



**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

Mr Stephen Palethorpe  
Secretary  
Senate Standing Committee on Environment and Communications  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Via email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Mr Palethorpe

I refer to the inquiry into the Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021 (the Bill).

To aid in the Committee's consideration of the Bill, enclosed is a copy of the final draft National Environmental Standard for matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The final draft National Environmental Standard for MNES has also been published on the Department of Agriculture, Water and the Environment's website at [www.environment.gov.au/epbc/about/environmental-law-reform](http://www.environment.gov.au/epbc/about/environmental-law-reform).

The final draft National Environmental Standard for MNES has been developed to support progression of single touch agreements with all states and territories. The Standard for MNES reflects the current requirements of the EPBC Act, and clearly outlines the requirements for decision-making, including environmental assessment and approval decisions. This will ensure the same rules apply, regardless of whether an approval decision is made by the Australian Government or a state or territory. This is an important step to progress discussions with states and territories on single touch environmental approval arrangements. The Standard for MNES will be formally made once the Bill has been passed by the Parliament.

Yours sincerely

Declan O'Connor-Cox  
Assistant Secretary  
Environment Protection Reform Branch

30 April 2021

Enc: Final draft National Environmental Standard for MNES



## National Environmental Standard (Matters of National Environmental Significance) 2021

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I, Sussan Ley, Minister for the Environment, make the Instrument as follows:

1. The Instrument is the *National Environmental Standard (Matters of National Environmental Significance) 2021*.
2. The Instrument will commence on the day after the end of the period of 1 month beginning on the day on which the Instrument is made.
3. The Instrument is made under [section 65C] of the Act.
4. Unless otherwise stated, expressions used in the Instrument have the same meaning as in the Act.
5. The National Environmental Standard (Matters of National Environmental Significance), and the outcome that the application of the Standard is to achieve, is set out in the Schedule.
6. For the purposes of the *Acts Interpretation Act 1901*, as a contrary intention available under section 2(2), and for the purposes of section 13(1), the material included under the heading Further information in the Schedule does not form part of the Instrument. This contrary intention is only for the purposes of the material included under the heading Further information.
7. [Section 65G] of the Act requires the Minister to cause reviews to be undertaken of each national environmental standard as follows:
  - (a) the first review must be undertaken within 2 years of the standard commencing; and
  - (b) later reviews must be undertaken at intervals of not more than 5 years.

Dated

Sussan Ley **DRAFT ONLY—NOT FOR SIGNATURE**  
Minister for the Environment

# Schedule—National Environmental Standard (Matters of National Environmental Significance)

## Part 1 – Standard for all matters of national environmental significance

Element	Description
<b>Environmental Outcome</b>	Matters of national environmental significance are protected to support the sustainable, long-term conservation of Australia’s unique biodiversity and heritage and the important social, economic, cultural and environmental benefits it provides.
<b>National Standard</b>	<p>Bilateral agreements relevant to matters of national environmental significance (MNES):</p> <ol style="list-style-type: none"> <li>1) Accord with the <b>objects of the EPBC Act</b>.</li> </ol> <p>Bilateral agreements and <b>arrangements and processes</b>:</p> <ol style="list-style-type: none"> <li>2) <b>Promote</b> management of protected areas in accordance with the management principles adopted under the EPBC Act.</li> </ol> <p>Environmental assessment and approval decisions relevant to MNES:</p> <ol style="list-style-type: none"> <li>3) Take into account the <b>principles of ecologically sustainable development</b> (including the <b>precautionary principle</b>).</li> </ol> <p>Bilateral agreements, <b>arrangements and processes</b>, and environmental assessment and approval decisions relevant to MNES:</p> <ol style="list-style-type: none"> <li>4) Are not inconsistent with relevant international agreements.</li> <li>5) Are not inconsistent with any relevant management plans, threat abatement plans or recovery plans, and have regard to any approved conservation advice where relevant.</li> </ol> <p>Environmental assessment and approval decisions and <b>arrangements and processes</b>:</p> <ol style="list-style-type: none"> <li>6) Provide adequate opportunity for the engagement and input of governments, the community, land-holders and Indigenous Australians, consistent with the EPBC Act.</li> <li>7) Demonstrate compliance with the EPBC Act and EPBC Regulations, or relevant bilaterally accredited management arrangement or authorisation process.</li> <li>8) Are subject to adequate assessment of the <b>impacts</b> that the action or actions have or will have, or are likely to have on matters of national environmental significance, including:             <ol style="list-style-type: none"> <li>a) assessment based on adequate information about relevant impacts of all relevant components of the action on matters of national environmental significance to enable an informed assessment and decision on whether or not to approve the action</li> <li>b) public comment, including provisions for particular needs groups</li> <li>c) transparent and accessible publication of assessment documentation</li> </ol> </li> </ol>

Element	Description
	<p>d) where relevant, advice from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development, and</p> <p>e) conditions of approval where these are necessary or convenient to protect a matter of national environmental significance, or repair or mitigate damage to a matter of national environmental significance for which the approval has effect (whether or not the damage may or will be, or has been, caused by the action).</p> <p>9) Seek to minimise harm to MNES, taking into account all reasonably practicable measures to avoid and then to mitigate <b>significant impacts</b>, and then lastly apply appropriate <b>offsets</b>.</p> <p>10) Consider, in so far as they are not inconsistent with any other requirement of the EPBC Act:</p> <p>a) matters relevant to any MNES to which the assessment and approval relates, and</p> <p>b) economic and social matters.</p> <p><b>Arrangements and processes:</b></p> <p>11) Will not have <b>unacceptable</b> or <b>unsustainable</b> impacts on MNES.</p>
<b>Further information</b>	<p><a href="#">EPBC Act policies and guidelines</a></p> <p><a href="#">Engage Early—Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act</a></p>

This Standard should be applied in conjunction with all other relevant National Environmental Standards.

#### Definitions:

**Arrangements and processes:** means a state or territory management arrangement or authorisation process proposed for accreditation for the purposes of a bilateral agreement.

**Impacts:** defined at section 527E of the EPBC Act.

**Objects of the EPBC Act:** defined at section 3 of the EPBC Act.

**Offset:** The use of environmental offsets is consistent with section 134(3) of the EPBC Act and Schedule 2(6) of the EPBC Regulations, and reflects Australia's international commitments under Section 1(a) of Article 14 (Impact Assessment and Minimizing Adverse Impacts) of the Convention on Biological Diversity. Further information is provided in the *EPBC Act Environmental Offsets Policy* (2012, as updated from time to time).

**Principles of ecologically sustainable development (including the precautionary principle):** defined at section 3A of the EPBC Act.

**Promote:** has the same meaning as in the EPBC Act, where the term is given its ordinary meaning, including but not limited to it having an identifiable positive outcome on the matter to be promoted. Whether or not something is promoted will be determined with reference to the relevant sections of the Act, for example the management of a property in accordance with the Australian World Heritage

Management Principles (section 34B) or the conservation status of a threatened species or ecological community (section 53).

**Significant impact:** Sections 12-24E of the EPBC Act prohibit a person from taking an action that has, will have or is likely to have a significant impact on a matter of national environmental significance, unless the action is approved or otherwise exempt from the need for approval. See the *Significant Impact Guidelines 1.1: Matters of National Environmental Significance* (2013, as updated from time to time) for more information about assessing the significance of impacts on matters of national environmental significance. Note also that 'Impact' is defined at section 527E of the EPBC Act.

**Unacceptable or unsustainable impacts:** Section 46(3)(c) of the EPBC Act requires that actions approved under a bilateral agreement not have unacceptable or unsustainable impacts on relevant MNES. Examples of what may constitute an unacceptable or unsustainable impact are set out in section 59 of the EPBC Act and include:

- (a) The approval of an action that is not consistent with the protection, conservation and presentation of the world heritage values of a declared world heritage property;
- (b) The approval of an action that has a significant adverse impact on the ecological character of a declared Ramsar wetland;
- (c) The approval of an action that would cause a listed threatened species to become more threatened.

## Part 2 – World Heritage

World Heritage properties are cultural and/or natural heritage places considered to have Outstanding Universal Value by the international community. They are properties inscribed on the UNESCO World Heritage List that Australia has committed to protect under the World Heritage Convention for present and future generations.

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on the World Heritage values of a declared World Heritage property, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	The <b>Outstanding Universal Value</b> of <b>World Heritage properties</b> are identified, protected, conserved, presented and transmitted to future generations.
<b>National Standard</b>	<p>Environment assessment and approval decisions, bilateral agreements and <b>arrangements and processes</b> that relate to <b>World Heritage properties</b>:</p> <p>1) Are not inconsistent with Australia’s obligations under the <b>World Heritage Convention</b>.</p> <p>Bilateral agreements and <b>arrangements and processes</b> that relate to <b>World Heritage Properties</b>:</p> <p>2) <b>Promote</b> the management of <b>World Heritage Properties</b> in accordance with the <b>Australian World Heritage Management Principles</b>, including:</p> <ul style="list-style-type: none"> <li>a) management planning for each <b>World Heritage property</b></li> <li>b) monitor and report on the state of the <b>World Heritage values</b> of each <b>World Heritage property</b></li> <li>c) provide for public consultation, including with people or groups having a special interest in the property or place, or likely to be especially affected by a decision relating to the <b>World Heritage property</b></li> <li>d) in undertaking an assessment of actions that are likely to have a significant impact on the <b>World Heritage values</b> of a <b>World Heritage property</b> (whether the action is to occur inside the property or not): <ul style="list-style-type: none"> <li>i) the assessment process should identify and examine how the <b>World Heritage values</b> of the property are likely to be affected by the action</li> <li>ii) an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the <b>World Heritage values</b> of a <b>World Heritage property</b></li> <li>iii) approval of an action should be subject to conditions that are necessary to ensure protection, conservation, presentation or transmission to future generations of the <b>World Heritage values</b> of a <b>World Heritage property</b>, and</li> <li>iv) the action should be monitored by the authority responsible for giving the approval (or another appropriate authority) and, if necessary, enforcement action should be taken to ensure compliance with the conditions of the approval.</li> </ul> </li> </ul>

Element	Description
	<p>Environment assessment and approval decisions that relate to <b>World Heritage properties</b>:</p> <p>3) Are not inconsistent with:</p> <ul style="list-style-type: none"> <li>a) the Australian <b>World Heritage Management Principles</b>, including the matters specified in paragraphs (2)(a) – (d), or</li> <li>b) a management plan for the <b>World Heritage property</b> made in accordance with the EPBC Act.</li> </ul> <p>Requirements of the Commonwealth or a Commonwealth agency:</p> <p>4) The Commonwealth or a Commonwealth agency must not:</p> <ul style="list-style-type: none"> <li>a) contravene a plan made for a <b>World Heritage property</b> that is entirely within one or more Commonwealth areas, or</li> <li>b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene a plan made for a <b>World Heritage property</b> that is entirely within one or more Commonwealth areas.</li> </ul>
<b>Further Information</b>	<p><a href="#">General information about Australia's listed heritage places</a>  <a href="#">Australian Heritage Database</a>  <a href="#">UNESCO World Heritage List – Australian properties</a></p>

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

**Definitions:**

**Arrangements and processes:** means a state or territory management arrangement or authorisation process proposed for accreditation for the purposes of a bilateral agreement.

**Outstanding Universal Value:** Outstanding Universal Value should be understood in accordance with paragraphs 49-53 and 77-78 of the UNESCO *World Heritage Operational Guidelines* (2019, as updated from time to time), and includes the criteria under which the property is inscribed on the World Heritage List, the statements of authenticity and/or integrity, and the statement of protection and management. These may include natural, human or cultural values related to listed property.

**Promote:** has the same meaning as in the EPBC Act, where the term is given its ordinary meaning, including but not limited to it having an identifiable positive outcome on the matter to be promoted. Whether or not something is promoted will be determined with reference to the relevant sections of the Act, for example the management of a property in accordance with the Australian World Heritage Management Principles (section 34B) or the conservation status of a threatened species or ecological community (section 53).

**World Heritage Convention:** means the Convention for the Protection of the World Cultural and Natural Heritage. Australia ratified the World Heritage Convention in August 1974. Signatories to the convention agreed to take effective and active measures for the protection, conservation and presentation of the cultural and natural heritage.

**World Heritage Management Principles:** defined in regulation 10.01 of the EPBC Regulations.

**World Heritage property:** defined at section 13 of the EPBC Act. Includes the areas within the boundary of the listed property. Where properties have a buffer zone these zones should be taken into account.

**World Heritage Values:** defined at section 12(3) of the EPBC Act.

## Part 3 – National Heritage

National Heritage places comprise natural, historic and Indigenous places of outstanding heritage significance to Australia. National Heritage places support Australia's commitments under international conventions.

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on the National Heritage values of a National Heritage place, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	The <b>National Heritage values</b> of Australia's <b>National Heritage places</b> are identified, protected, conserved, presented and transmitted to future generations.
<b>National Standard</b>	<p>Bilateral agreements and <b>arrangements and processes</b> that relate to <b>National Heritage places</b>:</p> <ol style="list-style-type: none"> <li>1) Promote the management of <b>National Heritage places</b> in accordance with the <b>National Heritage Management Principles</b>, including:               <ol style="list-style-type: none"> <li>a) management planning for <b>National Heritage places</b></li> <li>b) monitor and report on the state of the <b>National Heritage values</b> of each <b>National Heritage place</b></li> <li>c) provide for public consultation, including with people or groups having a special interest in the property or place, or likely to be especially affected by a decision relating to the <b>National Heritage place</b>, and</li> <li>d) support the active participation of indigenous people in identification, assessment and management and effective protection of indigenous heritage values associated with <b>National Heritage places</b>.</li> </ol> </li> </ol> <p>Environmental assessment and approval decisions that relate to <b>National Heritage places</b>:</p> <ol style="list-style-type: none"> <li>2) Are not inconsistent with:               <ol style="list-style-type: none"> <li>a) the <b>National Heritage Management Principles</b>, including the matters specified in paragraphs (1)(a) – (d)</li> <li>b) a management plan for the <b>National Heritage place</b> made in accordance with the EPBC Act, or</li> <li>c) an agreement to which the Commonwealth is a party to in relation to a <b>National Heritage place</b>.</li> </ol> </li> </ol> <p>Requirements for the Commonwealth or a Commonwealth agency:</p> <ol style="list-style-type: none"> <li>3) The Commonwealth or a Commonwealth agency must not:               <ol style="list-style-type: none"> <li>a) contravene a plan made for a <b>National Heritage place</b> that is entirely within one or more Commonwealth areas, or</li> <li>b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene a plan made for a <b>National Heritage place</b> that is entirely within one or more Commonwealth areas.</li> </ol> </li> </ol>

Element	Description
<b>Further Information</b>	<a href="#">Australian Heritage Database</a> <a href="#">General information about Australia's listed heritage places</a>

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

**Definitions:**

**Arrangements and processes:** means a state or territory management arrangement or authorisation process proposed for accreditation for the purposes of a bilateral agreement.

**National Heritage place:** defined at section 324C(3) of the EPBC Act. Includes the areas within the boundary of the listed place.

**National Heritage Management Principles:** defined in regulation 10.01E of the EPBC Regulations.

**National Heritage values:** defined at section 324D of the EPBC Act. Identified in the gazetted National Heritage listing instrument and are published on the Australian Heritage Database. These may include natural, human or cultural values related to listed place.

**Promote:** has the same meaning as in the EPBC Act, where the term is given its ordinary meaning, including but not limited to it having an identifiable positive outcome on the matter to be promoted. Whether or not something is promoted will be determined with reference to the relevant sections of the Act, for example the management of a property in accordance with the Australian World Heritage Management Principles (section 34B) or the conservation status of a threatened species or ecological community (section 53).

## Part 4 – Wetlands of International Importance (Ramsar wetlands)

Wetlands of international importance are globally recognised important wetlands and listed under the Convention on Wetlands of International Importance (Ramsar Convention) or declared by the Minister to be a declared Ramsar wetland under section 16 of the EPBC Act.

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on the ecological character of a declared Ramsar wetland, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	The <b>ecological character</b> of each <b>Ramsar wetland</b> of international importance is maintained through the conservation, management and wise use of the wetland, having regard to ecologically sustainable development.
<b>National Standard</b>	<p>Environmental assessment and approval decisions, bilateral agreements and <b>arrangements and processes</b> that relate to <b>Ramsar wetlands</b>:</p> <p>1) Are not inconsistent with Australia's obligations under the <b>Ramsar Convention</b>.</p> <p>Bilateral agreements and <b>arrangements and processes</b> that relate to <b>Ramsar wetlands</b>:</p> <p>2) <b>Promote</b> the management of the <b>Ramsar wetland</b> in accordance with the <b>Australian Ramsar Management Principles</b>, including:</p> <ul style="list-style-type: none"> <li>a) management planning for each <b>Ramsar wetland</b></li> <li>b) monitor and report on the state of the <b>ecological character</b> of each <b>Ramsar wetland</b></li> <li>c) provide for public consultation, including with people or groups having a special interest in the property or place, or likely to be especially affected by a decision relating to the <b>Ramsar wetland</b></li> <li>d) in undertaking an assessment of actions that are likely to have a significant impact on the <b>ecological character</b> of each <b>Ramsar wetland</b> (whether the action is to occur inside the wetland or not): <ul style="list-style-type: none"> <li>i) the assessment process should identify and examine how the <b>ecological character</b> of the <b>Ramsar wetland</b> is likely to be affected by the action</li> <li>ii) an action should not be approved if it would be inconsistent with maintaining the <b>ecological character</b> of the <b>Ramsar wetland</b> or providing for the conservation and sustainable use of the wetland</li> <li>iii) approval of the action should be subject to conditions, if necessary, to ensure that the <b>ecological character</b> of the <b>Ramsar wetland</b> is maintained, and</li> <li>iv) the action should be monitored by the authority responsible for giving the approval (or another appropriate authority) and, if necessary, enforcement action should be taken to ensure compliance with the conditions of the approval.</li> </ul> </li> </ul> <p>Environmental assessment and approval decisions that relate to <b>Ramsar wetlands</b>:</p> <p>3) Are not inconsistent with the <b>Australian Ramsar Management Principles</b>, including the matters specified in paragraphs 2(a) – (d).</p>

Element	Description
	Requirements for the Commonwealth or a Commonwealth agency:  4) The Commonwealth or a Commonwealth agency must not: <ul style="list-style-type: none"> <li>a) contravene a plan made for a <b>Ramsar wetland</b> that is entirely within one or more Commonwealth areas,</li> <li>b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene a plan made for a <b>Ramsar wetland</b> that is entirely within one or more Commonwealth areas.</li> </ul>
<b>Further Information</b>	<a href="#">General wetlands information</a> <a href="#">Australian wetlands database</a> - information about Australia's Ramsar wetlands, including location and boundary maps, Ramsar Information Sheets and Ecological Character Descriptions. <a href="#">Australian National Guidelines for Ramsar Wetlands</a>

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

**Definitions:**

**Arrangements and processes:** means a state or territory management arrangement or authorisation process proposed for accreditation for the purposes of a bilateral agreement.

**Australian Ramsar Management Principles:** defined in regulation 10.02 of the EPBC Regulations.

**Ecological character:** the combination of the ecosystem components, processes and benefits/services that characterise a wetland at a given point in time (as per Ramsar Resolution IX.1 Annex A para 15). The ecological character of each Australian Ramsar wetland is as described in its Ramsar Information Sheet and Ecological Character Description.

**Promote:** has the same meaning as in the EPBC Act, where the term is given its ordinary meaning, including but not limited to it having an identifiable positive outcome on the matter to be promoted. Whether or not something is promoted will be determined with reference to the relevant sections of the Act, for example the management of a property in accordance with the Australian World Heritage Management Principles (section 34B) or the conservation status of a threatened species or ecological community (section 53).

**Ramsar Convention:** means the Convention on Wetlands of International Importance especially as Waterfowl Habitat, as entered into force in Australia on 21 December 1975. Signatories to the convention agreed to halt and, where possible, reverse, the worldwide loss of wetlands and to conserve those that remain through wise use and management.

**Ramsar wetland(s):** defined at section 17 of the EPBC Act. Includes the areas within the boundary of the listed wetland, and its buffer zone (as relevant). The Australian wetlands database provides information about location and boundaries of Australia's Ramsar wetlands. Some Ramsar wetlands have catchments that cross state or territory borders. Catchment mapping is available.

## Part 5 – Threatened Species and Ecological Communities

Threatened species and ecological communities are listed under section 178 of the EPBC Act, following a scientific assessment of their threat status against a set of criteria in the EPBC Act. The Australian Government and all states and territories are cooperating to implement a common assessment method for the assessment and listing of threatened species.

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on a listed threatened species or listed threatened ecological community, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	<b>Threatened species and ecological communities</b> are protected, conserved, managed and recovered over time.
<b>National Standard</b>	<p>Environmental assessment and approval decisions, bilateral agreements and <b>arrangements and processes</b> that relate to <b>threatened species and ecological communities</b>:</p> <ol style="list-style-type: none"> <li>1) Are not inconsistent with Australia’s obligations under:               <ol style="list-style-type: none"> <li>a) the Convention on Biological Diversity</li> <li>b) the Apia Convention, or</li> <li>c) Convention on International Trade in Endangered Species of Wild Fauna and Flora.</li> </ol> </li> <li>2) Are not inconsistent with any <b>recovery plan</b> for the <b>threatened species or community</b> or a <b>threat abatement plan</b>.</li> </ol> <p>Bilateral agreements and <b>arrangements and processes</b> that relate to <b>threatened species and ecological communities</b> must:</p> <ol style="list-style-type: none"> <li>3) <b>Promote</b> the survival and/or enhance the conservation status of <b>threatened species and ecological communities</b>.</li> </ol> <p>Environmental assessment and approval decisions, and decisions to enter a bilateral agreement or accredit an <b>arrangement or process</b> that relate to <b>threatened species and ecological communities</b> must:</p> <ol style="list-style-type: none"> <li>4) Have regard to relevant <b>conservation advices</b>.</li> </ol> <p>Requirements for Commonwealth agencies:</p> <ol style="list-style-type: none"> <li>5) A Commonwealth agency must not take any action that contravenes a <b>recovery plan</b> or a <b>threat abatement plan</b>.</li> </ol> <p>Permit requirements in Commonwealth areas:</p> <ol style="list-style-type: none"> <li>6) Do not kill, injure, take, trade, keep or move a listed <b>threatened species or ecological community</b>, or knowingly damage <b>critical habitat</b>, except where a <b>permit</b> is issued or exemption applies.</li> </ol>
<b>Further Information</b>	<p>The <a href="#">Species Profiles and Threats (SPRAT)</a> database contains links to recovery plans and conservation advices as well as an interactive map showing the species modelled habitat and other important information sources like listing advices and threat abatement plans.</p> <p><a href="#">EPBC Act policies and guidelines</a> relating to threatened species and ecological communities.</p>

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

**Definitions:**

**Arrangements and processes:** means a state or territory management arrangement or authorisation process proposed for accreditation for the purposes of a bilateral agreement.

**Critical habitat:** defined at section 207A of the EPBC Act.

**Conservation advice:** an approved conservation advice is a document prepared in accordance with section 266B(2) of the EPBC Act.

**Permit:** a permit required under Part 13 of the EPBC Act. Exemptions are provided under section 197 of the EPBC Act.

**Promote:** has the same meaning as in the EPBC Act, where the term is given its ordinary meaning, including but not limited to it having an identifiable positive outcome on the matter to be promoted. Whether or not something is promoted will be determined with reference to the relevant sections of the Act, for example the management of a property in accordance with the Australian World Heritage Management Principles (section 34B) or the conservation status of a threatened species or ecological community (section 53).

**Recovery plan:** a plan made or adopted under section 269A of the EPBC Act.

**Threat Abatement Plan:** a plan made or adopted under section 270B of the EPBC Act.

**Threatened species and ecological community:** a species or community included in the list referred to at section 178 or 181 and subject to sections 18 or 18A of the EPBC Act.

## Part 6 – Migratory Species

Migratory species are listed under section 209 of the EPBC Act and reflect those listed on international agreements to which Australia is a party. Examples of migratory species are species of birds (e.g. albatrosses and petrels), mammals (e.g. whales) or reptiles (e.g. marine turtles).

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on a listed migratory species, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	<b>Migratory species</b> are protected, conserved and managed within Australia.
<b>National Standard</b>	<p>Environmental assessment and approval decisions, bilateral agreements, and <b>arrangements and processes</b> that relate to <b>migratory species</b>:</p> <ol style="list-style-type: none"> <li>1) Are not inconsistent with Australia’s obligations under whichever of the following conventions or agreements the <b>migratory species</b> is listed:               <ol style="list-style-type: none"> <li>a) the Bonn Convention</li> <li>b) CAMBA</li> <li>c) JAMBA, or</li> <li>d) an <b>international agreement</b> approved under the EPBC Act.</li> </ol> </li> </ol> <p>Bilateral agreements and <b>arrangements and processes</b> that relate to <b>migratory species</b> must:</p> <ol style="list-style-type: none"> <li>2) <b>Promote</b> the survival and/or enhance the conservation status of each <b>migratory species</b>.</li> </ol> <p>Requirements for Commonwealth agencies:</p> <ol style="list-style-type: none"> <li>3) A Commonwealth agency must:               <ol style="list-style-type: none"> <li>a) not take any action that contravenes a <b>threat abatement plan</b>, and</li> <li>b) take all reasonable steps to act in accordance with a <b>wildlife conservation plan</b>.</li> </ol> </li> </ol> <p>Permit requirements in Commonwealth areas:</p> <ol style="list-style-type: none"> <li>4) Do not kill, injure, take, trade, keep or move a listed <b>migratory species</b> in a Commonwealth Area, except where a <b>permit</b> is issued or exemption applies.</li> </ol>
<b>Further Information</b>	<p>See also:            The <a href="#">Species Profiles and Threats (SPRAT)</a> database contains links to wildlife conservation plans and as well as an interactive map showing the species modelled habitat and other important information sources like listing advices, threat abatement plans  <a href="#">EPBC Act policies and guidelines</a> relating to migratory species.</p>

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

**Definitions:**

**Arrangements and processes:** means a state or territory management arrangement or authorisation process proposed for accreditation for the purposes of a bilateral agreement.

**International agreement:** an international agreement entered into by the Government of Australia relating to migratory birds, and made under the EPBC Act. Australia has entered into such agreements with the China (CAMBA), Japan (JAMBA) and the Republic of Korea (ROKAMBA). Further information is available at: [www.environment.gov.au](http://www.environment.gov.au).

**Migratory species:** a species included in the list referred to at section 209 of the EPBC Act.

**Permit:** a permit required under Part 13 of the EPBC Act. Exemptions are provided under section 212 and 231 of the EPBC Act.

**Promote:** has the same meaning as in the EPBC Act, where the term is given its ordinary meaning, including but not limited to it having an identifiable positive outcome on the matter to be promoted. Whether or not something is promoted will be determined with reference to the relevant sections of the Act, for example the management of a property in accordance with the Australian World Heritage Management Principles (section 34B) or the conservation status of a threatened species or ecological community (section 53).

**Threat abatement plan:** a plan made or adopted under section 270B of the EPBC Act.

**Wildlife conservation plan:** a plan made or adopted under section 285 of the EPBC Act.

## Part 7 – Commonwealth Marine Environment

The Commonwealth marine area is any part of the sea, including the waters, seabed, and airspace, within Australia's exclusive economic zone and/or over the continental shelf of Australia, that is not state or Northern Territory waters. The Commonwealth marine area stretches from 3 up to 200 nautical miles from the coast. The Commonwealth marine area includes most of Australia's oceans. The EPBC Act protects 'the environment' of the Commonwealth marine area.

Australia has declared a number of Commonwealth reserves in the Commonwealth marine area. These are commonly known as Australian Marine Parks.

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on the environment of the Commonwealth marine area, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	The environment of <b>Commonwealth marine areas</b> is protected and sustainably managed.
<b>National Standard</b>	<p>Environmental assessment and approval decisions that relate to the <b>Commonwealth marine area</b>:</p> <ol style="list-style-type: none"> <li>1) Have regard to relevant <b>marine bioregional plans</b>.</li> </ol> <p>Requirements in declared <b>Commonwealth marine reserves</b>:</p> <ol style="list-style-type: none"> <li>2) Manage <b>Commonwealth marine reserves</b> in accordance with the Australian IUCN Reserve Management Principles relevant to each reserve or zone, including:               <ol style="list-style-type: none"> <li>a) transparent, effective and adaptive management planning for <b>Commonwealth marine reserves</b></li> <li>b) broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of the reserve or zone</li> <li>c) if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principles of ecologically sustainable use, and</li> <li>d) joint management, where the reserve is wholly or partly owned with Indigenous Australians.</li> </ol> </li> </ol> <p>Requirements for the Commonwealth or a Commonwealth agency:</p> <ol style="list-style-type: none"> <li>3) The Commonwealth or a Commonwealth agency must:               <ol style="list-style-type: none"> <li>a) where the agency is the Director of National Parks - manage a <b>Commonwealth marine reserve</b> to give effect to a <b>marine park management plan</b> for the reserve, and</li> <li>b) not perform its functions or exercise its powers in relation to a <b>Commonwealth marine reserve</b> inconsistently with a <b>marine park management plan</b> that is in operation for the reserve.</li> </ol> </li> </ol> <p>Permit requirements in Commonwealth areas:</p> <ol style="list-style-type: none"> <li>4) Do not kill, injure, take, trade, keep or move a <b>marine species</b>, except where a <b>permit</b> is issued or exemption applies.</li> </ol>

Element	Description
	Permit requirements for cetaceans in the <b>Australian Whale Sanctuary</b> or prescribed waters:  5) Do not kill, injure, take, trade (acquire or dispose of through sale, agreement or barter etc), keep, move, interfere with (harass, chase, herd, tag, mark or brand), treat (divide or cut up, or extract any product from the cetacean) or possess a cetacean, except where a <b>permit</b> is issued or exemption applies.
<b>Further Information</b>	<a href="#">Australian Marine Parks</a> <a href="#">Marine park management plans</a> <a href="#">Marine Bioregional Plans</a> <a href="#">Commonwealth fisheries harvest strategy policy and guidelines</a> <a href="#">Commonwealth Bycatch strategy</a> <a href="#">Guidelines for the Ecologically Sustainable Management of Fisheries</a> (2007, as updated from time to time) <a href="#">EPBC Act Policy Statement 2.1 - Interaction between offshore seismic exploration and whales: Industry guidelines</a>

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

**Definitions:**

**Australian Whale Sanctuary:** defined at section 225 of the EPBC Act.

**Commonwealth marine area:** defined at section 24 of the EPBC Act.

**Commonwealth marine reserve:** an area of sea in the Commonwealth marine area declared under section 344 of the EPBC Act to be a Commonwealth reserve, commonly known as Australian Marine Parks.

**Marine bioregional plans:** section 176 of the EPBC Act provides for the making of bioregional plans. The Minister must have regard to bioregional plans in making any decision under the EPBC Act to which the plans are relevant. Marine bioregional plans have been developed for four of Australia's marine regions.

**Marine park management plans:** section 366 of the EPBC Act requires that Commonwealth reserves must have management plans in place as soon as practicable after being proclaimed. Section 367 requires that management plans must provide for the protection and conservation of the reserves.

**Marine species:** a species included in the list referred to at section 248 of the EPBC Act.

**Permit:** a permit required under Part 13 of the EPBC Act. Exemptions are provided under section 255 (for marine species) and section 231 (for cetaceans) of the EPBC Act.

## Part 8 – Great Barrier Reef Marine Park

The Great Barrier Reef Marine Park is both a substantial part of a World Heritage area and a separate matter of national environmental significance. The Great Barrier Reef Marine Park Authority manages the Great Barrier Reef Marine Park in accordance with *Great Barrier Reef Marine Park Act 1975*.

The EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on the environment of the Great Barrier Reef Marine Park, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	The environment, biodiversity and heritage values of the <b>Great Barrier Reef Marine Park</b> are protected and conserved for current and future generations.
<b>National Standard</b>	Environmental assessment and approval decisions that relate to the <b>Great Barrier Reef Marine Park</b> : 1) Actions do not require approval if the action is taken in accordance with the <b>zoning plan</b> for the relevant zone made under the <i>Great Barrier Reef Marine Park Act 1975</i> . 2) Should promote an efficient and cooperative approach to decision-making with the <b>Great Barrier Reef Marine Park Authority</b> .
<b>Further Information</b>	World Heritage values of the Great Barrier Reef <a href="#">Australian Heritage Database</a> <a href="#">EPBC Act Referral Guidelines for the Outstanding Universal Value of the Great Barrier Reef World Heritage Area</a> <a href="#">The Retrospective Statement of Outstanding Universal Value for the Great Barrier Reef</a> Fisheries <a href="#">Guidelines for the Ecologically Sustainable Management of Fisheries</a> <a href="#">Commonwealth fisheries harvest strategy policy and guidelines</a> <a href="#">Commonwealth Bycatch strategy</a> Reef Management <a href="#">Great Barrier Reef Marine Park Zoning Plan 2003</a> <a href="#">Great Barrier Reef Intergovernmental Agreement 2015</a> <a href="#">Reef 2050 Long-Term Sustainability Plan (2018, as updated from time to time)</a> <a href="#">Strategic Assessment for the Great Barrier Reef 2014</a> Additional policies, plans and position statements are available at: <a href="http://www.environment.gov.au">www.environment.gov.au</a> and <a href="http://www.gbrmpa.gov.au">www.gbrmpa.gov.au</a> .

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

### Definitions:

**Great Barrier Reef Marine Park:** means the Great Barrier Reef Marine Park established under the *Great Barrier Reef Marine Park Act 1975*.

**Great Barrier Reef Marine Park Authority:** means the Great Barrier Reef Marine Park Authority established by the *Great Barrier Reef Marine Park Act 1975*.

**Zoning plan:** a plan prepared under Division 2 of the *Great Barrier Reef Marine Park Act 1975*, and referred to under section 43 of the EPBC Act.

## Part 9 – Protection of the Environment from Nuclear Actions

The EPBC Act protects the whole of the environment from impacts of nuclear actions.

The EPBC Act prohibits a person from taking a nuclear action that has, will have or is likely to have a significant impact on the environment, unless the action is approved or otherwise exempt from the need for approval.

Element	Description
<b>Environmental Outcome</b>	The community and the environment are protected from the harmful effects of radiation and radioactive material that may result from <b>nuclear actions</b> .
<b>National Standard</b>	<p>Environmental assessment and approval decisions that relate to <b>nuclear actions</b>:</p> <ol style="list-style-type: none"> <li>1) Must not approve or enable the taking of an action (or a class of actions) that involves the construction or operation of, any of the following <b>nuclear installations</b>:               <ol style="list-style-type: none"> <li>a) a nuclear fuel fabrication plant</li> <li>b) a nuclear power plant</li> <li>c) an enrichment plant, or</li> <li>d) a reprocessing facility.</li> </ol> </li> </ol> <p>Decisions relating to the entry into bilateral agreements containing a provision relating to <b>nuclear actions</b>:</p> <ol style="list-style-type: none"> <li>2) Must not have the effect of giving preference (within the meaning of section 99 of the Constitution) to one State or part of a State over another State or part of a State, in relation to the taking of a <b>nuclear action</b>:               <ol style="list-style-type: none"> <li>a) by a person for the purposes of trade or commerce between Australia and another country or between 2 States, or</li> <li>b) by a constitutional corporation.</li> </ol> </li> </ol>
<b>Further Information</b>	The Australian Radiation Protection and Nuclear Safety Agency ( <u>ARPANSA</u> ) also regulates radiation and nuclear activities.

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

### Definitions:

**Nuclear actions:** defined at section 22 of the EPBC Act.

**Nuclear installations:** defined at section 22 of the EPBC Act.

## Part 10 – Protection of Water Resources from Coal Seam Gas Development and Large Coal Mining Development

The EPBC Act prohibits a person from taking an action that involves coal seam gas development or large coal mining development and has, will have or is likely to have a significant impact on a water resource, unless the action is approved or otherwise exempt from the need for approval.

The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) is established under section 505C of the EPBC Act to provide independent scientific advice to the Australian Government Environment Minister and relevant state ministers on the potential water-related impacts of proposed coal seam gas or large coal mining developments.

Element	Description
<b>Environmental Outcome</b>	Protection of a <b>water resource</b> , which is or is likely to be significantly impacted by <b>coal seam gas or large coal mining developments</b> , including any impacts of associated salt production and/or salinity.
<b>National Standard</b>	Environmental assessment and approval decisions that relate to <b>coal seam gas and large coal mining developments</b> that impact on <b>water resources</b> : 1) Obtain and take into account the independent expert scientific advice of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.
<b>Further Information</b>	IESC Information Guidelines, Explanatory Notes and Fact Sheets, available at: <a href="http://www.iesc.environment.gov.au">www.iesc.environment.gov.au</a> .

This Standard should be applied in conjunction with the Standard for all MNES and other relevant matter-specific Standards.

### Definitions:

**Coal seam gas or large coal mining developments:** defined at section 528 of the EPBC Act.

**Water resource(s):** has the same meaning as in the *Water Act 2007*:

- a) surface water or ground water; or
- b) a watercourse, lake, wetland or aquifer (whether or not it currently has water in it); and includes all aspects of the water resource (including water, organisms and other components and ecosystems that contribute to the physical state and environmental value of the water resource).