

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

**Question No:** 64  
**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:**

The Department's policy on a person's environmental history (<http://www.environment.gov.au/system/files/resources/57853bb3-a51b-4aed-8565-f603fa1868d2/files/epbc-act-policy-environmental-history.pdf>) states that "The provisions of Chapter 4 of the EPBC Act that allow a person's environmental history to be taken into account are expressed broadly." Does this statement override the apparently narrower wording of s136 which seems to restrict consideration of a corporate group's environmental history to the environmental history of one body corporate and its parent company?

**Answer:**

The Department's policy on a person's environmental history does not override the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). Departmental policies must be read in the context of the EPBC Act and are designed to assist decision makers with fulfilling the requirements of the Act.

The policy is consistent with the EPBC Act. The policy explains that a decision maker can consider the environmental history of:

- i. the person whose action is under assessment
- ii. if that person is a corporation, the history of its executive officers, and
- iii. if the corporation is a subsidiary, the history in relation to the parent body and its executive.

The policy goes on to state that a broad range of matters and types of information can be considered by the decision maker in relation to the relevant person's environmental history.