

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

**Question No:** 49  
**Hearing:** Additional Estimates  
**Outcome:** Outcome 5  
**Programme:** Environment Assessment and Compliance Division  
**Topic:** Environmental Impact Assessment  
**Hansard Page:** N/A  
**Question Date:** 07 March 2014  
**Question Type:** Written

**Senator Waters asked:**

The Department's website includes a Environmental Impact Assessment Service Charter relating to environmental impact assessment under the EPBC Act, where the Department refers to project proponents like Santos and Whitehaven Coal as 'clients'. The Department is the environmental regulator with obligations under the EPBC Act to protect matters of national environmental significance – why should the community not be concerned that there may be a conflict of interest between the Department's obligations to act in the public interest as regulator, while it is referring to the regulated entities as its clients?

**Answer:**

The Environmental Impact Assessment (EIA) Client Service Charter sets out the Department's commitments in administering environmental impact assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This includes a commitment to honest, accurate and timely service advice, and a responsive and transparent service for EIA, post approval monitoring and auditing functions.

This commitment applies to all clients. The Charter makes specific commitments to proponents and consultants, state and territory governments, and members of the public. The Charter recognises the roles and interests of all these different groups in the EIA process.

EIA decisions are made in accordance with relevant legislation, policies and guidelines and take into account the individual circumstances of a particular project. The Charter is intended to provide clarity and guidance about the service that businesses or other proponents can expect during the EIA process, and does not provide a guarantee or commitment to any decision outcome under the (*Administrative Decisions/ Judicial Review*) Act 1977. It should be noted that judicial review of decisions made under the EPBC Act is available.