

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

Answers to questions on notice  
**Environment and Energy portfolio**

**Question No:** 142  
**Hearing:** Supplementary Budget Estimates  
**Outcome:** Outcome 1  
**Program:** Environment Standards Division (E SD)  
**Topic:** Assessment Processes and Resources  
**Hansard Page:** n/a  
**Question Date:** 01 November 2016  
**Question Type:** Written

**Senator Urquhart, Anne asked:**

What happens if a State continually underperforms in its duties in regard to the EPBC Act?

**Answer:**

A State or Territory assessment process can be accredited by the Minister, under an assessment bilateral agreement, if the process meets the requirements of the EPBC Act and EPBC Regulations.

The agreement sets out the requirements and expectations for the Commonwealth and the relevant State or Territory party.

Where the Commonwealth is of the view that a State or Territory party is not administering the agreement effectively, under section 59 of the EPBC Act, the Minister may elect to suspend or cancel the effect of an agreement, following consultation with the relevant State or Territory party.

Under section 60 of the EPBC Act, the Minister may elect to suspend the effect of an agreement, without consultation with the relevant State or Territory party, if the Minister is satisfied that the party is not, or will not comply with the agreement and a significant impact is occurring or imminent as a result of this non-compliance.