

National EPA Regulatory Posture

Foreword

The National EPA has been established at a time of significant reform to Australia's national environmental regulatory system. Our regulatory approach and how we operate will continue to be refined as our organisation and regulatory frameworks mature. This posture sets a clear direction for how we intend to regulate in practice from the outset, while recognising that we will need to test, learn and refine our approach over time.

Our posture is not just a statement. It is a practical commitment to how we make decisions, manage risk and harm, engage with regulated entities and the community, and use our regulatory tools. It will guide how we align our guidance, systems, capability, performance measures and culture as a single national regulator.

We apply Australia's national environmental laws impartially, consistently and transparently, within the roles and powers given to us by law. Where we exercise delegated decision-making powers, we do so impartially and on the evidence before us. Where we provide advice to the Minister or government, we provide frank, evidence-based and expert regulatory advice that supports informed decision-making. In all cases, we remain accountable for the quality, legality and integrity of our work.

Our aim is to protect the environment through the effective and impartial administration of Australia's national environmental laws. This means delivering faster, clearer and more consistent regulatory decisions, stronger environmental outcomes, greater certainty for regulated entities and the community, visible compliance and strong consequences for deliberate, reckless or repeated non-compliance. The National EPA also acts as a steward of the regulatory system identifying opportunities for improvement where relevant to policy makers, the regulated community and in its own practice, guidance, tools, capability and partnerships.



John Bradley PSM
Chief Executive Officer



Environmental Regulatory Reform

As Australia's national environmental regulator, the National EPA is responsible for regulating matters that are fundamental to the protection, conservation, restoration and sustainable management of the environment. Through the administration of a broad suite of national environmental laws, the National EPA plays a central role in achieving environmental, regulatory and public policy outcomes that support the long-term health and sustainability of Australia's environment.

This remit spans Matters of National Environmental Significance protected under the *Environment Protection and Biodiversity Conservation Act 1999*, including threatened species and ecological communities, migratory species, Ramsar wetlands, World Heritage and National Heritage places, Commonwealth marine areas and other nationally protected matters. It also encompasses regulatory frameworks governing wildlife trade, ozone depleting substances and synthetic greenhouse gases, hazardous waste movements, sea dumping activities, product stewardship schemes, recycling and waste reduction initiatives, and other environmental regulatory responsibilities entrusted to the National EPA.

While these laws serve different purposes and operate through different regulatory mechanisms, effective regulation is fundamental to achieving the outcomes they are intended to deliver.

The National EPA has been established in the context of significant demand for timely decisions on projects and activities that contribute to national priorities, including housing, renewable energy, critical minerals, major infrastructure, international trade and the transition to net zero. This has informed transparency and accountability measures in the statutory framework promoting consistent and proportionate decision making with clear requirements for proponents. In this context, the reforms to the EPBC legislation introduce new stronger obligations to protect and restore nature – including that the proposal meet explicit National Environmental Standards, avoid unacceptable impacts and offset any residual significant impact to achieve net gain.



Our posture



We will be proactive and problem-solving:

We will engage early, clearly and constructively to surface risks, clarify requirements, improve information quality and identify practical pathways to better environmental outcomes. We will not wait for issues to escalate where earlier engagement can prevent harm, delay or avoidable rework.



We will expect and support compliance:

We will expect regulated entities to understand and meet their legal obligations, manage environmental risks and provide complete, accurate and timely information. We will support compliance by providing clear guidance, foreseeable requirements and constructive feedback. We will maintain avenues for regulated entities to raise issues, seek clarification and respond to our feedback.



We will make timely, consistent and impartial decisions:

We will make and inform decisions based on law, evidence, science and expert judgement, exercising our role under national environmental laws to protect and improve environmental outcomes. We will apply regulatory effort in proportion to environmental risk, focusing our attention on where it will have the greatest impact. We will accept that timely, risk-based decision-making often requires sound judgement on the best available information, rather than waiting for perfect information. We will explain our decisions clearly and publish information where appropriate and lawful to support accountability, consistency and public confidence.



We will be fair, firm and decisive when enforcing compliance:

We will use a proportionate compliance model. We will support voluntary compliance and address lower-risk issues through guidance, engagement and corrective action where appropriate. We will respond decisively to non-compliance, including using the full force of the law where conduct is deliberate, reckless or repeated, where there is serious or imminent environmental harm, or where a regulated entity fails to respond to clear expectations.



We will be stewards of the regulatory system:

We will take responsibility for how the regulatory system performs over time. We will use data, intelligence, feedback and evaluation to improve guidance, systems, capability, priorities and regulatory settings. We will continue to test how our regulatory operations are working in practice and refine our approach over time.



What our stakeholders can expect

- Support to comply through clearer expectations, guidance and decision pathways.
- Early, problem solving engagement to clarify issues, risks and information requirements.
- Timely, impartial and evidence-based decisions where obligations and information requirements are met.
- Regulatory effort focused on protecting the environment by addressing material environmental risks and outcomes.
- Reasons for decisions are made public where appropriate.
- Firm compliance and enforcement action where conduct, harm or risk warrants it – delivered in an appropriately visible and transparent manner.



What we expect from regulated entities

- Understand and meet legal obligations.
- Provide complete, accurate and timely information.
- Identify, manage and communicate environmental risks early.
- Engage constructively and be receptive to feedback.
- Take timely corrective action when issues are identified.
- Maintain systems, records and behaviours that support ongoing compliance.