

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 114
Hearing: Supplementary Budget Estimates
Outcome: Outcome 1
Programme: Environment Assessment and Compliance Division
Topic: HANDOVER OF COMMONWEALTH ENVIRONMENTAL APPROVAL POWERS
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Waters asked:

Part of the delay (Part B) attributed to the Federal government includes situations where the Federal Minister “stops the clock” when a proponent has failed to provide enough information, under section 76 EPBC Act. Can you confirm that that is the case?

Please provide an estimate of what quantum of the expected \$417m delay savings are referable to:

- a. Part B delays
- b. Delays under s76.
- c. How do you expect those particular delays to be eliminated when if the States are in charge?

Answer:

Yes, this includes delays under section 76 of the *Environment Protection and Biodiversity Conservation Act 1999*.

- a. Time delays were calculated for 52 projects where the Commonwealth approval was made after the state or territory approval. The total delay for each project was calculated by analysing approval timeframes into the following three components:
 - expected timeframe for an Australian Government decision (Part A);
 - extensions for the Australian Government decision where applicable (Part B); and
 - non-statutory delays to Australian Government decisions where applicable (Part C).

The cost of delay was calculated using the total delay and estimated net present value for each project. Isolating Part B delays from the total delay and calculating the savings from that figure would misrepresent the savings contributed by Part B, because the Part A contribution in some cases is negative (ie the Australian Government was expected to make a decision prior to a state or territory). Calculations using only Part B would therefore overstate the contribution Part B made to the total \$417 million savings figure.

- b. Time delays under section 76 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are a component of Part B. Refer to response at a).

- c. The One-Stop Shop involves approval bilateral agreements under the EPBC Act which accredits existing state and territory processes where those processes meet EPBC Act requirements. States and territories have made commitments under approval bilateral agreements to adequately deal with matters of national environmental significance in their assessment reports and decision-making. This means there will not be a need to seek additional information on matters of national environmental significance at the end of the assessment process.