Adrian Tomlinson
PO Box 9124
Alice Springs
NT 0870

5 November, 2024

Via email: OTC.consultation@nt.gov.au

To whom it may concern,

RE: Submission Territory Coordinator – Consultation Paper

I write to express my deepest objection to this proposal.

I was unable to make a submission during the consultation period as the consultation paper was not available to members of the public. ***It is shocking that a proposal of this nature, which seeks to bypass or override normal application of laws that protect the public interest is being progressed without open engagement and public consultation.***

While the intention to establish the Territory Coordinator position was communicated during the election, this does not obviate the need for orderly and inclusive consultation on the detail of the proposal. Furthermore this proposal goes dangerously beyond the election promise as it introduces unfettered exemption powers that are without an Australian precedent and in essence undemocratic[1].

The NTG must restart the consultation so as to include all stakeholders, not just its beneficiaries, with a starting proposal that is consistent with democratic principles. It must respond to the submissions received before tabling any enabling legislation in parliament.

Further comments

1. ***I object to the step in power, which would allow the Territory Commissioner or Chief Minister to undertake an assessment and decision-making process under an NT law as though they are the original decision-maker***. This power would allow the Chief Minister to issue 'Exemption notices' which modify the application of a Territory law in relation to a specific project of significance or a TDA. These powers are by definition unlawful and unnecessary to achieve the aims of the position.

2. ***I object to the sidelining of public servants, laws, processes and information that leads to good decisions***.

   As a public servant with nearly 20 years employment the proposal is deeply shocking.

   I have spoken with several career public servants who have expressed the same dismay that their professional expertise, the information they have gathered and use to make sound decisions and the orderly decision making processes established under

[1]For example it is understood the proponents of the Chandler waste storage facility are now seeking to include radioactive wastes, which was not considered in the original environmental impact assessment. There is nothing in this proposal to prevent this proposed change from being waved through.

law that are guided by publicly agreed plans could all be ignored at the discretion of a public servant unfamiliar in their areas of expertise and against the public's wishes.

3. ***I object to how this proposal would exclude the public from decisions and decision review***.

   The only opportunities for review are via notice of decisions in Parliament or judicial review in the Northern Territory Supreme Court. In practice with a single house of Parliament the incumbent government cannot be challenged via notice of decision in Parliament. Furthermore the costs and demands of a Supreme Court challenge effectively puts appeal via this mechanism beyond the reach of ordinary Territorians.

   This proposal unashamedly concentrates power within the Government, big business and the wealthy.

4. ***I object to the Primary Principle - driving economic prosperity in the Territory as it privileges economic interests***

   This principle is unsophisticated and misguided and should not be decided by a single individual. What constitutes development is a complex consideration. This is why projects need to comply with laws and properly follow inclusive statutory decision-making processes.

   Good decisions do not only lead to economic prosperity they must also be sustainable, account for shifted costs (e.g. land clearing results in atmospheric emissions and ecosystem damage), equitable and legal.

   Concentration of wealth and income in a few wealthy individuals and businesses may appear to be a measure of prosperity, but if it further alienates or puts costs on marginalised groups and damages the environment it is a huge step backwards.

   First Nations people have cared for these lands for millennia. This principle fails these high standards.

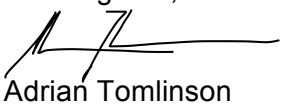
5. ***The case studies highlight the shortcomings of the proposal***.

   While employed with the NTG I worked on water planning for the Ti Tree Water Control District, which is used as an example potential horticultural zone. The most recent water allocation plan established that the resource was basically fully allocated except for water held under the Aboriginal Water Reserve. These water-sharing arrangements were based on consultation including the involvement of a Water Advisory Committee. Any further allocations for such a zone would damage groundwater dependent ecosystems, largely on Aboriginal land against the wishes of the Native Title holders.

   This is a good example of how the Territory Coordinator powers could be used to drive an ideological agenda riding roughshod over already established community decisions.

Thank you for considering my submission.

Kind regards,



Adrian Tomlinson

CC: Erwin Chandler, Alice Springs News