

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

**Question No:** 39  
**Hearing:** Additional Estimates  
**Outcome:** Outcome 1  
**Programme:** Environment Assessment and Compliance Division (EACD)  
**Topic:** EPBC Act – enforcement, risk management, application of precautionary principle  
**Hansard Page:** N/A  
**Question Date:** 23 February 2015  
**Question Type:** Written

**Senator Canavan asked:**

I refer to the process and approach adopted by the Department in enforcing the EPBC Act, in particular the risk-based approach used to assess whether a project needs referral or is deemed to cause impact to Matters of National Significance under the Act, and how that applies in regard to threatened species. The compliance enforcement policy of the department states:

“A risk-based approach is used to prioritise cases and identify those that warrant further investigation. Compliance and enforcement activities are undertaken in accordance with the principles of natural justice and procedural fairness. We may also seek the opinion of experts on specific subject matter.”

1. In a number of areas across northern Australia the in-field species distribution and population records can often be quite limited or many decades old. In instances where there are limited or outdated records, does the department accept local knowledge and observation as evidence or must the department always use official or targeted survey data?
2. If the official data is patchy, old or doubtful in any other way, is there scope under the Act for the department to use local knowledge such as observations by landholders or local naturalists?

**Answer:**

1 and 2)

Lack of formal records of matters of national environmental significance is not considered a reason not to undertake appropriate due diligence to determine if an action is likely to impact on any matters which are protected under the EPBC Act.

If there are no formal records, or limited or outdated records, the Department will consider local knowledge and observation as evidence. In some cases the Department may choose to verify this information through the use of a suitably qualified expert. Members of the public are able to contribute information, including sightings of listed threatened species and ecological communities, to the Department’s publicly available Species Profile and Threats Database.