



28/08/2026

Briefing Note: Environment Legislation Amendment (Safe Air) Bill 2026

On 26 August 2026, Minister Burgoyne tabled the [*Environment Legislation Amendment \(Safe Air\) Bill 2026*](#) (**Safe Air Bill**) to Parliament and referred the Bill to the Legislative Scrutiny Committee (**Committee**). The Committee's report is due by 7 October 2026.

The Committee will hold a public briefing on the Bill on Monday 31 August 2026 at 8.45am. For further detail see: <https://parliament.nt.gov.au/about/broadcast>.

Have Your Say – Submissions due by Monday 7 September 2026

The Legislative Scrutiny Committee has called for public submissions by individuals or organisations by Monday 7 September 2026.

Details on how to make a submission and the Committee's terms of reference are here: [Environment Legislation Amendment \(Safe Air\) Bill 2026 – Northern Territory Government – Legislative Assembly](#).

The Safe Air Bill's introduction follows the government's announcement in June this year that it would introduce legislation to "establish an industry-funded ambient air quality monitoring regime for the Darwin airshed" which would "enable the air quality monitoring network to measure for industrial pollutants for the first time", with the data to be publicly available online.¹

What is the Safe Air Bill?

The Safe Air Bill amends the *Environment Protection Act 2019* by creating a power to establish "environmental monitoring schemes".

- **What is an environmental monitoring scheme** – "*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.*"² This can include air, soil, water, noise, odour and contaminants.³
- **How will the scheme operate** – the details, including the actions, the region/area to which a scheme applies as well as the toxics or pollutants that will be monitored, will be detailed in regulations which are currently being drafted.⁴
- **Who will pay for the scheme** – through both Minister Burgoyne's explanatory speech as well as the Bill's Explanatory Statement, it is clear that cost recovery by industry is a focus of

¹ [Territory Stories - Reforms to deliver air quality monitoring certainty for first time in the Territory](#).

² *Environment Legislation Amendment (Safe Air) Bill* cl 126A.

³ [Explanatory Statement – Environment Legislation Amendment \(Safe Air\) Bill 2026](#), p.2.

⁴ [Daily Hansard – Wednesday 26 August 2026 – Meeting No 62](#), p.19.



these amendments and the payment of costs associated with the operation and administration of these schemes will be included in the regulations.⁵

- **Will the monitoring data be public** – Although the explanatory material available for the Bill indicates that the monitoring scheme will establish publicly available data, there is nothing to this effect included in the Bill. We therefore expect the regulations to also include publication requirements.
- **What consultation is informing the development of this scheme** – Although in Minister Burgoyne's explanatory speech he explained the "scheme is being devised in consultation with industry experts, health authorities and community stakeholders,"⁶ to date there has been no **public** consultation process.

What does this Bill not do?

The title of the Bill contains the parenthetical phrase, "Safe Air", suggesting this is what the Bill seeks to achieve. However, this Bill sets up a regulatory power for the creation of an ambient air *monitoring* scheme only. The Bill does not create any new duties or obligations for industry to safeguard air quality in line with public health guidelines, standards or limits. While the Bill sets out that the regulations may provide for enforcement in relation to the monitoring scheme, it does not create any offence provisions in relation to safeguarding air quality.

Although in Minister Burgoyne's explanatory speech he states that "environmental monitoring gives the community confidence that development is being conducted safely and responsibly,"⁷ the Bill does not contain any protective measures or prescriptive limits that could result in safer air.

How is air quality currently regulated in the NT?

- **Via the NT Environment Protection Authority (NTEPA)** – At the moment, an environment protection licence, issued under the *Waste Management and Pollution Control Act 1998* (NT), is required to operate an LNG facility.⁸ Environment protection licences are subject to conditions the NTEPA thinks fit (as specified in the licence).⁹ This means that whether operators of LNG facilities in the NT are required to ensure stack emissions of air toxics (like benzene, a known carcinogen) are kept below a certain concentration limit/mass emission rate depends on specific conditions in the applicable environment protection licence.
- **At the national level** – The *National Environment Protection (Air Toxics) Measure (Air Toxics NEPM)*, sets "monitoring investigation levels" for five (5) air toxics (including benzene, toluene and xylene). Under the Air Toxics NEPM, jurisdictions are required to identify sites where significantly elevated concentrations of one or more air toxics are expected to occur and where there is potential for significant population exposure. Once identified, the jurisdiction must monitor the air toxics at the site and report to the National Environment

⁵ [Explanatory Statement – Environment Legislation Amendment \(Safe Air\) Bill 2026](#), p.2.

⁶ [Daily Hansard – Wednesday 26 August 2026 – Meeting No 62](#), p.19

⁷ *Ibid*, p 18.

⁸ *WMPC Act* s 30.

⁹ *Ibid*, s 35(1).



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Protection Council.¹⁰ The Air Toxics NEPM has not been implemented in the NT after a 2001 assessment found no identified monitoring sites (and has not been reassessed despite the development of industry in subsequent years).¹¹ Accordingly, to date, there is no publicly available data reported by the NT with respect to monitoring of air toxics under the Air Toxics NEPM.

It is unclear if and how the Safe Air Bill will formally implement the Air Toxics NEPM.

What are our preliminary concerns?

As the last 10 months have shown – INPEX’s significant underreporting of emissions from the Ichthys facility announced in October 2025 leading to the NTEPA’s decision to prosecute announced in August 2026 – the regulatory system in the Territory is failing to protect the public and ensure safe air quality.

Based on the NT Government’s June 2026 announcement, we expected robust amendments to the *Environment Protection Act* that would introduce real and prescriptive reform to safeguard air quality. This is an opportunity for the Northern Territory to be a leader in Australia on the regulation of cancer-causing air toxics.

Prescriptive regulation is needed – The Safe Air Bill should be amended to include prescribed limits determined by best practice public health protective standards regarding:

- stack emissions for specified air toxics (as a minimum, benzene, toluene, ethylbenzene and xylene);¹²
- the duration of “hot venting”;¹³ and
- measured ambient air quality.

If you have any questions about the material in this Briefing Note please contact our office at darwin@edo.org.au.

¹⁰ Note this is subject to the proviso that the jurisdiction may decide that monitoring in accordance with the Air Toxics NEPM would not add value to existing statutory measures (and the jurisdiction reports to the NEPC on the basis for that decision): see *National Environment Protection (Air Toxics) Measure* (Cth) (**Air Toxics NEPM**) cl 9.

¹¹ National Environment Protection Council, ‘Annual Report 2018-19’ (undated) p 8. See Table 2: ‘Summary of implementation issues arising’.

¹² Note the NEPC’s *Air Toxics Tier 2 Prioritisation Methodology* presented a ranked prioritisation list of pollutants of potential national concern using annual NPI emissions data (see Table 1 in the National Environment Protection Council, ‘National Environment Protection (Air Toxics) Measure, Air Toxics Tier 2 Prioritisation Methodology’ (June 2006) p 15 (Table 1).

¹³ Note “hot venting” occurs when the acid gas removal unit (**AGRU**) / acid gas incinerator (**AGI**) is offline (when online, the AGRU / AGI will reduce emissions of air toxics significantly).