



Fact Sheet:

National Farmers'
F E D E R A T I O N

What is the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)?

The EPBC Act applies nationally and is applicable to the agricultural sector. This fact sheet provides information on exemptions to the Act, including prior authorisation and continuing use exemptions.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) came into effect on 16 July 2000 to protect matters of national environmental significance (NES). These include:

- > World Heritage properties,
- > National Heritage places,
- > Wetlands of international importance,
- > Nationally threatened animal and plant species and ecological communities,
- > Internationally protected migratory species,
- > Commonwealth marine areas, and
- > Nuclear actions – including uranium mining.

Under the EPBC Act, it is an offence to undertake any activities that have or are likely to have a significant impact on a matter of NES without prior approval from the Australian Government Minister for Sustainability, Environment, Water, Population and Communities. This legislation relies on self-regulation which means that the decision whether to refer your proposed farming activities is up to you.

However, it is important that you are aware of what you need to do in relation to this legislation before undertaking any new activities on your land as you could be liable for heavy penalties if you decide to go ahead with an action that significantly impacts on a matter of NES without prior approval. Therefore such activities may need to be referred under the EPBC Act before they can proceed. This may include, for example (but is not limited to), clearing land that may impact on the habitat of a listed threatened species or ecological community, discharging pollutants into an areas containing habitat for a listed species or ecological community or intensifying a land use that may change the hydrological regime of an internationally protected wetland.

So how do I know if I need to refer and how do I get an Approval?

Making a referral is free and staff at the Department of Sustainability, Environment, Water, Population and Communities are available to help you understand whether your proposed activities need referral under the EPBC Act or if they are exempt from the Act. They can be contacted through the Department's Community Information Unit on freecall 1800 803 772. Alternatively you can contact Jol Taber, Environment Liaison Officer (see contact details over the page) to discuss your situation.



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If you are unsure whether to pursue an approval you may refer your proposed activities anyway in order to get a legally binding decision on whether the Act applies or not. This will provide you with legal certainty and protection against civil injunctions by third parties. If you decide to go ahead and refer any new activities, the EPBC Act has a streamlined environmental assessment and approvals processes which means that within 20 business days you will know whether your proposed farming activity triggers the EPBC Act or not. If the Minister decides that your proposal is not likely to have a significant impact, you have no further need for approval other than to comply with local and State/Territory legislative requirements.

How can the Environment Liaison Officer help farmers?

Since 2002, the National Farmers' Federation (NFF) has had an Environment Liaison Officer on secondment from the Department of Sustainability, Environment, Water, Population and Communities. The Environment Liaison Officer, Jol Taber, provides information and assistance about the EPBC Act to farmers and rural stakeholders.

The Environment Liaison Officer provides the following services free of charge:

- > clear, free explanations and advice about relevant aspects of the EPBC Act; assistance with referral, assessment and approval processes and other features of the EPBC Act;
- > information products such as guides, fact sheets, and various web sites to make it easier for farmers and rural stakeholders to work with the legislation;
- > information and training about the EPBC Act to NFF and associated organisations and rural stakeholders;
- > assistance with consultative processes, such as comments on nominations for threatened species, ecological communities, key threatening processes and recovery plans under the EPBC Act;
- > provision of feedback to the NFF and the Department of Sustainability, Environment, Water, Population and Communities about the operation of the EPBC Act.



For more information on the Environment Liaison Officer visit www.nff.org.au/policy/nrm. For further information on the EPBC Act, visit www.environment.gov.au/epbc.

Contact the Environment Liaison Officer:

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National Farmers' Federation
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