114 Boundary Street
Railway Estate, Townsville
Qld, 4810
PO Box 364, Townsville
Ph: 61 07 47716226
office@nqcc.org.au
www.nqcc.org.au

Regulatory Reform Taskforce
Department of the Environment
GPO Box 787
CANBERRA ACT 2601
Email: OneStopShop@environment.gov.au; edoqld@edo.org.au;

20 November 2014

Dear Taskforce members,

Commonwealth-Queensland draft assessment bilateral agreement

I write on behalf of North Queensland Conservation Council (NQCC), the regional body charged with acting as the voice for the environment in north Queensland – an area that is taken to cover from Bowen to Cardwell and from the Reef to the NT border.

NQCC has just over 100 individual and organisational members, 2,500 supporters and 3,300 Facebook followers.

I am writing to express our deep concern and dissatisfaction with the proposals relating to the bilateral assessment processes.

In suggesting the bilateral assessment process, the idea was to 'cut red tape'. Unfortunately, in this process, speed and simplicity was rated as more important than effectiveness. As a result, the protection afforded matters of significant environmental importance is likely to be diminished.

Beneficiaries of such streamlined processes are by and large those major (often international) organisations who stand to benefit economically from resource development and for whom a healthy environment is not seen as important in the short-term.

In other words, the changes to the process constitute a form of corporate welfare such as that seen in the recent announcement that the current Queensland government aims to use taxpayers' money to fund coal industry infrastructure in the Galilee Basin at a time when banks are opting not to do so on the basis of poor economic return and negative and vocal consumer sentiment.

The purpose of assessing impacts upon Matters of National Environmental Significance (MNES), for example migratory or listed species or the Great Barrier Reef World Heritage Area, is to protect the environment for the benefit of future generations as well as to stay in line with international environmental obligations. The proposed amendments to the Queensland assessment bilateral agreements will detract from the protection of MNES and therefore should not be introduced

1. This new process proposed is a weaker and less transparent process than that of the Environmental Impact Statement (EIS) process. The lack of requirement for the Queensland Coordinator-General to specifically consider MNES in choosing an Impact Assessment Report process, and the lack of requirement for an Impact Assessment Report to contain any detailed consideration of impacts on MNES, represents a significant step-down from the protections afforded under current assessment requirements. This is particularly the case given that the Coordinator-General's role in facilitating and promoting development in Queensland is in conflict with protection for MNES under Commonwealth environmental laws.

2. The absence of terms of reference defining the detailed scope or subject matter of an Impact Assessment Report, and the Queensland Coordinator-General's discretion as to whether or not the terms of reference for an EIS are publicly notified, will significantly restrict the public's involvement in the assessment process. In addition, the developer would be able to address public submissions on an Impact Assessment Report or EIS simply by providing a 'revised' process which only 'considers' issues raised by public submissions, rather than the current approach of supplementary documentation. This will make it more difficult for the public to understand whether and how public comment has been taken into account.

3. The Coordinator-General's ability to use the Impact Assessment Report as the assessment process, even where the Commonwealth Minister has determined that an EIS would be more appropriate, means the Coordinator-General is effectively given more than just 'assessment' powers for new developments in the state. The Commonwealth Minister should retain greater powers of oversight than simply the ability to request additional 'guidelines' for the Impact Assessment Report.

   At a minimum, the Commonwealth Minister must retain the power to require an EIS instead of an Impact Assessment Report.

Yours faithfully

Wendy Tubman
Coordinator