

I am a concerned member of the community that wants to see our natural heritage protected and feel therefore that any change to the regulations must be evidence based and proven to be of long term benefit in protecting the environment for future generations of Australians. I would first like to see the more basic question addressed of 'Do we need a one stop shop and what is the evidence of better environmental outcomes with such a structure?'

1. Jurisdictional arrangements, regulatory requirements and the potential for deregulation

I believe that there is need to strengthen our national environmental laws, and the arrangements between the States and the Commonwealth, on these fundamental governance issues rather than any consideration of weakening or reducing regulatory requirements for business' sake and short terms monetary gains.

Many of the proposals put forward by the current Abbott government, involve handing back national environmental laws to be administered by State governments.

The so called one-stop shop approach is flawed, because State governments have very different and often have vested interests. For example they are often (or their agencies or state owned enterprisers) are the major developers – state government build roads, freeways, water treatment plants, ports etc. In 2012-2013, in Victoria, 44% of all referrals under national environmental laws were by State government agencies or state government owned enterprises.

There needs to be a check on decisions made by States. Several recent State decisions with poor environmental outcomes come to mind – The Victorian Alpine National Park Cattle grazing decision, the Tasmanian Super Trawler fishing licence and the current issue with the Queensland government's approval of dredging and dumping of tailings in the Great Barrier Reef World Heritage area.

A more local example, in the area where I live a large indigenous tree on a State owned corridor of land was cut down, when questioned on process, there is no record of any proper procedure followed, in fact there is no record of the removal at all and this is just one tree. If the whole strip is to be built on, which is the State Government's objective; there will be substantial loss of endangered indigenous vegetation, with the Victorian State Government being the beneficiary, controller and implementer of the decision.

This represents a serious conflict of interest –of "a fox in the hen house" proportions.

2. The balance between regulatory burdens and environmental benefits

The argument that suggests that regulatory burdens can be reduced whilst maintaining or increasing environmental outcomes needs to be supported by evidence to prove this. I would caution against removing or weakening regulations under the guise of also improving environmental benefits, as there has been no evidence presented of how environmental outcomes will be improved or even maintained.

Before any change is made to the current laws, credible data and evidence needs to be provided to illustrate where such approaches have been successful in the past. A cautious approach that is evidence based rather than assumption based is fundamental to the development of sound legislation and the long term protection of our environmental heritage.

3. Areas for improved efficiency and effectiveness of the regulatory framework

I would caution against relying upon State Government to deliver future services to meet the requirements of the EPBC Act, 1999.

In Victoria the State Government has a very poor record of upholding their own environmental responsibilities and I am not convinced that they would uphold the Federal Government's legal obligations.

It was observed that during the Melbourne Strategic Assessment Process, a State-Federal Government partnership process under the EPBC Act, 1999 that the State Government's decision-making focused almost solely on Matters of National Environmental Significance largely disregarding their own State laws and policy. This sets a very poor precedent for responsible State Government process.

Instead of handing regulatory powers for the EPBC Act to the State government, I would advocate for any future one-stop shops to remain solely within the jurisdiction of the Federal Government. Furthermore, I think that there could be efficiencies created if some of these Federal Government staff were stationed in each State and Territory, to be able to work more closely with both State and local government to ensure that the EPBC Act is being delivered more efficiently.

4. Legislation governing environmental regulation and the potential for deregulation

The EPBC Act was independently reviewed after ten years of operation the results of which were released in the Hawke Review (October, 2009). This resulted in 71 Recommendations that included suggestions for improved efficiency, but these have largely been ignored in the current debate. Those recommendations need to be addressed before any change to legislation is considered.

Your

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