



Environmental Defenders Office

Introduction to Environmental Law in Australia

Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).

While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.

This factsheet was last updated on 27 January 2022

Overview

Environmental law seeks to manage human impacts on the environment. ‘Environment’ refers to all aspects of the natural environment, including land, air, water, flora and fauna, as well as the human environment (both Indigenous and non-Indigenous cultural and built heritage). The scope of environmental law is therefore, incredibly broad and there are thousands of laws at the national, state/territory and local level that are relevant to the regulation of the environment.

While some areas of environmental law are designed to ensure the protection of the environment, others are designed to control human use of natural resources by setting up a system of environmental approvals. For example, water pollution may be unlawful without a permit to authorise and control the pollution.

Environmental law exists at international, national, state, and local levels. In Australia, environmental law is primarily state/territory-based. Decisions are generally made by local councils and State Government Departments. Although sometimes approval is needed from the Federal Government in addition to these approvals.

The scope

Environmental law covers topics such as:

- Chemicals and Pesticides
- Climate Change and Energy
- Coastal, Marine and Fisheries Management
- Farming and Private Land Management
- Forest, Clearing Vegetation, Trees
- Marine

- Mining and Coal Seam Gas
- Native Plants and Animals
- Planning, Development and Heritage
- Pollution
- Protected Areas and Public Land Management
- Water

Legislative framework

Some laws are relevant to nearly all areas of environmental protection. At a national level, the [Environment Protection and Biodiversity Act 1999 \(Cth\)](#) is the main environmental law. At a state level planning laws tend to regulate a wide range of environmental impacts and intersect with numerous other environmental laws.

Some environmental laws relate to specific matters such as water management, threatened species or native vegetation.

Specialist courts

Some states and territories have a specialist court (or tribunal) tasked with hearing matters relating to environmental offences and adjudicating environmental and planning disputes. In South Australia for example, the Environment, Resources and Development Court (**ERD Court**) deals with disputes relating to environmental law. In NSW, the Land and Environment Court deals with similar matters

Read: EDO Factsheets on

- (the) **Land and Environment Court of NSW**
- **Procedure in the Environment, Resources and Development Court (SA)**

Visit: • Queensland Court's page on their [Planning and Environment Court](#)
 • The Tasmanian Civil & Administrative Tribunal's page on their [Resource and Planning Stream](#)

Environmental Protection Authorities

Most states and territories have an independent statutory authority acting as administrators of environmental laws, regulations and policies within their jurisdiction.

Across Australia, these authorities are known as the Environmental Protection Authority (**EPA**).

For example, the Northern Territory Environmental Protection Authority (**NT EPA**) was established under the [Northern Territory Environment Protection Authority Act 2012 \(NT\)](#) to administer the provisions of the:

- [Environment Protection Act 2019 \(NT\)](#);
- [Environment Protection Regulations 2020 \(NT\)](#), [Waste Management and Pollution Control Act 1998 \(NT\)](#), and;
- the [Environment Protection \(Beverage Containers and Plastic Bags\) Act 2011 \(NT\)](#).¹

Visit:

- ACT Government page on their [EPA](#)
- NSW EPA [website](#)
- NT EPA [website](#)
- QLD Department of Environment and Science* [website](#)
- SA EPA [website](#)
- TAS EPA [website](#)
- WA EPA [website](#)

*Queensland does not currently have an independent statutory body for environmental matters. Instead, the QLD Department of Environment and Science serves as the state's environmental regulator.

More information on environmental law

The EDO website provides various factsheets on different topics in environmental law across federal, state and/or territory jurisdictions.

¹ See: <https://ntepa.nt.gov.au/about-us>.