
The Parliament of the Commonwealth of Australia

Streamlining environmental legislation

**Inquiry into streamlining environmental regulation, 'green tape',
and one stop shops**

House of Representatives
Standing Committee on the Environment

December 2014
Canberra

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ISBN 978-1-74366-261-8 (Printed version)

ISBN 978-1-74366-262-5 (HTML version)

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Foreword

This report has investigated the current regulatory environment and the potential for deregulation with regard to environmental legislation. In particular it has targeted those areas of regulatory duplication which, if addressed, can further enhance economic prosperity without sacrificing protection of the environment. The Committee has explored in this report many areas of regulation which can be rationalised to find a balance between economic benefits and environmental benefits. The economic and social value of preserving our environment is a fact agreed upon with bipartisan support.

The Committee would like to thank the businesses, non-government organisations, and individuals who took the time to send correspondence and attend public hearings. The input has been invaluable and community feedback is essential for an engaged Committee to deliver for the public good and make informed decisions.

Feedback from community engagement has already seen the production of positive change. The *Energy Efficiency Opportunities Act 2006* (Cth) was repealed mid-way through the reporting process, which was in line with the Committee's recommendation due to the Act's duplication of existing environmental protection mechanisms and inefficient processes.

The Government's pursuit of one stop shops for environmental approvals in particular has been an important step in reducing duplicate regulation and processes that will deliver significant benefit to our nation.

It should be noted that the intention of the Committee is to ensure federal environmental protection laws are targeted in the most efficient methods possible and many recommendations have been made to enhance the efficiency of administering environmental laws in Australia.

Once again, I would like to thank the organisations, individuals, and staff who have contributed to this report; your contributions have been invaluable.

Alex Hawke MP
Chair



Membership of the Committee

Chair Mr Alex Hawke MP

Deputy Chair Mr Tony Zappia MP

Members Mr Andrew Broad MP

Ms Nola Marino MP

The Hon. Mark Butler MP

Mr Tony Pasin MP

The Hon. Mark Dreyfus QC, MP

Mr Nickolas Varvaris MP

Mr Andrew Giles MP

Mr Jason Wood MP

Committee Secretariat


Secretary Ms Julia Morris

Inquiry Secretary Ms Peggy Danaee

Senior Research Officer Ms Lauren Wilson

Research Officer Ms Leonie Bury

Administrative Officer Ms Prudence Zuber



Terms of reference

The Committee will inquire into and report on the impact of 'green tape' and issues related to environmental regulation and deregulation. The inquiry will have particular regard to:

- jurisdictional arrangements, regulatory requirements and the potential for deregulation;
- the balance between regulatory burdens and environmental benefits;
- areas for improved efficiency and effectiveness of the regulatory framework; and
- legislation governing environmental regulation, and the potential for deregulation.



List of abbreviations

ADF	Australian Dairy Farmers
AFPA	Australian Forest Products Association
AMEC	Association of Mining and Exploration Companies
ANEDO	Australian Network of Environmental Defender's Offices
APPEA	Australian Petroleum Production and Exploration Association
APVMA	Australian Pesticides and Veterinary Medicines Authority
AREMA	Air Conditioning and Refrigeration Equipment Manufacturers Association
ASBG	Australian Sustainable Business Group
BCRQ	Bat Conservation and Rescue Queensland
BEEC	Building Energy Efficiency Certificate
BEED Act	<i>Building Energy Efficiency Disclosure Act 2010 (Cth)</i>
BOSMA	Bureau of Steel Manufacturers of Australia
CBD	Commercial Building Disclosure
CEC	Clean Energy Council
CIF	Cement Industry Federation
COAG	Council of Australian Governments

Cth	Commonwealth
DoE	Department of the Environment
DoI	Department of Industry
EEO Act	<i>Energy Efficiency Opportunities Act 2006 (Cth)</i>
EES	Environmental Effects Statement
EIANZ	Environment Institute of Australia and New Zealand
EIS	environmental impact statement
EFN	Environmental Farmers Network
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
ICT	information and communications technology
IESC	Independent Expert Scientific Committee
LCA	Law Council of Australia
LRET	Large-scale Renewable Energy Target
LTGA	Lock The Gate Alliance
MCA	Minerals Council of Australia
MEA	multilateral environmental agreement
MNES	matters of national environmental significance
NABERS	National Australian Built Environment Rating System
NEPMs	National Environment Protection Measures
NFF	National Farmers' Federation
NGERS	National Greenhouse and Energy Reporting Scheme
NOPSEMA	National Offshore Petroleum Safety and Environmental Management Authority
NTA	National Tourism Alliance

OSS	one stop shop
PCA	Property Council of Australia
PYLA	Places You Love Alliance
QPA	Queensland Ports Association
RDAFNQTS	Regional Development Australia Far North Queensland and Torres Strait Inc
RET	Renewable Energy Target
SRES	Small-scale Renewable Energy Scheme
UTA	Urban Taskforce Australia



List of recommendations

4 The 'one stop shop' proposal

Recommendation 1

The Committee notes the success of the Commonwealth's pursuit of concluding agreements with states and territories on one stop shops. The Committee recommends that the Commonwealth continue to conclude bilateral assessment agreements and bilateral approval agreements with outstanding state and territory jurisdictions as quickly as possible.

The Committee recommends that the Department of the Environment ensure that reasonable statutory time frames – that is, within or about the time frames currently set out in the *Environment Protection and Biodiversity Conservation Act 1999* – are established in each bilateral assessment agreement and bilateral approval agreement that the Commonwealth concludes with each state and territory.

Recommendation 2

The Committee recommends that the Department of the Environment ensure that each bilateral agreement between the Commonwealth and the states and territories require the implementation of risk-based terms of reference for environmental impact statements.

5 Other proposals for reform

Recommendation 3

The Committee recommends that the Department of the Environment commence a review and work with key stakeholders to streamline and improve the efficiency of the National Greenhouse and Energy Reporting Scheme to reduce duplication.

Recommendation 4

The Committee recommends that the Government amend the *Building Energy Efficiency Disclosure Act 2010* (Cth) to remove any requirement for routine lighting assessments of buildings. Further, that the Government amend the *Building Energy Efficiency Disclosure Act 2010* (Cth) to ensure a lighting assessment is only required at a point of major change to lighting infrastructure.

Recommendation 5

The Committee recommends that the Department of the Environment, in collaboration with the newly formed Threatened Species Commissioner and the relevant state and territory regulators, work to develop:

- a common approach to the listing of endangered and threatened species, and delisting of species that are no longer endangered;
- a single national list of endangered and threatened species which is regularly updated to reflect the reality of the contemporary environment and the latest available science; and
- a process that removes unnecessary duplication of science in assessments on threatened species and proactively assist jurisdictions to ensure timely and accurate considerations of threatened species in any geographical area.

Recommendation 6

The Committee recommends the Government take action to further streamline the ongoing enforcement and maintenance responsibilities of the National Offshore Petroleum Safety and Environmental Management Authority to apply to offshore petroleum projects which were approved prior to February 2014.

Recommendation 7

The Committee recommends the Department of the Environment investigate methods of accreditation – including the relevant standards for accreditation – for environmental practitioners and contractors to enable the establishment of a professional standards body.

Recommendation 8

The Committee recommends that the Department of the Environment work with state and territory counterparts through Council of Australian Government processes to reduce, wherever possible, duplication between National Environment Protection Measures and related regulations, policies and programs within the states and territories.

Recommendation 9

The Committee recommends that the Department of the Environment continue to undertake strategic assessments with the states and territories and work proactively with industry, environmental groups and state and territory counterparts to identify further opportunities to carry out strategic assessments.

Recommendation 10

The Committee recommends that the Department of the Environment coordinate with other relevant federal, state and territory agencies as well as interested non-government bodies to:

- work towards making publicly available all environmental data gathered by government and non-government entities through environmental assessment processes;
- work towards establishing a central, easily accessible repository of environmental data held by various government and non-government agencies more broadly; and
- work to reduce requirements that cause duplication of existing unnecessary environmental data.

Recommendation 11

The Committee recommends that the Commonwealth continue to work with established Council of Australian Governments processes to advocate for harmonisation of environmental regulation throughout all state and territory jurisdictions. Further, that Council of Australian Governments processes continue to be used to remove duplicate environmental regulation and processes.

Recommendation 12

That the Department of the Environment update its publicly available advice to prospective proponents under EPBC Act environmental assessment and approval processes to ensure that the option of having a pre-referral meeting with departmental officers is stated clearly and prominently.

Recommendation 13

That, in consultation with industry stakeholders, the Government work across all relevant Commonwealth and state or territory agencies to review the range of environmental reporting required of industry, and investigate the possibility of developing standardised and centralised environmental databases and/or standardised measurement and formatting requirements.