

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

Question No: 56
Hearing: Additional Estimates
Outcome: Outcome 5
Programme: Environment Assessment and Compliance Division
Topic: Bilateral agreements - timeframes
Hansard Page: N/A
Question Date: 07 March 2014
Question Type: Written

Senator Waters asked:

According to the Memorandums of Understanding and the later Joint Statements signed by various States and the Commonwealth, each of the approval bilateral agreements are to be agreed in principle by the end of April 2014 and concluded by 18 September 2014.

1. When does the Government intend to conclude the approval bilateral agreements with state governments? Does it intend to conclude all agreements at the same time or progressively?
2. I understand that under EPBC Act s46, State processes including management arrangements and authorisation processes must be accredited by the Commonwealth Minister. When will the accreditation process for State processes start?
3. Does the Department anticipate that State management arrangements and authorisation processes will be accredited quickly after the approvals bilateral agreements have been concluded?
4. It is my understanding that Ministerial accreditations of State processes under approval bilateral agreements must be tabled in Parliament in accordance with s46(3) and s46(4) EPBC Act. When should we expect that to occur? Will it be before or after the agreements are concluded?
5. Does the Department know whether any draft accreditations of State management arrangements or authorisation processes currently exist?
6. Since November 2013, has the Department briefed the Minister or Cabinet on any proposed amendments to the EPBC Act provisions relating to bilateral agreements, particularly Chapter 3, Part 5?
7. Does the Department know of any plans to amend Chapter 3, Part 5 of the EPBC Act?

Answer:

1. The Memoranda of Understanding set out the intended conclusion dates for the approval bilateral agreements. The timing of the signing of the agreements is a matter for the relevant Commonwealth Minister/s and State or Territory Minister/s.
 - QLD: 18 September 2014
 - NSW: 18 September 2014
 - WA: 18 September 2014
 - Vic: End of 2014
 - SA: 18 September 2014
 - Tas: 18 September 2014
 - ACT: 18 September 2014
 - NT: 18 September 2014

2. Before the Minister is able to accredit state authorisation processes, the processes must be tabled in Parliament for a disallowance period. Tabling will occur after the statutory consultation period that is required for each approval bilateral agreement.
3. Accreditation can only occur after tabling of processes in Parliament for a disallowance period of 15 sitting days.
4. Tabling will occur after the statutory consultation period that is required for each approval bilateral agreement, and after amendments have been made to the draft agreement in response to public comments. The timing of the signing of the agreements is a matter for the relevant Commonwealth Minister/s and State or Territory Minister/s, but will occur prior to the Commonwealth Minister accrediting the state management arrangement or authorisation process.
5. The Department has not drafted any accreditation instruments.
6. Consistent with long-standing practice and the *Freedom of Information Act 1982*, the content and timing of advice to the Cabinet is confidential.
7. Consistent with long-standing practice and the *Freedom of Information Act 1982*, the content and timing of advice to the Cabinet is confidential.