

Public Accounts and Audit

Answers to questions on notice

Agriculture, Water and the Environment Portfolio

Inquiry: Regulatory Activities: Inquiry into Auditor-General's Reports 33, 47, 48 (2019-20) and 5 and 8 (2020-21)

Question No: IQ21-000069

Hearing Date: 4 March 2021

Division/Agency: Environment Approvals Division (EAD)

Topic: Detail of the 26 approvals assessed by the ANAO

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Question Date: 4 March 2021

Question Type: Spoken

Mr Hill asked:

Ms Mellor: I think this audit demonstrates the importance of it. Sometimes entities say that we're down in the weeds, carrying our clipboards and banging on about record keeping and that it creates red tape et cetera. That sort of noise sometimes comes from our disposition around the importance of record keeping. But, when you're regulating something as important as this and you're setting rules within your regulation about what documentation must be kept, it's because there's a risk. This is, as many areas of Commonwealth regulation are, a highly contestable space with very strong interests within it. It was very disappointing from an auditor's perspective to see that rules that were set about good record keeping and documentation around decision-making actually hamstrung us in proceeding down some of the audit routes that we would have done. You come to dead ends when there's nothing there. So the nature of your questions about the outcomes of that are hard for us to answer in the absence of documentation that needed to be there. But this audit report is a case study in some of the questions over recent weeks, particularly ones the chair has asked us, about record keeping. This is where the rubber hits the road. Record keeping is not about being audited. It's not about 'tick and flick' rules; it's about the quality of decision-making in highly contestable regulatory spaces.

Mr HILL: Particularly where compliance or enforcement and so on may well be required—

Ms Mellor: Correct.

Mr HILL: in these things to protect the environment. Can you take on notice and provide us with full details of those 26 approvals that were assessed and which of the 23 did not have this document?

Ms Mellor: We can take it on notice.

Answer:

The Department of Agriculture, Water and the Environment does not have information on which particular cases were considered by the ANAO in this sample.

The audit report did not identify the details of the projects in the sample because it was focused on assessing whether the processes and systems were adequate for administration of the *Environment Protection and Biodiversity Conservation Act 1999*.