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Senate Standing Committees on Environment and Communications
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Submission to the Inquiry into the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 [Provisions] and the Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Bill 2014 [Provisions]

My brief submission to this inquiry is based on personal experience with several aspects of the EPBC Act, including its relevance to major State Significant projects under Queensland's State Development and Public Works Organisation Act. I have been actively involved as a member of the scientific community in threatened species recovery planning, threatened ecological community listings and long term monitoring of approval conditions placed on projects under the EPBC Act. I have also been involved as an active member of my local community in trying to ensure that major State Significant projects under the SDPWO Act which impact on our community receive appropriate assessment and monitoring under the EPBC Act.

Based on these experiences, I find it totally inappropriate for EPBC-referrable projects for which the State of Queensland is the effective proponent (under the SDPWO Act) to be assessed and approved by the office of the Queensland Coordinator-General. This would create a completely untenable conflict of interest for the Coordinator-General, who may be charged with the responsibility of executing a major project in the role of the proponent, while simultaneously being responsible for the execution of the Commonwealth's responsibilities for producing unbiased and independent assessment and approval decisions relating to that same project under the EPBC Act.

State Significant projects are often politically motivated, and are often announced and committed to as part of the political process before any serious feasibility and environmental assessment has taken place. The case of the Traveston Crossing Dam is a notable and well documented example. Because Queensland has a unicameral parliament, these politically motivated projects receive little effective critical review, and any environmental considerations are generally given little weight in comparison to economic and political aspects of the project. If commonwealth assessment and approval powers are granted to the State of Queensland for these projects, metaphorically, the Office of the Coordinator General simultaneously sits in the roles of plaintiff, prosecutor, witness, jury and judge. This situation is unlikely to see the proper administration of Commonwealth environmental law.

The Hawke review of the EPBC Act proposed that an independent Commission be established to handle the assessment and approval process in cases where there is a clear conflict of interest of this nature. I would agree with this conclusion and strongly suggest that a completely independent and effective commission or authority of some sort is required to deal with the assessment and approval of projects for which the State of Queensland is the effective proponent.

Stephen Burgess

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