Fact sheet

Proposed amendments to the *Waste Management and Pollution Control Act 1998*

The Environment and Water Legislation Amendment Bill 2026 was introduced in the October 2026 sittings of the Northern Territory Legislative Assembly. The Bill proposes amendments to the *Waste Management and Pollution Control Act 1998* (WMPCA). This fact sheet provides a summary of the key proposed changes.

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

Licensable waste management activities

Schedule 2

Schedule 2 Part 2 of the WMPCA identifies a range of waste management activities that require an environment protection licence (EPL) when undertaken on a commercial or fee-for-service basis. These activities include collecting, transporting, storing, recycling, treating and disposing of listed waste.

The issue

Businesses do not generally describe their activities using the terms described in the WMPCA, particularly the term 'collection'. Industry participants more commonly describe their operations in terms of waste transport services, operation of waste facilities and waste treatment or disposal activities. This has led to ongoing questions from applicants and licence holders about how particular activities are categorised under the licensing framework.

The proposed change

Remove "collection" as a standalone activity, as collection does not generally occur independently of another regulated activity. Collection is not, in practice, a discrete activity requiring separate regulation, but forms part of other regulated waste activities, such as transport, storage, processing or disposal. Those activities remain regulated, including where they involve the collection of waste.

Granting environment protection licences that continue in force

The issue

EPLs currently include an expiry date. This periodic renewal is not always the most effective way to manage environmental risks nor does it align with the life cycle of a project or activities.

The proposed change

The NT EPA will be able to issue EPLs without a fixed expiry date. This recognises that scheduled activities may continue for many years. Licences without a fixed term are to remain subject to ongoing compliance monitoring and may be amended, suspended or cancelled where appropriate.

Strengthening NT EPA powers to amend licence conditions

The issue

The WMPCA currently limits the circumstances in which the NT EPA may amend licence conditions or impose new conditions of its own initiative. An exception is during licence renewal, when the NT EPA may impose or amend conditions more broadly.

With the removal of renewal-based regulation for many EPLs, the NT EPA requires an additional and contemporary ability to review and update licence conditions.

The proposed change

To expand the circumstances in which the NT EPA may amend or impose licence conditions on an environment protection approval or licence. These will include: when the NT EPA becomes aware of new information; when the NT EPA considers that environmental impacts are not being appropriately managed; or when it is necessary to align conditions applying to the same class of scheduled activity in Schedule 2.

Introducing enforceable undertakings under the WMPCA

The issue

An enforceable undertaking is a voluntary, legally binding written agreement between the NT EPA and an individual or company accused of breaking environmental laws. They are currently not included in the WMPCA.

The proposed change

To establish a process for entering into an enforceable undertaking.

Enforceable undertakings may be a cost effective and timely alternative to prosecuting an individual or company accused of breaking environmental laws. Enforceable undertakings may involve things like requiring a party to fix environmental damage, fund local environmental projects or improve business practices to prevent a future incident. This has the potential to lead to better environmental outcomes than what could be achieved through prosecution.

An enforceable undertaking cannot be imposed. It must be offered by the individual or company and accepted by the NT EPA.

Compliance plans

What is a compliance plan?

Under the WMPCA, a compliance plan is a regulatory tool to support planned, structured pathways to compliance. A compliance plan may be used where a person cannot comply immediately, or is at risk of not

complying, and where agreed corrective action is a more effective response than immediate enforcement action.

The issue

Currently under the WMPCA, compliance plans may only be required in relation to non-compliance with the Regulations or an environment protection objective. In practice, the Regulations do not contain provisions that would warrant entry into a compliance plan. This limits the potential scope to use a compliance plan.

The proposed change

To allow a compliance plan to be required by the NT EPA or submitted for approval by the NT EPA in response to non-compliance with any provision of the WMPCA, enabling this tool to be used more broadly where a structured pathway to compliance is appropriate.

Removal of performance agreements

What is a performance agreement?

It is a contractual arrangement between the Territory and a person conducting an activity that causes or is likely to cause pollution. Performance agreements are not enforceable as offences under the WMPCA and a breach can only be addressed as a breach of contract, rather than as an offence under the WMPCA.

The issue

Performance agreements are redundant and an unused statutory mechanism.

The proposed change

The provision will be removed.

Removing direct use immunity protection for bodies corporate

The issue

The current provisions at section 75 provide a protection ('direct use immunity') when a person is required under the WMPCA to answer questions, provide information or produce a document, so that material obtained under compulsion cannot be used in evidence against the person in proceedings if it tends to incriminate the person. This currently applies to both individuals and bodies corporate.

The proposed change

The protection for a body corporate is removed. This is consistent with other laws, including the *Work Health and Safety (National Uniform Legislation) Act 2011*, *Evidence (National Uniform Legislation) Act 2011*, and the *Corporations Act 2001* (Cth).

Pollution abatement notices – ongoing and continuous monitoring requirements

What is a pollution abatement notice?

A pollution abatement notice (PAN) requires a person to undertake a specified action or remediation of a site.

The issue

Once the PAN requirements are completed, the PAN may no longer provide a clear basis for requiring further monitoring of the site.

In practice, there are circumstances where pollution or contamination has been remediated or contained, but ongoing monitoring is necessary to ensure that containment measures remain effective and that pollution does not re-occur.

The proposed change

PANs will be able to require ongoing or continuous monitoring where necessary to protect the environment and human health.

Requirement for approval for commissioning of premises

What does 'commissioning of premises' mean?

There is an intermediate phase between construction and operation, commonly referred to as 'commissioning'. Commissioning typically involves testing, calibration and quality assurance processes to verify that systems and equipment operate as intended before a facility becomes fully operational.

The issue

Commissioning frequently involves activities that cause or have the potential to cause pollution, including the use of listed waste, the processing of hydrocarbons or the operation of pollution-generating plant and equipment.

Despite the environmental risk associated with commissioning activities, commissioning is not currently identified as an activity requiring an environment protection approval under Schedule 2. The WMPCA does not currently make clear that an approval extends to commissioning activities before operations begin.

Clarifying that commissioning is covered by the approval framework will provide greater certainty for approval holders about the activities authorised during this phase and ensure appropriate environmental controls apply. This is increasingly important as large-scale industrial and infrastructure developments, including within precincts such as Middle Arm, become more frequent and complex.

The proposed change

To clarify that an environment protection approval includes the commissioning of premises.

Enabling the environmental regulation of dredging in prescribed dredging management areas

Why do we need to regulate dredging?

Dredging can create environmental risks including turbidity and sediment plumes, contaminant mobilisation, and impacts on benthic habitats and protected species. These risks can be cumulative across multiple dredging activities rather than attributable to a single proposal.

The issue

Currently, dredging activities that do not trigger environmental impact assessment under the *Environment Protection Act 2019* ('EP Act') may fall between other regulatory regimes which may not be fit-for-purpose to manage the environmental risks. The lack of a clear framework for this specific activity creates uncertainty for proponents on their general environmental duties and contributes to unmanaged cumulative impacts.

The proposed change

Definitions are included in the WMPCA for capital dredging, maintenance dredging and dredging management area. Capital and maintenance dredging are proposed to be included in Schedule 2 which outlines what activities require an approval or licence.

A new provision is proposed to provide clear heads of power for regulations to operationalise dredging regulation in prescribed dredging management areas.