

From: [Jan Davis](#)
To: [Committee, EC \(SEN\)](#)
Subject: Hunter Environment Lobby Inc submission to Inquiry
Date: Friday, 30 May 2014 11:49:47 AM

[Senate Environment and Communications Legislation Committee for inquiry and report](#)

Re Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 [Provisions] and the Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Bill 2014 [Provisions], please see submission below on behalf of Hunter Environment Lobby Inc. (HEL) HEL is a regional community-based environmental organization that has been active for over 20 years on the issues of cumulative impacts of environmental degradation involving species and habitat loss, climate change, green house impacts and effects on ground water and rivers.

This Bilateral Agreement Implementation Bill, in particular should be opposed by the Senate, HEL believes, because it will set a system in place for worsening degradation and loss of matters of national environmental significance in contravention of Australia's international responsibilities, the objects of the EPBC Act and the public interest.

Some details about the Bilateral Agreement Bill that are needed to be remembered are:-

- The EPBC Act already has a process that gives the Minister the power to accredited 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.
- There is confusion about the status of projects already in the system. The changes in the Bill that is in parliament seem to mean that any action

approved under the those parts of the EP&A Act after this change has been made to the EPBC Act will become an action to which Part 9 does not apply, even if the bilaterally accredited authorisation process is not finalised.

- Part 1 of Schedule 3 and section 1 of Schedule 5 of this Bill would reverse a decision of the parliament last year to exclude the water trigger for coal mines and coal seam gas projects from a bilaterally accredited authorisation processes – or bilateral approval agreement.
- 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.

HEL hopes that you take our concerns on board, and could you please reply to acknowledge receipt of our submission by return email.

Sincerely Jan Davis
President Hunter Environment Lobby Inc.