

Appendix 9 - NRM Legislation

9.1 Legislation

Table 13: Comparison of issues and threat covered by different legislation.

		Fire	Weeds	Feral Animals	Water Extraction	Land Clearing	Fishing	Pollution	Soil Erosion	Grazing	Commercial Development	Mining	Hunting/ Harvesting	Climate Change
NATURAL RESOURCE RELATED LEGISLATION	Environmental Protection and Biodiversity Conservation Act 1999					↙	↙				↙	↙		
	Agricultural and Veterinary Chemicals (Northern Territory) Act 1994							↙						
	Biological Control Act 1986		↙	↙										
	Bushfires Act 1980	↙												
	Environmental Assessment Act 1982										↙	↙		
	Fisheries Act 1988						↙						↙	
	Litter Act 1972							↙						
	Marine Pollution Act 1999							↙						
	Mine Management Act 2001											↙		
	Ozone Protection Act 1990													↙
	Pastoral Land Act 1992		↙	↙		↙			↙	↙				
	Petroleum Act 1984													
	Planning Act 1999					↙								
	Poisons and Dangerous Drugs Act 1983							↙						
	Soil Conservation and Land Use Act 1969					↙			↙	↙				
	Territory Parks and Wildlife Conservation Act 1976		↙	↙									↙	
Waste Management and Pollution Control Act 1998							↙	↙						
Water Act 1992				↙			↙							

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	Fire	Weeds	Feral Animals	Water Extraction	Land Clearing	Fishing	Pollution	Soil Erosion	Grazing	Commercial Development	Mining	Hunting/ Harvesting	Climate Change
Weeds Management Act 2001		✓											

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Table 14. Effectiveness of legislation by threat. The following table identifies the key threats to natural resources in the Northern Territory and gives an overview of relevant legislation and its capacity to address these threats. It should be noted that this is not an exhaustive analysis of the legislation, which is outside the scope of this plan.

Threat	Relevant Acts	How the Legislation Addresses the Threat	Subsidiary Instruments & Policies	Related Legislation	Strengths/ Adequacy	Known Gaps or Conflicts
Fire	NT Bushfires Act 1980	Prevents and controls bushfires through management mechanisms, declaration of fire regimes for different areas, property owner responsibilities and fire-fighting conduct	Volunteer Bushfire Brigade Regulations	Fire and Emergency Act 2004	The Bushfire Act is generally considered effective in relation to managing fire on pastoral and other developed lands. However, effective implementation problematic due to large landscape, high fire risk and sparse population.	Resolve control over high fuel load of fugitive pasture grasses. Relevance of legislative requirements and structures on large areas of indigenous lands Resolve inability of legislation to drive environmentally sound fire management regimes Resolve urban/rural interface issues between Bushfire Council and NT Fire and Rescue Service.
Weeds	Weeds Management Act 2001 Biological Control Act 1986 Territory Parks and Wildlife Conservation Act 1976 Pastoral Land	Eradicate, prevent growing and spreading or introduction of declared weeds through property owner responsibilities (including transport of weeds) and the development and implementation of weed management plans. Manage the control of organisms using other organisms Prohibit, control and manage entrance of prohibited organisms Pastoral Lands Board (PLB) can direct	National Weeds Strategy National Weeds Program Northern Territory Weeds Management Strategy	Commonwealth Quarantine Act 1908 Commonwealth Biological Control Act 1984		Guidelines or protocols for improved pastures may be required. Universal approach to weed control may need to be clarified – ie. Potential for duplication or conflicts between legislation Explicit weed

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Threat	Relevant Acts	How the Legislation Addresses the Threat	Subsidiary Instruments & Policies	Related Legislation	Strengths/ Adequacy	Known Gaps or Conflicts
	Act 1992	remedial action on all pastoral leases				requirements may be required
Feral Animals	Territory Parks and Wildlife Conservation Act 1976 Pastoral Land Act 1992 Biological Control Act 1986 Fisheries Act 1988	Prohibit introduction, control and manage feral animals on all tenures including land owners responsibility (including traditional harvesting) and the authority of specific management plans and cooperative management agreements Pastoral Lands Board can direct feral animal control on pastoral leases Manage the control of organisms using other organisms Prohibit, control and manage introduction of non-indigenous aquatic organisms	10 Year Pest Animal Strategy (under preparation) National Feral Animal Control Program Australian Ballast Water Management Strategy Aquatic Pest Management Program	Commonwealth Quarantine Act 1908 Commonwealth Native Title Act 1993 Commonwealth Biological Control Act 1984	Feral Animal aspects of the TPWC Act currently under revision to include native pest animals and designation of areas from which pest animals must be excluded Under review	Resolve conflict which sometimes arises between the need to remove feral animals for environmental purposes versus the economic benefits associated with the ongoing harvest of the animals Explicit guidelines required and removal of possible duplication with TP&WC Act Consider areas of possible conflict/duplication with other acts including Weed Management Act
Water Extraction	Water Act 1992	Investigate, control, protect and allocate fresh water resources	Water Regulations Beneficial Use Declarations Water Allocation Plans			
Land Clearing	Planning Act 1999	Prohibit, control and manage clearing of native vegetation in a planning zone through relevant district (eg. Litchfield Shire) control plans Prohibit, control and manage clearing on unzoned land through the Clearing of Native Vegetation 2004	Land Clearing Guidelines Various Land Use Plans	Commonwealth Native Title Act 1993 Water Act 1992	Planning Act has an established track record and is known by the public Improved provisions recently included – yet to be tested	Resolve possible duplication of legislation under some tenures

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	<p>Pastoral Land Act 1992</p> <p>Commonw'th Environment Protection and Biodiversity Act 1999</p> <p>Soil Conservation and Land Utilisation Act 1969</p>	<p>development provisions of the Act</p> <p>Prohibit clearing on pastoral leases except and in accordance with the written consent of the Pastoral Land Board or guidelines, if any, published by the Board</p> <p>Prohibit and controls clearing where it impacts on matters of national significance and Commonwealth land</p> <p>Prohibit clearing where there is potential for erosion.</p>	<p>Guidelines for Clearing Pastoral Land</p> <p>Land Clearing Guidelines Technical Report 27/2002</p>	<p>A Bill to replace the Soil Conservation and Land Utilisation Act is currently under way.</p>	<p>Clearing provisions have been introduced whilst environment is still mostly intact.</p>	
Fishing	<p>Fisheries Act 1988</p> <p>Commonw'th</p>	<p>Investigate, prohibit, control and manage the taking and production of fish and aquatic life, including development and implementation of statutory fisheries management plans except for traditional purposes.</p> <p>Prohibit, control and manage fishing activity with regard to matters of</p>	<p>Fishery Management Plans</p> <ul style="list-style-type: none"> • Barramundi • Mud Crab • Spanish Mackerel <p>Pearl Oyster Culture Industry Management Plan</p> <p>Aquatic Life Reserve Management Plan</p> <ul style="list-style-type: none"> • Doctor Gully • East Point <p>Fisheries Regulations</p> <p>Commonwealth Shark Plan</p>	<p>Commonwealth Fisheries Management Act 1991</p> <p>Native Title Act 1993</p>		<p>Resolve possible conflicts with harvesting, and aquatic weed and feral management</p>

Maps and Appendices for the Integrated Natural Resource Management Plan for the Northern Territory

Threat	Relevant Acts	How the Legislation Addresses the Threat	Subsidiary Instruments & Policies	Related Legislation	Strengths/ Adequacy	Known Gaps or Conflicts
	Environment Protection and Biodiversity Conservation Act 1999	national significance.				
Pollution	Waste Management and Pollution Control Act 1998 Water Act 1992 Marine Pollution Act 1999 Litter Act 1972 Agriculture and Veterinary Chemicals (Northern Territory) Act 1994	Prohibit, control and manage pollution and potential sources of pollution through statutory Environmental Protection Objectives in all assets and tenures Prohibits the pollution of water except where a licence has been obtained. Prohibit, control and manage discharge of pollutants from marine vessels. Prohibits littering Prohibit, control and manage the production and use of agricultural and veterinary chemicals	Waste Management and Pollution Control Regulations International Convention on Prevention of Marine Pollution Australian Ballast Water Management Strategy National Plan to Combat Pollution of the Sea by Oil National Threat Abatement of Marine Debris Commonwealth Agricultural and Veterinary Chemicals Code Act	Environment Protection (National Pollutant Inventory) Objective		Resolve duplication of control under Water Act and WMPC Act
Soil Erosion	Soil Conservation and Land Utilisation Act	Prohibit, control and manage soil erosion hazards on all tenures			A Bill to repeal and replace the Act is currently under preparation	The Bill: Addresses land resources (eg. vegetation) instead of just soil

Maps and Appendices for the Integrated Natural Resource Management Plan for the Northern Territory

Threat	Relevant Acts	How the Legislation Addresses the Threat	Subsidiary Instruments & Policies	Related Legislation	Strengths/ Adequacy	Known Gaps or Conflicts
	1969 Pastoral Land Act 1992	Pastoral Land Board can direct remediation of sites suffering erosion on pastoral leases	Pastoral Land Monitoring Program		Act currently under review	Proactive as well as reactive Integrates with other relevant statutes first before action commenced under the new Act.
Over-Grazing	Pastoral Land Act 1992 Soil Conservation and Land Utilisation Act 1969	Control grazing on pastoral leases through Pastoral Lands Board (PLB) Where overgrazing on all lands results in soil erosion (refer to soil erosion)	Pastoral Land Regulations		Act currently under review Act to be replaced by the Land Conservation Resources bill	Consider developing explicit environmental assessment and compliance measures, stocking rates, etc. Resolve the fact there are little or no controls (other than erosion control) on non-pastoral lease land.
Commercial Development	Environmental Assessment Act 1982 Commonw'th Environment Protection Biodiversity and Conservation Act 1999 Planning Act 1999	Examine the physical, biological, economic, cultural and social aspects of significant projects which may cause an environmental impact prior to approval to proceed Examine and prohibit/permit the physical, biological, economic, cultural and social aspects of projects which may cause an environmental impact involving matters of national significance Define, prohibit, control and manage land use in controlled areas and land clearing for all Northern Territory (see land clearing)	Environmental Assessment Administration Procedures Planning Regulations	Commonwealth NT bilateral agreement applies to minimise duplication when both EA Act and EPBC Act are triggered	Functioning effectively Effective in addressing NRM issues in managing land use in zoned areas	Resolve any lack of authority to enforce environmental management programs. Resolve any duplication /conflict with Mine Management Act More clearly define potential NRM issues Resolve any need to address NRM issues or draw together NRM related legislation in developments (other than land clearing) outside zoned areas
Mining	Mining Management	Manage and control impacts on the environment through development and		Environmental Assessment Act		Resolve any conflict/duplication with

Maps and Appendices for the Integrated Natural Resource Management Plan for the Northern Territory

Threat	Relevant Acts	How the Legislation Addresses the Threat	Subsidiary Instruments & Policies	Related Legislation	Strengths/ Adequacy	Known Gaps or Conflicts
	Act 2001	implementation of mine management plans (after Environmental Impact Assessment (see Commercial Development))		1982 Commonwealth Environment Protection Biodiversity and Conservation Act 1999		Waste Management and Pollution Control Act, Water Act, Environmental Assessment Act. EPBC fails to assess cumulative impacts of new mine developments/ exploration in areas with existing mining activity.
Hunting/ Harvesting	Territory Parks and Wildlife Conservation Act 1976 Fisheries Act 1988	Prohibit and control taking of indigenous vertebrate fauna from all lands and all fauna and flora from conservation zones except by traditional hunting/harvesting or permit Prohibit, control and manage the taking and production of fish and aquatic life	Various Management programs and Cooperative Management Agreements Fisheries Management Plans Aquatic Life Reserve Management Plans	Native Title Act 1993	Under review	
Climate Change	Ozone Protection Act 1990 Environmental Assessment Act 1982	Prohibit and control the manufacture, and use of greenhouse gases which are also ozone depleting Require consideration of greenhouse gas emissions as part of environmental impact assessments in commercial developments	Ozone Protection Regulations Environmental Assessment Administration Procedures Northern Territory Strategy for Greenhouse Action (Draft) National Greenhouse Strategy	Ozone Protection and Synthetic Greenhouse Gas Management Act 1989	Adequately controls ozone depleting substances Greenhouse emissions currently only considered informally through EIS process	Fails to control emissions of key greenhouse gases Resolve any need to formally require the community and/or developers to minimise or offset their emissions. Recognition of greenhouse emissions associated with late dry season fires is required.

Note: Unless otherwise stated items identified are Northern Territory documents

9.2 Policy Framework

The following table shows the links between the Territory's INRM Plan to National Policies.

Policy	Related RCTs	Related MATs	Comment
National Strategy for Ecologically Sustainable Development	All	All	The LCNT has developed and agreed to three fundamental principles to guide the Northern Territory's plan, one of which is the principle of ecologically sustainable development, which will be reflected in all activities undertaken.
National Weeds Strategy	RCT 3-4	MATs 3-9, 3-16, 4-6, 4-18, 4-69	The Plan has targets and activities to deliver the goals of the NWS including MATs 4-18 & MA3-16 towards Goal 1 of the NWS 'To prevent the development of new weed problems'; MATs 4-18, 4-69, MA 4-68 contribute to NWS Goal 2 'To reduce the impact of existing weed problems of national significance' and MAT 4- 6 & MA 4-53 towards NWS Goal 3 'To provide the framework and capacity for ongoing management of weed problems of national significance'.
National Framework for the Management and Monitoring of Australia's Native Vegetation	RCTs 3-1, 3-2	MATs 3-6, 3-13, 3-17, 3-14	MAs include activities to protect native vegetation and minimise effects of any clearing.
Threat Abatement Plans <ul style="list-style-type: none"> • Competition and Land Degradation by Feral Goats • Competition and Land Degradation by Feral Rabbits • Predation by Feral Cats • Predation by the European Red Fox • Draft Threat Abatement Plan for Predation, Habitat Degradation, Competition and Disease Transmission by Feral Pigs 	RCT 3-3	MAT 3-11	The Plan provides coordinated actions to contain the spread of feral animals (including goats, rabbits, cats, foxes and pigs) and manage the impact of feral animals on threatened species in MA 3-34 and also in other MAs addressing threatening processes such as weeds and feral animals.

Maps and Appendices for the Integrated Natural Resource Management Plan for the Northern Territory

Policy	Related RCTs	Related MATs	Comment
National Recovery Plans <ul style="list-style-type: none"> • Marine Turtles • Central Rock-rat • The Mala • Carpentarian Rock-rat • Great Desert Skink • Mallee fowl 	RCT 3-3	MAT 3-11	MA 3-33 implements recovery plans developed for threatened species. [Other threatened species recovery plans currently being developed will also be included when completed].
National Biodiversity & Climate Change Action Plan	RCT 6-2	MAT 6-3	Regional activities in the Plan implementing priorities in the Action Plan include MAs 6-17 supports research into climate change, MAs 6-18, MA6-19 establishes a panel to advise on risk management. MA 6-51 will prepare plans for climate change impacts.
COAG Water Reform Framework	RCTs 5-1, 5-2	MATs 5-6, 5-7,	The Plan is consistent with this national policy for the efficient and sustainable reform of Australia's rural and urban water industries. MAs include MA 5-22 planning reforms, MA 5-23 appropriate standards, MA 5-24 encouraging more efficient water use systems and MA 5-25 sustainable allocation of resources.
National Water Initiative	RCT 5-2, 5-3, 5-4	MATs 5-6, 5-7,	The Plan includes actions to improve water management in NT consistent with NWI objectives, MAs 5-22, 5-24, 5-25.
National Framework for Improved Groundwater Management in Australia	RCTs 5-2, 5-3 and 5-4	MATs 5-6, 5-7	The objective of this policy is primarily met through RCT 5-2 that aims for efficient sustainable use of groundwater and allocation and use of aquifers to sustainable levels. MAs under this RCT contribute to sustainable use of groundwater.
National Water Quality Management Strategy	RCT 5-3 and 5-4	MAT 5-5, 5-7, 5-8	The plan includes activities (eg MATS 5-6 & 5-7) to meet the objective of the NWQMS "to achieve sustainable use of the nation's water resources by protecting and enhancing their quality while maintaining economic and social development." MATs 5-8 include activities that include setting local environmental values and water quality objectives for water bodies.
National System for the Prevention and Management of Introduced Marine Pests		MAT6-7	MAs 6-35 and 6-36 have activities to prevent and manage the impacts of introduced marine pest incursions.
Australia's Oceans Policy	RCTs 6-1, 6-2	MAT 6-4, 6-6, 6-9	Coastal and Marine targets and actions provide for the development of marine resources while ensuring the protection of marine biological diversity. Consultations with planners for the North Regional Marine Plan being developed by the National Oceans Office for ongoing

Maps and Appendices for the Integrated Natural Resource Management Plan for the Northern Territory

Policy	Related RCTs	Related MATs	Comment
			revision of the NRM Plan will ensure consistency of the two plans.
National Principles and Guidelines for Rangeland Management	RCTs 4-2, 4-3	MATs 4-5, 4-11, 4-12, 4-14	The Plan, like the Policy document, focuses on sustainable management. The Plan meets goals of the document a number of MAs in the Land Asset chapter for conservation and management of the natural environment together with sustainable economic activity meeting the first two goals of the NRGRM. The overall fundamental principles of the Plan are consistent with the third goal of ‘Recognition and support for social, aesthetic, cultural and heritage values, diversity and development’.
National Strategy for the Conservation of Australia Biological Diversity	RCTs 3-2, 3-3	MATs 3-7, 3-10, 3-11, 3-17	The Plan meets the goals of the strategy through targets and numerous actions such as MAs 3-33, 3-34 to conserve biodiversity in the NT and fill knowledge gaps.
Wetlands Policy of the Commonwealth Government of Australia	RCT 3-3	MATs 3-11, 3-10, 5-11	The Plan includes targets and actions to protect sites of national and international significance, including important wetlands, consistent with the Policy.
Strategic Plan of Action for the National System of Marine Protected Areas	RCT 6-1	MAT 6-6	The Plan supports the formation of Marine Protected Areas through MAs 6-29 and 6-30, consistent with the Strategic plan of Action’s objective ‘to establish and manage a comprehensive, adequate and representative system of marine protected areas’.
National Greenhouse Strategy		MATs 4-8, 4-9, 3-8, 5-3	The Plan includes targets and actions to meet the goals of the NGS including: MAs 3-20, 3-53 and 3-54 that quantify emissions and manage fires to minimise emissions in Arnhem land meeting the first goal of the NWS to ‘limit net greenhouse gas emissions’. MAT 4-8 and 4-9 includes MAs to improve knowledge of greenhouse and climate change impacts and responses to climate change meeting the second and third goals of the NWS.

A number of the management actions in the Plan also contribute toward meeting several of the institutional reforms outlined in Part 6 of the NHT Bilateral Agreement. Where specific institutional reforms have not been reflected in detail in the Plan, these will need to be addressed in later revisions of the Plan.