

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

Question No: 80
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Programme: Environment Assessment and Compliance Division
Topic: ANAO REPORT MANAGING COMPLIANCE WITH EPBC ACT 1999
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Waters asked:

The ANAO found that for most approved controlled actions, the department has not actively monitored proponents' compliance with their approval conditions (p.21). Will the Department be setting KPIs or targets for percentages of projects subject to spot on-the-ground audits rather than just desktop reviews?

Answer:

In response to the ANAO's findings, the Department has implemented a strategic risk based approach to monitor compliance with the conditions of EPBC approvals. The National Environmental Significance Threat and Risk Assessment (NESTRA) tool informs the Department's EPBC Compliance Monitoring Plan 2014-15. Key elements of the plan include:

- Each new particular manner decision and controlled action approval will be risk assessed to determine an appropriate level of monitoring effort for that project;
- The risk-based prioritisation of existing controlled actions will be revised based on the receipt of new information, and the monitoring effort adjusted accordingly;
- All annual compliance reports received from approval holders are scrutinised and any potential non-compliances investigated in accordance with compliance processes and policies;
- 10 controlled actions identified as high risk will be subject to an audit;
- At least 20 per cent of high risk controlled actions will be subject to a compliance monitoring inspection to verify compliance with approval conditions;
- At least 20 per cent of high risk non-controlled action particular manner projects will be subject to a desktop review; and
- At least 20 per cent of active sea dumping permits will be subject to a desktop review

The Compliance Monitoring Plan 2014-15 is published on the Department's website.

<http://www.environment.gov.au/epbc/publications/compliance-monitoring-plan-2014-15>

As outlined in the *Environment Protection and Biodiversity Conservation Act 1999* Compliance and Enforcement Policy, all allegations of non-compliance with the Act, including but not limited to alleged non-compliance with conditions, are reviewed and investigated as appropriate.