

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

Question No: 152
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1.5
Programme: Environment Standards Division (ESD)
Topic: Kakadu National Park - Prosecution
Hansard Page: N/A
Question Date: 19 October 2015
Question Type: Written

Senator Peris asked:

1. What punitive measures might the company face in the way of prosecution?
2. Media reports state the company could be fined over \$8 million, is that so?
3. Under what statute would the company be prosecuted?

Answer:

1. Penalties under national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* include:
 - for an action taken without approval that is likely to impact matters of national environmental significance, civil penalties of up to \$900,000 for an individual and \$9 million for a body corporate, or criminal penalties of seven years imprisonment and/or a penalty of \$75,600.
 - for an action taken without approval that is likely to impact on Commonwealth land, civil penalties of up to \$180,000 for an individual or up to \$1.8 million for a body corporate, or criminal penalties of up to two years imprisonment and/or a penalty of \$21,600.

In addition to the civil and criminal penalties outlined above, there are a range of alternative enforcement mechanisms available under the Act including requirements to remediate or compensate for environmental damage.

2. While the Act provides for substantial penalties (see 1), it would be premature to speculate about the outcome of an investigation which is at an early stage.
3. The Department is investigating a potential breach of the *Environment Protection and Biodiversity Conservation Act 1999*.