

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 65
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Programme: Environment Assessment and Compliance Division
Topic: A PERSONS HISTORY IN ENVIRONMENTAL APPROVALS
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Waters asked:

The Department's policy on a person's environmental history (<http://www.environment.gov.au/system/files/resources/57853bb3-a51b-4aed-8565-f603fa1868d2/files/epbc-act-policy-environmental-history.pdf>) states that information relevant to a person's environmental history may include "records of State, Territory or Commonwealth court or tribunal proceedings against the person involving compliance with environmental laws." It also states "The provisions do not limit the information relevant to a person's environmental history to the person's past environmental criminal convictions or civil penalties awarded against them."

Does the Department ever consider records of court or tribunal proceedings or non-compliance with environmental laws from other countries?

- a. Does the Department consider that EPBC Act s136(4) prevents the Department from considering such international information?
- b. Please provide a list of referrals for which such international information has been considered. If the above is not possible, please specify how many referrals in the last 5 years have involved consideration of such information.

Answer:

- a. The matters which are relevant to a person's environmental history will depend on the particular circumstances of the relevant approval decision. The response to SQ14-000783 provides more detail.
- b. The Department does not keep records of court or tribunal proceedings or non-compliance with environmental laws from other countries and the Department does not actively seek this information when making an approval decision. There is no provision under the EPBC Act to consider a person's environmental history at the referral stage. Under section 136(4) information regarding a person's environmental history must be taken into consideration when making an approval decision. Where such information is raised and relevant, it may be considered in relation to an approval decision.