

# FEDERAL ENVIRONMENTAL LAWS AND CULTURAL HERITAGE

## Environment Protection and Biodiversity and Conservation Act 1999

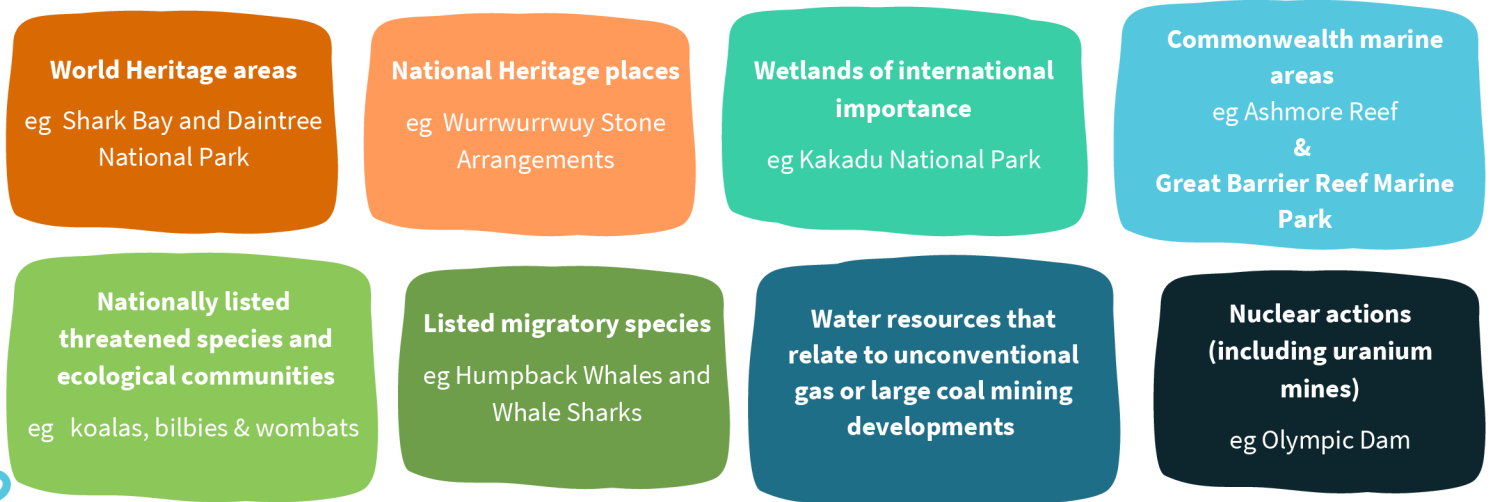
*\*Note: This law was changed in December 2025. Some of these changes have not yet started.  
We will update this factsheet when they do.*

### The EPBC Act requires environmental approvals for some activities

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**) is the main federal environmental law. It requires people (e.g. developers) to get approval from the Commonwealth Environment Minister for any “action” that will or is likely to have a “significant impact” on a “matter of national environmental significance” (**MNES**). An “action” could be, for example, a project, a development, or an activity.

### What are matters of national environmental significance (MNES)?

The EPBC Act lists nine MNES:



You can search for MNES in particular areas using the [Protected Matters Search Tool](#).

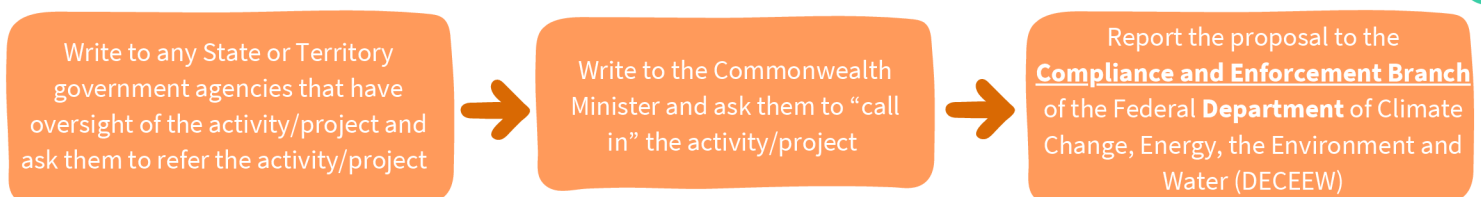
### How can you get involved?

You can get involved by:

- encouraging referral of proposed actions to the Commonwealth Minister for their consideration
- participating in the public comment processes for actions that are referred

### How can you encourage the referral of a proposed action?

A person must refer their proposed action to the Commonwealth Minister if they think it could have a **significant impact** on an MNES. If you think an action could have a significant impact on an MNES and it hasn't been referred, you can:



## How can I participate once a proposed actions has been referred to the Minister?

Once a proposed action has been referred to the Commonwealth Minister, the Minister must decide whether the action is likely to have a significant impact on an MNES.



You can make a public comment about:

- how the action should be assessed (e.g. should there be a public report or inquiry)?
- the likely impacts of the activity on MNES (i.e. which MNES you think are relevant).

There will be a deadline for making submissions.

## How can I participate if a proposed action requires assessment and approval?

If an action requires assessment and approval (that is, it is a “controlled action”), the person who wants to take the action will provide the Department with documents that talk about the likely impacts of the action on MNES.







Those documents will be made available for public comment on the [EPBC Act Public Portal](#).

You can review those materials and make a public comment about the proposed action. There will be a deadline for making submissions.

## What sorts of issues can you raise in your comments?

You can raise any issues that are of importance to you, however the Minister is required to consider matters relevant to MNES as well as general social and economic issues. Issues you may wish to raise in your comments could include:

-  the cultural significance and importance of MNES in or close to the activity area
-  impacts the activity might have on relevant MNES and how those impacts will affect you and your community, including any impacts on cultural heritage and the significance of those impacts
-  whether you think the likely impacts on MNES are accurately and adequately described in the available materials
-  whether you think specific conditions or limits should be placed on the action if it is approved, including whether it is possible to protect cultural heritage through conditions, and if so, an explanation of the conditions you suggest

## Upcoming consultation on a First Nations Engagement Standard

Changes to the *EPBC Act* passed by Parliament in 2025 give the Minister new powers to make **National Environmental Standards**. One Standard the Government has said they will make is a **First Nations Engagement Standard**. This Standard will likely include rules or guidance that a person must follow when wanting the Minister to approve an activity (e.g. a development project or vegetation clearing). EDO will update its website when public consultation starts on the draft First Nations Engagement Standard.

[Click here to download our longer version Factsheet](#)

You can call the Environmental Defenders Office on **1800 626 239** for free legal advice.

 1800 626 239

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 [edo.org.au](http://edo.org.au)

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