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Wetland legislation in Australia

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Abstract

Wetlands in Australia in general and all other States and Territories in particular, including New South Wales (NSW), are protected through policy and legislation. This chapter presents a summary of legislation applicable to wetlands at the national level and at a state level in NSW. A brief review of legislation and policy in the other states and territories of Australia is also presented. A range of case studies are used to demonstrate how legislation is working to protect and promote the wise use of wetlands at the national and state level. Recommendations are presented around the need for a coordinated national approach to wetland legislation.

Introduction

The Federal Government's Role in the Protection and Wise Use of Wetlands

The Standing Council on Environment and Water (SCEW) is the peak federal government forum for consultation, coordination and, where appropriate, integration of action by governments on environment and water issues. The SCEW includes Australian, State, Territory and New Zealand government ministers responsible for environment and water policy. The Wetlands and Waterbirds Taskforce (WWTF) provides nationally coordinated advice to the SCEW on wetland-related issues. The WWTF also advises the SCEW on the implementation of the Ramsar Convention in Australia.

A range of legislation, policy and programs apply to wetlands in Australia, however currently despite the long list of applicable legislation there is no single coordinated wetland legislation. Australia's national policy, developed in 1997 is currently being revised by the Australian Government in consultation with the states and territories through the Wetlands and Waterbirds Taskforce. The lack of national wetlands legislation does not, however, stop the protection of wetlands in Australia.

Federal Government Legislation

Wetlands in Australia are recognised internationally and nationally through listing on the:

- Convention on Wetlands of International Importance, the Ramsar convention; and
- Directory of Important Wetlands of Australia (DIWA) (sites of national significance).

The Australian Government's Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) is the administrative authority within Australia for the Ramsar Convention on Wetlands of International Importance. SEWPAC also administers the Australian Wetlands Database which provides online access to information on Australia's Ramsar wetlands (wetlands of international significance) and sites listed on DIWA.

Individual state and territory governments have the primary legislative and policy responsibility for natural resource management in their respective states and territories.

How does Australian Government meet its responsibilities under Ramsar?

- providing national wetland policy leadership and direction;

- working with state and territory governments through the Standing Council on Environment and Water;
- implementation of the *Environment Protection and Biodiversity Conservation Act 1999*; and
- through the development of programs to improve the management of wetlands.

Federal Wetlands Policy

In 1997 Environment Australia (EA 1997) released the Wetlands Policy of the Commonwealth Government of Australia. This policy aimed to ensure that the activities of the Federal Government promote the conservation, repair, and sustainable use of wetlands. The Policy provides objectives, principles and strategies for the development of a national framework of wetland policies and strategies. The Implementation Plan for the Wetlands Policy of the Commonwealth Government of Australia was released in 1999 (EA 1999), this document identifies specific actions, timeframes, responsibilities, and performance indicators against each of the strategies of the Policy.

Environment Protection and Biodiversity Conservation (EPBC) Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) enables the Australian Government to manage environmental protection and biodiversity conservation through:

- an assessment and approvals process; and
- species and site listing under the act and recovery and management planning.

Under the EPBC Act any action that has, will have, or is likely to have a significant impact on a matter of National Environmental Significance (NES) is required to undergo an assessment and approvals process. Matters of NES cover a range of issues including Ramsar wetlands and migratory species listed under international treaties such as the Australian agreements with Japan (JAMBA), China (CAMBA), Republic of Korea (ROKAMBA), and the Bonn Convention.

The EPBC Act also provides for the listing of nationally threatened native species and ecological communities, native migratory species and marine species. These threatened species and ecological communities are also recognised as matters of NES and significant impacts on them trigger an environmental assessment and approval process and referral to the Minister for approval.

EPBC Act and Ramsar wetlands

Under the EPBC Act the Minister can declare a wetland a Ramsar wetland; however, if after submission to Ramsar Secretariat, it is endorsed as a Ramsar listed wetland by the Ramsar Secretariat. The EPBC Act also establishes a process for identifying Ramsar wetlands and encourages best practice management through nationally consistent management principles (SEWPAC 2011).

The EPBC Act also provides a process for the designation and management of Ramsar wetlands. The Australian Ramsar management principles (ARMPs) have been developed under regulations to help guide the management of Ramsar wetlands (SEWPAC 2013a).

EPBC Act and migratory species

Migratory species are those listed under international treaties and any native species identified in an international agreement approved by the Minister. Migratory species may also be listed as threatened species. All migratory species are listed under the EPBC Act and so are matters of national environmental significance (NES) and any impacts upon them must be considered within an environmental assessment and approvals process applied (SEWPAC 2011a). Further, the EPBC Act allows for the preparation of wildlife conservation plans, which may be of assistance in the management and protection of listed migratory waterbirds (SEWPAC 2013).

Migratory waterbird treaties

The EPBC Act provides for the protection of migratory waterbirds in Australia as a matter of national environmental significance. The Act also provides for the development of plans to conserve listed species, of which the Wildlife Conservation Plan for Migratory Shorebirds was the first to be made under the Act in February 2006 (SEWPAC 2009).

Case Study 1: Towra Point Ramsar Wetland

Location: Botany Bay, Sydney

Area: 386.5 ha

Management: NSW Office of Environment and Heritage

Biodiversity: Saltmarsh; mangroves; seagrass; four nationally listed threatened species; 24 threatened species listed in NSW; 5 endangered ecological communities listed in NSW; critical roosting and feeding habitat for migratory shorebird species; significant nesting site for the Little Tern (*Sterna albifrons*) listed as endangered in NSW.

Local Management Contributing to International Conservation Goals: In 2009 Sutherland Shire Council and the Sydney Metropolitan Catchment Management Authority initiated the preparation of a management plan for Marton Park Wetland in Kurnell in the catchment of Towra Point Ramsar Wetland. The plan recognised the values and threats to the wetland and recommended management measures that would not only contribute to the management of Marton Park Wetland but also to the protection of the internationally listed Ramsar wetland. This plan is being progressively implemented and has led to prompt action following a chemical spill into Marton Park Wetland in 2010.

The EPBC Act is also protecting wetland ecological communities.

How: the EPBC Act list of Endangered Ecological Communities has recently been expanded to include a number of wetland communities these include:

- Subtropical and Temperate Coastal Saltmarsh listed as Vulnerable, 10 August 2013
- River Murray and associated wetlands, floodplains and groundwater systems, from the junction of the Darling River to the sea listed as Critically Endangered, 10 August 2013
- Wetlands and inner floodplains of the Macquarie Marshes listed as Critically Endangered, 10 August 2013.



Figure 1. NASA aerial view of Towra Point Nature Reserve wetland.

The listing process for these wetland communities not only triggers a more detailed environmental assessment and approval process but also provides detailed information on the community in the conservation advice and formally recognises the conservation significance of wetland communities.

Case Study 2: Wetlands and inner floodplains of the Macquarie Marshes

EPBC Act listing: Critically Endangered (2013)

Threats: Inappropriate flow regime; increased water management structures; degraded water quality; clearance and disturbance; invasive species; inappropriate fire; climate change and drying.

Eligibility for listing on the EPBC Act: Criterion 1 – Decline in geographic distribution; Criterion 2 – Small geographic distribution coupled with demonstrable threat; Criterion 3 – Loss or decline of functionally important species; Criterion 4 – Reduction in community integrity; Criterion 5 – Rate of continuing detrimental change; Criterion 6 – Quantitative analysis showing probability of extinction.

Detail: Criterion 3 – Loss or decline of functionally important species

“Certain functionally important elements of the ecological community have undergone a very severe decline, notably the river red gum forest and woodland and certain types of seasonal or intermittent wetlands such as water couch wetlands. The nature of ongoing threats and insufficient environmental water flow allocations are likely to continue into the future. Further, restoration of the ecological community as a whole is unlikely to occur within the immediate future. Therefore, the ecological community is eligible for listing as critically endangered under this criterion” (SEWPAC 2013c).

Compliance and Enforcement of the EPBC Act

Legislation that protects wetlands in Australia contains compliance and enforcement mechanisms. These penalties for breaching legislation can be a key deterrent to damaging wetlands. The primary federal legislation, the EPBC Act contains a range of compliance and enforcement mechanisms, these are briefly summarised below.

- **Injunctions** – an injunction is a court order preventing a party or parties from undertaking or continuing with an activity.
- **Directed environmental audits** can be required by the Minister if an authorised action is having impacts greater than anticipated when the action was assessed, or when the holder of the environmental authority is likely to breach a condition of that authority.
- **Strict civil and criminal penalties** can be imposed for taking an action that has a significant impact on a matter of national environmental significance (NES) without approval. The Act allows for a civil penalty of up to \$550,000 for an individual and \$5.5 million for a body corporate or for a criminal penalty of 7 years imprisonment and or a penalty of \$46,200. Significant penalties are also available under the Act for those who take an action that is likely to have a significant impact on Commonwealth land; who fail to take an action that contravenes their approval; who provide false or misleading information.
- **Remediation of environmental damage** if the Minister suspects that an act or omission constitutes a contravention of the EPBC Act, the Minister may ensure that appropriate steps are taken to repair, remove, mitigate, or prevent, any damage that arises from that act or omission. The Federal Court can require the person to repair or mitigate any damage to the environment that the person has caused, is causing, or is likely to cause. If a person contravenes the EPBC Act or regulations, they may be required to compensate an affected party for their loss or damage.
- **Enforceable undertakings** are written undertakings provided by a person to the Minister that specify that the person will pay a specified amount within a specified period to the Commonwealth or to another specified party for the purpose of protection and conservation of a protected matter.
- **Liability of executive officers** for civil penalties and criminal offences (including up to two years imprisonment) for a contravention of the EPBC Act committed by the body corporate.



Figure 1. Aerial view of Macquarie Marshes. Source: a blog on 5 October 2013 from www.jennifermarohasy.com.

- **Publicising of contraventions**, where the Minister can publicise a contravention of the EPBC Act or EPBC Regulations in any way that the Minister considers appropriate.

The Water Act 2007 and amendments

The *Water Act 2007* also offers protection to wetlands in the Murray Darling Basin. The key features of the *Water Act* have been summarised by SEWPAC (2013b). *The Water Act 2007*:

- established the Murray-Darling Basin Authority (MDBA);
- required the MDBA to produce the strategic Basin Plan;
- established a framework around a water market; and
- required the Bureau of Meteorology to provide water information.

The *Water Amendment Act 2008* transferred the functions of the Murray-Darling Basin Commission to the MDBA. It strengthened the role of the Australian Competition and

Consumer Commission (ACCC) in the water market and enabled the Basin Plan to provide arrangements for meeting critical human water needs.

The *Water Amendment Act 2008* was achieved after negotiating two very important intergovernmental agreements:

- March 2008: the Memorandum of Understanding on Murray-Darling Basin Reform; and
- July 2008: An Intergovernmental Agreement on Murray-Darling Basin Reform.

NSW Legislation

Whilst the above examples cover legislation at the federal level, in NSW the State Government protects wetlands through various mechanisms, including:

- implementation of the NSW Wetlands Policy and associated programs; and
- a range of legislation.

NSW Wetlands Management Policy Action Plan 2000/2003

This Action Plan (Department of Land and Water Conservation 2000) was developed by the State Wetlands Action Group to guide implementation of the NSW Wetlands Management Policy. It recognises that the majority of NSW's 4.5 million hectares of wetlands are located on private property and aims to resource and involve the community in wetland rehabilitation.

The action plan sets out four key strategies and associated actions for the NSW State Wetland Advisory Committee to promote the implementation of the policy. These strategies are:

- development of guidelines for preparing local wetland plans of management;
- development of guidelines for rehabilitation as well as compensatory guidelines for situations where social and economic imperatives require wetlands be destroyed;
- consideration of wetlands in the NSW Water and Vegetation reforms; and
- administration of the NSW Wetland Action Grants Program.

Environmental Planning and Assessment ACT 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the statutory planning framework for environmental and land use planning in NSW. This is achieved through State Environmental Planning Policies (SEPPs), and Local Environmental Plans (LEPs) collectively known as Environmental Planning Instruments (EPIs). The EP&A Act allows EPIs to be made to guide the development process and to regulate competing land uses; it also sets out processes for approving structures and works. The EP&A Act assessment and approvals process requires consideration of the presence and impacts on threatened species, populations and ecological communities, and their habitats listed under the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*. This is relevant to a number of wetland species, populations and communities.

EP&A Act Compliance and Enforcement

The Department of Planning (The Department) has responsibility for monitoring and enforcing compliance with the EP&A Act in respect of development for which the Minister for Planning is the consent or approval authority. This role includes investigating potential breaches of the Act and making informed and transparent decisions about appropriate enforcement action. The Minister or the Director-General may give Orders under the Act to require a person to comply with a development consent or to do or refrain from doing any act to remedy or restrain a breach of Part 3A or of an approval under that Part of the Act.

Local Government Act 1993

Under the *Local Government Act 1993*, Local Councils are required to prepare Plans of Management (PoM) for community land. The Act incorporates legislative requirements, identifies land categories and provides guidelines for categorisation. One of the land categories under the LG Act 1993 is Natural area: wetland. The guidelines for categorisation:

The land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether low moving or stationary.

The Act also promotes community participation and active involvement in the decision making process and maintains process transparency. As a result the LG Act (1993) is a significant piece of legislation for the development and delivery of plans of management for wetlands.

Case Study 3: Hyland Road Park Wetlands and Riparian Corridor Plan of Management 2012

Location: Greystanes Sydney (Cumberland Plain)

Size: 6 ha

Management: Holroyd City Council

Biodiversity: 4 Endangered Ecological Communities listed in NSW; core habitat for bushland dependent birds; potential habitat for 12 migratory bird species; locally significant wildlife corridor linking Prospect Creek with Prospect Reservoir.

Management Issues: The wetlands and riparian corridor are subject to very high levels of weed invasion. The PoM provided recommendations on the formal recognition of the area as a wildlife corridor, strategies to treat weeds while maintaining habitat for bushland dependent birds. The PoM also acknowledged the high value placed on the area by the local community and their concern about weed invasion. The PoM also recognised the need to improve Council's capacity to manage the wetland.



Figure 1. Hyland Road Park Wetland.

Case Study 4: Burnum Burnum Wetland Management Plan

Location: Woronora NSW (Bank of Woronora River)

Size: 0.26ha

Management: Sutherland Shire Council

Biodiversity: Suitable habitat for a range of nationally listed threatened bird species and migratory and wetland birds, important buffer between run off from the Woronora Bridge and the Woronora River.

Management Issues: The wetland is a constructed pollution control pond for run off from the Woronora Bridge. The treatment train upstream of the wetland was not constructed as designed; as a result the wetland was experiencing reduced water quality, increased sedimentation and algal blooms with associated odours. Detailed management measures were developed to increase the functionality of the wetland including investigation and remediation measures for the upstream treatment train. The wetland and adjacent park are well utilised and highly valued community recreation resources. The high public value led Sutherland Council to investigate improved management of the wetland. Implementation of the management measures required a high level of cooperation between Council and the Roads and Maritime Services who constructed the wetland.

Threatened Species Conservation Act 1995

The NSW *Threatened Species Conservation Act 1995* (TSC Act) is administered by the Office of Environment and Heritage (OEH) in NSW. The TSC Act aims to protect species, populations and ecological communities (EECs) threatened with extinction in NSW. The Act does this through:

- a process of listing species, populations and EECs on schedules under the Act;

- protecting habitat through identification and protection of critical habitat and BioBanking;
- species recovery and threat abatement through recovery plans, threat abatement plans, statements of intent and the Threatened Species Priorities Action Statement (the PAS); and
- Strategic planning and development control processes, specifically integrating threatened species considerations into the planning and development control processes of the *Environmental Planning and Assessment Act 1979* and natural resource management legislation, such as the *Native Vegetation Act 2003*. Developments likely to have a significant effect on threatened species must prepare a species impact statement (SIS); the assessment of significance guidelines will help proponents assess whether a significant impact is likely.

A number of wetland species and wetland types are now included on the schedules of the TSC Act.



Figure 1. Burnum Burnum Wetland.

Case Study 5: One Tree Reach Wetland Plan of Management 2013

Location: Wisemans Ferry NSW (on the Hawkesbury River)

Size: 1 ha

Management: Hornsby Council

Biodiversity: 5 endangered ecological communities listed on the TSC Act in NSW; habitat for 11 threatened fauna species including 3 bats; a rare example of an intact natural wetland in the lower Hawkesbury River.

Management Issues: Agricultural uses since the 1880s have reduced the wetland to half its original size and reduced the water level in the wetland producing acid sulfate soils. A weir

was installed to retain water at a higher level to reduce the generation of acidity from acid sulfate soils. Recommendations to stabilise the weir and ongoing monitoring of water quality were made in the PoM. Recommendations following community consultation were also made around the management of EECs and the placement and design of enhanced recreational features including a boardwalk, picnic tables, forest walk, signage and car park.



Figure 1. One Tree Reach Wetland.

Case Study 6: Still Creek Wetland Management Plan 2012

Location: Menai NSW

Size: 1 ha

Management: Sutherland Shire Council

Biodiversity: Vegetation adjacent to the wetland is an endangered ecological community listed at the state and national level.

Management Issues: The wetland is a constructed wetland for the purpose of flood mitigation and sediment control during upstream residential development. The community place a high value on the wetland for visual amenity and passive recreation. The wetland experiences high levels of sedimentation and subsequent aquatic weed invasion. Management recommendations included retro fitting the gross pollutant trap (GPT), improved access for sediment removal and maintenance, repair of the low flow outlet pipe, enhancement of the riffle zone downstream of the GPT, dredging of the wetland and vegetation and weed management along with continued community engagement and education.

TSC Act Compliance and Enforcement

The NSW Office of Environment and Heritage (OEH) is responsible for enforcing the provisions of the *Threatened Species Conservation Act 1995* and *National Parks and Wildlife Act 1974*. The legislation may be enforced through criminal prosecutions, although OEH may consider using its other enforcement powers before commencing a prosecution. These include the use of penalty notices, warning letters, stop work orders and interim protection orders.

The criminal offences relating to threatened species, endangered populations and endangered ecological communities are set out in the *National Parks and Wildlife Act*, not the *Threatened Species Conservation Act*.

Although these offences may be enforced through either civil proceedings, or criminal proceedings, most breaches are prosecuted as criminal matters.

The NSW Office of Environment and Heritage is responsible for bringing criminal prosecutions. Only the Chief Executive of OEH or a person



Figure 1. Still Creek Wetland.

authorised by them can commence criminal proceedings. The Land and Environment Court may impose significant fines and terms of imprisonment on offenders.

The Land and Environment Court may grant an injunction to stop an activity that is causing harm to a threatened species or its habitat. It may also make an order to remedy or restrain a breach of the *Threatened Species Conservation Act* or a declaration that a provision has been breached. Any person may bring proceedings to remedy or restrain a breach of the *Threatened Species Conservation Act*.

Fisheries Management Act 1994

The NSW Department of Primary Industries is responsible for protecting fish and marine vegetation, including threatened species, populations and ecological communities, through administration of the NSW *Fisheries Management Act 1994* (FM Act). Fish is defined under the Act to include marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead). The Act establishes provisions for the identification, conservation and recovery of threatened species, population and endangered ecological communities of fish (as defined above) and marine vegetation in NSW water (OEH 2013). The FM Act also contains aquatic habitat protection provisions which include wetlands via protection of marine vegetation, regulation of dredging and reclamation activities and blockages to fish passage. The Act also covers the identification and management of key threatening processes which are contributing to the decline of one or more species of threatened fish or marine vegetation species or could cause other species to become threatened.

FM Act Compliance and Enforcement

The NSW Department of Primary Industries is responsible for implementing the FM Act. Penalties can be imposed under the Act for harming fish and marine vegetation, their habitat, and threatened species, populations or ecological communities or their habitats and buying, selling or possessing threatened or protected species. A person or Corporation who is guilty of an offence under the Act may also be ordered by the Minister or the courts to undertake actions to remediate damage or restore habitat at their own cost. Stop work orders can also be issued for harming aquatic habitats, including those of threatened species.

Native Vegetation Act 2003

The *Native Vegetation Act 2003* came into effect on 1st of December 2005 – another NSW Government Act. It regulates the clearing of native vegetation on all land in NSW, except for excluded land listed in Schedule 1 of the Act which includes national parks, state forests and reserves, and urban areas. The Act outlines what landowners can and cannot do in relation to clearing native vegetation (OEH 2013a). The Act ended broadscale land clearing in NSW while providing long-term certainty for farmers (CMA Western 2012).

The *Native Vegetation Act 2003* set a framework for:

- ending broadscale clearing unless it improves or maintains environmental outcomes;
- encouraging revegetation and rehabilitation of land with native vegetation; and
- rewarding farmers for good land management.

A *review of the Native Vegetation Act 2003* was undertaken by the NSW government in 2012. Subsequently the NSW Government has announced that there will be significant changes to the *Native Vegetation Regulation 2005*. Changes are to be implemented by September 2013.

NV Act Compliance and Enforcement

OEH are responsible for promoting compliance with the NV Act 2003. The Native Vegetation Compliance and Enforcement Strategy has

been developed to assist the community in understanding the principles and approaches OEH uses to enforce the NV Act 2003. OEH actively promotes compliance with native vegetation legislation by assisting the community to understand and meet their legislative obligations, and compelling compliance with strong, consistent regulatory action targeting those who deliberately choose not to comply with the law. OEH actively monitors compliance using the latest technology and by encouraging the public to report potentially illegal activities.

Illegal clearing attract heavy penalties under the NV Act. An on the spot fine of \$3,300 may be issued to any individual who clears native vegetation in contravention of the Act or the *Native Vegetation Regulation 2013* (or \$5,500 for corporations). Should the matter proceed to Court, however, the maximum penalty the Court may impose is \$1,100,000.

Legislation in Other States

Each State and territory in Australia has its own range of legislation that aims to protect and promote the wise use of wetlands. A summary of wetland legislation in Australian States and Territories is presented below in Table 1.2.1.

Table 1.2.1. State and Territories Wetland Policy and Legislation.

State	Wetlands Strategy/Policy	Wetlands Protection Legislation
NSW	NSW Wetlands Policy 2010 (DECCW 2010) SEPP 14 SEPP 71	<i>Environmental Planning and Assessment Act</i> 1979 <i>Local Government Act</i> 1993 <i>Threatened Species Conservation Act</i> 1995 <i>Fisheries Management Act</i> 1994 <i>Native Vegetation Act</i> 2003 <i>Noxious Weeds Act</i> 1993 <i>Protection of Environment Operations Act</i> 1997 <i>Pesticides Act</i> 1999 <i>Rivers and Foreshores Improvement Act</i> 1949 <i>National Parks and Wildlife Act</i> 1974
Victoria		<i>Flora and Fauna Guarantee Act</i> 1988 <i>Planning and Environment Act</i> 1987 <i>Catchment and Land Protection Act</i> 1994 <i>Environment Protection Act</i> 1970 <i>Water Act</i> 1989
Australian Capital Territory		<i>Environment Protection Act</i> 1997 <i>Nature Conservation Act</i> 1980 <i>Planning and Development Act</i> 2007 <i>Water Resources Act</i> 2007
Tasmania	A Wetlands Strategy for Tasmania (Tasmania Department of Primary Industries Water and Environment undated)	<i>Environmental Management and Pollution Control Act</i> 1994 <i>Living Marine Resources Management Act</i> 1995 <i>Forest Practices Act</i> 1985 <i>Mineral Resources Development Act</i> 1995 <i>Land Use Planning and Approvals Act</i> 1993 <i>Nature Conservation Act</i> 2002 <i>Natural Resource Management Act</i> 2002 <i>Marine Farming Planning Act</i> 1995 <i>National Parks and Reserves Management Act</i> 2002 <i>Threatened Species Protection Act</i> 1995 <i>Forestry Act</i> 1920 <i>Crown Land Act</i> 1976

Table 1.2.1. (cont.) State and Territories Wetland Policy and Legislation.

State	Wetlands Strategy/Policy	Wetlands Protection Legislation
South Australia	Wetlands Strategy for South Australia (Department for Environment and Heritage and Department of Water, Land and Biodiversity Conservation 2003)	<i>Water Resources Act 1997</i> <i>State Water Plan 2000</i> <i>South Eastern Water Conservation and Drainage Act 1992</i> <i>Environment Protection Act 1993</i> <i>Native Vegetation Act 1991</i> <i>Soil Conservation and Landcare Act 1989</i> <i>Local Government Act 1999</i> <i>Development Act 1993</i> <i>Coast Protection Act 1972</i> <i>Harbors and Navigation Act 1993</i> <i>National Parks and Wildlife Act 1972</i> <i>Fisheries Act 1982</i> <i>Pastoral Land Management and Conservation Act 1989</i> <i>Petroleum Act 2000</i> <i>Mining Act 1971</i> <i>Aboriginal Heritage Act 1988</i> <i>Aquaculture Act 2001</i>
Northern Territory		<i>Environmental Assessment Act 2013</i> <i>Environmental Offences And Penalties Act 2011</i> <i>Fisheries Act 2011</i> <i>National Environment Protection Council (Northern Territory) Act 2004</i> <i>Water Act 2013</i> <i>Weed Management Act 2013</i> <i>Pastoral Lands Act 2013</i> <i>Planning Act 2013</i>
Western Australia	Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997) Environmental Protection Swan Coastal Plain Lakes Policy 1992 Environmental Protection South West Agriculture Zone Wetlands Policy 1998 Environmental Protection Peel Inlet – Harvey Estuary Policy 1992	<i>Rights in Water and Irrigation Act 1914</i> <i>Environmental Protection Act 1986</i> <i>Rights in Water and Irrigation Regulations 2000</i> <i>Soil and Land Conservation Regulations 1992</i> <i>Wildlife Conservation Act 1950</i> <i>Conservation and Land Management Act 1984</i> <i>Planning and Development Act 2005</i> <i>Aboriginal Heritage Act 1972</i> <i>Fish Resources Management Act 1994</i> <i>Land Administration Act 1997</i>
Queensland	Strategy for the conservation and management of Queensland's wetlands (The State of Queensland. Environmental Protection Agency 1999)	<i>Sustainable Planning Act 2009</i> <i>Great Barrier Reef Protection Amendment Act 2009</i> <i>Nature Conservation Act 1992</i> <i>Marine Parks Act 2004</i> <i>Fisheries Act 1994</i> <i>Native Vegetation Act 1999</i> <i>Water Act 2000</i> <i>Environment Protection Act 1994</i>

Summary/Conclusion

Australia was one of the first countries to sign the Ramsar Convention on Wetlands in 1971, since that time a national wetlands policy has been developed (EA 1997) along with an implementation plan (EA 1999). However no single piece of wetlands legislation has been developed at the national or state level. The key piece of legislation that protects wetlands at the National level is the *Environment Protection and Biodiversity Conservation Act 1999*. It aims to achieve wetland protection through: an assessment and approvals process; and species and site listing; under the act and recovery and management planning. The EPBC Act contains significant compliance and enforcement mechanisms, these penalties for breaching legislation can be a key deterrent to damaging wetlands.

Policy and legislation at the state level are wide ranging presenting a patchwork of policy and legislation that partially applies to wetlands of varying types and conservation significance. This presents an often confusing and at times contradictory approach to wetland conservation and management and fails to recognise and communicate the true value of wetlands.

There is a need for the Federal Government to lead the way in the conservation and wise use of wetlands with the revision and updating of the national wetlands policy and with the development of a single piece of legislation called the Wetlands Act that is uniform, harmonious and overarching. The related regulations should then be formulated at State and Territory level for ratification.

The current approach could be significantly improved through the development of overarching national legislation and clear policy and overarching national legislation to move toward a coherent, organised and clearly communicable approach that serves to protect and sustain wetlands across Australia.

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