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Submitted to:
Committee Secretary
Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
via email: LSC@nt.gov.au

Feedback to the Legislative Scrutiny Committee on the Environment Legislation Amendment (Safe Air) Bill 2026

About ECNT

The Environment Centre NT (ECNT) is the peak community sector environment organisation in the Northern Territory, raising awareness amongst community, government, and industry about environmental issues, and supporting community members to participate in decision making processes and action.

We recognise the ownership and custodianship by Traditional Owners of lands and waters in the NT, and that solutions to the ecological crises we face must be led by First Nations people. ECNT works closely and in solidarity with First Nations communities to ensure that their voices are amplified and influence decisionmakers.

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Executive Summary

1. The establishment of robust air monitoring standards for the Darwin airshed is a long overdue response to the commencement of hydrocarbon processing in Darwin Harbour two decades ago. Recent revelations of systemic underreporting of emissions of carcinogenic toxins from Inpex's Ichthys facility,¹ and a major unresolved leak² at the Santos LNG plant have lead to significant public scrutiny of the regulation of toxic industries in Darwin, a review of license

¹ [Independent review of Inpex Ichthys LNG project finds emissions were 'systematically underestimated' for years - ABC News](#)

² [Darwin methane leak 'covered up' by gas companies and regulators - ABC News](#)

conditions for hydrocarbon processing facilities in the Darwin airshed, and an audit and prosecution of Inpex,

2. Consultation on the Environment Legislation Amendment (Safe Air) Bill 2026 (**the Bill**) to date has been inadequate. The 11-day consultation window to provide feedback on the Bill has not facilitated a meaningful public dialogue about what mechanisms need to be in place to protect Darwin's air quality. This threatens to undermine public confidence in the process, and deprives the Committee from the insights and recommendations afforded by genuine community and stakeholder engagement. We request the Legislative Scrutiny Committee conduct public hearings into the Bill following a more extensive community consultation process

3. The Bill is misleadingly titled and in its current form does contain provisions that will make the air quality of Darwin or the Northern Territory 'safer'. ECNT is concerned that the Bill:

- a. provides no air safety measures or prescriptive limits that will result in safer air for residents.
- b. seeks to establish an ambient air monitoring scheme but does not place requirements on industry to safeguard air quality in line with public health expectations.
- c. does not provide any offence provisions for breaches of air quality safeguards or articulate investigation protocols for breaches.
- d. does not stipulate appropriate public notification protocols for monitoring results or for when pollutant thresholds are exceeded.
- e. has excluded any opportunity for community input

4. In this Submission we make a series of Recommendations to the Committee, which we consider necessary steps for the Bill to appropriately respond to Darwin's worsening air quality crisis.

Background: The urgency of robust reform



5. Darwin and Palmerston regularly experience some of the poorest air quality in Australia. In 2024, Palmerston was the only site reviewed by the Centre for Safe Air given a rating of zero stars.³

6. There is significant seasonal variation in the air quality in the Top End, with higher concentrations of particulate and fine particulate matter recorded in the dry season due to bushfires and controlled burns. The expansion of the hydrocarbon processing industry in Darwin over the last two decades has added new sources of air pollution. In addition to particulate matter, these facilities are significant sources of nitrogen dioxide, nitrous oxide, mercury, carbon monoxide, benzene, toluene, ethylbenzene, xylenes and hydrogen sulphide.

7. These pollutants – in particular benzene, toluene, ethylbenzene, xylenes (**BTEX compounds**) – present a significant risk of harm to human health and the environment. Release of BTEX compounds to air is linked to a range of serious health outcomes, not limited to cancers including leukaemia, damage to the liver and kidney, and respiratory issues.

8. The significance of these impacts is magnified when we consider existing prevalence of chronic disease in the Northern Territory and the limited capacity of health systems. At the 2024 Senate Inquiry into the Middle Arm Industrial Precinct, Dr Kathryn Barraclough – a nephrologist and member of Doctors for the Environment Australia – reflected on the prospect of adding further pollutants into the Darwin air shed:

“From a health perspective, it's fair to say that there is unequivocal evidence of health harm from gas processing and extraction and petrochemical plants. You have an incredibly vulnerable population from a health perspective. You have a health system that is clearly unable to cope with the disease in front of it now, and then there's discussion about adding in a new health impact. Royal Darwin Hospital had 18 code yellows last year, which in internal emergency means you can't deliver care as is needed. At the moment, there are not enough dialysis chairs in the state to provide dialysis, and access to transplantation is appalling on a national standard, yet it's considered reasonable to add in a new insult to

³ Centre for Safe Air (2024) 'Australia Air Quality Star Rating', <https://safeair.org.au/air-quality-star-rating/>

kidney health. I say that as a kidney specialist, but you can put a cardiologist in this chair, a neonatologist, an obstetrician, a geriatrician or a respiratory physician.”⁴

9. The Northern Territory has the highest prevalence of chronic kidney disease (CKD) and end-stage kidney disease in Australia, disproportionately affecting First Nations communities. Chronic kidney disease, along with respiratory conditions and cardiovascular disease, may be exacerbated by air pollution.

10. Plans for future expansion of gas processing in the Darwin airshed will increase the sources of air pollution and the burden on public health. The Northern Territory Government is currently pursuing a 1,500ha gas and petrochemical precinct on the Middle Arm peninsula, which is close to residential areas of Darwin and less than 3kms from suburbs of Palmerston.

11. Assessing likely emissions from the project against Greater Darwin’s existing emissions profile, an expert report by Dr Michael Petroni found alarming increases in air pollutants as a result of industry scenarios proposed under the Middle Arm development, including

- a. Carbon monoxide to increase by 805%
- b. Nitrogen oxides to increase 192%
- c. PM2.5 to increase 513%
- d. PM10 to increase 391%
- e. Sulphur dioxide to increase 245%
- f. Volatile organic compounds to increase 233%⁵

12. Assessing the cancer hazard resulting from air toxics, such as polycyclic aromatic hydrocarbons, benzene, formaldehyde, and acetaldehyde, Dr Petroni found an increased cancer risk of 405%.

13. There is currently no ambient monitoring of BTEX compounds in the Darwin airshed. Without accurate monitoring data, regulators do not have the information needed to

⁴ See transcript of Middle Arm Senate inquiry hearing at <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=COMMITTEES;id=committees%2Fcommsen%2F28204%2F0002;query=Id%3A%22committees%2Fcommsen%2F28204%2F0000%22>

⁵Petroni, M (2022) ‘Expert Opinions Related to Potential Environmental and Human Health Impacts of the Middle Arm Sustainable Development Precinct (MASDP)’, Expert report commissioned by Environment Centre NT. Available at https://www.ecnt.org.au/submission_to_ntepa_on_middle_arm_sustainable_development_precinct_referral

inform decisions on proposed projects, license conditions and enforcement of appropriate safeguards for existing facilities, and the public is denied access to critical information about the impact of industry on their wellbeing.

14. While this Bill purports to respond to this failure, it lacks the detail and enforceability required to contribute meaningfully to Darwin's air pollution crisis.

Key concerns with the Bill

The Bill fails to establish an air monitoring scheme.

15. ECNT is concerned that the Bill effectively defers highly consequential decisions – including the scope, methodology, standards, enforceability, and financial arrangements of an air monitoring scheme - to yet-to-be-established Regulations.

16. In delegating the discretion to establish an air monitoring scheme to the Executive, the Bill effectively denies the Legislature and the public the opportunity to apply scrutiny to the proposed architecture of a future scheme (should it ever be delivered). Rather than leaving it up to Executive, the Bill should itself should be prescriptive in establishing a monitoring scheme, to satisfy both community demands for a robust, durable, and transparent scheme, and to appropriately subject the proposed scheme to the scrutiny of the Legislative Assembly.

17. The recent NTEPA review of license conditions for hydrocarbon facilities in the Darwin has resulted in a series of recommendations intended to inform changes to facility licenses. ECNT welcomes these recommendations, but notes that the extent to which they will be translated into robust license amendments is unknown. The Bill currently before the Legislative Scrutiny Committee offers an opportunity to legislate clear and enforceable air quality and monitoring standards and ensure their application to both existing and any future facilities.

Compliance with national standards

18. The Bill does not establish compliance with national regulations, most notably the the National Environment Protection (Air Toxics) Measure (**Air Toxics Measure**). Established in 2004, the Air Toxics Measure aims to streamline identification and

monitoring of airborne toxics, namely benzene, benzo(a)pyrene, toluene, xylenes, and formaldehyde.

19. The Air Toxics Measure does not establish enforceable concentration limits for air toxics; its goal “is to improve the information base regarding ambient air toxics within the Australian environment in order to facilitate the development of standards following a Review of the Measure within eight years of its making.”⁶ The “desired environmental outcome of this Measure is to facilitate management of air toxics in ambient air that will allow for the equivalent protection of human health and wellbeing.”⁷ To achieve this goal and outcome, the Air Toxics Measure establishes monitoring investigation levels that, if exceeded, may trigger further investigation.

20. Decisions about the way in which the Air Toxics Measure is implemented are made by each jurisdiction. However, the Measure obliges each jurisdiction to (a) Identify and locate sources of air toxic emissions; and (b) Determine which locations in the jurisdiction have potential to experience significantly elevated ambient levels of air toxics.

21. Following the identification of Stage 1 sites, jurisdictions identify State 2 sites that will be subject to regular monitoring. Where the results of monitoring demonstrate exceedances of the investigation levels set out in the Air Toxics Measure, jurisdictions must investigate the cause. In the Northern Territory, this initial identification process ("Identification of Stage 1 Sites") was conducted in 2005, in the form of a desktop analysis. The results of this analysis found no locations with potential to experience significantly elevated levels of air toxics. As a result, no Stage 2 Sites for ongoing monitoring were identified.

22. In theory, the Air Toxics Measure required the NT Government to repeat the desktop analysis in 2009, pursuant Schedule 4, Part 4 (i) which requires jurisdictions to "repeat the desktop assessment and identification of Stage 1 and Stage 2 sites within their jurisdictions no later than the end of the fourth year after the commencement of this Measure." However, this did not occur.

⁶ National Environment Protection (Air Toxics) Measure (Cth), s 5.

⁷ National Environment Protection (Air Toxics) Measure (Cth), s 6.

23. ECNT has obtained annual reports submitted by the NT EPA to the NEPC as part of reporting requirements under the Measure for years 2019-2023. The 2022-23 report confirms that no reassessment of Stage 1 sites has taken place since 2005. The report states that “reassessment was required by 2009, but the previous studies indicate that concentrations of air toxics are at very low levels, well below the monitoring investigation levels of the NEPM.”

24. This is a misinterpretation of the obligations set out in the Air Toxics Measure. Monitoring Investigation Levels set out in the Air Toxics Measure do not represent trigger values for ongoing monitoring, rather levels against which jurisdictions must assess the *results* of ongoing monitoring. Where monitoring investigation levels are exceeded, “the jurisdiction must undertake some form of evaluation to determine the circumstances that led to the exceedance.”⁸

25. Contrary to the NT Government's reasoning above, the Air Toxics Measure does not define trigger values for identification of Stage 1 or Stage 2 sites. Stage 1 sites are identified by a desktop analysis that should consider, among other factors, existing monitoring data, dispersion and airshed modelling, potentially significant emissions sources of air toxics, and local meteorological, geographical and seasonal effects.⁹

26. Failure to comply with the Air Toxics Measure by reassessing Stage 1 and 2 sites at an appropriate interval means that the NTG has not assessed the need to monitor a range of airborne toxins since LNG processing - a known source of airborne toxins - commenced at Middle Arm in 2006.

27. In addition to establishing clear air quality standards and monitoring protocols, the Bill should establish an obligation to comply with the Air Toxics Measure.

Public engagement

28. ECNT is not satisfied that the air monitoring scheme is “being devised in consultation with industry experts, health authorities and community stakeholders,” as suggested by the Environment Minister.¹⁰

⁸ Air toxics measure, (Part 3, Section 12).

⁹ Air toxics measure (Schedule 2(3)(iii)).

¹⁰ Northern Territory, Parliamentary Debates, Legislative Assembly, 26 August 2026, 19 (Joshua Burgoyne, Minister for Lands, Planning and Environment).



29. The Bill needs to be informed by best practice and will only have the confidence of community and key stakeholders if it is developed in consultation with them. While the public consultation being undertaken by the Legislative Scrutiny Committee affords some opportunity for public comment, the exclusion of any prescriptive detail from the Bill means that this consultation is of limited impact. The delegation of determining actual monitoring standards to the Executive in the form of future Regulation will offer a less transparent and accountable process through which the substance of a future air monitoring scheme is determined.

Recommendations

30. Based on the above discussion, ECNT submits the following recommendations to the Committee for consideration:

- a. **Extend this Inquiry and postpone Parliamentary debate on the Bill.** In its current form, the Bill does not adequately address the need for air quality monitoring in Darwin. Given that there are too many fundamental problems with the drafting of the Bill, its debate in Parliament should be delayed until proper consultation on a detailed and prescriptive scheme has occurred and the Bill has been amended such that the substance of the Bill reflects its purpose.
- b. **Hold public hearings into the Bill.** The public interest in this issue since the well-publicised emissions reporting and leak scandals are such that a round of public hearings is essential. Public hearings should seek to proactively engage impacted communities, Traditional Owners, unions, and health professionals. These should be held at a minimum on the Cox Peninsula, Palmerston, and Darwin city.
- c. **Notwithstanding further Recommendations resulting from a genuine public consultation process, the Committee should support amendments to the Bill to ensure that it:**
 - i. Establishes compliance with the NEPM (Air Toxics)
 - ii. Establishes minimum requirements for an air-monitoring scheme including:
 1. Identification of the pollutants to be subject to continuous point-source, fenceline, and ambient monitoring – including VOCs and BTEX compounds.
 2. Maximum levels for each monitored pollutant (expressed as numerical concentration amounts for ambient and fenceline monitoring, and absolute volume limits for point-source emissions), informed by best-practice regulation.



3. Clear requirements that establish real-time publication of results and public notification of exceedances.
 4. Investigation and enforcement requirements for exceedances.
 5. A mechanism for regular, independent review of the scheme, funded by industry, that reports regularly and publicly.
- iii. Implements the polluter pays principle, by establishing mandatory requirements for industrial polluters to fund environmental monitoring, regulatory expenditure and public health measures in line with the strongest polluter-pays standards.

Conclusion

31. In its current form, the Environment Legislation Amendment (Safe Air) Bill 2026 does nothing to make the air in Darwin and surrounds safer. It is a cynical attempt to ameliorate community concerns following extremely troubling air pollution revelations.

32. Without wholesale amendment, this Bill will only serve as a footnote in the history of air pollution scandals in the NT, diminishing the concerns of civil society, health experts and Territorians. We look forward to further engagement with the Committee to work collaboratively to ensure the Bill establishes robust, world-leading standards in monitoring, reporting, and enforcement.

Yours sincerely,

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