

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice
Environment and Energy portfolio

Question No: 122
Hearing: Budget Estimates
Outcome: Corporate
Program: Environment Standards Division (ESD)
Topic: Control Policies
Hansard Page:
Question Date: 08 June 2017
Question Type: Written

Senator Roberts asked:

Do control policies face the burden-of-proof, instead of freedom policies, and face a high (e.g. beyond-a-reasonable-doubt) or at least medium (e.g. on-the-balance-of-probabilities) standard-of-proof rather than a low one (e.g. the precautionary principle)?

Answer:

Parliament determines the appropriate standard of proof (such as 'beyond reasonable doubt') for each piece of Commonwealth legislation they enact. These standards are reflected in any policy documents that are developed to provide interpretation and/or guidance in relation to these pieces of legislation.

For example, the Department of the Environment and Energy has developed a number of publicly available policy guidance documents to support decision making under the *Environment Protection and Biodiversity Conservation Act 1999*. These are available on the Department's website (www.environment.gov.au/epbc/policy-statements) and reflect the standards set out in that Act.