Legislation & regulation resources

Check environmental laws and regulations

Various laws and regulation will apply to your property. These laws could be local, state or Commonwealth.

As laws and regulations can vary considerably between states and regions, you should contact your State/Local conservation department/council and find out what laws apply to your property.

Refer to the following websites to access electronic copies of the Principal Acts and Statutory Rules in operation and advice on relevant laws.

Australasian Legal Information Institute www.austlii.edu.au

Australian Commonwealth, State, Territory, and Local Government Environmental Information – useful link via Environmental Defenders Office http://www.edo.org.au/links/govlinks.html

ComLaw - has the most complete and up-to-date collection of Commonwealth legislation and includes notices from the Commonwealth Government Notices Gazette from 1 October 2012 www.comlaw.gov.au

Environmental Defenders Office - a network of independent community environmental law centres www.edo.org.au

Environment Protection Authorities

ACT www.environment.act.gov.au
NSW www.environment.nsw.gov.au or www.planning.nsw.gov.au
NT www.ntepa.nt.gov.au
QLD www.nprsr.qld.gov.au
SA www.epa.sa.gov.au
TAS www.epa.tas.gov.au
VIC www.epa.vic.gov.au
WA www.epa.wa.gov.au

National Farmers Federation – NFF has three Liaison Officers on secondment from Australian Government departments to provide services direct to the agriculture sector in the areas of environmental law, biosecurity, and immigration and labour http://www.nff.org.au/policy/liaison-officers.html

National Library of Australia - Australian Law websites
For assistance with international environmental laws visit http://edo.org.au/links/iel.html

For instance, The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government's environmental legislation. It covers environmental assessment and approvals, protects significant biodiversity and integrates the management of important natural and cultural places. The EPBC Act protects matters that are of national environmental significance. Those most relevant to farmers are:

- Nationally threatened and migratory species;
- Nationally threatened ecological communities;
- Wetlands of international importance;
- World and national heritage properties; and
- The Great Barrier Reef.

New farm activities, such as land clearing, may require approval from the Federal Environment Minister under national environment law.

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Relevant national legislation/regulation:

- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/about-epbc
- Hazardous Waste Act 1989 http://www.environment.gov.au/topics/environment-protection/hazardous-waste/about-hazardous-waste-act
- Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 http://www.environment.gov.au/topics/environment-protection/ozone-and-synthetic-greenhouse-gases/legislation
- Water Act 2007 [e.g. Basin Salinity Management Strategy is implemented under Schedule B of the Murray–Darling Basin Agreement (Schedule 1 of the Water Act 2007 Cwlth)]. http://www.environment.gov.au/topics/water/australian-government-water-leadership/water-legislation
- Water Quality - National Water Quality Management Strategy (NWQMS) (2000) Australian and New Zealand guidelines for fresh and marine water quality: Volume 3 - primary industries http://www.environment.gov.au/resource/australian-and-new-zealand-guidelines-fresh-and-marine-water-quality-volume-1-guidelines (note that the guidelines are currently under review and next edition due to be released in June 2014).

Regional/local information

It is difficult to be specific on the local legislative requirements for horticultural enterprises. However, information regarding the local applicability of legislative requirements can often be sourced through the relevant catchment management authority.

To find your relevant catchment management authority visit the national Caring for Our Country website: http://www.nrm.gov.au/about/nrm/regions/index.html

Alternatively, see below for your relevant state:

ACT	http://www.actnrmcouncil.org.au
NSW	http://www.nrm.gov.au/about/nrm/regions/nsw.html
NT	http://www.territorynrm.org.au
QLD	http://www.nrm.gov.au/about/nrm/regions/qld.html
SA	http://www.nrm.gov.au/about/nrm/regions/sa.html
TAS	http://www.nrm.gov.au/about/nrm/regions/tas.html
VIC	http://www.nrm.gov.au/about/nrm/regions/vic.html
WA	http://www.nrm.gov.au/about/nrm/regions/wa.html

By specific chapter/topic

SOIL & GROUNDWATER

EPHC/NEPC Assessment of Site Contamination National Environment Protection Measure – NEPM 2001

National Environment Protection Measures (NEPMs) outline agreed national objectives for protecting or managing particular aspects of the environment. The NEPM for assessment of contaminated sites contains two schedules, Schedule A and Schedule B. Schedule A describes the site assessment process that indicates which general guidelines within the NEPM are applied to each level of site investigation. Schedule B identifies 10 individual guidelines for the assessment of contaminated sites, including soil and groundwater. The objective of the site assessment is to determine whether site contamination poses an actual or potential risk to human health and/or the environment of sufficient magnitude to warrant remediation. An online version of this document can be found at the following address: http://www.scew.gov.au/system/files/resources/93ae0e77-e697-e494-656f-afaaf9fb4277/files/schedule-b1-guideline-investigation-levels-soil-and-groundwater-sep10.pdf

Legislation & regulation resources

WATER (Including Sediment)

Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000
http://www.deh.gov.au/water/quality/nwqms/index.html#quality

These guidelines are designed to help users assess whether the water quality of a water resource is good enough to allow it to be used for humans, food production or aquatic ecosystems (these uses are termed environmental values). If the water quality does not meet the water quality guidelines, the water may not be safe for those environmental values and management action could be triggered to either more accurately determine whether the water is safe for a particular use or, if not, to remedy the problem. These Guidelines include chemicals within sediments, and water considered for primary industry, human health (recreational and aesthetic) and water within aquatic ecosystems. They are not meant to be applied directly to recycled water quality, contaminant levels in discharges from industry, mixing zones, or stormwater quality, unless stormwater systems are regarded as having conservation value. These Guidelines should not be used as mandatory standards.

NHMRC Australian Drinking Water Guidelines 2001
https://www.nhmrc.gov.au/guidelines/publications/eh52

The National Health and Medical Research Council (NHMRC) Australian Drinking Water Guidelines (ADWG) are the primary reference on drinking water quality in Australia and provide necessary guidance for the provision of a safe and high quality drinking water supply that protects public health and meets the needs and expectations of consumers. They are concerned with the safety of water from a health point of view and with its aesthetic quality. The guidelines are applicable to any water intended for drinking (except bottled or packaged water, and ice) irrespective of its source (municipal supplies, rainwater tanks, bores, point-of-use treatment devices etc.) or where it is used (the home, restaurants, camping areas, shops etc.). Exceeding a guideline value should be a signal to investigate the cause and, if appropriate, to take remedial action. If the characteristic is health-related, the relevant health authority should be consulted.

> Note: Other documents exist outlining guidelines and standards for chemicals in the environment, including a wide range of documents produced by international agencies. It is recommended that guidelines presented above should be consulted first when assessing chemical concentrations in the Australian environment.

BIOTA

Australian New Zealand Food Standards Code (ANZFSC)
http://www.comlaw.gov.au/Details/F2013C00651/Download

The Australian New Zealand Food Standards Code (ANZFSC) is a collection of individual food standards, and deals with standards that apply to all foods, standards affecting particular classes of foods and food hygiene issues in Australia. ANZFSC Standards for contaminants and natural toxicants sets out the maximum levels (MLs) of specified metal and non-metal contaminants and natural toxicants in nominated foods. Unless expressly provided elsewhere in the ANZFSC, the provisions of the Code apply to food products sold or prepared for sale in Australia and/or New Zealand, and/or imported into Australia and/or New Zealand.

National Residue Survey
http://www.daff.gov.au/agriculture-food/nrs
http://www.apvma.gov.au

The National Residue Survey (NRS) was established for the purpose of monitoring and reporting the level of contaminants in food, inputs to production and/or the environment. Monitoring for residues, as undertaken by the NRS, helps audit the use of currently registered agricultural and veterinary chemicals in Australia. At present the chemicals that may be detected include: antimicrobial agents (disease control); anthelmintics (parasite control); hormonal growth promotants; fungicides; insecticides and acaricides; fumigants (e.g. grain protectants); and herbicides used to control weeks in crops. The NRS monitors residue levels against maximum residue limits (MRLs) listed in the ANZFSC. However, where the Australian Pesticides & Veterinary Medicines Authority (APVMA) has established an MRL that has not yet been adopted into the ANZFSC, this fact is taken into consideration by the NRS when interpreting the significance of any results that do not have limits expressed by the ANZFSC.

AIR

National Environment Protection Measure (Ambient Air NEPM and Air Toxics NEPM)
http://www.comlaw.gov.au/Details/C2004H03935/Download

National Environment Protection Measures (NEPMs) outline agreed national objectives for protecting or managing particular aspects of the environment. The Ambient Air Quality NEPM sets uniform standards for a set of agreed criteria air pollutants in ambient air (ambient air does not include indoor air) that affect human health. The Air Toxics NEPM establishes a national framework for monitoring and reporting ambient air toxics. The Measure is primarily concerned with the collection of data on ambient levels of formaldehyde, toluene, xylene, benzene and polycyclic aromatic hydrocarbons at locations where elevated levels are expected to occur and there is a likelihood that significant population exposure could occur.

Methods for the sampling and analysis of air pollutants in New South Wales
http://www.epa.nsw.gov.au/air/faqamsampling.htm

This document lists the methods to be used and provides guidance for the modelling and assessment of air pollutants from stationary sources in New South Wales for statutory purposes. The document covers:

- Impact assessment criteria for criteria pollutants, hydrogen fluoride, deposited dust and total suspended particulate (TSP) matter;
- Ground-level concentration (GLC) criteria for individual odorous and toxic air pollutants;
- GLC criteria for hydrogen sulphide;
- Odour performance criteria for complex mixtures of odours;
- Impact assessment methodology based on dispersion modelling;
- The procedure for developing site-specific emission limits.

This document contains guidance for estimating the air quality impacts of a much larger set of potential air pollutants than the Air NEPMs.

Note: This is a State government document and has not been through the national approval process and is not applicable in all jurisdictions.

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