



Summary information to assist with a pre-referral meeting

Guidance for proponents and consultants

A pre-referral meeting is optional and can be undertaken at any time prior to submitting a referral. You may wish to seek a pre-referral meeting if you:

- do not fully understand the assessment and approval process required under national environment law (including the possible expense to you under cost recovery arrangements)
- want to discuss the potential impacts your proposal may have on Matters of National Environmental Significance (MNES).

Preparing early and being able to discuss key aspects of your proposal with Departmental assessment officers will help ensure that the referral process and any assessment and approval stages are efficient and potentially reduce cost recovery charges.

The Department can also arrange a pre-referral teleconference if a face to face meeting is not possible.

Your responsibilities under the EPBC Act

Prior to organising a pre-referral meeting you may like to familiarise yourself with the assessment process. This will help you to prepare for the pre-referral meeting.

A person proposing to take an action that the person considers will have, or is likely to have a significant impact on MNES must refer their proposal to the Minister under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On receipt of the referral, the Minister (or a delegate) will consider whether the proposed action is a 'controlled action' and thus requires assessment and approval under the EPBC Act.

Not all actions affecting matters protected by the EPBC Act will have a significant impact and require assessment and approval. **Guidelines for determining if the impact of an action is likely to be significant** are available from the Department's website. These guidelines will help you decide whether you need to refer your proposal to the Department. If the question of significance is unclear, you can refer your proposal and the Department will determine whether or not approval is needed within 20 business days.

The Department is required to publish certain information relating to actions that have been referred under the EPBC Act, unless the Minister (or delegate) is satisfied that certain information is commercial-in-confidence. Such information will be made available via the Department's website under an open licence.

EPBC Act processes

- **Environmental Assessment Process** – this fact sheet sets out the decision making process and timelines that apply once the referral is submitted formally to the Department.
- **Cost recovery** – the Australian Government began cost recovery arrangements for environmental and some strategic assessments in October 2014 including the criteria for fee exemptions and waivers.

- **Bilateral Agreements** – under the One-Stop Shop certain actions are assessed under a bilateral agreement between the Australian Government and the state or territory in which the action occurs. Although the proposed action is referred to both the Australian Government and the state or territory, the assessment process is undertaken by the relevant state or territory in accordance with an assessment process specified in the bilateral agreement. Once assessed by the state or territory, the final approval decision is made by the Australian Government Environment Minister, or a delegate.
- **Referral of a proposed action form** – The purpose of the referral process is to determine whether or not a proposed action will need formal assessment and approval under the EPBC Act. This process requires the proponent to complete a referral form identifying all aspects of the project. The **referral form** contains guided comments on how to complete each section. The Department has also prepared a **Referral fact sheet** to provide you with clear and upfront guidance to help you navigate through the referral process as efficiently as possible. **The referral will be the principal basis for the Minister’s decision as to whether assessment and approval under national environment law is necessary and, if so, the types of assessment approach that will be undertaken.**
- **Compliance Monitoring** – this process begins when the assessment phase is finished and the approval holder becomes obliged to comply with conditions. It occurs as periodic desktop reviews, from receiving information about potential non-compliance or as a result of receiving a document for approval or an annual compliance report or certificate. We also work closely with approval holders and conduct audits, site visits and inspections. Our Compliance Monitoring work is designed to ensure the majority of approval holders do the right thing. The Department’s annual **Compliance Monitoring Plans** describe the compliance monitoring activities that are proposed for each financial year.

What information do you need to bring to the pre-referral meeting?

The *Information on proposed action template* provides a guide on what you may need to bring to a pre-referral meeting. The information you need to supply to the Department will necessarily depend on the scale, scope and complexity of the proposed action.

For more detailed information please refer to the **referral form** and guidance material and the **Referral fact sheet**.

If you wish to attend a pre-referral meeting, please complete the *Information on proposed action (template)* and return it to the Department using the contact information set out below. This information will assist assessment officers to prepare for the meeting and to ensure that the meeting meets your requirements.

Pre-referral meeting agenda

Normally pre-referral meetings will run between 30 and 90 minutes, depending upon the complexity of the project. To assist in timing and to guide what can be covered in the pre-referral meeting, a **suggested agenda template** is available on the Department’s website. Please add any other items that you would like to discuss and return the draft agenda along with the completed *Information on proposed action (template)* to the Department using the contact information set out below.

How to arrange a pre-referral meeting?

If you would like to organise a pre-referral meeting please contact the Department’s Business Entry Point using one of the following methods:

Post

Business Entry Point
Environment Assessment Branch
Department of the Environment
GPO Box 787
CANBERRA ACT 2601

Email

epbc.referrals@environment.gov.au

Clearly mark the email as ‘Pre-referral meeting’ and specify the project name.

What happens after my pre-referral meeting?

The Department will send you an email outlining the key issues discussed in the meeting including any outstanding concerns or suggested approaches to be used in your referral.