

Re: On 26 August 2026 the Legislative Assembly referred the
Environment Legislation Amendment (Safe Air) Bill 2026 (Serial 73)
to the Legislative Scrutiny Committee for inquiry and report.

To: Secretary, Legislative Scrutiny Committee, GPO Box 3721, DARWIN NT 0801, LSC@nt.gov.au
From: Public submission, N.Rea

This Bill (“Safe Air”) is proposing regulations to create an ambient air monitoring scheme.
However, it fails to provide for many relevant issues.

Relevant Background:

To date, the NT Government has not implemented the *National Environment Protection (Air Toxics) Measure (Air Toxics NEPM)*. This is despite the significant development of polluting industries in the Darwin and Palmerston Region.

In the NT, there is no publicly available air toxins data collected or reported, as required by the National Standards set by Air Toxics NEPM.

It is apparent that the regulatory system in the NT is failing, because INPEX admitted it had been significantly underreporting emissions from the Ichthys facility for some years.

A prosecution by the regulator, the NT Environment Protection Authority (NTEPA), also indicates that these extremely high emissions from INPEX alone, is resulting in air quality in the Darwin/Palmerston Region and rural areas around Darwin Harbour that is unsafe for people, especially children. Toxic air is also unsafe for pets, birds and wildlife.

The license conditions set by the regulator (NTEPA) have been far from adequate and cannot provide the population with confidence that the air is safe to breathe.

Minimum recommended amendments

The Safe Air Bill should be amended to meet the Air Toxics NEPM, that requires jurisdictions to:

- monitor air toxics against National standards
- identify sites where significantly elevated concentrations air toxics are expected to occur
- identify sites where there is potential for significant population exposure
- report the monitored data to the National Environment Protection Agency.

The Bill should include prescribed limits determined by the highest possible standards to protect the population.

There should be clear thresh-holds for what is allowed to be discharged into the Darwin/Palmerston airshed: e.g. the maximum emission levels (quantity, duration) of specific toxins, including but not limited to benzene, toluene, ethylbenzene and xylene.

Emissions data also needs to be publicly available.

Forecast dates and times when emissions and hot venting are planned to occur, needs to be made available to the public in time for people to be able to make informed decisions about their own exposure and the people they are responsible for such as children.

Public broadcasting would assist. Just as cyclone warnings and heat warnings are made on daily broadcasts, so could air quality warnings be made to allow schools and individuals to make informed decisions (e.g. stay indoors, wear a mask, use an air purifier).

When industrial emissions, including VOC's combine with bushfire smoke, their toxic effect on people's airways is amplified. This begs the question as to whether new standards and regulations need to factor in seasonal conditions: i.e. reduced allowable emissions during periods of high bushfire smoke. The Bill should provide for this whole of air context.

Consequences

If industry cannot or will not ensure that the impact of their operations will keep the surrounding air quality in the Darwin/Palmerston Region within National limits and in line with public health guidelines, then a licence should not be granted in the first place.

Setting safe standards would not necessarily close down an industry, but it would help to ensure that companies are investing in and adopting technologies that reduce their damaging impacts. Cutting corners to save money at the expense of the host country is simply not acceptable.

Context

In summary, on returning to Darwin after 17 years, it was alarming to see and smell the thick smog that now blankets Darwin/Palmerston and surrounding regions. Air quality was never an issue in the Top End but is now a major problem, damaging tourism, recreation, health and infrastructure too. The layer of smog over the city and surrounding areas, is visible from apartments, from the beach and from aeroplanes all year. This smog has occurred since industrial development in and around Darwin Harbour and has changed the area from a healthy tropical brand to a dirty and ugly place. This smog is a health hazard and poses a serious health risk to everyone, especially young people and people who spend a lot of time outdoors.