

**From:** [Richard Sharp](#)  
**To:** [Committee, EC \(SEN\)](#)  
**Subject:** Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Bill 2014  
**Date:** Tuesday, 20 May 2014 9:55:10 PM

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I hereby submit the following comments concerning this proposed legislative amendment:

- The explanatory memorandum (and therefore the Bill) fails to detail how the Department intends to recover costs associated with the use of environmental impact assessment professionals such as Certified Environmental Practitioners which the Department uses from from-to-time for specialist independent reviews and opinions and specialist compliance auditing roles.
- The explanatory memorandum (and therefore the Bill) fails to recognise that some proponents who submit fees that are payable at different points in the statutory assessment process, may be able to claim a tax deduction for such fees if the fees are associated with capital expenditure directly connected with an action. According to the tax office, capital expenditure is known as a 'project amount' and this may include expenditure such as feasibility studies or environmental assessments. Consequently, such expenditure may be written-off over the life of the project.
- The explanatory memorandum (and therefore the Bill) fails to define an action management plan in the context of the 'construction' phase of a project or development or the 'operational' phase of a project or development. Until now, these particular phases were documented separately and referred to as 'Construction Environmental Management Plans' and 'Operational Environmental Management Plans'. Is it the intention of the Department to now invoke the requirement that an 'action management plan' covers all phases of a project such as final design, construction, operations and decommissioning?

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