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The Senate Standing Committee on
Environment and Communications Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
<https://senate.aph.gov.au/submissions/pages/logon.aspx>.

Dear Committee.

**Re: Inquiry into the Environment Protection and Biodiversity
Conservation Amendment (Bilateral Agreement Implementation) Bill 2014**

At our initial reading of the above, there appeared to be some confusion as to whether these changes only apply to coal seam gas or coal mining development applications, or to all applications under the EPBC Act.

Either way, we consider that these proposed changes will undermine the integrity of the Act, by permitting the states and territories to approve applications which could adversely affect Matters of National Environmental Significance, without any checks by the Commonwealth.

The proposal to streamline approvals under the auspices of a 'one-stop shop', will undoubtedly be to the benefit of large coalmine and coal seam gas projects.

We support the important amendment to allow all states and territories to request advice from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development, enabling up-to-date environmental science to be available for assessment purposes.

We note that the 'water-trigger' is intended to remain, in order to provide protection for users of water resources, including those resources used for both drinking and agricultural purposes, and we commend this proposal..

It is absolutely critical for any user of a water resource that the hydrology and flows of not only their local aquifer remain unimpeded and available, but that likely cumulative effects on adjacent or connected aquifers by all mining operations are also taken into consideration and assessed.

As mentioned above, we contend that a single approval decision will undermine the integrity of the Act, and will not guarantee that environmental concerns both in regard to a state or territory perspective, and the wider national environmental significance perspective will be adequately addressed.

It may well simplify and speed approvals, but in many cases the states and commonwealth do not see eye to eye on the significance of safeguarding matters of national environmental significance.

Cases in point are the Great Barrier Reef, the Franklin River and, more recently, the securing of the future of the Endangered Mary River Cod, *Maccullochella peeliimariensis*, and the Vulnerable Queensland Lungfish, *Neoceratodus forsteri*, from the construction of the Traveston Crossing Dam.

These are examples where commonwealth jurisdiction was vital to the protection of environmental matters of national significance for the benefit of future generations.

Comprehensive Commonwealth assessment of matters of national environmental significance is essential where there is no Upper House or other legislative body to maintain checks and balances on such matters raised in state or territory parliaments.

The regulations and requirements of the Act were formulated to ensure that all issues which could impact on Matters of National Environmental Significance were thoroughly and comprehensively investigated, and that measures and guidelines to mitigate/avoid adverse ecological outcomes were made a condition of approval. Proponents were required to submit progress statements to ensure that these conditions were complied with, and that no adverse effects were experienced. .

Another provision to safeguard the natural estate.

With these proposed changes it is apparently intended that the highest environmental standards will be 'fully, completely and absolutely' maintained, enforced and implemented.. How? Who by?

Given, as mentioned, that the states and territories do not necessarily regard the environment and the necessity for maintenance of biodiversity with the same degree of concern as on the national level, will the Commonwealth allocate adequate resources to ensure that these standards are met, and that compliance with provisions of the Act is assured?

We maintain that to devolve approval of developments which could negatively affect Matters of National Environmental Significance to the states and territories without any input or review by the Commonwealth, would be a significantly retrograde step.

It would set back years of active concern and pioneering legislation designed to protect the future of ecological processes, ensure the conservation of biodiversity and work towards the goal of achieving ecologically sustainable development.

We cannot stress too strongly that devolving the processes of assessment and approval to the various states and territories will weaken the jurisdiction of the EPBC Act in relation to its powers of maintaining conservation of the natural environment and

its biodiversity, and is likely to lead to significant adverse effects on the conservation estate.

The Commonwealth must retain the power of assessment and approval inherent in the Act, in order to ensure that ecological principles are upheld, environmental safeguards remain and measures implemented to sustain the conservation of Australia's unique biodiversity.

We urge the Minister, therefore, to maintain the status quo in regard to the current integrity and legislation of the EPBC Act.

Yours sincerely,
Jill Chamberlain OAM
President