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
Other Considerations

- Damage done
- Circumstances
- History
- Financial
What has been achieved so far

- 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
Avoiding impacts and compliance actions

- 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?

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