



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 320

WRITTEN QUESTION

J Davis to the Minister for Lands, Planning and Environment, Hon Joshua Burgoyne MLA:

Northern Territory Environment Protection Authority (NT EPA) Independence and Governance

1. Section 43 of the *Environment Protection Act 2019* imposes general duties on proponents, including at paragraph (b) the duty “to consult with affected communities, including Aboriginal communities, in a culturally appropriate manner”. The Northern Territory Environment Protection Authority’s (NT EPA) Annual Report for 2024-25 refers at page 24 to obligations under section 43 to consider the principles of ecologically sustainable development, the environmental decision-making hierarchy and the waste management hierarchy.

- a. Does the NTEPA assess compliance with the duty in section 43(b) and in which document is that assessment recorded?

Proponents have general duties under an Environmental Impact Assessment (EIA) process and section 43 of the *Environment Protection Act 2019* (EP Act) is considered by the Northern Territory Environment Protection Authority (NT EPA) in making decisions under the EP Act. Refer to the [EIA public register](#).

- b. In which published guideline, policy or procedure is the NTEPA's interpretation of those duties set out? Please provide the title and date.

There are no published specific guidance about its interpretation of the duties under section 43 of the EP Act. EIA Guidance is available at [Environmental management | NTEPA](#).

- c. How many times has a proponent been found not to have complied with a section 43 duty in the five years to 2025-26 and what action followed in each case?

The EIA process requires that a proponent submit referral information to the NT EPA. NT EPA may direct a proponent to give it additional information about general duties obligations during the

EIA process. Refer to the [Environmental impact assessments register | NTEPA](#)

- d. If non-compliance with section 43 is not separately recorded, in which system is it recorded and in what format?**

The referral form completed by a proponent includes a declaration that the general duties have been complied with. Non compliance may be further assessed at the assessment decision stage and recorded in a structured format that is provided to the NT EPA but is not published.

- 2. What are the formal arrangements between the NTEPA and the Office of the Territory Coordinator, and in which document are they recorded?**

There are no formal arrangements.

- a. Has the NTEPA advised the Minister of any concern that the operation of the Territory Coordinator Act 2025 could affect the discharge of its statutory functions? If so, on what date, and can that advice be provided?**

No.

- b. Has the Minister sought the NTEPA 's view on that question and if so, on what date?**

No.

- 3. Given the economic significance of liquefied natural gas (LNG) exports to the Territory, what safeguards ensure that environmental regulation remains independent of economic development objectives?**

The NT EPA is an independent authority and operates within the requirements of the NT EPA Act and associated procedures and policies. Proposed actions and strategic proposals requiring environmental impact assessment includes consideration of principles of ecologically sustainability development and management hierarchies.

- a. Has the NTEPA recommended against a major industrial proposal on air quality grounds at any time? If so, which proposal and on what date?**

No.

- b. Has the Government rejected or modified advice from the NTEPA concerning pollution risks at any time? If so, in respect**

of which proposal, on what date, and can the advice and the decision be provided?

No. NT EPA is an independent statutory authority and the Northern Territory Government (NTG) cannot modify NT EPA advice.

- c. Is there any statutory or administrative requirement that the NTEPA's advice be published where it is not accepted?**

Yes. Section 67 of the EP Act requires the NT EPA to publish a notice stating where the documents provided to the Minister may be obtained or inspected as soon as practicable after the documents have been provided to the Minister.

- 4. Does the Chair of the NT EPA hold, or has he held during his term, any paid engagement with a government relations or lobbying firm?**

Yes, in Western Australia.

- a. If so, was that engagement disclosed to the NTEPA and to the Minister, on what date, and where is the disclosure recorded?**

NT EPA maintains a register of interests in accordance with its Conflict of Interest Policy. If a disclosed interest gives rise to a conflict, it is managed in accordance with the provisions of the *Northern Territory Environment Protection Authority Act 2012* (NT EPA Act) and the NT EPA Conflict of Interest Policy is available at [Policies and procedures | NTEPA](#).

- b. Has any client of that firm been a proponent in a matter before the NTEPA during his term and, if so, what conflict of interest management applied?**

NT EPA manages conflicts of interest in accordance with the provisions of the NT EPA Act and the NT EPA Conflict of Interest Policy is available at [Policies and procedures | NTEPA](#).

- c. What action has the Minister taken in relation to any such disclosure?**

Conflicts are managed in accordance with the provisions of the NT EPA Act and the NT EPA Conflict of Interest policy is available at [Policies and procedures | NTEPA](#).

- 5. Why did the NTEPA extend the life of the Darwin LNG plant and clear it for the Barossa gas project without requiring the operator to rectify a major methane leak recorded as having existed for nearly 20 years?**

In 2020, the NT EPA considered the Darwin LNG transition work program under the former *Environmental Assessment Act 1982*. In

2022 and 2023, the NT EPA considered the referred Darwin Pipeline Duplication Project under the EP Act.

See the NT EPA's statement on the decision here [NT EPA decision on renewal of Darwin LNG licence | NTEPA](#).

- a. **The NTEPA's statement of 2 September 2025 records that "the facility's fugitive methane emissions are adequately regulated through the Safeguard Mechanism and any duplicative regulation by the NTEPA of the same emissions makes no sense whatsoever." Does the Government agree with that position, and on what basis?**

The NTG supports the NT EPA's independent role and remains committed to strong environmental oversight and transparency.

- b. **Why were no changes made to the emissions monitoring program when EPL217 was renewed on 19 September 2025, in the context of public attention on the storage tank leak?**

Significant changes requiring Santos to implement a Fugitive Emissions Management Plan were made at the renewal of EPL217. The Plan includes requirements to monitor fugitive emissions across the whole of the Facility. The Plan is currently under review and will be published on the NT EPA website once accepted:

[Santos NA Darwin Pipeline Pty Ltd | NTEPA](#)

- c. **Will the Government appoint an independent assessor to oversee the regulation and licence renewal of the Darwin LNG facility?**

NT EPA is the independent statutory authority that regulates Darwin LNG under an environment protection licence under the *Waste Management and Pollution Control Act 1998* (WMPC Act). That licence is not due for renewal until 18 September 2030. The WMPC Act provides the process for review of NT EPA decisions.