

What will the changes achieve?

The changes to the EPBC Act will:

- ensure matters of national environmental significance continue to receive the highest possible level of protection
- cut red tape and enable quicker and more strategic action to be taken on emerging environmental issues
- provide greater certainty for industry
- make environmental decision-making more efficient and cost-effective
- strengthen compliance with, and enforcement of, the Act
- encourage the use of regional plans to create more certainty about the outcomes of environmental decisions *and*
- increase the general understanding of the processes and mechanisms of the EPBC Act.



For more information

Australian Government
Department of the Environment and Heritage
Web: www.deh.gov.au
www.deh.gov.au/epbc
Email: epbc-amendments@deh.gov.au

EPBC Act publications including EPBC Act Policy Statements are available from the Department's Community Information Unit
Web: www.deh.gov.au/publications
Email: ciu@deh.gov.au

Protecting matters of national environmental significance

Actions that have, or are likely to have, a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment and Heritage under the EPBC Act.

There are seven matters of national environmental significance that will continue to be protected under the amended Act, these are:

- World Heritage properties
- National Heritage places
- wetlands of international importance (Ramsar wetlands)
- threatened species and ecological communities
- migratory species
- Commonwealth marine areas *and*
- nuclear actions (including uranium mining).

IMAGES – EXTERNAL PANELS: *Western Pygmy Possums – Lochman Transparencies; Solar farm and solar panels – Solar Systems Pty Ltd; Old Parliament House – Steve Wray and the Department of the Environment and Heritage (DEH); Paperbark swamp – Allan Fox and DEH; Heard and McDonald Island Marine Reserve – Grant Dixon and DEH; Mudflats and Paperbark swamp – Allan Fox and DEH; Tugun Beach – DEAT; Tasmanian Devil – Dave Watts. INTERNAL PANELS:* *Swift Parrot – Dave Watts; Hinchinbrook Island – Allan Fox and DEH; Old Parliament House – Steve Wray and DEH; Townsville area – Allan Fox and DEH; Dugong – B. Cropp, GBRMPA; Burrowing Bettong – Dave Watts.*



Australian Government
Department of the Environment and Heritage

Changes to the EPBC Act What you need to know



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About the EPBC Act

The Australian Government commenced its landmark environmental legislation, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), on 16 July 2000.

Heralded as world-class legislation, the EPBC Act was designed to streamline national assessment and approval processes, and strengthen protection for Australia's environment and heritage.

Major environmental achievements

Since its introduction, the EPBC Act has achieved some major environmental wins for Australia, including:

- the establishment of the Australian Whale Sanctuary and the protection of all cetaceans (whales dolphins and porpoises) within its waters
- protection of Australia's 64 Ramsar wetlands sites
- significant legal successes including record penalties for illegal land clearing activities, and the establishment of conservation agreements for threatened species affected by development
- national protection for more than 1500 unique Australian plant and animal species and
- recognition and protection of more than 30 outstanding heritage places which have shaped the nation's identity, such as the Budj Bim National Heritage Landscape.

Why amend the EPBC Act?

In the six years since its introduction, the challenges facing the Australian environment have changed, just as the Australian environment itself has changed.

The Australian Government now proposes to streamline the Act with a series of amendments, that will benefit industry, the economy and the nation while maintaining its strong commitment to protecting Australia's unique and iconic natural, cultural and Indigenous heritage.

What are the changes?

Cutting red tape in government

The amendments contain improvements to reduce duplication and complexity and improve assessment and approval processes.

Other improvements will have a more significant impact on the application of the Act, including providing incentives for developments to be considered earlier in the planning process and in the context of regional plans and strategic assessments.

The amendments mean that quicker decisions can be made for straightforward projects, which will result in greater cost-savings and efficiencies for industry, government and the community.

Increasing flexibility in setting conditions on developments

The amendments will broaden the types of conditions to be attached to development approvals. This will allow voluntarily compensatory actions and financial contributions to be made to help offset the impacts of developments in situations where impacts are unavoidable.

Increasing certainty for industry and community

Changes to the Act will clarify responsibilities for proponents and referral, assessment and approval processes. They will also allow the Minister for the Environment and Heritage to publish policy statements that will assist decision-making.

The amendments will make it easier and more attractive for local planning schemes to be accredited under the Act, thus giving greater certainty.

The amendments will also allow the Minister to take a more strategic approach towards listings of heritage places and threatened species.

Strengthening compliance and enforcement

The amendments will address previous compliance difficulties and strengthen environmental protection by making it easier to take action against people who breach the Act.

The amendments establish a range of new enforcement options as an alternative to lengthy and expensive court proceedings. They also enhance enforcement action taken to address minor breaches of approval conditions by allowing the use of a new set of reduced penalties.

Changes to the Act will broaden the powers of the Minister to require remediation action where matters of national environmental significance have been damaged, without the need for court action.

Increasing public consultation and information

The amendments will increase public access to information and documentation used as part of the approval process – including publishing referrals nominated as controlled actions and setting time limits on publishing application documentation. A summary of public comments will also need to be included in finalised Public Environment Reports and Environmental Impact Statements.

In the future the Minister will be able to seek comment on the conditions proposed for a project as well as the assessment report.

Strengthening protection for whales

Amending the Act will further protect whales by identifying important cetacean habitat area and improving permit requirements.