

Submission Form for Comments and Feedback

Review of the *Waste Management and Pollution Control Act* and *Litter Act*

Submissions close: **Monday 27 October 2014, 5pm**

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<p>Your comments will be publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your comments to be made publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your identity to be made publicly available.</p>			

Section	Comment
Section 2.3.1 Q1:	The <i>WMPC Act</i> should contain explicit provisions to ensure that it applies to activities conducted outside the NT that cause damage to the NT's environment, only if it is possible to be effective in enforcement. There should also be some consideration of the ability of the <i>WMPC Act</i> , and other NT legislation, to act effectively in the event of an NT site causing damage outside the NT. Such an event would presumably be covered by NT legislation to the extent that a regulated site would be releasing waste or contaminants offsite, but questions remain open about the extent to which the NT Government could or should take action or require remediation from impacts outside the NT border.
Section 2.3.2 Q5:	The types of waste management activities that should require a licence is any activity that has the potential to cause immediate or long term hazard to the environment that is not already captured by existing legislation in

Please complete the form and send it via one of the following by no later than **Monday 27 October 2014, 5pm**:

Email: NTEPA.Consult@nt.gov.au

Post: NT EPA, GPO Box 3675, Darwin NT, 0801

Privacy: Your personal information will be used for the purpose of collecting and collating comments received on the Issues Paper. The NT EPA is subject to the *Information Act* and its Regulations. Information will not be disclosed to a third party, unless required by law or otherwise stated.

Section	Comment
	the NT.
Section 2.3.4 Q.11	<p>DME disagrees with the statement in this section that there is “a lack of clarity over who holds the responsibility to report an incident and when the report should be made, particularly for the mining and energy industries which also have obligations to report under the approving (or authorising) legislation”. It is clear that these industries are exempt under the <i>WMPC Act</i> from reporting incidents on sites authorised by or under the <i>Petroleum Act</i>, the <i>Petroleum (Submerged Lands) Act</i>, the <i>Energy Pipelines Act</i>, the <i>Mining Management Act</i> or an Act of the Commonwealth. However, there is a clear obligation on approved operations to report such events to DME, which has strong environmental regulatory powers. Pollution incidents by the mining and energy industries that take place off authorised sites under the previously mentioned legislation must be reported to the NT EPA under the <i>WMPC Act</i>. It should be noted that a site authorised or approved under mining or petroleum legislation would also be reported to the NT EPA where waste or pollutants have travelled off site. DME and the NT EPA have complementary legislation to allow for effective responses to incidents which have impacts across boundaries.</p>
Section 2.3.5 Q14.	<p>The NT’s current legislation in relation to managing emissions and discharges within the lease areas of mines, petroleum sites or pipelines is effective. However, with all pieces of legislation and their application, there are always opportunities for improvements. In this case, on sites of authorised mining and energy activities this will be addressed, where appropriate, through reviews of the <i>Petroleum Act</i>, the <i>Petroleum (Submerged Lands) Act</i>, the <i>Energy Pipelines Act</i> and the <i>Mining Management Act</i>, and not through a review of the <i>WMPC Act</i>.</p>
Section 2.3.5.Q19	<p>The <i>Mining Management Act</i> and the <i>Petroleum Act</i> allow the Minister to fix a financial security over a site where disturbance is planned that would impact on the environment. In applying this requirement, DME is looking for companies to take the initiative to minimise risk on their sites and to undertake progressive remediation. The Minister has the ability to call this amount in when required for remediation of a site. A similar approach could be taken with respect to projects approved or regulated by other NT Government bodies. This would need to take into account the fact that some projects would have ongoing impacts (i.e. land development), but a residual amount might be held.</p>
Section 4 Q30	<p>The NT Government has adopted specific legislation for the mining and petroleum industries which allows for one-stop-shop approvals. Significant projects undergo environmental assessment by the NT EPA under the <i>Environmental Assessment Act</i>, and the responsible Minister (in this case the Minister for Mines and Energy) makes the final decision, including setting approval conditions. DME’s view is that there is no need for additional legislation that may result in duplication of regulation. However, DME understands there may be a number of activities in other industry areas that do not currently have a legislative regime of this nature in place.</p>

Section	Comment
	<p>If so, there may be a benefit to establishing some form of environmental standards legislation that would ensure industries would be required to meet minimum standards of regulation in cases where there is a clear public interest. This may include reporting, licensing, security bonds and compliance requirements. The environmental department could be the default regulator in areas where there is no current regulation.</p>

General comments
<p>The Department of Mines and Energy (DME) welcomes the opportunity to provide comment to the Northern Territory Environmental Protection Authority (NT EPA) review of the <i>Waste Management and Pollution Control Act</i>.</p> <p>It is the view of the DME that one priority area for the focus of the review of the WMPC Act should be identifying industries or activities that have the potential to harm the environment that are currently not captured by the NT's current legislation. This would include activities that either produce or have the potential to produce contaminants and wastes on land and do not currently require an authorisation/approval/licence to operate in the Territory. Other comments relevant to this issue are made in DME's response to Q30 above.</p>