

# MULGOA VALLEY LANDCARE GROUP Inc

MULGOA~ NSW 2745

Dear Senate Committee Members

## Re: Bilateral Agreement Bill

The Mulgoa Valley Landcare Group urges you to reject the Bilateral Agreement Bill as allowing State Governments to have sole responsibility in the protection our natural heritage.

- The EPBC Act already has a process that gives the Minister the power to accredit state approval processes and declare certain kinds of actions as not needing EPBC approval.
- The process currently available in the Act provides important checks and balances on the hand-over of approval powers to the States which will be completely removed by this Bill, including the tabling in parliament of proposed agreements to give accreditation to approval processes and disallowance motions.
- This Bill makes the sweeping change that Part 7 of the Act (where the Minister decides if actions need EPBC Act approval, and if they're "clearly unacceptable") **will not apply at all to actions covered by bilateral approval agreements**, two of which are currently on public exhibition.
- The bilateral approval agreements currently on exhibition for NSW and Queensland will broadly accredit the planning processes currently in place under the NSW *Environmental Planning and Assessment Act 1979* (NSW), *Environment Protection Act 1994* Qld) and *State Development Public Works Organisation Act 1971* (Qld) with no amendment to those processes, no assessment of their adequacy for this purpose, no prior Strategic Assessment, data collection or cumulative landscape scale review of the current state of matters of National environmental significance.
- In the 'Developer driven' state of NSW it would be grossly inappropriate for the developer advocate (ie the NSW State Government) to provide assessment and approval for the destruction of more of our threatened species. The NSW Government has an appalling track record in protecting our native flora and fauna. In Western Sydney, there has

been a complete absence of any effort by our State Government to protect our vanishing flora and fauna – to the point where it has been Federal assistance ONLY in the any efforts to conserve our natural heritage. Given free rein, the NSW Government would happily approve any development, be it an airport, a business park, or housing for an extra couple of million people over the next 20 years – all without ANY effort to protect threatened species (and for the record, all vegetation communities and remaining fauna are ‘threatened’ in Western Sydney)

- We need the Federal Government to continue to play a role in the Protection of our Environment and our Biodiversity for, if left solely to the NSW Government, there will be none left to protect. Please do not hand over your role in protecting our environments to the State Government– we need the checks and balances that the EPBC Act provides as gives a second chance to some of our most critically threatened species

The States do not have the capacity, jurisdiction or current legal scope to adequately meet the responsibilities that will be thrust upon them with this Bill, in conjunction with the bilateral approval agreements that are currently on public exhibition.

Thank you for this opportunity to comment

Regards

Lisa Harrold

President

Mulgoa Valley Landcare Group

29<sup>th</sup> May 2014