**ENVIRONMENT LEGISLATION AMENDMENT (SAFE AIR) BILL**
**Serial 73**

**Mr BURGOYNE (Lands, Planning and Environment)(in reply):** Mr Deputy Speaker, I thank all the members who have contributed to the debate and those members who took the opportunity to receive a briefing on the Bill.

I also acknowledge the Legislative Scrutiny Committee for its consideration of the Bill and thank all stakeholders who engaged with the committee process and provided submissions.

Upon its introduction, the Bill was referred to the Legislative Scrutiny Committee. On 7 October 2026 the committee published its report titled Inquiry into the Environment Legislation Amendment (Safe Air) Bill 2026. The report made six recommendations.

The first recommendation was that the Legislative Assembly pass the Bill with the proposed amendments set out in the other five recommendations. This recommendation was noted.

The second recommendation was that clause 4 of the Bill be amended to prohibit a person from being appointed as a scheme administrator if they are required to make contributions towards that environmental monitoring scheme. There may be instances where the contributor to a scheme is well placed to be the administrator. Let me explain. A scheme may be of interest to a research institution or benevolent organisation. Restricting the scheme administrator from being a contributing participant would unnecessarily limit the range of entities able to administer such a scheme which have relevant expertise and may also wish to contribute to the scheme. As such, this recommendation was not accepted.

The third recommendation was that proposed section 126B(2)(e) be amended to provide that a specified person or class of person required to make contributions towards an environmental monitoring scheme must have taken, or may have taken, an action that impacts the environmental quality, environment or human health being monitored. This proposal is unduly restrictive and may exclude persons who wish to fund or contribute to a scheme whose activities do not directly impact the environmental quality, environment or human health being monitored—for example, research institutions and benevolent organisations. Further, there may be circumstances when the need for monitoring arises in the absence of a clear or readily attributable impact on the environment or human health. As such, this recommendation was not accepted.

The fourth recommendation was that clause 4 of the Bill be amended to provide a mechanism for specified persons or classes of persons to seek review regarding an environmental monitoring scheme, including whether a person should be required to contribute to costs and the calculation of the amount required to be contributed. Section 277 and item 11 of the Schedule of the *Environment Protection Act 2019* provide that regulations can prescribe a reviewable decision. As such, this recommendation was noted, given that review provisions can be included in the regulations that will be made under the Act.

The fifth recommendation was that proposed section 126B(2)(e) be amended to provide that the regulations may empower the minister to specify by gazette notice the persons or classes of persons to whom the contribution requirements apply. This recommendation was accepted as it will avoid the need to identify individual persons or bodies corporate in the regulations and provide the flexibility to bring new entrants into an environmental monitoring scheme, or remove entities that are no longer captured in a timely manner, without requiring amendments to the regulations.

The final recommendation was that proposed section 126B(2) be amended to provide that regulations may provide for a manner and form of publishing monitoring data relating to an environmental monitoring scheme. This recommendation was accepted as it will enhance the transparency of environmental monitoring schemes by allowing regulations to specify public access to a scheme's data.

An Assembly amendment schedule has been prepared that addresses both accepted recommendations.

This Bill and the Assembly amendment schedule address three key issues. This Bill corrects a current anomaly where the Blacktip Yelcherr Gas Plant near Wadeye operated by Eni Australia sits outside the usual fee requirements. The amendment applies a consistent approach across all operators of hydrocarbon facilities, creating a level playing field.

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The Bill also addresses a longstanding concern that the hydrocarbon industry's annual licensing fee set in the *Waste Management and Pollution Control Act 1998* for processing facilities has not kept pace with the cost of regulation. The Bill amends the annual fee so that it is expressed in revenue units for each tonne of hydrocarbons likely to be handled in the plant in a 12-month period. Revenue units are indexed against inflation, so the fee will remain appropriate. This amendment will ensure that hydrocarbon processing facilities contribute a fair and realistic amount to the cost of regulating their operations.

Furthermore, the Bill enables regulations under the *Environment Protection Act 2019* to establish an environmental monitoring scheme for any aspect of the environment, including air, water, soil and pollutants. The regulations may prescribe the scheme, scope, establishment, operation and administration as well as identify contributors and the method for calculating contributions.

As I have mentioned previously, government has a clear vision of how this legislative power will initially be used once it commences. A framework to provide for an industry-funded government-operated air quality monitoring scheme is currently under development. Cost recovery from industry is intended to ensure those whose activities contribute to the need for monitoring make an appropriate contribution to its cost while ensuring that the monitoring network will remain independent, government managed and publicly accountable. This framework will be prescribed in the regulations.

Government understands the need for independent air quality monitoring to improve community confidence in the safety of development activity in the Darwin region and ensure the Northern Territory Environment Protection Authority, as the regulator, has reliable data on which to make decisions. This Bill supports that. The air quality monitoring scheme will be the first scheme developed; however, the power to create regulations in this Bill is broad and can be used for any kind of environmental monitoring scheme, including other pollution, noise, odour et cetera.

I again acknowledge the contributions of everyone who spoke in this debate; members of the Legislative Scrutiny Committee and stakeholders that contributed to the scrutiny process; the staff in the Office of the Parliamentary Counsel, who, as always, have done an excellent job in preparing the Bill and the amendment schedule; and, last but not least, the officers from the Department of Lands, Planning Environment who contributed to the development of the Bill.

In summary, this Bill lays the legislative foundation to establish a cost-recovered environmental monitoring scheme; increases annual licensing fees for the hydrocarbon industry to reflect the cost of regulating and ensure these fees are applied consistently across all hydrocarbon operators; and strengthens public confidence in environmental regulation of Territory industries.

I commend the Bill to the Assembly.

Motion agreed to; Bill read a second time.