



(Arthur Mostead)

Northern Territory cattle production and national environment law

What is national environment law?

Australia's main national environment law is the *Environment Protection and Biodiversity Conservation Act 1999* or EPBC Act, which is designed to protect and manage nationally significant parts of the environment, such as threatened species and ecological communities, wetlands and heritage places.

The national environment law is not about stopping cattle production or other agricultural business activities, but in some cases, new activities might need federal approval.

What activities need federal approval?

Only activities that could have a significant impact on parts of the environment that are nationally protected require approval under the national environment law.

What parts of the environment are nationally protected in the NT?

In the Northern Territory, nationally protected matters of most relevance to farmers are:

- nationally threatened species
- nationally threatened ecological communities
- migratory species
- wetlands of international importance
- world and national heritage properties.

How do I know whether there are protected matters on my property?

You can check whether there are likely to be protected matters on or near your property by using the environmental reporting tool at www.environment.gov.au/erin/ert/index.html

The environment reporting tool allows you to select a location, postcode, natural resource management or local government area, and generate a report of the protected matters that may occur there. It is important to note this map and report only provides an indication of what might be present, and does not mean protected matters actually occur on your property.

Once a report is generated it should be checked against local or other data sources to see whether ecological communities, species or habitats actually occur at a particular site. The list of protected matters in the report provides links to the Species Profile and Threats Database, which contains information including biology, reasons for listing, threats, and recovery plans.

If you are unsure whether you have nationally protected matters on your property, it is best to check by calling the Department on **1800 110 395**. You may also need to check whether your property contains matters protected by any Northern Territory or local government laws and regulations. Further information on protected matters is available at www.environment.gov.au/epbc/protect/index.html



What are significant impacts?

An impact is significant if it is important, notable, or of consequence considering the context and sensitivity of the environment. Each activity needs to be looked at on a case-by-case basis, taking into account such things as:

- status of the protected matter—a small impact may be significant for a species that is critically endangered but not for one that is vulnerable
- intensity—digging up or killing plants is more likely to be a significant impact than pruning or slashing where the plants remain alive
- extent—the further the impact extends and the more individuals impacted the more likely it is to be significant
- duration—short-term impacts are less likely to be significant than irreversible, permanent ones.

Significant impact guidelines can be found at www.environment.gov.au/epbc/guidelines-policies.html#guidelines

Are some activities exempt?

Farming activities that began before national environment law came into effect on 16 July 2000 can continue without Australian Government approval. Activities that started after that date, and before a new species or ecological community was protected may need approval if they are likely to have a significant impact on a nationally protected matter.

Intensification in an activity or changes in the nature of the activity may need approval if it is likely to have a significant impact on a nationally protected matter.

More information is available at www.environment.gov.au/epbc/publications/exemptions.html

Approval under the national environment law is only required if an activity could have a significant impact on a matter that is nationally protected. If you are unsure check with the Department.

How do I get Australian Government approval?

The first step in getting an approval under the national environment law is to fill in a referral form that describes what the activity is and where it is to occur.

The referral form is available at www.environment.gov.au/epbc/assessments/referral-form.html, and the environment liaison officer can help you complete it if needed.

Within 20 business days of submitting the referral form, the federal environment Department will determine whether further assessment and approval is required or whether the activity can proceed immediately.

Some examples of activities that may need approval

Grazing activities may only need national approval if they could have a significant impact on a part of the environment that is nationally protected. Following are some (but not all) activities that may need to be considered if they could have significant impacts on a protected matter:

- land clearing
- creating an intensive feed lot
- pasture improvement by, for example, introducing exotic grasses, fertilisers, herbicides, mechanical disturbance or cultivation, addition of irrigation
- maintaining paddocks cleared after 16 July 2000 through the removal of tree seedlings/saplings/suckers/regrowth
- changing weed control herbicides from target specific to universal
- changing method of weed control from selective to broadscale (for example, from hand spray to boom or aerial application) or chemical to physical (for example, herbicide to cultivation)
- changing the application or type of fertiliser (for example, low to high phosphorous, increased solubility/mobility in the environment)
- increasing the amount or frequency of fertiliser application
- changing from one type of animal to another type that feeds differently (for example, sheep graze, goats browse, pigs dig)
- increasing stocking rates.

Why is national law different to Northern Territory law?

National environment law only protects those matters that are of national environmental significance. The responsibility to manage and protect other parts of the environment remains with the Northern Territory Government.

An approval under national environment law is not the same as an approval (or permit) under a state, territory or local government law. You may need approval from all levels of government depending on the activity proposed.

For contact details of your state, territory and local governments see www.nt.gov.au

What is a key threatening process?

Under national environment law, a process that threatens the survival, abundance or evolutionary development of a native species or ecological community can be listed as a key threatening process. Examples include predation by the European red fox, feral rabbits or unmanaged goats. For further information on the full range of key threatening processes see www.environment.gov.au/biodiversity/threatened/ktp.html

One key threatening process relevant to cattle producers in the Northern Territory is the *invasion of northern Australia by gamba grass and other introduced grasses*, including mission grass, para grass and olive hymenachne, all of which are of some importance to graziers. While there are now strict controls on gamba grass in the Northern Territory, including its eradication in some areas (www.nt.gov.au/nreta/natres/weeds/find/gamba/index.html), national environment law does not require graziers with these grasses to remove them nor does it prohibit their use. The legislation does provide for the development of a threat abatement plan that will help manage the risk and damage these grasses cause to some parts of the environment. That national plan is yet to be developed and will include consultation with relevant stakeholders, including graziers. The National Farmers' Federation also has a policy statement on gamba grass at www.nff.org.au/policy/nrm.html

What happens if I break the law?

If you think you may have broken the law, it is best to contact the federal environment Department as soon as possible to explain what has happened. The Department may be able to work cooperatively with you to repair any damage to the environment. For more information, go to: www.environment.gov.au/epbc/breach.html



Is there help to manage nationally protected matters?

There are several programs, including Caring for our Country, to help graziers manage our natural resources and nationally protected matters, such as threatened species and ecological communities. You can contact the Department for more information or go to www.environment.gov.au/land/farmers.html

More information

For more information on how national environment law applies to the agriculture sector including links to grants, funding and other assistance visit go to www.environment.gov.au/farming

Information about national environment law and environment liaison officer can also be found on the National Farmers' Federation website www.nff.org.au/policy/nrm.html

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