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Mr Alex Hawke MP
Chair
Standing Committee on the Environment
House of Representatives
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Dear Mr Hawke

Thank you for your letter of 28 February 2014 to Ms Katy Gallagher MLA, Chief Minister, about the Committee's proposed inquiry into streamlining environmental regulation, 'green tape', and one stop shops for environmental assessments and approvals. As the Chief Minister is currently on an overseas delegation, I will be responding on her behalf.

The ACT Government gives a high priority to regulatory reform in general. A dedicated unit has been established in the Chief Minister and Treasury Directorate to focus on regulation and process reform to facilitate and coordinate efforts across government, including engaging with the COAG deregulation agenda.

The ACT Government is committed to the reduction of regulatory duplication and administrative inefficiency, while at the same time aiming to achieve strong environmental outcomes.

Over the history of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), I understand that around 15 per cent of projects referred in the ACT have been determined to require assessment and approval. Additionally, between 2007 and 2012, the ACT's Land Development Agency was the leading referrer of controlled action decisions (of regular proponents) under the EPBC Act. The ACT is therefore well placed to comment on its experience with the Commonwealth in relation to EPBC Act projects.

Although the bilateral assessment agreement between the ACT and Commonwealth Governments has provided a mechanism to remove environmental regulatory duplication, it has not always led to quicker outcomes.

An example of the operation of the bilateral assessment agreement is demonstrated by the Throsby Multisport Complex project (EPBC 2010/5456). This project was referred to the Commonwealth on 20 April 2010. On 19 May 2010 the Commonwealth determined the project to be a controlled action. On 3 June 2010 a decision was made to assess the project under the bilateral assessment agreement.

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Between 2010 and 2012 the proponent completed an environmental impact statement, which took into account impacts on both ACT species and also matters of national environmental significance. This process included consultation between ACT and Commonwealth Government officers.

On 4 September 2012 the ACT provided a copy of the Assessment Report to the Commonwealth, thereby starting its statutory 'clock' of 30 business days to make an approvals decision. Between September 2012 and 16 August 2013, the clock was stopped while additional information was being sought from the proponent, primarily to clarify offsets and the nature of some impacts.

In other words, from 20 April 2010 to 16 August 2013, the proponent still did not have any approval under the EPBC Act to undertake the action. The project was withdrawn on 16 August 2013 as a decision was made to formally include it in the Gungahlin strategic assessment.

Similarly, the expansion of the Mugga Lane Resource Management Centre is another example of a project considered under the bilateral assessment agreement. This project was referred by ACT NOWaste on 13 January 2011. On 11 February 2011 an agreement was made to assess the project under the bilateral assessment agreement.

The environmental impact statement was formally completed on 16 December 2013. A copy of the assessment report was given to the Commonwealth on 20 December 2013. The project was given final approval by the Commonwealth on 18 March 2014 (the statutory approvals deadline for a decision was 11 February 2014).

As evidence of its commitment to the environment regulation agenda, the ACT has previously undertaken strategic assessments of Molonglo and Gungahlin under the EPBC Act. These strategic assessments have removed requirements for separate ACT and Commonwealth environmental assessments, and have resulted in strong and enduring conservation outcomes for matters of national environmental significance (as well as domestic protected species). It is also worth noting that the Gungahlin strategic assessment was completed in less than 9 months – a quick, methodical and concise assessment which delivered certainty for land development and environmental conservation.

In these circumstances, the ACT is pleased to be negotiating the terms for a bilateral approvals agreement with the Commonwealth. Of paramount importance to the ACT Government in settling these terms will be preserving good environmental outcomes. I am confident that the outcome of these negotiations will be a 'one-stop-shop' that facilitates a streamlined, less costly and more predictable process, without compromising strong environmental outcomes.

I thank you for the opportunity to provide a submission on this inquiry.

Yours sincerely

Andrew Barr MLA
Acting Chief Minister

11 APR 2014