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| Fact sheet 15: Protected environmental areas and prohibited actions |

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Declarations available under the Environment Protection Bill 2019

# Introduction

In recognition of the need to reform and modernise the Northern Territory’s (the Territory) environmental management and protection framework, the Northern Territory Government started a wide ranging environmental regulatory reform program in 2016.

The Environment Protection Bill 2019 (the Bill) and its supporting Environment Protection Regulations will introduce considerable improvements to the Territory’s environmental impact assessment system. This will result in a process that is contemporary, fit for purpose, responsive to the Territory’s circumstances, and in keeping with the principles of ecologically sustainable development.

# Protected environmental areas

The Bill introduces powers for the Minister for Environment and Natural Resources (the Minister) to make temporary declarations of protected environmental areas, and for the Administrator of the Northern Territory (the Administrator) to make permanent declarations.

Temporary declarations provide a mechanism for the Minister to respond quickly to an emerging environmental risk or issue. As a result, before making a temporary declaration the Minister is only required to consult with the Northern Territory Environment Protection Authority (NT EPA). A temporary declaration is only valid for a maximum of 12 months.

The Administrator may make a permanent declaration if satisfied that the declaration is necessary to further the objects of the Environment Protection Act (the Act) and protect the environment, or an aspect of the environment. The Environment Protection Regulations will specify a public consultation process that must be followed before the Administrator can make a declaration.

A protected environmental area declaration can identify that all or certain activities are prohibited or permitted within the area.

Declarations provide additional protection for areas of particularly high environmental value and give certainty to the community and proponents about the types of activities that are allowed (or not allowed) in those areas.

Protected environmental area declarations may be used to provide additional protection to areas that already receive a certain level of legislative protection, for example, areas identified as a park or reserve. Declarations may also provide legislative protection for areas that do not currently have that level of certainty, such as Sites of Conservation Significance.

# Prohibited actions

The Bill introduces powers for the Administrator to declare prohibited actions. These declarations would identify that certain types of activities cannot be conducted in the Territory. They are designed to give certainty to the community and proponents about the types of activities that will not be allowed.

Before making a declaration the Administrator must be satisfied that the declaration is necessary to further the objects of the Act and protect the environment, or an aspect of the environment. The Environment Protection Regulations will specify a public consultation process that must be followed before the Administrator can make a declaration.

These declarations are unlikely to be used except in the most exceptional circumstances.