

**2007–2008 ANNUAL REPORT OF THE DEPARTMENT OF THE
ENVIRONMENT, WATER, HERITAGE AND THE ARTS**

CORRIGENDUM

The following errata have been identified in Volume 2 of the annual report of the Department of the Environment, Water, Heritage and the Arts being the annual report on the operation of the *Environment Protection and Biodiversity Conservation Act 1999* tabled on 31 October 2008.

1. On page 18 in *Actions by the Australian Government and actions on Commonwealth land* the number of actions determined to require approval was incorrect. It reported four actions require approval and a further six actions were determined to be controlled actions. The paragraph is repeated below with the numbers corrected:

In 2007–08, nine actions were determined to require approval under the EPBC Act because of likely significant impacts on the environment on Commonwealth land, and a further five actions by Australian Government agencies were determined to be controlled actions.

2. On page 18 in *Advice on authorising actions* the number of requests for advice was incorrect. It reported nine requests were received and of those nine requests, five did not require advice. The paragraph is repeated below with the numbers corrected:

Advice under section 160 of the EPBC Act was requested eleven times by the Department of Infrastructure, Transport, Regional Development and Local Government for proposals on Commonwealth airports. Of these eleven requests, seven did not require advice because their effect on the environment would be low. For three of the requests advice was provided and one is still being considered.

3. On page 27 in *Meeting statutory timeframes for referrals* the number and percentage for controlled action decisions that did not meet the statutory timeframe of 20 business days is reported as two late decisions or 0.5%. This number should be 99 late decisions or 27%.
4. On page 30 in *Reconsideration of decisions* the number of reconsideration of referral decisions is reported as one referral decision was reconsidered (by the minister or his delegate) and no decisions were revoked. These numbers should be seven referral decisions were reconsidered (by the minister or his delegate) and four decisions were revoked.
5. On page 31 in *Meeting statutory timeframes for assessments* the number of guidelines prepared by the Department for assessment by public environment report (PER) and assessment by environmental impact statement (EIS) is reported as two public environment reports and three guidelines for environmental impact statements. These numbers should be three public environment reports and five guidelines for environmental impact statements.

6. On page 31 in *Meeting statutory timeframes for assessments* the number of recommendation reports that were prepared outside of the statutory timeframe are reported as 14 late recommendation reports out of 35 for assessment by preliminary documentation. These numbers should be eight late recommendation reports out of twenty eight for assessment by preliminary documentation.
7. On page 31 in *Meeting statutory timeframes for assessments* it is reported that there were no late reports for assessment by public environment report (PER), environmental impact statement (EIS) and referral information prepared outside the statutory timeframe. These numbers should be two out of two late reports for assessment by PER and no late reports for assessment by EIS. One out of two reports was late for assessment on referral information.
8. On page 32 in *Approvals* the number of controlled actions that received approval is reported as 108 controlled actions. This number should be 51 controlled actions.
9. On page 32 in *Meeting statutory timeframes for approvals* the number and percentage of approval decisions is reported as 20 out of 36 approval decisions (55% per cent of the total) were made outside the statutory timeframe. This number should be 29 out of 53 approval decisions (54 % of the total).
10. **Table 1** on page 71 Overview of referrals, assessments and approvals contained errors caused from data calculations. A replacement Table 1 is shown below.

Table 1: Overview of referrals, assessments and approvals

Referrals	2007/2008	Total ¹
Total referrals received	418	2,696
Referrals being processed at 1 July 2007	39	
Referrals withdrawn or lapsed before (Controlled Action) decision	29	74
Referrals lapsed after (Controlled Action) decision	0	18
Referrals withdrawn after (Controlled Action) decision	26	129
Action Clearly Unacceptable	1	1
Referral Decisions made (includes reconsideration)	375	2,568
Approval Required--controlled action	108	603
Approval Not Required--action to be taken in a particular manner	91	447
Approval Not Required--no conditions on action	176	1,518
Referrals being processed at 30 June 2008	54	

¹ Since the commencement of the EPBC Act in July 2000

11. **Table 2** on page 72 *Referrals, referral decisions and reconsideration of decisions* contained errors relating to reconsideration of decisions caused from data calculations. A replacement Table 2 is shown below.

Table 2: Referrals, referral decisions and reconsideration of decisions

Reconsideration of decisions	
Reconsideration decisions being processed at 1 July 2007	0
Reconsideration requests received 2007/2008	9
Reconsideration Decisions made	7
Decision Confirmed	3
Decision Revoked and New Decision Substituted	4
Decision changed from CA to NCA	1
Decision changed from CA to NCA (particular manner)	0
Decision changed from CA to Revised Controlling Provisions	0
Decision changed from NCA (particular manner) to new manners	3
Decision changed from NCA (particular manner) to CA	0
Decision changed from NCA (particular manner) to NCA	0
Decision changed from NCA to CA	0
Decision changed from NCA to NCA (particular manner)	0
Proposal Withdrawn	0
Reconsiderations pending at 30 June 2008	2

Note: CA= controlled action; NCA=not controlled action.

12. **Table 3** on page 73 *Referrals and referral decision by jurisdiction* contained only errors in the WA data. The corrected WA data and totals are shown below.

Table 3: Referrals and referral decisions by jurisdiction

	Referrals received in 2007/2008	Decisions made in 2007/2008			Total decisions
		Approval required	Approval not required		
			CA	PM	
WA	68	22	20	18	60
Total	418	108	88	175	371

Note: CA= controlled action; NCA=not controlled action; PM=action to be taken in a particular manner

13. **Table 4** on page 74 *Referrals and referral decision by activity category* contained errors only in the Agriculture and forestry data. The corrected data is shown below.

Table 4: Referrals and referral decisions by activity category

	Referrals received in 2007/2008	Decisions made in 2007/2008			Total decisions
		Approval required	Approval not required		
		CA	PM	NCA	
Agriculture and forestry	1	0	0	0	0
Total	418	108	88	175	371

Note: CA= controlled action; NCA=not controlled action; PM=action to be taken in a particular manner

14. **Table 5** on page 75 *Number of matters protected by the EPBC Act* for which adverse impacts have been addressed the provision in the legislation under which an NCA (particular manner) decision is made is stated as Section 77(3). This provision should be Section 77A.

15. **Table 6** on page 76 *Decisions on assessment approach and assessments by type of assessment* contained errors only in the Assessment Method Not (yet) Determined data. The corrected data is shown below.

Table 6: Decisions on assessment approach and assessments by type of assessment

	Level of assessment decided in 2007/2008	Assessments completed in 2007/2008	Assessments withdrawn in 2007/2008	Assessments lapsed in 2007/2008	Recommendation reports completed in 2007/2008	Recommendation reports (no approval) completed in 2007/2008	Assessments in progress at 30 June 2008	Recommendation reports in progress at 30 June 2008
State/territory assessments								
Assessment Method Not (yet) Determined	0	0	5	0	0	0	0	0

16. **Table 8** on page 77 *Advice requested and provided under section 160* contained errors only in S160 Airport Major Development Plan data. The corrected data is shown below.

Table 8: Advice requested and provided under section 160

Authorisation provision	Requests for advice	Advice not required	Advice required	Assessment completed	Advice provided
S160 - Airport Major Development Plan	11	7	1	3	2

17. **Table 18** on page 101 *Referrals, assessments and approvals in 2007-08* contained data errors. The table heading and two rows of data were incorrect. The corrected data is shown below.

Table 18: Referrals, assessments and approvals in 2007–08

Section	Total	Late	Reasons for Delay
75(5) Controlled action determination ¹	371	99	Various, including delays in obtaining sufficient information to make a decision; increasing volume and complexity of referrals.
130 (1) Approval decision ¹	17	9	Need for ongoing consultation with proponent/states over content of final approval conditions.

¹ Prior to the February 2007 amendments to the EPBC Act

² Including under the AD(JR) Act

The following change is made in Volume 1 of the 2007–08 annual report of the Department of the Environment, Water, Heritage and the Arts as a result of the correction in paragraph (3) above:

18. On page 100 in *Environmental Assessments and Approvals* the percentage of decisions made within the statutory timeframes is stated as 96%. This value should be 94%.