

As an environmental practitioner with over 30 years of professional experience, I offer the following comments for consideration during the inquiry:

Jurisdictional arrangements, regulatory requirements and the potential for deregulation

- If there is to be a one stop shop, then it is essential that documents such as the EPBC referral form, EPBC policy statements and EPBC assessment guidelines be published online across all jurisdictions through the relevant regulating agency websites and that these documents be located alongside the documents within the jurisdiction that apply to matters of state/territory environmental significance.
- If there is to be a one stop shop, then it is essential that public notices concerning the assessment and approval decisions for matters of national environmental significance be published alongside public notices for matters of state/territory environmental significance and that all relevant assessment documents and approval decisions are available for download through the public registers within each jurisdiction.

The balance between regulatory burdens and environmental benefits

- Consideration needs to be given to the financial burdens associated with administering a new regulatory regime and therefore I believe that the new one stop shop arrangement should adopt a cost recovery framework based on the 'Cost Recovery under the *Environment Protection and Biodiversity Conservation Act 1999* draft Cost Recovery Impact Statement (December 2012 - June 2017)'. It should be noted that details of this framework are already known to practitioners and proponents across Australia.

Areas for improved efficiency and effectiveness of the regulatory framework

- If the one stop shop arrangement is going to be efficient and effective, I am of the view that its roll out will need to be directly communicated to environmental practitioners through professional associations most notably, the Environment Institute of Australia and New Zealand.
- In my opinion, there is one obvious area for improving the regulatory framework and that relates to having common and acceptable conditions for approval decisions across all jurisdictions. One way to achieve this is to adopt a cross-jurisdictional standard for all environmental approvals in which the following condition is mandatory:
 - Prior to the commencement of the project, or as otherwise agreed by the approving authority, the Proponent shall engage a suitably qualified and experienced Certified Environmental Practitioner(s) whose appointment has been endorsed by the approval authority. The Certified Environmental Practitioner(s) shall:
 - be independent of the planning, design, construction and operation personnel;
 - oversee the implementation of all environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of all project environmental outcomes;
 - consider and advise the Proponent on its compliance obligations against all matters specified in the conditions of this approval and any other approval, permits and/or licences; and have the authority and independence to:

- recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts; or
 - recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is likely to be a significant risk of an adverse impact on the environment, until reasonable steps are implemented to avoid such impact.
- The Proponent shall act on all recommendations made by the Certified Environmental Practitioner(s) as soon as practicable, unless otherwise agreed by the approving authority. If the Proponent chooses not to implement recommendations of the Certified Environmental Practitioner(s), it shall provide written justification of the alternate course of action to the satisfaction of the approving authority within 7 days of receiving the recommendation from the Certified Environmental Practitioner(s).

Legislation governing environmental regulation, and the potential for deregulation

- My observation is that there is potential for deregulation if the Commonwealth, States and Territories were to all adopt a common set of authorisation, licence and permit arrangements, especially in relation to:
 - Killing, injuring, taking, trading, keeping or moving a protected species or member of an ecological community
 - Emitting substances into the air, water or soil
 - Emitting noise
 - Taking water (surface or ground)
 - Moving contaminated soil

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