

# *Batwatch Australia*

---

Committee Secretary  
House Standing Committee on the Environment  
PO Box 6021  
Parliament House  
Canberra ACT 2600  
By email to: [environment.reps@aph.gov.au](mailto:environment.reps@aph.gov.au)

11<sup>th</sup> April 2014

Dear Secretary,

Your reference: House of Representatives inquiry into streamlining environmental regulation, "green tape" and one stop shops

## | Batwatch Australia |

Batwatch is a Sydney based NGO that monitors for actions that impact animals of the order *Chiroptera* (bats) that occur in Australia. Much of our effort is focused on issues relating to species of bats that are listed as threatened under state and/or federal legislation.

Please accept this as our submission of comments to the House of Representatives inquiry into streamlining environmental regulation.

## | Submission |

The Senate Environment and Communication Committee, in their report on the EPBC Amendment (Retaining Federal Powers) Bill 2013 found that there is minimal duplication in state/federal legislation and that environmental standards would likely be compromised if federal power of approval was delegated to the states.

The terms of reference for the Inquiry into the streamlining of environmental regulation are at odds with this conclusion as they appear to place the emphasis on deregulation, not effective environmental protection.

Our primary concerns relate to:

- The absence of credible justification for the deregulation of authority to the states and territories. That is to say that the problem that deregulation is meant to address has not been adequately articulated. Deregulation appears to be predicated on the claim that it will reduce "green tape" but this is not substantiated with examples of how deregulation would deliver better results to the sectors that claim the currently regulatory framework is inefficient.

## *Batwatch Australia*

---

- The claim that environmental standards will be maintained through the process of deregulation cannot be substantiated. It is unclear what commitment the Commonwealth is making to ensure that further deregulation does not erode the protections that EPBC Act provides. This should be seen within the context that the existing bilateral assessment agreements between the Commonwealth, states and territories have yet to be audited to establish how effective they have been in terms of environmental protection.
- The reality that state legislation does not currently provide the same protection as that provided by EPBC Act and that states and territories will need to increase their environmental standards to be compliant with EPBC Act. This at a time when the state agencies are shedding staff and/or placing a reduced emphasis on state oversight by delegating powers to local council authorities.
- The ability and willingness of the states and territories to undertake compliance monitoring and to prosecute breaches.
- The importance of environmental impact assessment and approval being separated from government planning functions and/or departments. At a minimum, the function should be within the remit of the departments responsible for environment protection but consideration should be given to establishing an independent regulatory function to provide the service to minimise the risk of any real or perceived conflict of interests in the assessment and approvals processes. This is particularly important where the state or territory is assessing projects where the state or territory itself is the proponent.

We suggest that the Hawke review of the EPBC Act is an important point of reference for the Committee, not least because it made a number of recommendations that are relevant to the current Inquiry including but not limited to:

- The need for a single harmonised threatened species list rather than fragmented and sometimes contradictory state and commonwealth listings
- The need for cumulative impact to be included in assessments. This is particularly relevant in a deregulated environment. Without cumulative impact assessment, it will not be possible to determine the impact of state specific projects on threatened species that occur in more than one state or territory (such as the grey-headed flying fox (*Pteropus poliocephalus*)).

The Hawke report has, to a large extent, been marginalised by the “green tape” agenda, this despite the Hawke review being the product of an extensive program of consultation and expert input which is not matched by the narrow sector influences that underpin the “green tape” claims.

We urge the Committee to consider the issue of streamlining environmental regulation not from the narrow perspective of those who stand to gain from reductions in environmental protections but to take a broad view which acknowledges the potential impacts of deregulation on matters of national environmental significance.

If our comments require any clarification, please do not hesitate to contact me.

*Batwatch Australia*

---

We would also like the Committee to note that Batwatch supports the submission made to the Inquiry by The Australian Network of Environmental Defender's Offices (ANEDO).

Yours sincerely

Nick Edards,  
Batwatch Australia