



How does national environmental law apply to the clean up of natural disasters?

Australia's key national environmental law—the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)—is designed to protect nationally significant matters.

Under the legislation, any action likely to have a significant impact on these matters needs to be referred to the federal Department of Environment and Energy for assessment.

There is no reason why the legislation would hamper urgent recovery or rebuilding work.

Generally, reconstruction of existing infrastructure would not need to be reassessed by the Department.

If recovery activities do need to be assessed because they are likely to have a significant impact on nationally protected matters, they will be given priority to ensure a quick assessment.

Examples of activities that might need to be assessed

- Building a new road through a listed threatened ecological community, to replace a road that was washed away during the flooding.
- Bulldozing debris in a World Heritage Area or known critical habitat of a threatened species.
- Dredging a heavily-silted port following floods.

Impacts on previous approvals/ approval conditions

Some proponents might find that circumstances beyond their control have led to them being in breach of their federal environmental approval conditions.

The Department will take a common sense approach to enforcing conditions where natural disaster may have made compliance difficult or even impossible (for example, by extending time to submit reports or accepting non-compliance as being due to factors beyond the control of proponents).

Where necessary, the Department will be flexible on timelines (such as due dates for annual reports).

Proponents are encouraged to talk to the Department about any compliance issues as soon as possible.

Exemptions

In exceptional circumstances the minister can grant national interest exemptions from federal environment assessment and approval requirements. The Department can provide case by case advice on urgent proposals.

More information

If you have any doubts or for more information, call 1800 803 772.

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