate consideration of long-term sustainability to prevent such cycles. Rapidly scaling industries like mining can leave local businesses unprepared for downturns, stalling long-term development.

For example, during the peak of the INPEX Ichthys LNG project in 2014–2015, the influx of approximately 10,000 workers heightened demand for accommodation, driving up property prices and rental rates. This increased local economic activity and demand for resources. However, upon project completion, the departure of workers caused a surplus of housing, leading to declining property values and economic stagnation. Similarly, projects such as the

Beetaloo Joint Venture, which requires specific minimum work obligations through May 2028, risk repeating these patterns without robust planning for long-term impacts.

The Bill prioritises the acceleration of large-scale projects and private investment in the NT. While this approach might attract capital and stimulate short-term economic activity, it risks exacerbating economic inequalities, particularly through gentrification, which can undermine the long-term economic resilience of the region.

By failing to address risks like gentrification and market instability, the Bill threatens to erode the very economic benefits it claims to support, fostering inequality and reducing sustainable growth. A more balanced, inclusive approach is essential to ensure lasting prosperity for all Territorians.

Modernising the legislative and operating environment of the Territory

While the Coordinator model is described as aiming to "streamline and coordinate processes, not cut corners," it enables the bypassing of current regulatory frameworks and legislation to prioritise economic output. This creates a risk of reduced oversight and review, neglecting the comprehensive strategies needed to address complex emerging issues in the Territory.

The justification for this simplification is that existing frameworks offer limited capacity for proactive planning and consistency across Government. While the current system may lead to inefficiencies, the Coordinator's approach does not provide proactive planning or consistency either; rather, it risks cutting corners without proper risk mitigation, assessment, or understanding of the diverse and multifaceted challenges, as highlighted by the legislation encompassed by the Schedule (with scope within the Bill for this to be expanded).

Disappointingly, this focus on streamlining processes has not been accompanied by reforms to modernise outdated legislation. For example, despite the Government initiating reviews earlier in 2024, changes to the *Water Act 1992* are still outstanding. Planned reforms that were to accompany this change, including the introduction of a *Safe Drinking Water Act 2024* and updates to the *Water Supply and Sewerage Services Act 2000*, are also incomplete. This legislative reform, if accompanied by appropriate changes licensing and the regulatory environment pertaining to water supply, protection and resourcing, would not only streamline decision making processes but also ensure a more rigorous, specialist and modern legislative approach.

Instead of addressing systemic gaps, the Coordinator role prioritises economic development over public and environmental health, and community outcomes. By allocating resources to niche roles with limited transparency or demonstrable community benefits, the Government risks eroding public trust, and indeed, cutting corners – the very thing it purports not to do.

To truly build a prosperous economy and safe, healthy communities, the Government must prioritise comprehensive legislative reform. This includes fostering whole-of-Government and community-driven initiatives that address the diverse needs of Territorians, as

reflected in the division across existing legislation, rather than introducing narrowly focused frameworks and roles that overlook long-term outcomes.

The Government should commit to the development of a Biodiversity Act and/or Biodiversity Strategy as a priority over the implementation of the Territory Coordinator. This would allow an opportunity to reform much of the legislation in the Schedule in an omnibus approach, however provide opportunity to balance economic interests with environmental, social protections, priorities and long-term community health and prosperity.

External review mechanisms and oversight

While the Bill and associated Explanatory Guide attempt to contextualise the role of the Coordinator as being to streamline process while still providing appropriate legislative and regulatory oversight, the suggested powers to be provided to the Coordinator are extraordinary in their scope, with limited checks and balances as to how these powers may be exercised.

The Bill seeks to concentrate the ability to make decisions to the Coordinator and the Chief Minister as the Minister responsible, including over existing regulatory processes and with the scope to bypass the considerations normally taken as part of these processes. This is in addition to the provision of step in, condition variation and exemption powers¹ provided in the Bill – not only providing a channel for the Coordinator or Chief Minister to overrule the decision made by another Minister carrying out their portfolio duties, but also to supersede or vary the conditions of decisions made previously, with no grandfathering clause in the Bill – all while considering the Primary Principle of economic development as the central factor to all decisions.

The Bill does not include provisions for review outside the judiciary, and while existing legislation and regulations provide different mechanisms for parties to seek a review on a decision, the Bill in its current form supersedes these options.

AMSANT echoes the concerns regarding this complete provision of power to not only one elected representative, but particularly to an unelected representative in the role of the Coordinator.

The limited oversight, but extremely broad scope provided in the Bill further exacerbates concern regarding the long-term impacts of the Bill – with the ability to bypass regulatory and legislative checks and balances relating to the development or use of critical resources in the Territory. The risk that there will be long term health, social, environmental and cultural impacts is extremely high. The future degradation of the natural environmental and resources available in the Territory (and to Territorians), will not only carry with it enhanced costs as we

¹ NB: the proposed exemption powers can be used for any statutory process or statutory decision under relevant law – which currently includes the 32 Acts and their related regs as outline in the Schedule.

have seen in previous boom and bust cycles, but the risk of impacting the economic output of the Territory into the future, as well as the health and wellbeing of Territorians.

Instead of directing resources to the development of the Office of the Territory Coordinator and the drafting of new legislation and regulations associated, the Government should work to improve, modernise and enhance current legislation and regulatory frameworks so that economic development is not pursued at the expense of the long term wellbeing of the Territory, and its people.

Summary

In its current form, the Bill introduces significant risks by prioritising economic development at the expense of comprehensive legislative oversight, long-term sustainability, and the diverse priorities of Territorians. AMSANT does not support the Bill in its current form and strongly advocates for pursuing alternative options over that of the Territory Coordinator, to ensure that economic development is pursued in balance with environmental protection, public health, social equity, and cultural preservation.

This balance can only be achieved through modernised legislative reforms, improved regulatory frameworks, and meaningful engagement with affected communities, including Aboriginal people and communities. A more inclusive and transparent approach will not only safeguard the Territory's natural and cultural resources but also foster sustainable economic growth and community resilience for future generations.

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