



Senator Louise Pratt
Senator for Western Australia
PO Box 6021
CANBERRA ACT 2600

Dear Senator Pratt

Thank you for your letter of 24 August 2011 to the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, concerning the inquiry into the administration of the *National Memorials Ordinance 1928*. The Minister has asked me to respond to your invitation to make a submission on the matters relating to this inquiry.

The following comments are provided for the Joint Standing Committee's consideration.

In relation to matters associated with the design, location and character of a national memorial, the Ordinance should include reference to possible statutory compliance requirements. For example, compliance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) should be considered. In particular, if an action has, will have or is likely to have a significant impact on a matter of national environmental significance the person proposing to take this action will need to submit a referral under the EPBC Act. There are also specific provisions relating to impacts on the environment as outlined in subsection 26 (1), subsection 26 (2) and section 28 of the EPBC Act.

Information on the processes associated with making a referral are outlined on the Department of Sustainability, Environment, Water, Population and Communities' web page at the following address <http://www.environment.gov.au/epbc/approval.html>.

For further information on referral processes please contact Rochelle Tomkins, Assistant Director, Commonwealth and Territories Section by phone on (02) 62759959 or by email at rochelle.tomkins@environment.gov.au.

Thank you for the opportunity to make comment.

Yours sincerely

Ilse Wurst
A/g Assistant Secretary
Heritage South Branch
13 September 2011