

16 January 2014

Christine McDonald  
Committee Secretary  
Senate Standing Committee on Environment and  
Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600



Via email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

**Re: Senate Committee Review - Environment Legislation Amendment Bill 2013**

Dear Ms McDonald,

The Minerals Council of Australia welcomes the opportunity to provide a submission to the Senate Committee Review of the Environment Legislation Amendment Bill 2013.

As you are aware, the Minerals Council of Australia (MCA) represents over 85% of minerals production in Australia. The MCA's strategic objective is to advocate public policy and operational practice for a world class industry that is safe, profitable, innovative, environmentally responsible and attuned to community needs and expectations.

The focus of this submission is on Schedule 1 of the proposed Amendment Bill; specifically "Amendments relating to Approved Conservation Advice". The MCA supports this proposed amendment to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and notes the following:

- The MCA does not seek in any way to diminish the importance of effective protection of the environment and associated regulatory safeguards. Rather, the MCA is concerned where business certainty is affected by failures (perceived or otherwise) in government process.
- The industry makes significant investments on the basis of project approval decisions. Challenges to government process (such as whether there was appropriate consideration of approved conservation advice) post approval, particularly after long periods, can pose a significant risk to those investments.
- Project proponents should not be disadvantaged where Government is alleged to have failed to carry out its responsibilities. Accordingly, the MCA considers the proposed amendment appropriate to ensure business certainty and investment security is upheld.

While the Amendment Bill is supported, the MCA is disappointed at the 'sunset' amendment to the Bill, introduced at the urging of the Federal Opposition. The MCA has every confidence in the Government in discharging its responsibilities under the EPBC Act; however the potential risk to industry from challenges to government process is such that this safeguard for approval decisions should be extended into the future.

The MCA would welcome the opportunity to discuss these issues further.

Yours sincerely,

Chris McCombe  
Assistant Director – Environmental Policy