Explanatory Statement

ENVIRONMENT LEGISLATION AMENDMENT (SAFE AIR) BILL 2026

SERIAL NO. 73
LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR LANDS, PLANNING AND ENVIRONMENT

GENERAL OUTLINE

This Bill amends the *Environment Protection Act 2019* (the Act), the *Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005,* the *Waste Management and Pollution Control Act 1998* and the *Waste Management and Pollution Control (Administration) Regulations 1998*.

The purpose of this Bill is to provide for the ability to establish through regulations environmental monitoring schemes, and to make some amendments to fees applied to hydrocarbon processing facilities. The Bill will achieve this by:

(a) providing for the ability of the Regulations to establish one or more environmental monitoring schemes;

(b) providing details of what may be provided for by Regulations in relation to an environmental monitoring scheme;

(c) extending the application of an annual fee for a licence to conduct an activity to the Blacktip hydrocarbon processing facility; and

(d) amending the annual fee for hydrocarbon processing facilities and expressing this in revenue units.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Environment Legislation Amendment (Safe Air) Act 2026.*

Clause 2. Commencement

This clause sets out how and when the *Environment Legislation Amendment (Safe Air) Act 2026* (the Amendment Act) will be commenced.

Clause 2(1) provides that the Amendment Act, other than Parts 3 and 4 of the Amendment Act, will commence the day after the day on which the Administrator’s assent to the Amendment Act is declared.

Clause 2(2) provides that the remaining provisions of the Amendment Act commence on 1 January 2027.

Part 2 Amendment of Environment Protection Act 2019

Clause 3. Act amended

This is a formal clause which provides that Part 2 of the Amendment Act amends the *Environment Protection Act 2019.*

Clause 4. Part 6A inserted

This clause inserts new Part 6A Environmental monitoring schemes after section 126 of the Act.

New section 126A provides for a definition of '*environmental monitoring scheme'*. This definition establishes an *environmental monitoring scheme* is a program for monitoring environmental quality or the impacts on the environment or human health of actions, including substances or other matters resulting from those actions.

The definition is broad to ensure that any potential environmental monitoring can be done under a scheme, including but not limited to air, soil, water, noise, odour and contaminants.

New section 126B provides for aspects of an environmental monitoring scheme that may be provided for in the Regulations. These are broad to ensure flexibility in setting up environmental monitoring schemes in the future.

New section 126B(2)(a) provides that the Regulations may provide for the purpose of the scheme.

New section 126B(2)(b) provides that the Regulations may provide for the actions and the region or area to which the scheme applies. This is included because environmental monitoring schemes will apply to specific locations potentially impacted by actions.

New section 126B(2)(c) provides that the Regulations may provide for the establishment, operation and administration of the scheme.

New section 126B(2)(d) provides that the Regulations may provide for the appointment of one or more persons as a scheme administrator, or as joint scheme administrators, and the conferral of functions and powers on the administrator or administrators. It is anticipated that generally the administrator of an environmental monitoring scheme will be one more government Departments, but this provision allows for flexibility as required.

New section 126B(2)(e) provides that the Regulations may provide for the requirement for specified persons or classes of persons to make contributions towards all or part of the costs or anticipated costs of establishing, operating and administering the scheme. This will allow for the industries or sectors engaging in actions that may have impacts on the environment to be required to contribute to the cost of establishing, operating and administering an environmental monitoring scheme. Provision is made for 'anticipated costs' to clarify that contributions may be for costs that have not yet been incurred, but are anticipated to be incurred (for example, the purchase of new monitoring equipment).

New section 126B(2)(f)(i) provides that the Regulations may provide for the method of calculating contributions payable by different classes of persons, by reference to region, area, type of action or other criteria.

New section 126B(2)(f)(ii) provides that the Regulations may provide for the Minister to have the power to determine by Gazette notice the method of calculating those contributions, whether by reference to region, area, type of action or other criteria. It is anticipated that the contributions will generally be set by a method or calculation set out in the Regulations, but this provision allows for flexibility if required.

New section 126B(2)(g) provides that the Regulations may provide for the establishment of a fund for the scheme, including payments into and out of the fund and requirements relating to accounting, auditing and reporting. This is to ensure the scheme is transparent and accountable.

New section 126B(2)(h) provides that the Regulations may provide for compliance, enforcement and reporting requirements in relation to the scheme.

New section 126B(2)(i) provides that the Regulations may provide for any other matter necessary or convenient for the establishment, operation or administration of the scheme.

Part 3 Amendment of Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005

Clause 5. Act amended

This is a formal clause which provides that Part 3 amends the *Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005*.

Clause 6. Part 4 heading replaced

This clause replaces the heading of Part 4 to refer to 'Application of waste management and pollution control legislation' rather than 'Application of Waste Management and Pollution Control Act 1998'. This is to reflect amendments made by the Bill so that the Waste Management and Pollution Control (Administration) Regulations 1998 also have application.

Clause 7. Part 4, Division 2 inserted

This clause inserts Division 2 Waste Management and Pollution Control (Administration) Regulations 1998.

This has the effect of applying the annual fee for a licence to conduct an activity to the Blacktip hydrocarbon processing facility.

Part 4 Amendment of waste management and pollution control legislation

Division 1 Waste Management and Pollution Control Act 1998

Clause 8. Act amended

This is a formal clause which provides that Division 1 amends the *Waste Management and Pollution Control Act 1998.*

Clause 9. Schedule 2 amended

This clause inserts a cross reference to the *Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005* into Schedule 2.

Division 2 Waste Management and Pollution Control (Administration) Regulations 1998

Clause 10. Regulations amended

This is a formal clause which provides that Division 2 amends the *Waste Management and Pollution Control (Administration) Regulations 1998.*

Clause 11. Regulation 3B amended (Annual fee)

This clause amends the annual fee amount. Revenue units are used to ensure the fee is adjusted for inflation.

Clause 12. Part 4 inserted

This clause inserts Part 4 Transitional matter for Environment Legislation Amendment (Safe Air) Act 2026.

New regulation 19 provides that the amendments to regulation 3B(5) in relation to an annual licence fee take effect from 1 January 2027. Until that date, the current provision continues to apply.

Part 5 Repeal of Act

Clause 13. Repeal of Act

This clause provides for the repeal of the *Environment Legislation Amendment (Safe Air) Act 2026* on the day after it commences.