

Understanding compliance with the Environment Protection and Biodiversity Conservation Act 1999

Understanding the compliance process

Our compliance approach

The National Environmental Protection Agency (National EPA) supports people to comply with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). We do this by:

- monitoring and checking activities
- assessing whether actions comply with the law
- detecting potential breaches
- taking action that matches the seriousness of the issue.

This approach is defined in our:

- [Compliance Policy](#)

When assessing possible non-compliance, we consider:

Environmental harm or risk of harm

- the actual or potential impact on the environment and protected matters

Behaviour

- whether the action was deliberate, reckless or accidental
- whether reasonable steps were taken to understand obligations
- previous compliance history
- whether similar issues have occurred before

Working together

We work with:

- First Nations Peoples
- communities
- regions
- industry
- states and territories
- other government agencies
- international partners.

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We work with First Nations Peoples, communities, industry, states and territories, other government agencies and international partners to protect the environment and support compliance with the EPBC Act.

Supporting compliance

We use a range of tools, including:

- stakeholder engagement and education
- audits and inspections to check compliance with approvals and legal requirements
- information gathering and analysis
- administrative actions (varying, suspending, or revoking permissions)
- civil and criminal sanctions for serious non-compliance.

Clearing of Vegetation

Clearing of vegetation may require approval under the EPBC Act if it is likely to have a significant impact on a matter of national environmental significance (MNES). MNES include:

- **World Heritage Properties:** Sites recognised for outstanding universal value.
- **National Heritage Places:** Areas of significant value to Australia.
- **Ramsar Wetlands:** Wetlands of international importance.
- **Threatened Species & Communities:** Nationally listed endangered or vulnerable species/communities.
- **Migratory Species:** Protected under international agreements.
- **Commonwealth Marine Areas:** Marine environments under federal jurisdiction.
- **Great Barrier Reef Marine Park:** Specifically protected area.
- **Nuclear Actions:** Including uranium mining.
- **Water Resources:** Specifically, regarding coal seam gas and large coal mining development.

Before undertaking activities

If you are unsure whether an activity may require approval under the EPBC Act, seek advice before starting work. You can contact the National EPA, consult relevant industry bodies, or obtain independent professional or legal advice. Early engagement can help avoid delays and compliance issues.

Why we may contact you

We are responsible for working with landowners to ensure they understand and comply with their obligations under the EPBC Act.

This includes:

- responding to reports or allegations of potential non-compliance
- conducting audits of approved actions and other activities where compliance checks are required
- reviewing satellite imagery
- assessing whether activities may affect MNES.

As part of this work, our Environmental Compliance team may contact you. This first interaction is often not a site visit. It may begin with:

- a phone call
- an email
- a request for information or documents

When we make contact, we are usually seeking to understand if:

- your activities may affect matters of MNES, including threatened species, ecological communities and heritage places.
- available information or reports indicate a possible compliance risk
- clarification is needed following routine monitoring or audit activities.

These steps help us understand your activities and decide whether further investigation is needed.

In some cases, a site inspection may be required to confirm information and understand what has happened on the ground.

Our aim is to:

- work with you
- understand your activities
- provide clear and timely information.

How we use your information

Information you provide is used to:

- understand your activities and potential impacts
- inform whether further assessment or inspection is needed
- assess compliance and determine whether a breach has occurred
- guide follow-up actions, advice or enforcement decisions
- improve monitoring and compliance programs.

We only collect information reasonably necessary to perform our functions under the EPBC Act.

What happens if non-compliance is identified?

If our assessment indicates that a breach of the EPBC Act may have occurred, we will provide you with information relevant to the matter and an opportunity to respond before compliance decisions are made, except where legal requirements or urgent circumstances require otherwise.

We will:

- provide you with any relevant expert reports or technical information relied upon, where appropriate
- give you the opportunity to discuss and respond
- explain how the non-compliance may be addressed
- keep you informed of next steps.

Addressing non-compliance

Where non-compliance is identified, our preference is to work with individuals and organisations to achieve compliance and address environmental impacts. Where necessary, the EPBC Act provides a range of options and mechanisms to respond proportionately to the circumstances of a matter.

Responses may range from education and remediation through to formal enforcement action for more serious matters.

Mechanism	Description
Warning letter	Advises of concerns and required corrective action
Conservation agreement	Agreement to protect, restore or remediate environmental values
Enforceable undertaking	Legally enforceable commitment to address issues
Remediation determination or order	Requires specified actions to repair environmental impacts
Injunction	Court order requiring actions to stop or occur
Civil penalty	Financial penalty imposed by a court
Criminal sanctions	Penalties for the most serious offences

Complaints

Our officers are trained and expected to operate professionally in accordance with APS Values. If you have any concerns about the conduct of an authorised officer or the way a compliance matter has been handled, you can provide feedback or make a complaint through the website: [Contact us | nationalepa](#)

Who else can I talk to

Email: Environment.compliance@nationalepa.gov.au

Phone: 1800 110 395

Website: [Contact us | nationalepa](#)

Should you wish to obtain your own independent advice you can seek information from peak industry representative bodies or seek independent legal advice.