



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

# Annual Compliance Report Guidelines

Reporting under the *Environment  
Protection and Biodiversity  
Conservation Act 1999*



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### **Acknowledgement of Country**

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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# Introduction

The purpose of this document is to provide guidance to approval holders preparing Annual Compliance Reports required by condition of their *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval. Information about the EPBC Act assessment and approval process is available on the Department of Climate Change, Energy, the Environment and Water's (department's) website at [dcceew.gov.au/environment/epbc](https://dcceew.gov.au/environment/epbc).

These guidelines provide an overview of the responsibilities of both the approval holder and the role of the department after an approval is issued. They provide guidance on the required content and formatting of the Annual Compliance Report, and a sample compliance table to be included in every Annual Compliance Report.

## 1.1 Compliance reports prepared to satisfy other regulations or regulatory bodies

The department understands that in addition to meeting EPBC Act obligations, approval holders may need to prepare a compliance report to satisfy the requirements of other regulations or regulatory bodies. Accordingly, the department recognises that the format of Annual Compliance Reports may need to vary, and will accept reports prepared for other regulators providing they include the information specified in these guidelines and the conditions compliance table described in Section 4.1 and Appendix A. The reports must clearly articulate the different requirements included for each regulator.

## 1.2 Roles and responsibilities

Approval holders are responsible for self-regulation and implementing systems and practices to ensure their actions are compliant with EPBC Act requirements. The department recognises that members of the regulated community will voluntarily comply with legislation if they are provided with the correct guidance and assistance.

## 1.3 Department's Compliance and Enforcement Branch

The department's Compliance and Environment Branch delivers the compliance and audit regime for approvals issued under the EPBC Act and is responsible for guiding and assisting EPBC approval holders to ensure they meet the obligations set out in an approval. Requests for assistance or clarification are encouraged and must be sent in writing to [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au).

## 1.4 Service Charter

The [Departmental client service charter](#) sets out the standards of service clients can expect from us, their rights and responsibilities and how to find out more about the department.



## 1.5 Non-compliance

The department undertakes a range of compliance activities to ensure the regulated community is aware of their obligations under the EPBC Act. When contraventions occur, the EPBC Act provides enforcement options that include a range of criminal and civil penalties, and civil and administrative remedies.

Compliance activities include monitoring inspections, desk top document reviews and compliance audits in accordance with the department's published [Compliance Policy](#). Desktop document reviews are undertaken to determine the status of approvals and compliance with conditions. Approval holders are required to assist with these reviews. Approvals subject to a full compliance audit are chosen via a risk-focussed strategic selection process as part of the audit program. This document is not intended to provide guidance to approval holders directed to undertake a full compliance audit under section 458 of the EPBC Act. Please refer to the [Independent Audit and Audit Report Guidelines](#) for further information.

## 1.6 Annual Compliance Reports

Annual Compliance Reports help to ensure projects with the potential to impact on matters protected under the EPBC Act are implemented as approved. The reports help the Australian Government to understand how well approval conditions are being understood and implemented, plus they contribute to improving the effectiveness of the department's operations. Further information can be found on the department's website at [dcceew.gov.au/environment/epbc/compliance/audits](https://dcceew.gov.au/environment/epbc/compliance/audits)

**Under the EPBC Act, approval holders must maintain accurate records of all activities associated with or relevant to the conditions of approval so that they can be made available to the department on request. Such documents may be subject to audit and used to verify compliance. In some cases, this requirement may be added as a condition attached to an approval.**

## 1.7 Compliance Policy

The department's approach to compliance is set out in its published Compliance Policy, which is available on its website at: [dcceew.gov.au/about/commitment/compliance-policy](https://dcceew.gov.au/about/commitment/compliance-policy)

**Approval holders must self-report potential non-compliances upon becoming aware of them or in accordance with the conditions of approval. Self-reporting enables the department to address and assist with instances of non-compliance early and may help to prevent the issue from becoming more severe. In some cases, this requirement may be added as a condition attached to an approval.**

# Format of the Annual Compliance Report

## 2.1 General

Each page of the Annual Compliance Report must include the EPBC approval number, the name of the project, the date of the report and sequential page numbering. Reports are to be submitted to the department via email to [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au). If your report exceeds the allowable size for email attachments, please contact the department at the above email to arrange an alternate submission method. Submissions must be titled 'Annual Compliance Report' with the project name and EPBC approval number. The time period of the report must be clearly stated (e.g., 10 October 2023 to 9 October 2024).

## 2.2 Digital requirements

The department uses an electronic document management system. The complete report (text, figures, and appendices) must be supplied as an Adobe Acrobat PDF file. At a minimum, the PDF document is to be bookmarked to the major components (e.g., contents, main report, and appendices). Where this is not possible, the department will accept individual components in common formats. Where individual digital components are supplied, please provide a file list and the corresponding report reference.

Electronic data will be accepted via email or via online storage services with prior arrangement.

## 2.3 Revised reports

The department may request that an Annual Compliance Report be revised and resubmitted. A resubmitted report must be accompanied by an electronic copy of the document showing tracked changes from the previous report.

## 2.4 Requirements for maps, plans and attachments

All maps, plans and attachments must conform to the following standards.

**Scale** – An appropriate standard metric scale must be chosen to best represent the information required (e.g., 1:25 000, 1:10 000 and 1:5000).

**Datum** – Plans and cross sections must refer to Australian Height Datum.

**Title Block** – Plans must have a title block in the lower right-hand corner of the sheet with the following information:

- EPBC number and project name
- title and number of the plan
- author
- scale
- date.

Legend – Plans must have a clear and comprehensive legend to identify the symbols and colours used.

Maps, plans, figures, images, and attachments must:

- use metric measurements throughout
- show a graphic bar scale
- show any local grid lines and standards
- have a north point or orientation of sections
- include a key.

## **2.5 Delivery address**

Compliance reports must be titled 'Annual Compliance Report' with the project name and EPBC approval number, clearly labelled beneath the title.

Annual Compliance Reports must be forwarded to [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au).

The above email address can be used if you are seeking assistance on preparing a compliance report.

# Content of the Compliance Report

## 3.1 Declaration of accuracy

Under sections 490 and 491 of the EPBC Act, a person must not knowingly provide information to the department that is false or misleading. The extract below must be considered in the context of the EPBC Act as whole, including any related sections and any relevant definitions. You must seek your own legal advice regarding interpretation of the sections.

### **490 Providing false or misleading information in response to a condition on an approval or permit**

(1) A person is guilty of an offence if:

- (a) the person is the holder of an environmental authority; and
- (b) a condition attached to the environmental authority requires the person to provide information; and
- (c) the person provides information in response (or purportedly in response) to the requirement; and
- (d) the person is reckless as to whether the information is false or misleading in a material particular.

Note: The fault element in paragraph (1)(d) can be demonstrated by proof of knowledge. See subsection 5.4(4) of the *Criminal Code*.

(2) The offence is punishable on conviction by:

- (a) imprisonment for a term not more than 2 years, a fine not more than 120 penalty units, or both, if it is proved the person knew the information was false or misleading: or
- (b) imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both, if it is proved the person was reckless as to whether the information was false or misleading.

Note: Subsection 4B (3) of the *Crimes Act 1914* lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.



**491 Providing false or misleading information to authorised officer etc.**

(1) A person is guilty of an offence if the person:

(a) provides information or a document to another person (the **recipient**); and

(b) knows the recipient is:

(i) an authorised officer; or

(ii) the Minister; or

(iii) an employee or officer in the department; or

(iv) a commissioner;

performing a duty or carrying out a function under this Act or the regulations; and

(c) knows the information or document is false or misleading in a material particular.

(2) The offence is punishable on conviction by imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both.

Note: Subsection 4B (3) of the *Crimes Act 1914* lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.

The declaration below must be attached to the compliance report and signed by the approval holder. **Even if the approval holder has sub-contracted the project (or part thereof), or the preparation of the compliance report, the responsibility for accuracy still lies with the approval holder.**

**Declaration of accuracy**

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed \_\_\_\_\_

Full name (please print) \_\_\_\_\_

Position (please print) \_\_\_\_\_

Organisation (please print including ABN/ACN if applicable) \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

## 3.2 Document version control

The document version control system must be a simple system for ensuring version control and documenting details of key changes to the document over time. It must identify changes and include details of timing, people responsible, and reasons for those changes.

### 3.3 Table of contents

The table of contents must contain:

- all section headings and page numbers
- all figures, tables, plans and maps (which must be numbered)
- all appendices (with meaningful titles, including sub-appendices if any); if appendices contain a collation of data, include a summary of the contents.

### 3.4 Description of activities

The description of activities section must contain a description of the approved action and details of the current activities undertaken during the period covered by the report. The compliance report must clearly identify:

- EPBC number
- project name
- approval holder and ACN or ABN
- the approved action
- location of the project
- person accepting responsibility for the report – signed declaration (see above)
- dates for the reporting period of the report
- date of preparation of the report.

### 3.5 Addressing all approval conditions

The compliance report must:

- demonstrate all conditions of the EPBC approval have been considered and addressed.
- List the conditions of the EPBC approval, including any variations to those conditions, noting if compliance or non-compliance with each condition has been achieved.
- If a management plan is required under an approval condition:
  - the specifics in a management plan that support an approval condition must be detailed in the compliance report; and
  - material must be provided demonstrating that the requirements of that plan have been implemented.

### 3.6 EPBC approval conditions and the compliance table

As part of every compliance report, a conditions compliance table in a similar format to that in Appendix A is required. The table must include:

- Condition number and reference.
- Full wording of the condition as per the EPBC approval.
- Designation regarding compliance or non-compliance.
- Summary of evidence to support the compliance designation.
- Any references to any other parts of the compliance report that may relate to that approval condition.

The report must include a clear statement that operations were, or were not, compliant with the EPBC conditions of approval, which must be supported by a summary of evidence clearly demonstrating the conclusion that compliance with the condition was (or was not) met. Supporting data such as flora and fauna surveys, photograph monitoring and groundwater monitoring data must be provided as appendices.

### 3.7 Designations to record findings

The following designations must be used to record findings in compliance reports:

#### *Compliant*

‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.

#### *Non-compliant*

A designation of ‘non-compliant’ must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.

#### *Not applicable*

A designation of ‘not applicable’ must be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition that applies to an activity that has not yet commenced.

### 3.8 Correcting non-compliances

Findings of non-compliance must be accompanied by a summary detailing any corrective measures taken and include:

- if the department was notified of the non-compliance and, if so, when, and how and to whom.
- The relevant condition number and reference.
- Who detected the non-compliance.
- Date when the non-compliance was detected.
- How the non-compliance was/will be corrected.
- Who (the actual person completing the correction) was/is responsible for correcting the non-compliance.
- Date when correction measures were/will be commenced and/or completed or the time frame for correction.
- What measures have been/ will be taken to avoid recurrence.

Instances of non-compliance included in previous compliance reports not fully corrected at the end of the reporting period must have a progress update in the subsequent report and an assessment of the effectiveness of the measures taken.

### 3.9 New environmental risks

The compliance report must discuss any new environmental risks that have become apparent during the reporting period. New environmental risks may include new pests or diseases, new information on groundwater levels, unexpected erosion etc. If new risks are identified, there must be a risk analysis and reporting. A commitment to revise the appropriate management plan (if required) must be included in the compliance report.

### **3.10 Other information**

Any additional monitoring information or environmental research relevant to the EPBC approval and approval conditions can be included in the relevant section or appended to the compliance report. Appendices can be attached to support reporting against the EPBC approval conditions. Colour photographs and/or aerial photography can provide an excellent time record of the operation and should be included. Any additional information such as supporting documentation, consultant studies and reports must be appended.

## Appendix A:

### 4.1 EPBC Approval Conditions Compliance Table Example

Condition Number/ reference e.g., '3(c)'	Condition  Include the complete wording of the condition, and/or sub-condition that is being addressed	Is the project compliant with this condition?  Compliant or Non-Compliant or Not applicable	Evidence/Comments  Evidence to support claims regarding compliance or non-compliance
1	Within 10 business days of the date of commencement of the action, the person taking the action must advise the department in writing of the actual date of commencement.	Compliant	The action commenced on 15 June 2016 (see Appendix 1 – attached copy of the notification to the department) – Compliant
2	To mitigate impacts on listed migratory bird species the person taking the action must provide a 200-metre vegetation setback and boundary fencing between the golf course boundary on Lot 1 and the estuary. The setback must be in place prior to commencement of the action.	Non-compliant	The 200-metre vegetation setback and boundary fencing between the golf course boundary on Lot 1 and the estuary was not in place until after commencement of the action.
3	Prior to commencement of the action, the person taking the action must prepare and submit for the Minister's approval, a Fern Environmental Management Plan for the <i>Hypothetical Fern species</i> within the 200-metre vegetation setback required	Compliant	The action commenced on 15 June 2016.  Yes, the Fern Environmental Management Plan was submitted prior to commencement of the action and approved on 30 March 2016.

	<p>under condition 2 of this approval. The approved plan must be implemented.</p> <p>The plan must include:</p> <ul style="list-style-type: none"> <li>• A 10-year monitoring program of Fern numbers and distribution within the 200-metre vegetation setback.</li> <li>• A seven-year program of weed control for the setback area.</li> <li>• Procedures for managing impacts on ferns in the setback area if the monitoring program finds that the fern population numbers drop below 50. This includes notifying the department of this drop in population and the management actions undertaken.</li> </ul>		<p>The approved monitoring program requires fern population surveys to be undertaken once every two years. Two surveys have been undertaken so far (in July 2018 and July 2020) and the <i>Hypothetical Fern species</i> population continues to be stable at 73 specimens.</p> <p>Weed control activities were last undertaken in September 2020.</p> <p>Appendix 2 lists all the requirements of the Fern Environmental Management Plan and states how the requirements have been met. It includes a summary of the survey results and weed control records.</p>
4	<p>Prior to commencement of the action, the person taking the action must prepare and submit for the Minister's approval, a Fauna Management Plan to minimise impacts on the <i>Hypothetical Potoroo species</i>. The approved plan must be implemented.</p>	Non-compliant	<p>The action commenced on 15 June 2016.</p> <p>No, the Fauna Management Plan was not submitted prior to commencement of the action.</p> <p>No, the Fauna Management Plan was not approved by the Minister.</p> <p>However, the Fauna Management Plan was prepared and has been implemented (Appendix 3 lists all the requirements of the management plan and states how the requirements have been met).</p>



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5(a)	Within 10 business days of the date of completion of construction of the clubhouse car park extension, highlighted as Car park 4 in the map at Attachment A, the approval holder must advise the department in writing that construction of the car park is complete.	Not applicable	Construction of the clubhouse car park extension has not yet commenced. We expect to commence work on it in August 2023 and complete it by March 2026.
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