

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment and Energy portfolio

Question No: 120
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Program: Environment Standards Division (ESD)
Topic: Forest Practices Act and the EPBC Act
Hansard Page: 6-7
Question Date: 21 October 2016
Question Type: Spoken

Senator Duniam, John asked:

Senator DUNIAM: The way it was put to me was it was almost a duplication of the process. You have just referred to information being drawn from one process and taken into the other, so I guess there is a degree of overlap there. Are we talking gulfs of difference between the standard of the Forest Practices Act and the EPBC? Do you know?

Mr Tregurtha: I would have to take that on notice to give you advice on what the size of the gap is between the two.

Senator DUNIAM: Sure. The reason I ask this is, obviously, I am a believer in reducing red tape. If you go through one process which is good enough, why do you need to go through another? I suppose, then, it may be a question for the minister. Is it something we could look at to see if we can do away with this extra level of application and the taking up of time of people who just want to get another paddock on their farm.

Mr Tregurtha: The answer to question is: yes. As Mr Knudson, I think, pointed out, we have over the course of the last few years established far closer working relationships with entities in the states who undertake various forms of environmental assessments. We continue to talk to them about their processes and whether or not they are meeting or a reflective of the standards required at a Commonwealth level. Certainly, from our perspective, if states can make changes that are consistent with the EPBC Act, then that is a valuable thing. It is something where we would be encouraging states to talk to us—and we talk with them—around when they are making changes or improvements to their practices that they try to do so in a way that can help give effect to getting closer to the Commonwealth standards, which of course means that the assessments then match more closely and leaves you in one process rather than two.

Senator DUNIAM: Excellent. Do you think it is worth my while writing to the minister and raising this directly with him to progress, maybe, this single—

Mr Tregurtha: I think that is a consideration for you, Senator. But, as I said, we continue our discussions with all states and territories around improving the streamlining.

Dr de Brouwer: You have raised it with us, Senator, and we will follow up.

Senator DUNIAM: Okay. Thank you.

Answer:

A state assessment process may be accredited by the Minister, under an assessment bilateral agreement, if the process meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations).

The current assessment bilateral agreement between the Australian and Tasmanian governments does not include accreditation of the Tasmanian *Forest Practices Act 1985*. The *Forest Practices Act 1985* does not meet the accreditation requirements for an assessment bilateral agreement under the EPBC Act as it contains limited provision for public consultation during the assessment process.

Actions (except for forestry operations undertaken in accordance with the Tasmanian Regional Forest Agreement) that are likely to significantly impact a nationally protected matter are subject to the assessment and approval requirements under the EPBC Act.

The Department has raised this issue with the Tasmanian Government, to ensure our assessment processes are aligned and that regulatory duplication is avoided to the maximum extent possible.