



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 63

WRITTEN QUESTION

K McNamara to the Minister for Lands, Planning and Environment, Hon Joshua Burgoyne MLA:

Pollution in Darwin Harbour from the NT Livestock Exporters Association

- 1. In 2018 the NT EPA issued their first notice to NT Livestock Exporters Association (Section 4247 Hundred of Bagot, at 2 Wishart Road, Wishart NT – also known as Berrimah Export Yard) to ‘immediately prevent further pollution or environmental harm from the premises’.**

a. What action has been taken over the last 7 years to rectify this?

In February 2018, an Authorised Officer Direction under section 72 of the *Waste Management and Pollution Control Act 1998* (WMPC Act) was issued to NT Livestock Export Association (NT LEA), requiring it to *‘immediately prevent further pollution or environmental harm from the premises’*.

In response to the Direction, NT LEA prepared and submitted an Operational Environmental management Plan (OEMP) in February 2018 detailing “the environmental management and mitigation measures adopted by NTLEA to reduce potential environmental impacts associated with the operation of the facility”.

In 2019 and 2020, authorised officers collected samples from a discharge point off the premises, which identified elevated levels of bacteria.

On 9 August 2021, NT LEA was issued a notice under section 48 of the WMPC Act (the Notice). The notice required NT LEA to evaluate:

- the extent, nature and source of wastes generated by the activity
- the types, amounts, distribution and mobility of contaminant or waste present in the environment as a result of the activity,
- the ability of management systems to prevent pollution and environmental harm, and
- the extent to which actions are required to be taken for the prevention of pollution and environmental harm

The Notice required NT LEA to engage a qualified person, registered under section 68 of the WMPC Act (an accredited contaminated land auditor) to undertake the assessment of the above and provide an environmental audit.

Two extensions have been provided to NT LEA since issuing, upon advice from the auditor, to ensure the requirements of the notice are satisfied. The notice and amending notice are provided on the NT EPA website.

NT LEA has implemented erosion and sediment control measures as recommended by the auditor, in accordance with the Notice, to prevent offsite migration of any pollution and contaminants. NT LEA has been monitoring the effectiveness of implemented measures (as required under the Notice) to ensure there is no environmental harm resulting from the premises. Monitoring results are required to be provided in the final audit report, as required by the Notice.

Authorised Officers have inspected erosion and sediment control measures implemented at the premises, as recommended by the auditor. NT LEA are undertaking further works, upon advice from the auditor, to validate the effectiveness of implemented measures.

Authorised Officers also continue to engage with NT LEA and the auditor to ensure the requirements of the Notice are satisfied and the final environmental audit report is submitted by June 2025.

b. What has the Department done to prevent illegal pollution running off into the Harbour?

Authorised Officers have been monitoring NT LEA's compliance with the requirements of the Notice. To date, officers have conducted site inspections to assess if implemented measures are working efficiently and to verify the effectiveness of site management measures.

The regulator has required an accredited auditor to independently review NT LEA progress on measures implemented to prevent pollution are working effectively.

2. Has the live export industry been allowed to ignore NT EPA warnings regarding the operation of the polluting cattle yards?

A Section 48 notice is an instrument to undertake an environmental audit to understand the potential environmental impact from the premises and make recommendations. An audit may identify suitable control measures or improvements in monitoring of the premises.

It is important to note that Section 48 notices are requirements to investigate environmental impact. They are investigative instruments, and the issuance of an environmental audit notice is not itself an enforcement tool related to non-compliance.

NT LEA is working with Authorised Officers to ensure the Notice is complied with and that required site management measures to prevent offsite contamination, are implemented effectively.

3. What repercussions has the NT Livestock Exporters faced for any failures to rectify this issue?

The Department of Lands, Planning and Environment is working with NT LEA to finalise the requirements of the Notice.

Where offences (if any) are identified, the [Environment Division's Compliance and Enforcement Policy](#) will inform any regulatory response in accordance with the Divisions PACTT principles (Proportionate, Accountable, Consistent, Targeted and Transparent).

The regulator considers the seriousness of the contravention and environmental harm when determining enforcement action to drive behavioural change. Some enforcement actions may be punitive, while others may be aimed at educative, preventing, deterring or rectifying the impacts of the offences.