

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

Question No: 42
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:

The following relates to actions taken by the Department over the last twelve months under the EPBC Act - to either seek information from developers or for referral under the Act - in relation to threatened species in North West Queensland. Specifically:

1. What species records were used to determine distribution of threatened species?
2. What was the confidence level of those records (distance of sighting from the development, date of last sighting etc)?
3. What scale and confidence level of ecosystem or habitat data was used and what steps were taken to ensure it was ground truthed?
4. Can you provide a written example of an actual risk assessment in this area within the last twelve months?
5. Is the evidence underpinning the Department's decisions under the risk based approach provided to the developer for consideration?
6. Please outline how this approach is consistent with the principles of procedural fairness and natural justice?

Answer:

1. The Department's species mapping uses species observation records collated from a broad range of sources including state agencies (such as Qld WildNet), museums, and herbaria (stored in the Australian Natural Heritage Assessment Tool and Species Observation System – which contains over 70 million records). The Department also sources data and habitat information from bodies on the ground (such as natural resource management bodies), research institutions and experts where possible.
2. Species observation records have a varying level of confidence in terms of positional accuracy and date currency. These values are attributed against each record and scrutinised during the mapping process. Generally, the Department's species mapping uses records with a high positional accuracy (usually within 1km for modelling purposes) and a date currency of post-1990.
3. Ecosystem or habitat mapping undertaken by the Department is intended to be precautionary and is updated periodically to reflect the best available scientific information. The data is primarily created to serve the reporting requirements of the Protected Matters Search Tool. This interactive tool seeks to provide proponents a starting point to guide their due diligence in planning to avoid a significant impact on matters of national environmental significance.

5. The mapping uses a variety of habitat information available including national-scale datasets such as the National Vegetation Information System (state-based vegetation mapping), Atlas of Australian Soils, Geology mapping, Interim Biogeographic Regionalisation of Australia, and (for modelling) Climate and Landscape surfaces.
6. The Department has not engaged any experts to undertake compliance risk assessments specific to North Queensland in the past 12 months.
7. In circumstances when the Department is considering taking a civil or administrative compliance action, it is standard procedure for all key expert advice obtained in the course of those enquiries to be released to the respondent.
8. The provision of expert advice and other material in advance of any final decision to progress a substantive compliance action is consistent with the principles of natural justice and procedural fairness. This process affords the respondent the opportunity to seek independent third party review of that advice and to provide comments back to the Department for consideration prior to any final decision being made.