

Compliance Report Card 2023-24

Environmental
Regulation Division

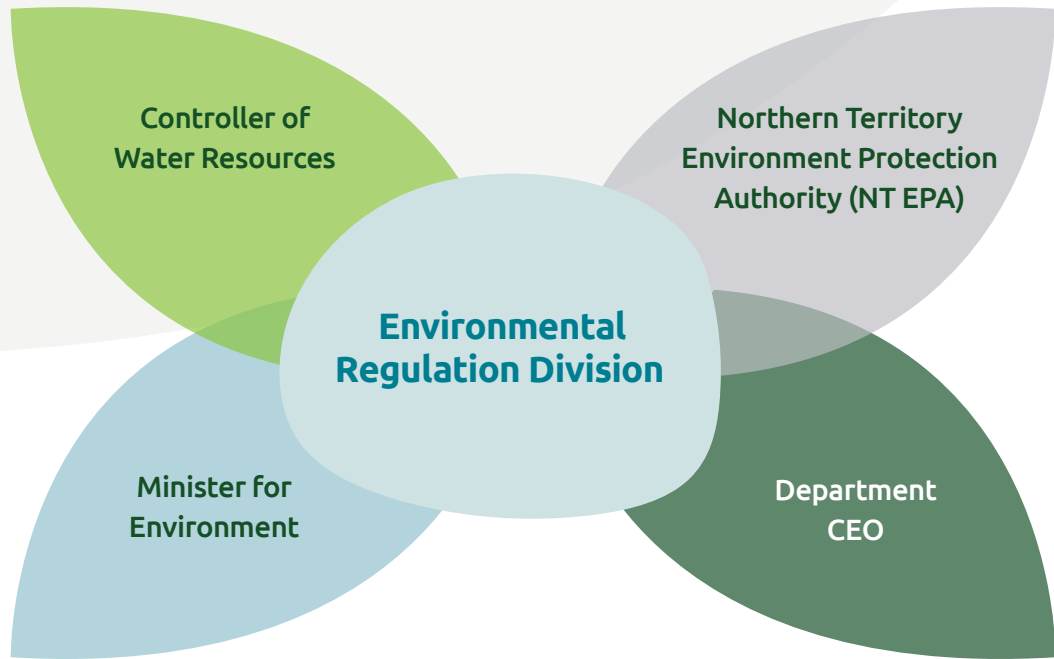
*A strong environmental regulator deters
crime, supports a stable economy and
protects the Territory lifestyle.*

Executive Director, Environmental Regulation

Our commitment

Who are we?

The Environmental Regulation Division within the Department of Lands, Planning and Environment (DLPE) supports four statutory decision-makers under a wide range of environmental laws to protect the Territory's environment.



Why we do it

To strike the right balance between protecting the environment and enabling development.

What we do

We apply, monitor and ensure compliance with the law.

Our purpose

How we do it

We apply the PACTT principles to all our regulatory functions.

The PACTT principles

We apply our proportionate, accountable, consistent, targeted and transparent (PACTT)¹ regulatory principles to everything that we do, including advice, licensing, monitoring compliance and enforcement.



Proportionate

Our actions consider the risk of harm and attitude to compliance.



Accountable

We explain, justify, and document our regulatory actions and decisions.



Consistent

Our processes are consistent and lead us to the right outcomes.



Transparent

We share information about our actions and decisions.



Targeted

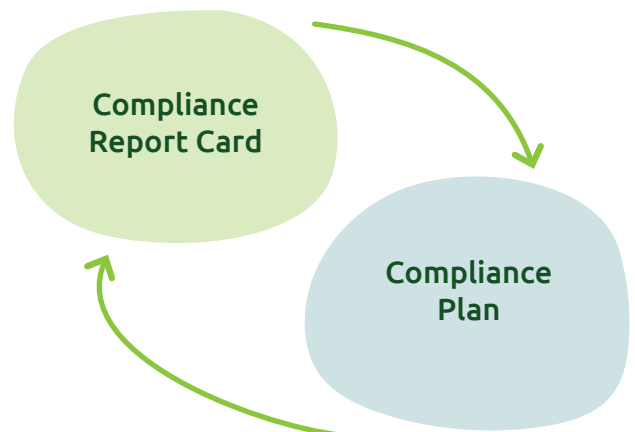
We allocate effort and resources to the areas with the potential for the most harm.

Our compliance planning and reporting

Our commitment to applying our PACTT principles includes publishing our compliance priorities in annual compliance plans and our performance against them in compliance report cards.

In 2023, the division published its first [Compliance Plan](#). It targeted our regulatory effort and resources to areas with the potential for most harm and transparently communicated our compliance priorities.

This report details how we delivered on the commitments in our Compliance Plan.² It describes what we did, what we found, and where we're going to continue focusing in the year ahead. You can read about our compliance focus for the upcoming year in our 2024-25 Compliance Plan.



¹ Pink, G., Navigating Regulatory Language: An A to Z Guide, (2021)

² This report also forms part of the CEO report for the purposes of section 290 of the *Environment Protection Act 2019*.

Snapshot of Compliance

Environmental Regulation

Reports

- > Responded to 676 pollution reports

Monitoring

- > Monitored compliance on over 250 licences, approvals and notices for Territory projects
- > Administered over 300 container deposit scheme approvals

Inspections

- > Conducted over 100 site inspections
- > Inspected 100% of high risk sites

Warnings

- > Issued 26 warning letters

Notices

- > Issued 3 infringement notices
- > Issued 4 environmental audit notices

Prosecutions

- > Pursued 2 prosecutions

Investigations

- > 5 current investigations of non-compliances



Onshore upstream petroleum

Our commitment

Review petroleum companies' compliance with the commitments made by companies in their approved Environment Management Plans (EMPs) relating to groundwater, greenhouse gas emissions and recordable incidents.

Observations and actions

Review of groundwater monitoring

This review focused on groundwater monitoring and sampling practices across active petroleum companies.

Some monitoring and sampling practices were not being undertaken in accordance with the companies' commitments in their approved EMPs. For example, we noted that some monitoring analytes (i.e. a substance or chemical Constituent of interest) were missed during some sampling events, and there were some failures to provide data to the regulator within prescribed timeframes.

Our regulatory response to these non-compliances took the form of education, advice and/or formal warnings, which is in line with our [Compliance and Enforcement Policy](#) and [Enforcement Guideline](#).

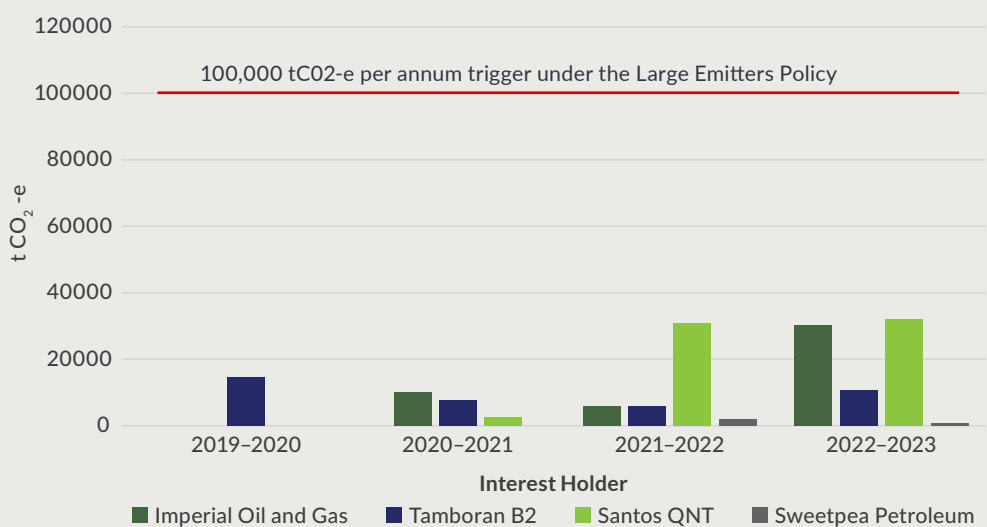
Given the importance of groundwater protection to Territorians, we will be closely monitoring companies' compliance with the groundwater monitoring requirements in EMPs in the year ahead. Repeated non-compliances will attract more serious enforcement action in accordance with our [Enforcement Guideline](#).

Review of greenhouse gas emissions

This review compared estimated greenhouse gas emissions with actual emissions.

The review found that actual greenhouse gas emissions were significantly lower than estimated emissions. This was primarily a result of changes to project schedules.

Beetaloo Sub-basin annual emissions



Onshore upstream petroleum

Our commitment

Conduct audits of prescribed records relating to inspection and monitoring programs, spill registers and land clearing and rehabilitation.

Observations and actions

Review of spills

This review focused on the recording, reporting and management of spills. The review did not identify any significant spills that were not reported to the regulator.

Where reporting requirements (i.e. the requirement to record and report spills) were not met, our regulatory response was to educate, advise and issue formal warnings in line with our [Compliance and Enforcement Policy](#) and [Enforcement Guideline](#).

A key part of our regulatory approach is ensuring the regulated community understands the legal requirements and the regulator's expectations, and those willing to comply are supported.

We will continue to monitor how companies record and manage spills as per commitments made in approved EMPs.

Review of rehabilitation and land clearing

EMPs require petroleum companies to undertake rehabilitation to ensure the environment is restored to its original condition to the extent possible. EMPs generally include a commitment from the company to lodge reports which demonstrate how they are meeting the rehabilitation commitments.

We are taking a staged approach to ensuring compliance, with a view to auditing all active petroleum companies in the years ahead. This year we audited one company that has long-standing rehabilitation commitments in their EMP.

The audit found instances where:

- > annual rehabilitation reports were not provided on time
- > reports did not include adequate details, particularly in relation to establishing controls to compare disturbed and undisturbed monitoring sites and photographic monitoring points.

We issued three warning letters in accordance with our [Compliance and Enforcement Policy](#) and [Enforcement Guideline](#).

Progressive rehabilitation will remain a compliance focus in 2024-25, and we will expand the audit scope to include other companies with rehabilitation requirements.

Onshore upstream petroleum

Our commitment

Conduct at least one inspection of each petroleum company that is authorised to undertake production, drilling or hydraulic fracturing activities.

Observations and actions

Inspections

We conducted site inspections of all petroleum companies that are undertaking seismic, production, drilling or hydraulic fracturing activities. These inspections were critical to ensure companies are complying with their approvals and our expectations are understood.

Non-compliances were observed onsite regarding:

- > storage and handling of chemicals
- > maintenance of erosion and sediment controls
- > monitoring of wastewater storage tanks and pits.

No environmental harm was identified as a result of these non-compliances.

Our regulatory response was to educate, advise, and issue formal warnings in line with our [Compliance and Enforcement Policy](#) and [Enforcement Guideline](#). No statutory instruments were issued for the above-mentioned non-compliances.

In line with our compliance and enforcement framework, we will take more serious enforcement action for repeated non-compliances, particularly where there is evidence that an interest holder has a poor attitude to compliance.

In 2024–25 we will focus on ensuring activities that involve the use and storage of chemicals onsite are completed as per companies' commitments in their approved EMPs.

We have an ongoing investigation into three alleged non-compliances with an Environment Management Plan that predate the 2023–24 Compliance Plan. Please refer to the notes at the end of this document for details about ongoing investigations.

Hydrocarbon facilities (LNG)

Our commitment

Undertake compliance audits and carry out at least one inspection of Hydrocarbon Processing Facilities (LNG) sites with an environment protection licence under the *Waste Management and Control Act 1998*.

Observations and actions

Audits and inspections

We undertook compliance audits and inspected the Ichthys (INPEX), Santos (DLNG) and ENI (Blacktip) facilities.

We issued three infringement notices to address non-compliances as shown in the below table. Other non-compliances were addressed through advice, guidance and/or warning letters.

Entity	Number of PINs issued
ENI Australia B V	1
Ichthys LNG Pty Ltd	2

In 2022, we required a statutory audit be undertaken of the Blacktip facility in response to non-compliances. We have been working closely with ENI as they implement the audit report recommendations and make improvements at the site. The audit notice and report are available on the [NT EPA website](#).

Regulating air emissions in the Darwin airshed

There is a concern in the Darwin and Palmerston community about air quality, particularly with the proposed development at the Middle Arm Sustainable Development Precinct. We have published a [regulatory statement](#) to provide Territorians with a better understanding on how we regulate air emissions from LNG facilities. We will continue to publish air quality monitoring data from our monitoring stations.



High-impact projects

Our commitment

Undertake compliance audits and carry out at least one inspection of premises or sites with an environmental approval under the *Environment Protection Act 2019 (NT) (EP Act)*.

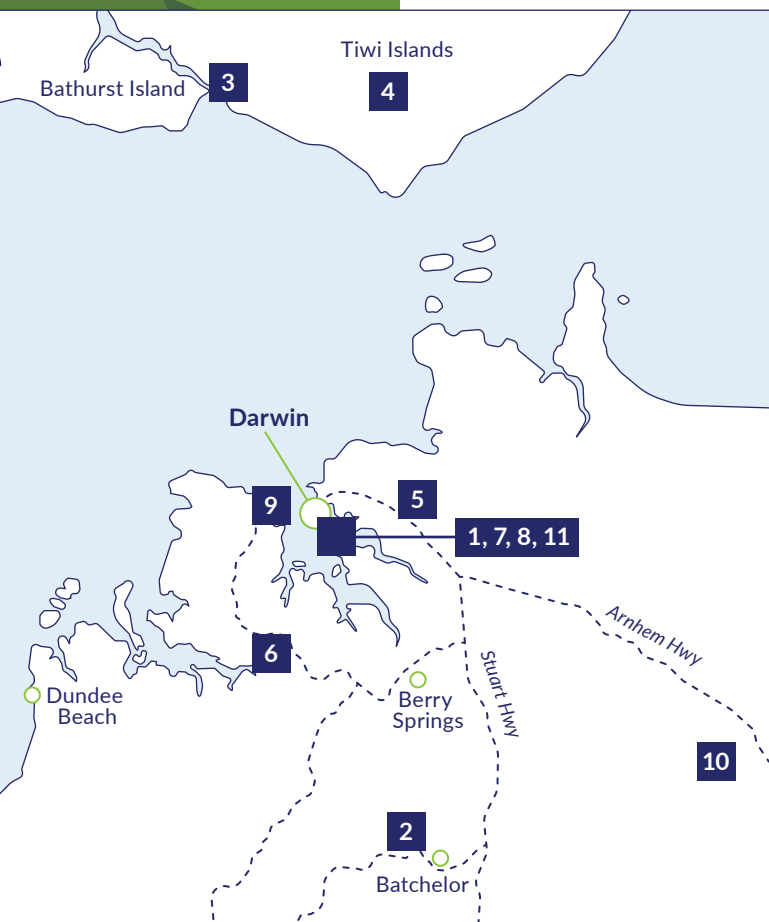
Observations and actions

The Northern Territory Environment Protection Authority (NT EPA) assesses projects with the potential for significant impact and recommends conditions to the Environment Minister to manage those impacts. Conditions approved by the Minister are included in an 'environmental approval' for the project.

We conducted compliance audits and inspected 100% of premises that had an environmental approval in place on 1 July 2023.

We audited and inspected the following projects:

1. Project Caymus (East Arm)
2. Rehabilitation of former Rum Jungle Mine site (Batchelor)
3. Paru Road upgrade (Tiwi Islands)
4. Melville Island road upgrade (Tiwi Islands)
5. Holtze Area Redevelopment
6. Finniss Lithium Project
7. HMAS Coonawarra dredging
8. Ichthys LNG maintenance dredging
9. Mandorah Marine Facilities
10. Rustler's Roost Mine Redevelopment (Mt Bundy)
11. Darwin Ship Lift.



The inspections were instrumental in setting the regulator's expectations for these projects.

Our compliance work showed that the projects were mostly compliant with the approvals. Where non-compliances were detected, we did not identify any environmental harm. The non-compliances related to:

- > activities being undertaken beyond the approved boundary of the project
- > failures to submit required documents within appropriate timeframes.

In line with our [Enforcement Guideline](#) and our commitment to taking a proportionate approach, we focused on education, advice and warning letters to improve compliance with the environmental approvals. No infringement notices were issued under the EP Act for non-compliances.

We will take more serious enforcement action if we detect non-compliances that cause environmental harm, or where there is a higher level of culpability.

Waste crime

Our commitment

We will increase the community's awareness of how to manage, reuse and dispose of waste tyres.

We will deter non-compliance by continuing to undertake strategic investigations and prosecutions.

Partner with other regulators, local government, industry and the community to combat waste crime and illegal dumping in the Alice Springs region.

Observations and actions

Waste tyres

Legacy waste tyre stockpiles remain a significant issue for all jurisdictions across Australia, including the Northern Territory.

We are currently developing and will undertake consultation in late 2024 on draft guidance for the lawful use of waste tyres on private property. This will help businesses, particularly pastoralists, understand their general environmental duty for the management of waste tyres.

Prosecutions

We pursued two prosecutions relating to waste crime, reinforcing our commitment to holding entities accountable for pollution and waste incidents.

In early 2024, Norblast Industrial Solutions Pty Ltd was convicted and fined \$20,000 for failing to comply with a pollution abatement notice we issued.

We are continuing to prosecute Mr Michael Anthony and his company DWD Project Pty Ltd (DWD) for breaching the *Waste Management and Pollution Control Act 1992* (NT). Previously, in late 2021, Mr Anthony and DWD were convicted and fined a total of \$300,000 for intentionally failing to comply with orders from the NT EPA to clean up pollution into Darwin Harbour. In 2022 an appeal by Mr Anthony and DWD to the Supreme Court, against the original conviction and fines, was dismissed.

Illegal dumping

We are partnering with a range of stakeholders in Alice Springs, including the local council, to tackle waste crime and illegal dumping in the Alice Springs municipality.

We have collated and mapped approximately 2,500 illegal dumping reports between 2017 and 2024. The initial data collection and analysis indicates domestic waste is the primary source of illegally dumped waste in the region.

We will be collaborating with local and Territory Government officials in the coming years to reverse the trend of illegal dumping seen in recent years in the Alice Springs municipality.



Offsite discharge from mine sites

Our commitment

To undertake compliance audits and carry out inspection of mine sites with a waste discharge licence granted under the *Water Act 1992* (NT).

Observations and actions

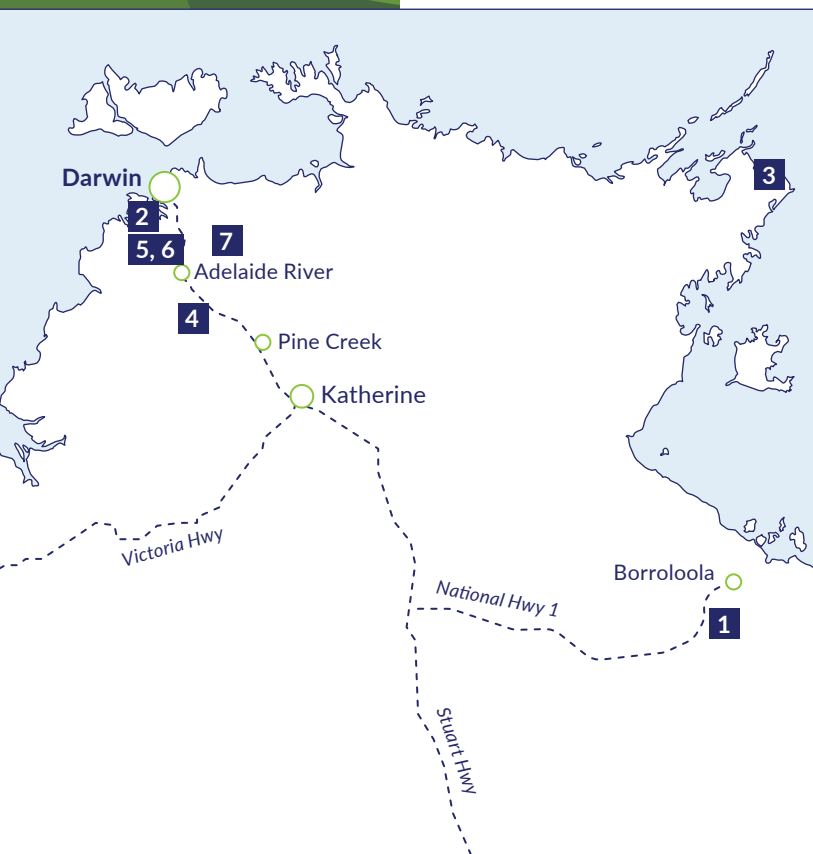
We undertook compliance audits and inspected 100% of projects authorised to discharge outside the mining permit.

Audits and inspections were conducted for the following mines:

1. McArthur River Mine
2. Lithium Developments (Grants and BP33 Projects)
3. RTA Gove Alumina Refinery
4. Cosmo Howley and Pine Creek Gold mines (NTMO)
5. Brown's Oxide (NT Resources)
6. Rum Jungle (Rehabilitation Project)
7. Rustler's Roost and Tom's Gully (Primary Gold).

Several non-compliances were identified, including failing to collect samples in accordance with licence conditions and administrative non-compliances relating to reporting requirements. No environmental harm was identified as a result of these non-compliances. Several exceedances of water quality trigger values were also identified.

One warning letter was issued in accordance with our [Compliance and Enforcement Policy](#) and [Enforcement Guideline](#). Water quality and the reporting of monitoring results will be a focus in our 2024–25 Compliance Plan.



Licensed landfills

Our commitment

Undertake compliance audits and carry out inspection of all landfills with an environmental protection licence granted under the *Waste Management and Pollution Control Act 1998* (NT).

Observations and actions

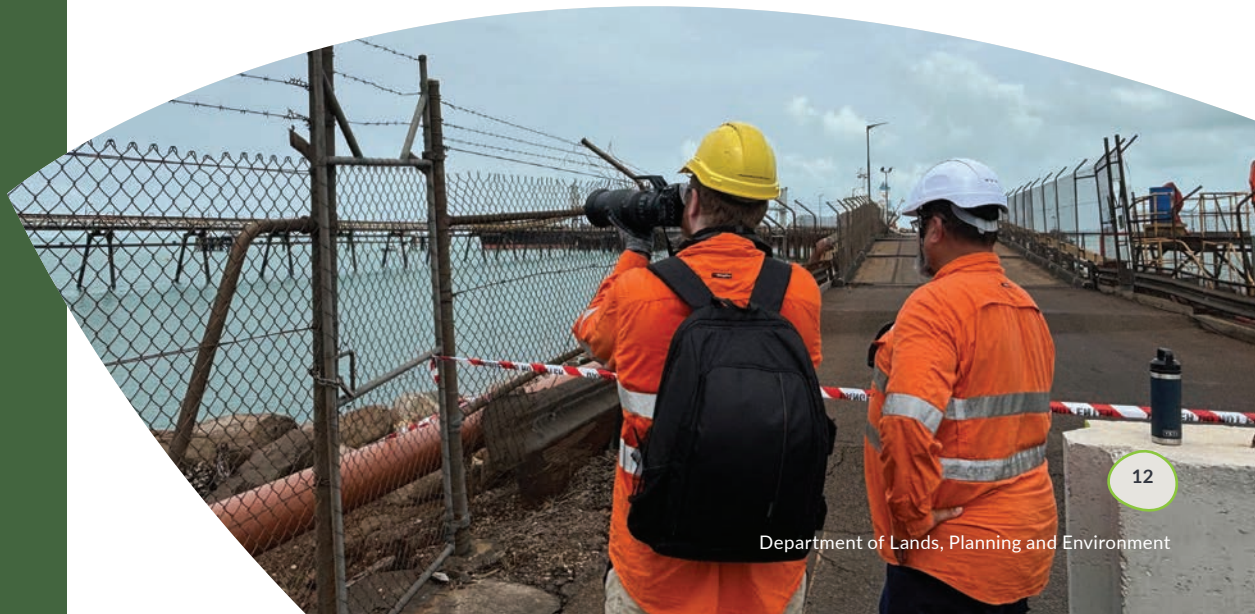
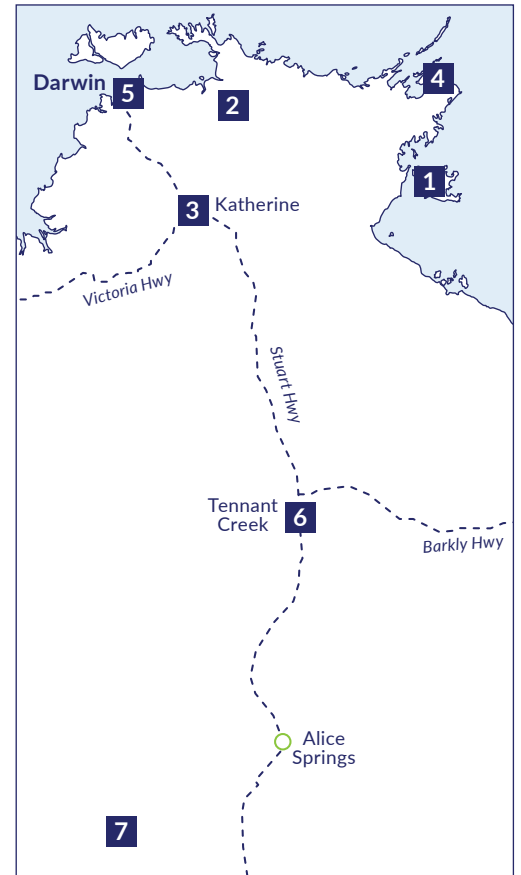
We undertook compliance audits and inspected 100% of licensed landfills. This included the following landfills:

1. Groote Eylandt
2. Jabiru
3. Katherine
4. Nhulunbuy
5. Shoal Bay
6. Tennant Creek
7. Yulara.

We observed significant improvements in compliance at Shoal Bay. In 2023, the regulator required an [environmental audit program](#) be undertaken of the Shoal Bay waste management facility. Implementation of the audit recommendations has driven significant improvements at the site. The audit notice and report are available on the [NT EPA website](#).

At one remote landfill we identified potential non-compliances related to leachate management and tyre and battery storage. An investigation has commenced to determine the seriousness of the non-compliances to inform potential enforcement action. Please refer to the notes at the end of this document for details about ongoing investigations.

At other landfills, the management of waste tyres and batteries was identified as an issue. We focused on education for landfill operators to ensure obligations around fire management and storage of tyres and batteries were well understood. We will be auditing tyre storage compliance across the waste management industry in 2024–25 to ensure operators are compliant with industry standards. We will also have a renewed focus on waste transporters and waste transfer stations.



Additional milestones

Pollution reports

There were 676 Pollution Reports this financial year compared to 836 for last financial year.

The Division has seen a 19% decrease in incidents reported in 2023–24 compared to 2022–23. The decline coincides with an update to the NT EPA pollution report website page, designed to help the public better identify the most appropriate regulator or service provider to address their concerns.

In 2023–24 the regulator developed and released a new [Pollution Report Triage Guideline](#) (Triage Guideline). This further improved guidance to the public on who is the best regulator to contact for certain issues and helps to ensure the division is receiving reports of environmental harm and emerging issues.

Other investigations

The regulator is currently investigating the following additional incidents:

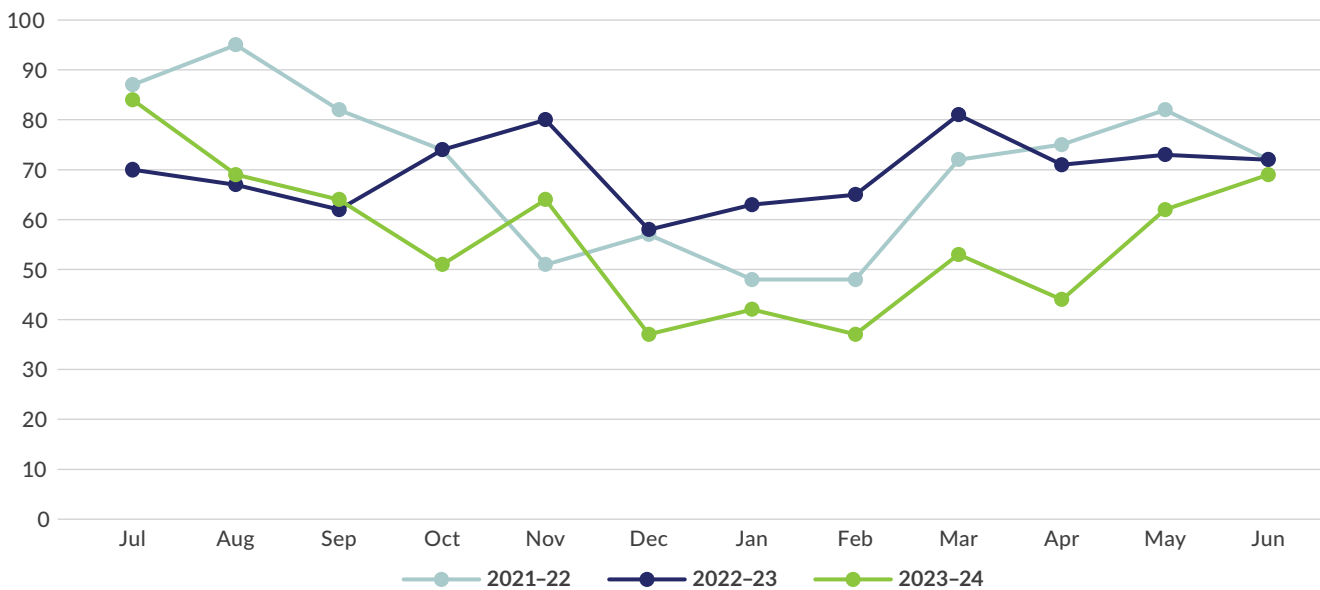
- > potential transport and storage of a listed waste without an environment protection licence
- > asbestos contamination in waste at two waste management facilities in potential non-compliance with an environment protection licence.

Note:

We cannot release details of an ongoing investigation until it is concluded. The outcomes of any ongoing investigations, along with any resulting compliance or enforcement actions, will be included in the relevant report card once the investigation is finalised.

Reporting data

Number of pollution incidents reported



	2022-23	2023-24	MOVEMENT	PERCENT
Total number of reports	836	676	160 ↓	19% ↓
Average number of monthly reports	70	56	14 ↓	19% ↓