Information paper

Environment and Water Legislation Amendment Bill 2026

Purpose

The Environment and Water Legislation Amendment Bill 2026 brings practical changes to the Territory's environmental assessment, mining, water, waste, container deposit, heritage and regulatory administration laws. It addresses, among other things, overlapping applications, recurring renewals, uncertainty about regulatory powers and gaps in the tools available to manage environmental risks.

The changes are intended to cut red tape and support timely decisions, while improving the management of environmental risks. This sheet explains the package as a whole.

Proposed amendments

1. Environmental assessments and approvals

The Bill strengthens the framework for environmental impact assessment processes under the *Environment Protection Act 2019* through clearer statutory powers. The changes apply to assessments generally, including projects outside mining. They expressly support regulations dealing with the initial consideration of referrals, duties imposed on proponents, assessment procedures, suspension or termination of assessments, and the performance of assessment functions.

Targeted validation provisions provide clear and explicit authority under the Act for existing regulations. The practical effect of this change is that actions and decisions under those regulations remain valid. There is no change to existing processes.

When an approval holder requests an amendment, the Minister could review the approval and make additional changes considered necessary to manage the action's environmental impacts. Administrative amendments will be exempt from the requirement to publish an amended environmental approval.

2. Mining licensing

The Bill allows consolidation of applications and licences held by the same operator where they concern the same or substantially the same mining activity or site. It also clarifies licence amendment and revocation processes, allows specified stalled applications to be terminated, accommodates joint operators and adjusts particular consultation periods.

Additional security refund pathways cover replacement security when title holders or operators change, special circumstances justifying a refund, and securities worth less than $4,000. These pathways have different requirements. The special circumstances decision must take account of factors specified in the regulations.

3. Water planning and Aboriginal water reserves

Water allocation plans (plan) will continue until revoked, with reviews at least every five years. The Bill clarifies plan content, defines estimated sustainable yield, requires at least 20 business days of consultation on draft plans and substantive amendments, and establishes a more flexible Water Advisory Committee framework.

Environmental considerations will inform the amount available for allocation and use, rather than requiring a separate environmental allocation within that amount. The beneficial use called 'environment' will become 'aquatic ecosystems'. Transfers of Aboriginal water reserve entitlements will be limited to temporary arrangements meeting the Act's requirements and applications for transfer will require the approval of eligible Aboriginal people.

4. Waste management and pollution control

Environment protection licences under the *Waste Management and Pollution Control Act 1998* could continue without a fixed expiry date, although the NT EPA could specify a term where appropriate. A licence with a term will continue while a renewal application made in accordance with the Act before expiry is decided. The Bill also expands the grounds for updating approval and licence conditions.

Other changes allow compliance plans to address non-compliance with the Act, allow pollution abatement notices to require testing, monitoring or reporting of polluted land or water to manage ongoing environmental harm, remove the performance agreement framework while preserving existing agreements, and update rules for the use of information obtained under statutory requirements. Removing 'collecting' as a licensing trigger for listed waste leaves the applicable licensing requirements for transport, storage, recycling, treatment, disposal and associated premises in place.

5. Commissioning and dredging

Commissioning involves testing and preparing facilities for operation. The Bill expressly includes commissioning in the approval requirements for relevant premises under the waste and pollution legislation. The new waste approval requirement will not apply to commissioning that had already begun before commencement.

The Bill also establishes approval and licensing categories for dredging, to be prescribed by regulations within prescribed dredging management areas. Capital dredging will require an environment protection approval and maintenance dredging an environment protection licence. The activities and areas covered will be specified in regulations. Existing environmental assessment and other applicable obligations will continue to apply.

A separate provision allows regulations to identify activities that must be notified to the NT EPA before they begin. Such activities will include dredging activities not captured by prescribed thresholds for capital and maintenance dredging, where notification is necessary to record and monitor cumulative impacts.

The dredging provisions are enabling provisions, with the technical details to be determined in the regulations, to be progressed separately.

6. Enforceable undertakings

The Bill introduces enforceable undertakings under the *Water Act 1992* and the *Waste Management and Pollution Control Act 1998*. These are legally enforceable commitments voluntarily offered in response to an alleged breach and accepted by the regulator. They can secure corrective action and improved compliance within specified timeframes. Enforceable undertakings are available in other NT legislation, including similar environmental regulatory frameworks such as the *Environment Protection Act 2019* and *Petroleum Act 1984*.

Acceptance is subject to statutory criteria. Court orders can enforce the undertaking. Proceedings for the same alleged breach cannot be commenced or continued while it is in force, subject to the provisions allowing proceedings if it is revoked. Once the regulator is satisfied the undertaking has been complied with, a new prosecution for the same alleged breach cannot commence and the regulator must take reasonable steps to have any existing prosecution discontinued.

7. Container deposit scheme

Container deposit scheme approvals and supplier registrations will continue until surrendered or cancelled, subject to suspension. The Bill removes routine renewals, provides a clear process for surrendering an approval and allows inactive approvals and registrations to be addressed. It also removes the duplicate annual return requirement for CDS suppliers. Other applicable reporting and compliance obligations remain.

8. Heritage decisions and participation

The Bill changes who can seek statutory review or appeal of certain heritage declaration decisions. Making a public submission alone will no longer confer those rights. People with interests recognised by the *Heritage Act 2011*, and nominators where specified, will retain the relevant rights.

Submitters will continue to receive notice of the relevant decision and its reasons. The relevant public consultation processes will continue. Transitional provisions preserve qualifying review and appeal rights concerning decisions made before commencement, including rights not yet exercised and proceedings already underway.

9. Regulatory officers and administration

The Bill provides for relevant officer appointments or authorisations to end automatically when the appointed person ceases to be a public sector employee. This applies across the environment protection, container deposit, marine pollution, petroleum and water legislation. An equivalent rule already exists under the waste and pollution legislation. These changes concern statutory appointments following the end of employment.

The Bill also removes mandatory gazettal of authorised officer appointments under the waste and pollution legislation, and changes marine pollution identity cards to show their issue date instead of an expiry date.

Environmental officers will have clearer powers to obtain information and documents from environmental approval and mining licence holders, including requiring a specified format and revisions to material previously provided.

10. Commencement

The Bill will commence on the day after the Administrator's assent.

Commencement of the Bill does not itself bring all the amendments into force. For example, the proposed dredging categories and activity notification requirements will be prescribed in the regulations.

Further information

Read this information sheet alongside the general FAQs. Information on specific reform areas is available through the following resources:

- Mining reforms – Information paper and FAQs
- Waste and pollution reforms – Fact sheet
- Water reforms – Information paper and FAQs

The Bill and explanatory materials are available through legislation.nt.gov.au.