



Australian Government  
Department of the Environment

Senator John Williams  
Chair  
Senate Environment and Communications Legislation Committee  
Parliament House  
CANBERRA ACT 2600

Dear Senator Williams

On 10 June 2014 I appeared as a witness before the Senate Environment and Communications Legislation Committee Estimates Hearing.

During the hearing Senator Waters said:

*".... You referred earlier, in response to questions from the chair, to changes to the Queensland State Development and Public Works Organisation Act, and you specifically mentioned the judicial review change. Obviously, as to the change that has been made to include judicial review in that Act, it is not a judicial review that is equivalent to what is currently in the EPBC Act. It does not have the same standing rules. Likewise, there is not the same declaration and enforcement rights that the EPBC Act currently has. So, if the state development Act, in the form that it is proposed to be amended, does not meet the standards, are you proposing to accredit that?"*

In response I said:

*"There would be multiple checks and balances that would operate if that process were to be accredited. So, in the first instance, there is judicial review available in relation to that process, if the Queensland legislative amendments go through. Also, merits review is available in Queensland where people who have made a submission have standing in relation to that process."*

I wish to clarify my response in relation to the Queensland processes under which merits review is available. Merits review is not available under the *State Development and Public Works Organisation Act 1971* (Qld). Merits review by the Queensland Land Court is available for a number of decisions under the *Environmental Protection Act 1994* (Qld), including the decision to approve an application and the decision to impose conditions.

I trust this further information will be of assistance to the Committee.

Yours sincerely

Rachel Bacon  
First Assistant Secretary  
Regulatory Reform Taskforce  
12 June 2014