NORTHERN TERRITORY OF AUSTRALIA

WASTE MANAGEMENT AND POLLUTION CONTROL (ADMINISTRATION) REGULATIONS 1998

As in force at 13 September 2025

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 September 2025

WASTE MANAGEMENT AND POLLUTION CONTROL (ADMINISTRATION) REGULATIONS 1998

Regulations under the *Waste Management and Pollution Control Act 1998*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Waste Management and Pollution Control (Administration) Regulations 1998*.

2 Interpretation

(1) In these Regulations:

infringement notice, for Part 3, see regulation 13.

infringement notice offence, for Part 3, see regulation 12(1).

prescribed amount, for Part 3, see regulation 12(2).

(2) For the purposes of these Regulations, in calculating an amount of a fee by reference to the amount of a substance that could be, was or is handled in premises under an environment protection approval or licence, all the activities in relation to the substance under the approval or licence after the substance were introduced into the premises are to be taken to together comprise a single handling of the substance.

Part 2 General matters

2A Listed wastes

For section 4(1) of the Act, definition ***listed waste***, the wastes specified in Schedule 1 are prescribed.

2B Application fee for approvals

(1) The fees specified in this regulation are prescribed for section 31(2) of the Act.

(2) The fee for an application for an environmental protection approval that is required under section 30(1) of the Act to conduct an activity specified in item 3 of Part 1 of Schedule 2 to the Act is $0.00575 per tonne of hydrocarbons that the NT EPA determines could in the 12 month period following the grant of the approval be handled in the premises to which the approval is to relate during the conduct of an activity specified in item 5 of Part 2 of Schedule 2 to the Act.

(3) Subject to subregulation (4), the fee for an application for an environmental protection approval that is required under section 30(2) of the Act in relation to an activity specified in item 3 of Part 1, or item 5 of Part 2, of Schedule 2 to the Act is 345 revenue units.

(4) If the NT EPA determines that more hydrocarbons could be handled in the premises to which an environmental protection approval that is required under section 30(2) of the Act relates in the 12 month period after the approval is granted than were handled in the 12 month period before the approval was granted, the fee for the application for the approval is $0.00575 for each additional tonne of hydrocarbons.

(5) The fee for an application for an environmental protection approval that is required under section 30(1) or (2) of the Act to conduct an activity specified in Schedule 2 to the Act in relation to which a fee is not prescribed elsewhere in this regulation is 345 revenue units.

(6) In determining the amount of hydrocarbons that could be handled in premises, the NT EPA is to have regard to the intended design and likely processing capacity of the premises.

2C Application fee for licences

(1) For section 31(2) of the Act, the fee for an application for a licence to conduct an activity that is specified in item 5 of Part 2 of Schedule 2 to the Act is 345 revenue units.

(2) For section 31(2) of the Act, the fee for an application for a licence to conduct an activity that is specified in Schedule 2 to the Act in relation to which a fee is not prescribed in subregulation (1) is 345 revenue units.

2D Application fees for multiple activities or premises

(1) Subject to subregulation (3), if an application for an environmental protection approval or licence relates to more than one activity that is specified in Schedule 2 to the Act, the fee for the application is the sum of each of the fees specified in regulation 2B or 2C for an activity to which the application relates.

(2) Subject to subregulation (3), if an application for an environmental protection approval or licence relates to an activity that is specified in Schedule 2 to the Act that is undertaken, or is to be undertaken, at more than one premises, the fee for the application is the fee specified in regulation 2B or 2C in relation to the activity, multiplied by the number of those premises.

(3) If the NT EPA determines that it is unreasonable for subregulation (1) or (2) to apply in relation to an application because:

(a) although the operation to be conducted under the approval or licence consists of more than one of the activities specified in Schedule 2 to the Act, the activities form part of a single operation; or

(b) the activities form part of a single operation but are to be conducted at more than one premises,

the NT EPA may determine that only one fee for the application is payable for all the activities or all of the premises, or both.

(4) The application fee determined under subregulation (3) is to be the highest fee payable under regulation 2B or 2C, as the case may be, for an activity to which the application relates.

2E Fee for amendment or revocation of condition

For section 37(2) of the Act, the fee for an application for an amendment to, or a revocation of, a condition of an environment protection approval or a licence is 115 revenue units.

3 Period in which application to renew licence to be made

For the purposes of section 40(2)(a) of the Act, the prescribed period is not earlier than 90 days and not later than 30 days before the licence expires.

3A Fee for renewal of licence

For section 40(2)(c) of the Act, the fee for the renewal of a licence is:

(a) if the licence to be renewed was, at the request of the applicant for the licence, granted for a period of less than 2 years – a fee equivalent to the annual fee that would have been payable under these Regulations if the licence had been granted for 2 years or more; or

(b) in any other case – 345 revenue units.

3B Annual fee

(1) The fees specified in this regulation are prescribed for section 42(2) of the Act.

(2) The annual fee for a licence to conduct an activity specified in item 1 of Part 2 of Schedule 2 to the Act is 345 revenue units plus $0.0575 for each person by which the population that is to be serviced by the activity is determined by the NT EPA to exceed 1 000 persons.

(3) The annual fee for a licence to conduct an activity specified in item 2 of Part 2 of Schedule 2 to the Act is:

(a) for the first 12 month period in which the licence is to be in force – 345 revenue units; and

(b) for each subsequent 12 month period that the licence is to be in force – 345 revenue units plus $0.0575 per each tonne or kilolitre of listed waste that the NT EPA determines to have been handled under the licence in the previous 12 month period in which the licence was in force.

(4) The annual fee for a licence to conduct an activity specified in item 3 of Part 2 of Schedule 2 to the Act is:

(a) for the first 12 month period in which the licence is to be in force – 345 revenue units; and

(b) for each 12 month period after the first 12 month period in which the licence is to be in force – 345 revenue units plus $0.0575 per each tonne or kilolitre of listed waste that the NT EPA determines to have been handled under the licence in the previous 12 month period in which the licence was in force.

(5) The annual fee for a licence to conduct an activity specified in item 5 of Part 2 of Schedule 2 to the Act is $0.00115 for each tonne of hydrocarbons the NT EPA determines, having regard to the design of the premises in which the activity is to be conducted, is likely to be handled in the premises in a 12 month period.

3C Annual fees for multiple activities or premises

(1) Subject to subregulation (3), if a licence relates or is to relate to more than one activity that is specified in Schedule 2 to the Act, the annual fee for the licence for the purposes of section 42(2) of the Act is the sum of each of the fees specified in regulation 3B for an activity to which the licence relates or is to relate.

(2) Subject to subregulation (3), if a licence relates or is to relate to an activity specified in Schedule 2 that is undertaken at more than one premises, the annual fee for the licence for the purposes of section 42(2) of the Act is the fee specified in regulation 3B in relation to the activity, multiplied by the number of those premises.

(3) If the NT EPA determines that it is unreasonable for subregulation (1) or (2) to apply to a licence because:

(a) although the operation to be conducted under the licence consists of more than one of the activities specified in Schedule 2 to the Act, the activities form part of a single operation; or

(b) the activities form part of a single operation but are conducted at more than one premises,

the NT EPA may determine that for the purposes of section 42(2) only one annual fee is payable in relation to the licence for all the activities or all of the premises, or both.

(4) The fee determined under subregulation (3) for a licence is to be the highest fee payable under regulation 3B for an activity to which the licence relates or is to relate.

4 Application fee for registration as qualified environmental auditor

For section 68(2) of the Act, the fee to apply to be registered as a person qualified to perform environmental audits for the purposes of an environmental audit program is 1 495 revenue units.

5 Exemption, waiver or refund of fees

The NT EPA may, if the NT EPA considers it appropriate, do any of the following in relation to a prescribed fee:

(a) exempt a person from payment of the fee;

(b) waive (wholly or partly) payment of the fee;

(c) refund (wholly or partly) the fee.

10 Review of decisions

For the purposes of section 108(1)(r) of the Act, a determination by the NT EPA under regulation 2B, 2C, 3B or 3C is prescribed.

11 Records

(1) A person who holds a licence in relation to an activity specified in item 2 or 3 of Part 2 to Schedule 2 to the Act must:

(a) retain, for 2 years after the end of the 12 month period to which the record relates; and

(b) make available for inspection by an authorised officer at his or her request,

accurate records of the amount, calculated in tonnes or kilolitres, of listed waste that is collected, transported, stored, recycled, treated or disposed of in each successive 12 month period as part of the activity to which the licence relates.

(2) An offence against subregulation (1) is an environmental offence level 4.

Part 3 Infringement notice offences

12 Infringement notice offence and prescribed amount payable

(1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 2.

(2) The ***prescribed amount*** for an infringement notice offence is the amount payable under section 8 of the *Environmental Offences and Penalties Act 1996* for the specified environmental offence level of the offence.

13 When infringement notice may be given

If an authorised officer believes on reasonable grounds that a person has committed an infringement notice offence, the officer may give a notice (an ***infringement notice***) to the person.

14 Contents of infringement notice

(1) The infringement notice must specify the following:

(a) the name and address of the person to whom it is issued, if known;

(b) the date the infringement notice is given to the person;

(c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;

(d) a description of the offence;

(e) the prescribed amount payable for the offence;

(f) the enforcement agency to which the prescribed amount is payable.

(2) The infringement notice must include a statement to the effect of the following:

(a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;

(b) the person may elect to have the offence dealt with by a court by:

(i) completing a statement of election and giving it to the specified enforcement agency; and

(ii) not paying the prescribed amount;

(c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.

(3) The infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b)(i).

15 Electronic payment and payment by cheque

(1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.

(2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

16 Expiation of offence

If the prescribed amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence is expiated and no further proceedings can be taken in relation to the offence.

17 Withdrawal of infringement notice

(1) The NT EPA may withdraw the infringement notice by written notice given to the person.

(2) The notice must be given:

(a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

18 Effect of Part

(1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

(2) This Part does not:

(a) require an infringement notice to be given; or

(b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or

(c) prevent more than one infringement notice for the same offence being given to a person.

(3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Schedule 1 Listed wastes

regulation 2A

Acidic solutions or acids in solid form

Animal effluent and residues (abattoir effluent, poultry and fish processing waste)

Antimony, antimony compounds

Arsenic, arsenic compounds

Asbestos

Barium compounds other than barium sulphate

Basic solutions or bases in solid form

Beryllium, beryllium compounds

Boron compounds

Cadmium, cadmium compounds

Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos

Chlorates

Chromium compounds that are hexavalent or trivalent

Clinical and related wastes

Cobalt compounds

Containers that are contaminated with residues of a listed waste

Copper compounds

Cyanides (inorganic)

Cyanides (organic)

Encapsulated, chemically fixed, solidified or polymerised wastes

Ethers

Filter cake

Fire debris and fire washwaters

Fly ash

Grease trap waste

Halogenated organic solvents

Highly odorous organic chemicals (including mercaptans and acrylates)

Inorganic fluorine compounds excluding calcium fluoride

Inorganic sulfides

Isocyanate compounds

Lead, lead compounds

Mercury, mercury compounds

Metal carbonyls

Nickel compounds

Non-toxic salts

Organic phosphorus compounds

Organic solvents excluding halogenated solvents

Organohalogen compounds that are not otherwise specified in this Schedule

Perchlorates

Phenols, phenol compounds including chlorophenols

Phosphorus compounds other than mineral phosphates

Polychlorinated dibenzo-furan (any congener)

Polychlorinated dibenzo-p-dioxin (any congener)

Residue from industrial waste treatment or disposal operations

Selenium, selenium compounds

Sewage sludge and residues including nightsoil and septic tank sludge

Soils contaminated with a listed waste

Surface active agents (surfactants) that contain principally organic constituents and that may contain metals and inorganic materials

Tannery wastes (including leather dust, ash, sludges and flours)

Tellurium, tellurium compounds

Thallium, thallium compounds

Triethylamine catalysts for setting foundry sands

Tyres

Vanadium compounds

Waste chemical substances arising from research and development or teaching activities, including those substances which are not identified and/or are new and the effects of which on human health and/or the environment are not known

Wastes containing peroxides other than hydrogen peroxide

Waste, containing cyanides, from heat treatment and tempering operations

Waste from the manufacture, formulation and use of wood-preserving chemicals

Waste from the production, formulation and use of biocides and phytopharmaceuticals

Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish

Waste from the production, formulation and use of organic solvents

Waste from the production, formulation and use of photographic chemicals and processing materials

Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives

Waste from the production and preparation of pharmaceutical products

Waste mineral oils unfit for their original intended use

Waste mixtures, or waste emulsions, of oil and water or hydrocarbon and water

Waste pharmaceuticals, waste drugs and waste medicines

Waste resulting from surface treatment of metals and plastics

Waste substances and articles containing or contaminated with per- and polyfluoroalkyl substances (***PFAS***)

Waste tarry residues arising from refining, distillation and any pyrolytic treatment

Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)

Waste of an explosive nature not subject to the *Dangerous Goods Act 1998* or the *Work Health and Safety (National Uniform Legislation) Act 2011*

Wool scouring waste

Zinc compounds

Schedule 2 Infringement notice offences

regulation 12(1)

1 *Waste Management and Pollution Control Act 1998*

Sections 14(1), 30(1), (2) and (3), 39(2), 43(1), 46B(2), 51(1), 58(2), 61(5), 63(2), 67, 76(c), 80(2), 83(5) and (7) and 112(2), (3), (4) and (5).

2 *Environment Protection (National Pollutant Inventory) Objective 2004*

Clauses 3, 6, 7 and 8.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Waste Management and Pollution Control (Administration) Regulations* (SL No. 65, 1998)**

Notified	13 January 1999
Commenced	13 January 1999

***Amendments of Waste Management and Pollution Control (Administration) Regulations* (SL No. 53, 2001)**

Notified	19 December 2001
Commenced	19 December 2001

***Statute Law Revision Act (No. 2) 2004* (Act No. 54, 2004)**

Notified	15 September 2004
Commenced	27 October 2004 (*Gaz* G43, 27 October 2004, p 3)

***Fees and Charges Amendment Regulations 2009* (SL No. 34, 2009)**

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

***Work Health and Safety (National Uniform Legislation) Implementation Act 2011* (Act No. 38, 2011)**

Assent date	14 December 2011
Commenced	1 January 2012 (*Gaz* S78, 30 December 2011)

***Northern Territory Environment Protection Authority Act 2012* (Act No. 28, 2012)**

Assent date	6 December 2012
Commenced	1 January 2013 (*Gaz* S82, 21 December 2012)

***Statute Law Revision Act 2014* (Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

Statute Law Amendment (Territory Economic Reconstruction) Act 2021 **(Act No. 19, 2021)**

Assent date	31 August 2021
Commenced	pt 6: 2 October 2021; rem: 29 September 2021 (*Gaz* G39, 29 September 2021, p 1)

Environment Legislation Amendment Act 2021 **(Act No. , 2021)**

Assent date	18 November 2021
Commenced	pt 7: 31 March 2022; rem: 1 February 2022 (*Gaz* G51, 22 December 2021, p 1)

Lands, Planning and Environment Legislation Amendment Act 2025 **(Act No. 25, 2025)**

Assent date	12 September 2025
Commenced	pt 6: nc; rem: 13 September 2025 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 7 and sch 1 and 2.

4 LIST OF AMENDMENTS

pt 1 hdg	ins Act No. 25, 2025, s 87
r 2	amd No. 53, 2001, r 2; Act No. 25, 2025, s 88
pt 2 hdg	ins Act No. 25, 2025, s 89
r 2A	ins No. 53, 2001, r 3 sub Act No. 25, 2025, s 89
r 2B	ins No. 53, 2001, r 3 amd No. 34, 2009, r 12; Act No. 28, 2012, s 57
r 2C	ins No. 53, 2001, r 3 amd No. 34, 2009, r 12
r 2D	ins No. 53, 2001, r 3 amd Act No. 28, 2012, s 57
r 2E	ins No. 53, 2001, r 3 amd No. 34, 2009, r 12
r 3A	ins No. 53, 2001, r 4 amd No. 34, 2009, r 12
r 3B	ins No. 53, 2001, r 4 amd No. 34, 2009, r 12; Act No. 28, 2012, s 57
r 3C	ins No. 53, 2001, r 4 amd Act No. 28, 2012, s 57
r 4	amd No. 34, 2009, r 12
r 5	amd Act No. 28, 2012, s 57 sub Act No. 19, 2021, s 109
rr 6 – 9	rep Act No. 25, 2025, s 90
r 10	ins No. 53, 2001, r 5 amd Act No. 28, 2012, s 57
r 11	ins No. 53, 2001, r 5
pt 3 hdg	ins Act No. 25, 2025, s 91
r 12	ins No. 53, 2001, r 5 sub Act No. 25, 2025, s 91
rr 13 – 18	ins Act No. 25, 2025, s 91
sch 1	amd No. 53, 2001, r 6; Act No. 54, 2004, s 8; Act No. 22, 2021, s 37 rep Act No. 25, 2025, s 92

sch 2	ins No. 53, 2001, r 7
(now sch 1)	amd Act No. 38, 2011, s 31; Act No. 38, 2014, s 2; Act No. 25, 2025, s 93
sch 2	ins Act No. 25, 2025, s 94