



(Melinda Brodwer)

Improved compliance and enforcement activities under national environmental law

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is Australia's national environmental law. The EPBC Act provides a strong legal framework to protect and manage Australia's land and marine biodiversity, threatened species, ecosystems, environment and heritage. Under the Act, actions that are likely to have a significant impact on matters of national environmental significance must be approved before they can proceed.

The Minister for the Environment imposes rigorous conditions on actions that have been approved under the EPBC Act. Conditions make sure that approved actions do not have unacceptable impacts on Australia's protected environment and heritage.

As the Department of the Environment, one of our roles is to make sure that people or companies take actions in line with approval conditions. We have an EPBC Act Compliance and Enforcement Policy that guides this work. The work includes:

- educating people whose activities may cause environmental harm
- helping people to meet requirements under national environmental law
- investigating unlawful or environmentally damaging activities
- enforcing Australia's national environmental law.

We recently implemented major changes to the way we do this work. These changes will reduce the likelihood that people or companies will breach conditions and will improve our ability to detect breaches. This will ensure better protection for Australia's environment and heritage.





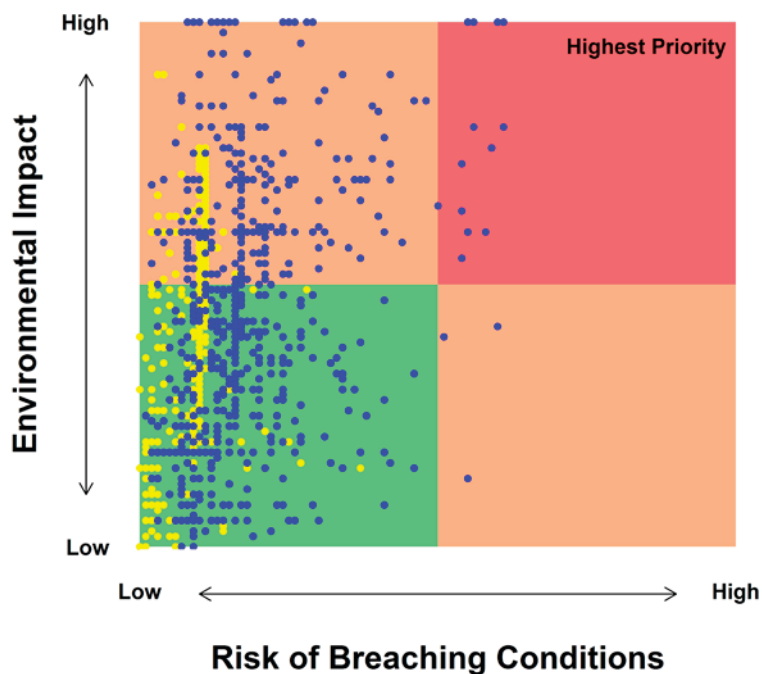
We have a wide range of **compliance and enforcement powers** and a clear policy for how those powers are used (the EPBC Act Compliance and Enforcement Policy)



We have strong networks with **other environmental regulators** through participation in and promotion of the Australasian Environmental Law Enforcement and Regulators Network



We proactively engage with **approval holders** and have a **program to provide compliance assistance**, including guidelines for meeting requirements under approval conditions



We have **risk-based prioritisation of compliance monitoring activities** to ensure that resources are put towards achieving the greatest environmental benefit



We do **targeted stakeholder education** to encourage voluntary compliance



We do **regular site visits** to inspect approved projects, meet with approval holders and provide information to stakeholders



We have clearly described and consistently applied **internal processes** and have improved our **internal databases**

So what has changed?

- Since August 2011, we have more than doubled the number of staff responsible for monitoring compliance with conditions. More compliance monitoring and increased tracking of how approved projects are progressing against requirements will mean better use of our compliance and enforcement powers.
- With the assistance of the CSIRO, we have developed a risk-based project-prioritisation model based on the practice used by the Australian Tax Office. This will focus our monitoring resources towards achieving the greatest environmental benefit.
- We have developed a risk-based case-prioritisation model based on the practice used by the Australian Crime Commission. This will focus our investigations on the highest priorities.
- We have standardised our business practices. We now have more than 60 standard operating procedures that clearly describe our internal processes and help ensure they are consistently applied.
- We are developing a new quality assurance framework, which includes performance benchmarks and regular process reviews. This will mean ongoing improvement in our compliance monitoring activities and how we use our compliance and enforcement powers.
- Staff are using a new compliance and enforcement database that has improved the way that investigations are tracked and intelligence gathering is coordinated.
- The assessments and approvals database has new capabilities and improved functions. This means that monitoring and reporting of approved actions is more accurate and better tracked.
- Our planning is more rigorous. Our annual planning includes establishing short and medium-term priorities based on systematic reviews of compliance data. This means that we can target our monitoring and education efforts on emerging environmental issues and industry sectors.

As a result of these changes we are a better regulator.

We target higher-risk projects, conduct more checks on people and companies who pose a high risk to Australia's environment and heritage, and exercise more powers under national environmental law than ever before.

We will reduce our scrutiny of low-risk projects and reduce the red-tape burden for people and companies who consistently do the right thing.

Our targeted use of resources will achieve higher-value compliance and enforcement outcomes, and, ultimately, better protection of Australia's environment and heritage.



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