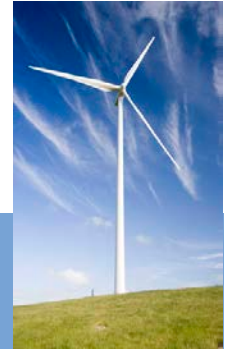
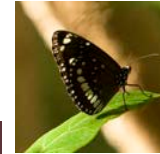
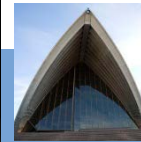
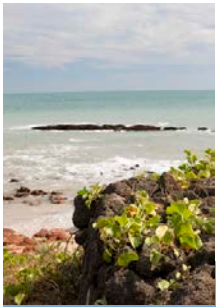




**Australian Government**

**Department of Sustainability, Environment,  
Water, Population and Communities**



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# Keeping on the right side of the EPBC Act

complying with national environmental law

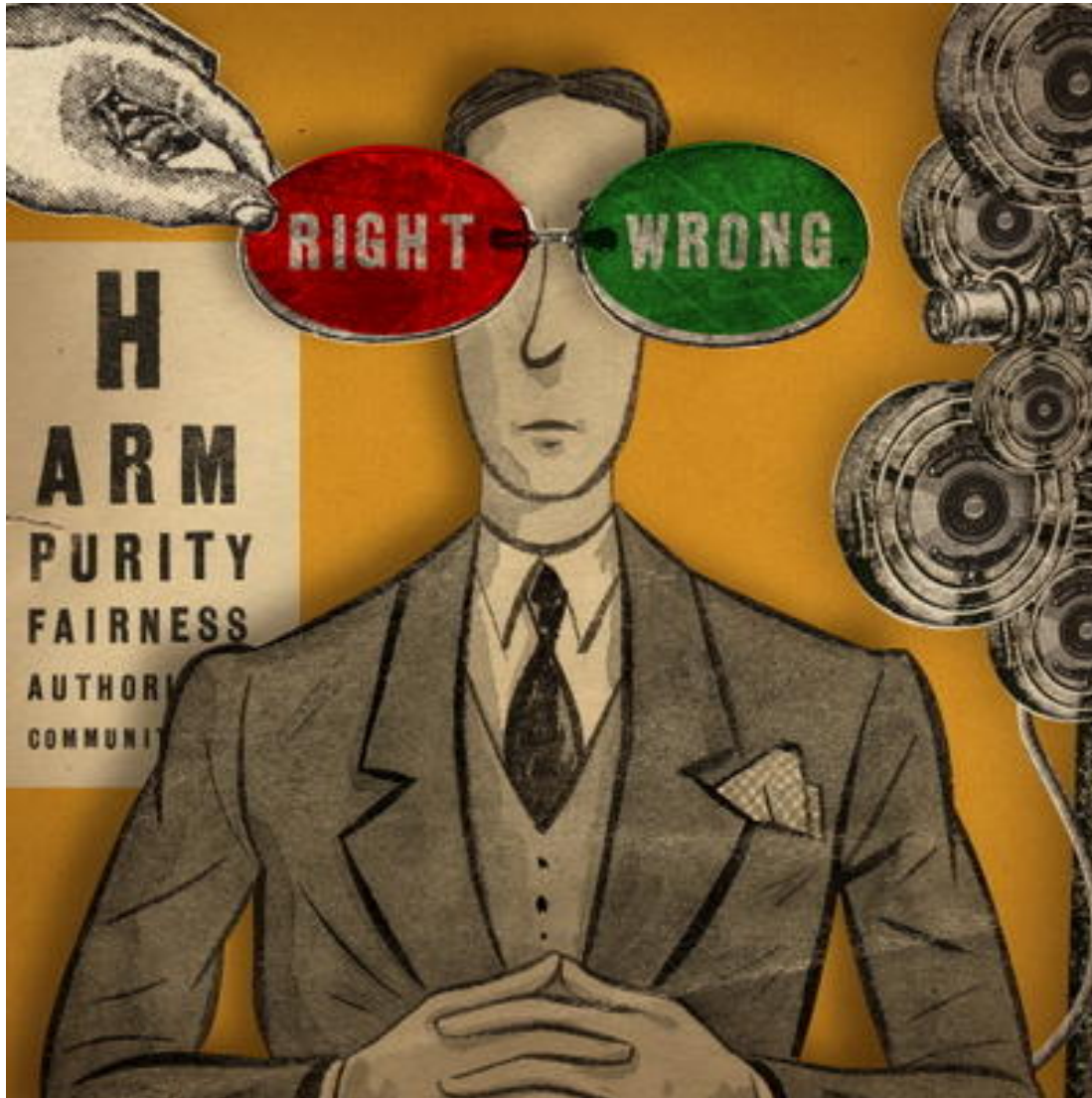
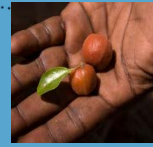


## ■ *Environment Protection and Biodiversity Conservation Act 1999*

■ Part 3 protects 8 matters of National Environmental Significance

■ Remediation Determination, Enforceable Undertakings, Conservation Agreements, civil and criminal sanctions

■ Big fines, up to \$5.5M or 7 years in prison



## Objectives of Compliance

- *Guidance*
- *Transparency*
- *Predictable*
- *Rule of Law*



# Detecting Contraventions



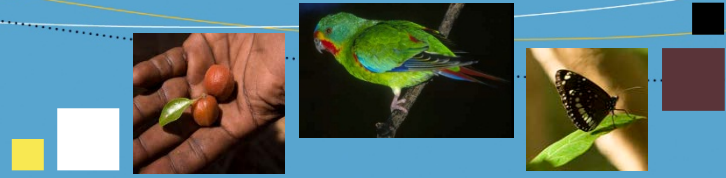
"I dunno, something in here just doesn't add up!"



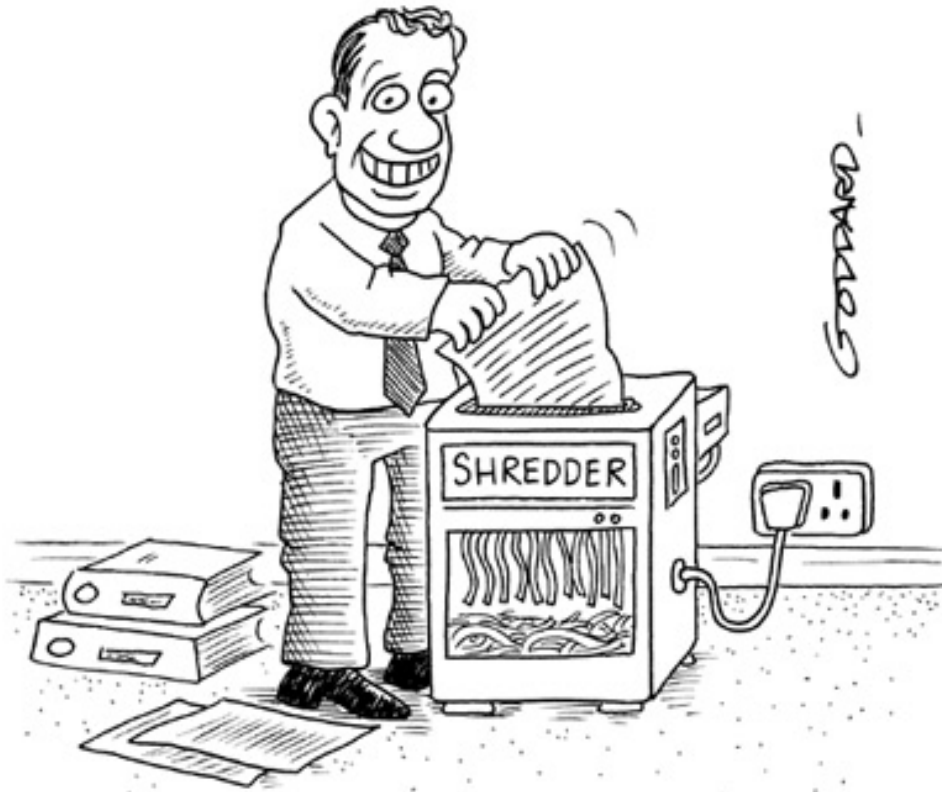
# Primary Considerations

- *Nature & extent*
- *Precedence*
- *Case Law*
- *Local Laws*
- *The reasonable man*





DUE DILIGENCE  
THE EASY WAY!



## Other Considerations

- *Damage done*
- *Circumstances*
- *History*
- *Financial*



# What has been achieved so far

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- 8 Enforceable Undertakings in the past 20 months
- 2 Remediation Determinations
- \$2,771,010 directed to protection of the matter impacted
- guarantees of future offsets valued at over \$4.5M
- Injunction under S475

# STARTLING STORIES

15¢







# Avoiding impacts and compliance actions

Plan ahead



- Plan ahead
- Report early
- Call SEWPaC
- Seek Expert Advice



## When it all goes pear shaped

- Seek informed advice from experts or the department
- Co-operate with enquiries
- Seek legal advice when appropriate



## Where from here?

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- Creative Approach to enforcement
- Defining process
- Enhanced procedures
- Greater awareness of EPBC Act
- Watch this space!