

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

Question No: 63
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Programme: Environment Assessment and Compliance Division
Topic: A PERSONS HISTORY IN ENVIRONMENTAL APPROVALS
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Waters asked:

What is the Department's understanding of s136(4) of the EPBC Act in relation to the environmental history of members of corporate groups? In particular, is the environmental history of another member of a corporate group a relevant consideration under 136(4) if that other member was not a parent body as defined in s136(4)(c) but rather had a different relationship to the body corporate proposing to take a controlled action? For example, would the environmental history an overseas subsidiary of the same parent company as the body corporate proposing to take a controlled action be a relevant consideration under s136(4) in the Department's understanding?

Answer:

Section 136(4) of the EPBC Act requires that in deciding whether or not to approve the taking of an action by a person, and what conditions to attach to an approval, the Minister may consider:

- i. the person's history in relation to environmental matters,
- ii. if the person is a corporation, the history of its executive officers in relation to environmental matters may be considered, and
- iii. if the corporation is a subsidiary, the history in relation to the parent body and its executive in relation to environmental matters may be considered.

The Minister can only consider the environmental history of the parent corporation and its executive officers. The environmental history of an overseas subsidiary of the same parent company as the body corporate proposing to take a controlled action does not fall within this definition.