

Triage Guideline – Pollution Reports

Regulation Division

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Disclaimer

These guidelines do not bind the Division in the exercise of its discretion with respect to the use of its statutory tools and initiation of legal proceedings. It is intended as a guide only.

The information in this publication is for general guidance only. It does not constitute legal or other professional advice, and should not be relied on as a statement of the law in any jurisdiction. Because it is intended only as a general guide, it contains generalisations. You should obtain professional advice if you have any specific concern.

The Division has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency or completeness of that information.

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Purpose of this guideline

The Regulation Division in the Department (the Division) has a range of statutory and regulatory responsibilities directed at protecting, and supporting sustainable use of, the environment. The Division supports the Minister for Environment, Climate Change and Water Security, the CEO of the Department, the Controller of Water Resources and the NT EPA to administer the Territory's environmental laws.

The Division receives hundreds of reports of potential pollution, waste and other environmental harms from the public and the regulated community each year. These reports are assessed and prioritised based on the impact or the risk of impact to human health and the environment. This process, also known as triaging, enables the Division to focus public resources on the issues that have the potential to cause the greatest environmental harm. This is what it means to be a targeted or risk-based regulator.

This Triage Guideline complements the Division's [Compliance and Enforcement Policy](#) and annual [Compliance Plan](#) by explaining how we decide on our response to reports of potential pollution, waste and other environmental harms. When deciding the appropriate action to take in response to a report, the Division will always take into account best practice regulatory principles. This means we aim to be proportionate, accountable, consistent, transparent and targeted (the PACTT principles) whenever we take compliance and enforcement action.

This is a guideline only and is not binding on the Division or its statutory decision makers. It applies to the majority of reports received, but the Division and its statutory decision makers retain a discretion in determining when and how to respond to reports.

1. How we receive reports

The Division generally becomes aware of a potential environmental incident through:

- Community reports and complaints, including through the Pollution Response Line
- Self-monitoring and reporting by companies, individuals or other entities
- Officer inspections and/or monitoring and/or surveillance
- Information from other regulators and agencies.

The best way to report pollution is via the [Pollution Report Form | NTEPA](#) or, for pollution at onshore gas sites, onshoregas.depws@nt.gov.au.

2. Whether we triage

As soon as a report is received the Division's first step is to consider whether it has jurisdiction to consider the report. That is, *does the report relate to laws that the Division administers?* The Division has jurisdiction to process reports made under certain legislation, including:

- *Waste Management and Pollution Control Act 1998* (e.g. reports in relation to environmental licences or non-emecompliances with the general environmental duty)
- *Water Act 1992* (e.g. reports in relation to discharges of waste to waterways)
- *Environment Protection Act 2019* (e.g. reports in relation to sites with environmental approvals to manage significant impacts)

- *Petroleum (Environment) Regulations 2016* (e.g. reports in relation to the onshore petroleum industry where a petroleum interest has been granted)

If the Division has no jurisdiction it will not take any further action other than recording the report and informing another service provider or regulator if appropriate (see **Appendix A**). For example, the Division has no jurisdiction to deal with incidents on mine sites (except for off-site discharges) so will immediately notify the mining regulator of the incident and take no further action.

Sometimes an incident may involve multiple regulators, including the Division. For example a fish kill incident may be the result of either a pollution event or a biosecurity event so two regulators may initially be involved. If the Division has any jurisdiction the Division will triage and respond in accordance with this Triage Guideline. Guidance on how the Division works with other agencies is at section 9 of the [Compliance and Enforcement Policy](#).

Sometimes another agency or organisation is better placed to process the complaint and/or investigate the incident. For example, the Division may determine that incidents of land clearing, fish kills, and many noise and litter incidents are better dealt with by other agencies or organisations (**Appendix A**).

Appendix A is a list of other regulators and service providers that may play a role in the resolution of an incident reported to the Division. These agencies and organisations have their own practices and policies and this Triage Guideline does not apply to them.

3. How we triage

Once the Division's jurisdiction has been confirmed (section 2), the Division uses the risk criteria in section 4 to assess the environmental impact of a report and triage the incident accordingly. This includes an assessment of health impacts, environmental impacts and public concern.

The Division may reassess an incident against the risk criteria:

- If during a desktop assessment, new evidence is provided suggesting the impact is different than previously assessed;
- If additional/multiple reports from different sources are received following a single report; or
- Following an inspection.

The Division does not consider a person's culpability or attitude to compliance when triaging. Culpability and attitude to compliance are relevant consideration when determining any future compliance and enforcement action the Division will take.

4. Risk Criteria

LEVEL	5 Serious impact or risk of impact	4 Major impact or risk of impact	3 Moderate impact or risk of impact	2 Minor impact or risk of impact	1 Low impact or risk of impact
IMPACT	<ul style="list-style-type: none"> permanent or long-term impact, or potential impact impact is on, or potentially on, a wide-scale or of great intensity widespread or high level of public concern about the incident or impact to public health, safety and wellbeing significant number of substantiated reports of adverse event in a short time period notifiable incident received from a duty-holder 	<ul style="list-style-type: none"> medium to long-term impact, or potential impact impact is on, or potentially on, a medium to wide-scale or of medium to great intensity high level of public concern or impact to public health, safety or wellbeing multiple reports received of adverse event in a short time period notifiable incident received from a duty-holder 	<ul style="list-style-type: none"> temporary to medium-term impact, or potential impact impact is on, or potentially on, a localised to medium scale or is of a low to medium intensity moderate level of public concern or impact to public health, safety or wellbeing multiple reports received from different sources 	<ul style="list-style-type: none"> transient impact, or potential impact impact is on, or potentially on, a localised scale or is of a low intensity low level of public concern or impact to public health, safety or wellbeing low number of reports received 	<ul style="list-style-type: none"> no or minimal impact, or potential impact no or very low impact to public health, safety or wellbeing single report, or vague or unsubstantiated report or long period of time between detection and report
EXAMPLES	<ul style="list-style-type: none"> waste or hazardous material containment failures on gas project, mine site or train derailment uncontrolled industrial or landfill fires burning of hazardous materials or tyres 	<ul style="list-style-type: none"> dumping of listed wastes on a systematic/large scale hydrocarbon spill of a medium to large scale reports of visible or odorous wastes or contaminants being discharged to water, particularly from industrial or mine sites 	<ul style="list-style-type: none"> erosion and sediment loss from industrial, construction or mine activities illegal dumping of construction and development waste or tyre stockpiles localised loss of containment or waste liquids to land and water multiple reports about impacts of noise and dust on sensitive receptors 	<ul style="list-style-type: none"> a single report about dust or noise coming from a construction site or established business a single report of small contained spills of contaminants or wastes appropriate mitigation has already been undertaken or is underway 	<ul style="list-style-type: none"> neighbourhood noise (e.g. noisy pool pumps, animals) helium balloons pool dewatering

5. How we respond

All reports are recorded by the Division.

The impact assessment and triaging process in section 4 informs how the Division responds. The types of responses include:

Type of Response	Details
No action	Report will be recorded by the Division. The Division will <u>not</u> notify other regulators or service providers. Individuals can contact the relevant agencies or organisations in Appendix A .
Desktop enquires	Officers will undertake desktop enquiries to determine if any action is required in accordance with the Division's Compliance and Enforcement Policy .
Inspection	Officers will undertake an inspection to determine if any action is required in accordance with the Division's Compliance and Enforcement Policy .
Notify	The Division will notify other service providers or regulators (as appropriate).

The Division will endeavour to respond to the report as soon as practicable but **no later than** the timeframes set out in the table below.

See section 6 of this guideline for more information on when we will not take action.

The desktop enquiries or an inspection response will inform what action the Division may take in accordance with its [Compliance and Enforcement Policy](#) and [Enforcement Guideline](#).

Level	Type of response*	Timeframe*
1 Low impact or risk of impact	No action	N/A
2 Minor impact or risk of impact	Desktop enquiries. This will depend on compliance priorities at the time and resourcing availability.	< 28 business days
	Notify	< 28 business days
3 Moderate impact or risk of impact	Desktop enquiries and potential inspection.	< 28 business days (or as soon as practicable for remote areas)
	Notify	< 7 business days
4 Major impact or risk of impact	Notify	< 24 hours
	Desktop enquiries and inspection	As soon as practicable but within 14 business days

5 Serious impact or risk of impact	Notify. Emergency services will be included in notification.	As soon as possible but within < 24 hours
	Desktop inquiries and inspection	As soon as practicable but within 72 hours

*Response and timeframes for inspections are always subject to the location/remoteness of an incident and occupational health and safety considerations.

6. When we do not take action

As provided in the Division’s [Compliance and Enforcement Policy](#), the Division is a risk-based and targeted regulator and focuses its resources on those circumstances that will, or have the potential to, have the most serious impact to the environment.

The Division is not a complaint handling body and rarely becomes involved in individual disputes. It is unlikely to pursue:

- One-off, isolated and low impact events
- Conduct that has caused no or minimal harm
- Individual environmental nuisance issues
- Matters that are more appropriately resolved directly between the parties (e.g. noisy neighbours)
- Reports where insufficient details are provided, including in relation to the location of the incident
- Issues that are better considered by industry-specific regulators that have the regulatory focus and expertise to properly assess the issue (for instance noise or litter from premises licensed under the *Liquor Act 2019*).

Reports about odour and noise often fall into these categories, for example:

- Neighbourhood noise (e.g. noise impacts from pool pumps, air-conditioning units, generators, home renovations, televisions, garden tools, social gatherings, birds and animals)
- Domestic odours (e.g. from septic systems and birds and animals)
- Anti-social behaviour
- Machinery noise from a construction site or established business that is not subject to an environmental licence (e.g. rock breaking, heavy machinery noise).

Other reports that generally fall into these categories include:

- Visual impacts
- Minor liquid spills (particularly if they are contained)
- Minor dust events
- Litter.

There are often alternative and more suitable pathways to addressing these kind of incidents. For a list of agencies that can assist, see **Appendix A** of this guideline.

7. How we deal with your information

The Division collects your information to identify who is making a report and why.

The Division may use your information as follows:

- to investigate and evaluate non-compliance or contravention of Territory laws
- to contact you to provide updates on your report or to seek further details about it
- to investigate the provision of any false information.

If you consent, your information may be provided to relevant local councils or Northern Territory Government departments or agencies.

You may contact the Division directly at 1800 064 567 or pollution@nt.gov.au to request access to your personal information. Read the [DEPWS privacy policy](#).

Appendix A. Other Regulators and Service Providers

For a genuine emergency phone '000' – More information at [Triple Zero - Home](#)

The contact telephone numbers below should be used when an approach to the person causing the problem has not been or is unlikely to be successful. A list of contacts is maintained on the NT EPA website and copied below.

For low risk matters (level 1), the Division will not notify the responsible agency. Individuals will need to directly contact the relevant agency.

Issue or Concern	Contact
Agriculture and veterinary chemicals - spray drift	Department of Industry, Tourism and Trade Phone: 08 8999 2344 Email: chemicals@nt.gov.au
Air Quality	Department of Health Phone: 1800 095 646
Asbestos - human health issues	Department of Health Phone: 1800 095 646
Asbestos - in the workplace	NT WorkSafe Phone: 1800 019 115 Email: ntworksafe@nt.gov.au
Building, plumbing and swimming pool safety	Building Advisory Service (BAS) Phone: 08 8999 8985 Email: bas@nt.gov.au
Development and planning	Development Assessment Services (DAS) and Lands Planning For sites with development permit or land use complaints Zoned land: development and land use complaints NT.GOV.AU
Fish Kills	Fish Watch Hotline (24 hr) Department of Industry, Tourism and Trade Phone: 1800 891 136
Food safety	Department of Health Phone: 1800 095 646
Injured marine wildlife	Department of Environment, Parks and Water Security Phone: 1800 453 941
Litter on council land	Contact your local council Contact details at: NT Councils LGANT
Litter on Crown land	Land Administration – Crown Land Phone: 08 8999 6886
Mining	Department of Industry, Tourism and Trade mineralinfo.itt@nt.gov.au Report a mining environmental incident NT.GOV.AU
Noise - barking dogs, birds	Local council Contact details at: NT Councils LGANT

Noise - excessive vehicle and motorcycle	Motor Vehicle Registry Darwin email: mvrtestshed.darwin@nt.gov.au Alice Springs email: mvrtestshed.alicesprings@nt.gov.au
Noise - licensed venues and patron	NT Licensing Commission Email: directorliquorlicensing.ditt@nt.gov.au
Noise - domestic arguments if it is not an emergency	NT Police, Fire & Emergency Services Phone: 131 444
Noise – neighbourhood (i.e noisy pool pump, gates)	Attempt to resolve the matter directly with the tenant, agency, owner or body corporate. Seek assistance from the Community Justice Centre. The Community Justice Centre is a Northern Territory Government service that offers free community mediation at local venues across the Territory. 2B1 CASCOM Centre 13 - 17 Scaturchio Street Casuarina NT 0810 cjc@nt.gov.au PO Box 41964 Casuarina NT 0811 Free call: 1800 000 473
Noise - party and anti-social behaviour	NT Police, Fire & Emergency Services Phone: 131 444
Noise - vehicle and property alarms	NT Police, Fire & Emergency Services Phone: 131 444
Noise - civil/ private aircraft	Air Services Australia Phone: 1800 802 584 Web: airservicesaustralia.com/community/environment/aircraft-noise
Noise - military aircraft	Department of Defence Phone: 1300 333 362 Web: http://defence.gov.au/aircraftnoise
Poison	Poisons Information Centre Phone: 13 11 26
Sewage	Power and Water Corporation Phone: 1800 245 090 Web: customerservice@powerwater.com.au
Smoky motor vehicles	Motor Vehicle Registry Darwin email: mvrtestshed.darwin@nt.gov.au Alice Springs email: mvrtestshed.alicesprings@nt.gov.au
Water Quality	Bore Water Department of Health Phone: 1800 095 646

	<p>Town Water Power & Water Corporation Phone: 1800 245 090 Email: customerservice@powerwater.com.au</p>
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