



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

15th Assembly

LEGISLATIVE SCRUTINY COMMITTEE

Public Briefing Transcript

Inquiry into the Environment Legislation Amendment (Safe-Air) Bill 2026

8.45 am – 9.30 am, Monday 31 August 2026

Litchfield Room, Level 3, Parliament House

Members: Mr Clinton Howe MLA, Deputy Chair, Member for Drysdale

Justine Davis MLA, Member for Johnston

Mr Dheran Young MLA, Member for Daly

Mrs Laurie Zio MLA, Member for Fannie Bay

Substitution: Mr Andrew Mackay MLA, Member for Goyder, for Mrs Oly Carlson MLA, Chair, Member for Wanguri

Witnesses: ***Department of Lands, Planning and Environment***

Tess Cole-Adams: Executive Director, Environmental Regulation Division

Sarah Gibbs: Director Legal Services, Environmental Regulation Division

Julia Schult: Director Environmental Regulation, Environmental Regulation Division

Solomon Gaturu: Director Regulatory Strategy and Maturity, Environmental Regulation Division

INQUIRY INTO THE ENVIRONMENT LEGISLATION AMENDMENT (SAFE AIR) BILL 2026
Department of Lands, Planning and Environment

Mr DEPUTY CHAIR: On behalf of the committee, I welcome everyone to this public briefing into the Environment Legislation Amendment (Safe Air) Bill 2026.

I welcome to the table to give evidence to the committee from the Department of Lands, Planning and Environment, Tess Cole-Adams, Executive Director, Environmental Regulation Division; Sarah Gibbs, Director, Legal Services, Environmental Regulation Division; Julia Schult, Director, Environmental Regulation, Environmental Regulation Division; and Solomon Gaturu, Director, Regulatory Strategy and Maturity, Environmental Regulation Division. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and looking forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

Could you please each state your name and the capacity in which you are appearing.

Ms COLE-ADAMS: Tess Cole-Adams, Executive Director, Environmental Regulation.

Ms GIBBS: Sarah Gibbs, Director of Legal Services, Environmental Regulation Division.

Mr GATURU: Solomon Gaturu, Director, Regulatory Strategy and Maturity, Environmental Regulation Division.

Ms SCHULT: Julia Schult, Director, Environmental Regulation.

Mr DEPUTY CHAIR: Ms Cole-Adams, would you like to make an opening statement?

Ms COLE-ADAMS: I thank the committee for the opportunity to appear this morning to assist the committee to understand the purpose and operation of the Bill and to assist in its inquiry and report.

The Environment Legislation Amendment (Safe Air) Bill 2026 sets up a framework in the *Environment Protection Act 2019* for industry-funded environmental monitoring schemes. The Bill also amends the licence fee for the hydrocarbon industry to reflect the costs of regulating this industry. These two things are separate and independent.

As mentioned by the minister in his explanatory speech, the immediate plan is to develop regulations to provide for an air quality monitoring scheme that is funded by industry. This will provide reliable data to measure and detect levels of pollutants in the air and give the Northern Territory Environment Protection Authority the information it needs to make regulatory decisions. The data resulting from this air quality monitoring scheme will also give the public confidence that development is being conducted in a way that does not harm public health.

The details of those regulations, such as the relative contributions to the scheme, are currently being developed in consultation with industry. It is anticipated that an ambient air quality monitoring scheme will commence by mid-2027. Procurement for equipment to commence BTEX monitoring at existing stations is underway and monitoring may commence in advance of the scheme.

The framework for an environmental monitoring scheme as provided for in the Bill is not specific to air quality monitoring. The definition of 'environmental monitoring scheme' is broad, applying to 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. This could be used if the need arose to set up an environmental monitoring scheme relating to monitoring water, soil, pollutants, noise or odour.

The Bill does not limit the framework for an environmental monitoring scheme by industry, sector or activity, but allows for a specified person or class of persons to be required to make contributions. This provides for flexibility as new industries develop in the Territory. The intention is to ensure that the industries and sectors impacting the environment can be required to make an ongoing contribution towards the cost of environmental monitoring.

The licence fee matters contained in the Bill are also directed at ensuring industry is making a more realistic contribution towards the cost of regulating the industry. The amendment will affect both the INPEX and Santos LNG facilities and the Blacktip Yelcherr gas processing facility near Wadeye. Current fees for INPEX and Santos are set at a very low level that does not reflect the cost of regulation. The Bill increases the licence fee for hydrocarbon processing facilities and applies revenue units so that the fee will be adjusted for inflation in the future. The Bill extends the licensing fee to capture Blacktip Yelcherr which, until now, has been outside the licensing fee regime. All three facilities have been informed by the department of the impending changes and have not raised any concerns at this stage.

These fee amendments will commence on 1 January 2027 and the environmental monitoring scheme amendments will commence on the day after the Administrator's assent is declared. It is anticipated that pending the passage of the Bill, the regulations for the new air quality monitoring scheme will be finalised later this year, with the scheme to commence by mid-2027.

We would be happy to take any questions on the Bill, whether they concern strategic or policy matters or technical or operational matters.

J DAVIS: Thank you for the outline; that was very useful. You said that regulations are currently being developed. Can you talk about who is involved more specifically in the development of the regulations?

Ms COLE-ADAMS: Engagement is expected to focus on the distribution of contributions to be recovered from the major emitters of air toxics, so consultation will be focusing on engaging with those who will be required to contribute to the scheme.

J DAVIS: I think you also said there would be consultation with health authorities and community stakeholders. That was what the minister said in his explanatory speech in terms of developing regulations. Is that correct or not?

Ms COLE-ADAMS: The focus of consultation is primarily going to be on the contributions and who is going to be paying and what relative contributions will be into the scheme.

J DAVIS: Just industry, at this point?

Ms COLE-ADAMS: At this point.

J DAVIS: Within the Bill is there any commitment for any of the monitoring data to be publicly released?

Ms COLE-ADAMS: The Bill itself does not go into that level of detail, but the current monitoring undertaken in the Darwin airshed is all publicly available on the NT EPA website. The intention is that all new data collected, including monitoring for the new parameters, like BTEX, would also be shown in real time on that website.

J DAVIS: Is that covered by regulations or is it that the current process will continue?

Ms COLE-ADAMS: This Bill allows for cost recovery. As part of that, we could potentially improve the current web interface displaying that information.

J DAVIS: There is nothing in this Bill that changes what is currently happening or guarantees that data will be publicly available.

Ms COLE-ADAMS: That is right.

J DAVIS: I think you said that one of the anomalies this is designed to address is what happened with Blacktip. How long has the Blacktip Eni be outside the standard fee regime?

Ms COLE-ADAMS: The Blacktip regime has standalone legislation that established the facility and regulates the facility. It has a mechanism that reaches into the *Waste Management and Pollution Control Act* that then gives the EPA the power to regulate that facility. However, due to the unique interactions between those Acts the annual licence fee has never been applied to that facility, so this is seeking to rectify that anomaly.

J DAVIS: Is there any retrospective liability?

Ms COLE-ADAMS: No.

J DAVIS: Do you have an estimate of the forgone revenue over that period?

Ms COLE-ADAMS: I do not, sorry. The current annual fees for INPEX are \$15,000. The current annual fee for Santos, the DLNG facility, is \$4,200. Eni handles a lot less than those, so it would have been—I cannot guess, sorry.

J DAVIS: That is totally fine, thank you.

Mrs ZIO: Do you have any projected—what will this mean for the Territory in relation to revenue? Do you have an idea of what it will mean for us?

Ms COLE-ADAMS: Yes. This is just for their annual licence fees, not for their air quality monitoring. Santos will now be paying about \$54,000 a year; INPEX will be paying about \$187,000 a year; and Eni will be paying approximately \$16,000 a year when operating.

Mr YOUNG: What compliance and enforcement mechanisms will be implemented to ensure that the industry follows environmental standards to contribute to the monitoring of costs?

Ms COLE-ADAMS: As part of developing the regulations we will be looking at how we would enforce the failure to pay contributions into the scheme. The environmental standards that are applied to operating facilities and industries are implemented more through the assessment, licensing and approval of those facilities under separate regimes, such as NT EPA licensing under the *Waste Management and Pollution Control Act* and environmental assessment processes under the *Environment Protection Act*. Those regimes already have a range of compliance and enforcement tools for noncompliance with licences or approvals.

Mr YOUNG: How will the department detect breaches that have significant environmental impacts that have been identified through the monitoring?

Ms COLE-ADAMS: Once we establish the air quality monitoring for those additional parameters, we would then be able to see where there is an exceedance against national standards which would then prompt the regulator to investigate what the cause of those exceedances were.

Mr YOUNG: How would the department review or update environmental monitoring schemes and reflect new scientific knowledge or new environmental risks that may emerge, and will the department be doing that?

Ms COLE-ADAMS: The only regulations that are proposed at the moment are to set up the scheme for air quality monitoring in the harbour. The head of power in this Bill has been designed to futureproof it so that if there was a future need for the government to establish an environmental monitoring scheme, it would have the power to do that. At the moment, the only scheme proposed is for air quality monitoring.

Mr MACKAY: To clarify, once this Bill goes through in this form, if in the future a government of the day wants to establish an air monitoring scheme, not in the harbour but in, say, Alice Springs or elsewhere—wherever industry is being developed—does this Bill allow for new regulations to be developed for any type of monitoring going forward?

Ms COLE-ADAMS: Correct.

J DAVIS: When we talked about how the regulations were being developed, I think you said that the primary focus is on the cost contribution, but the Bill is actually about setting up a whole environmental monitoring scheme; is that right? It is not just about the cost of managing the monitoring.

Ms COLE-ADAMS: Yes. The regulations would look at defining what classes of people are contributing to the scheme, what proportions they are paying into it, what reporting the department might do back on that monitoring and the day-to-day operation and management of that scheme. The focus is the establishment, operation and administration of the scheme.

Sorry; I am not sure if I am answering your question.

J DAVIS: My question is: is this just about a scheme to ensure the industry pays the cost of monitoring or is it broader than that in terms of setting up a whole regulatory scheme for monitoring and the details of what that will look like?

Ms COLE-ADAMS: The Bill is broad enough that it could cover both of those, but the focus would be on the cost recovery and the contributions from industry, noting the monitoring itself already exists and this will allow for the expansion of that current monitoring.

J DAVIS: If there is expansion into other areas, as you said there might be beyond air, and regulations are developed around that—I think I am understanding that it is not just about the cost; it is broader than that. It is about how the scheme will operate, what it will do and what data it will gather. Is it also including ...

Ms COLE-ADAMS: The head of power is not limiting. The detail of the regulations will still be worked out and the head of power is broad enough that it could look at both exactly how the cost proportions will work and certain elements of how the scheme is administered. The head of power is broad enough to do that.

J DAVIS: The details of that will be worked out just in consultation with industry, not with other stakeholders; is that right? If that is what happens.

Ms COLE-ADAMS: Yes, noting that because there is already a monitoring network in place, we are looking at improving that, but not necessarily substantively changing its operations. The current network is working well; it just does not monitor for certain parameters. The focus of these regulations is really on the changes which are to start recovering those costs from industry.

J DAVIS: I understand that; you have explained that clearly. I am interested in the bits that are not necessarily the focus but seem to also be covered by this Bill. Does that also cover things like potentially where air monitoring—or water or land monitoring down the track—might happen and the things that do the monitoring might be set up?

Ms COLE-ADAMS: It is certainly broad enough to do that.

J DAVIS: At the moment, how are those decisions made around where air monitoring might be set up?

Ms COLE-ADAMS: Currently it is managed by the department. It is not a legislative service we are providing at the moment, but it is committed to under the national framework, the ambient air quality monitoring NEPM. It is delivered as a commitment under that national framework.

J DAVIS: Then the department implements that commitment.

Ms COLE-ADAMS: Yes.

Mr DEPUTY CHAIR: Thank you for coming in today. If we have any other questions, we will write as a committee to the department.

We will break for 10 minutes while we wait for the next department to come in.

The committee suspended.
