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Regulatory Reform Taskforce
Department of the Environment
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Submission on Draft assessment bilateral agreement between the Commonwealth and the State of Queensland

I write on behalf of North Queensland Conservation Council (NQCC) to express our concern about the proposed assessment bilateral agreement between the Commonwealth and the state of Queensland.

Our concern stems from the increasingly rapid decline in the state of the Australian environment, as most recently and most concisely detailed in the editorial of *Conservation Biology*, Volume 27, 'Continental-Scale Governance and the Hastening of Loss of Australia's Biodiversity' (attached). That editorial includes the statement:

In Queensland and Victoria, hard-won laws constraining vegetation clearing on private land are now being relaxed, and this will certainly accelerate the loss of regional biodiversity. In Queensland these regressive changes add to the already tenuous status of any conservation covenants with potential for mining exploration and development (Adams&Moon 2013).

It is evident that, despite the off-repeated sentiments of government, the 'stream-lining' of protective legislation and the apparent drive to support natural values only to the extent that they deliver a financial return, are having a devastating impact on the natural environment **that is crucial to a long-term strong economy and social welfare.**

In the words of ex-US Senator Gaylord Nelson, 'The economy is the wholly owned subsidiary of the environment, not the other way around'. Until this truth is recognised in Australia, the environment, and ultimately the economy and the people, will suffer. To quote again the *Conservation Biology* editorial:

The repair bill for [specific types of damage caused by cattle-grazing in National parks] will dwarf any short-term economic benefits to extractive industries, and some changes might be irreversible (Cardinale et al. 2012).

NQCC is concerned that handing over responsibility for the assessment of proposals with an impact on the environment to a State that is, to quote its Premier, 'in the coal business' will inevitably see significant and permanent damage to environmental values to that State and beyond.

In relation to the draft agreement we note:

1. What is being handed over is responsibility for **national** matters – Matters of **national** environmental significance. The Federal government is being lax in its responsibilities to hand over matters for which it is responsible and which, because of their nature, have national implications. It is akin to handing over to the states responsibility for trade or defence or interest rates.
2. NQCC is particularly concerned about the handing over of responsibility for uranium (on which the Queensland Premier has done a 180° turn on his election promise), the Great Barrier Reef (controlled under an international agreement signed by the Commonwealth) and water issues (a matter of greatest importance in the driest inhabited country in the world).
3. There is recent evidence of the State's failure to meet the standards of the EPBC Act. Furthermore, not all relevant Queensland legislation includes reference to the principles of ecologically sustainable development, a fact that makes assessment against this criterion arbitrary.
4. The State of Queensland is particularly rich in mineral resources and coal, in which the State has a financial interest. Such a situation immediately creates a conflict of interest, to the detriment of the environment.
5. The draft bilateral assessment agreement is being proposed and considered in the absence of any pre-emptive binding agreement with the State on guaranteed standards and assurance frameworks.
6. The draft agreement is considerably weaker than the agreement between NSW and the Commonwealth. As many of the issues central to assessment are matters of *national* environmental significance, it is essential that the standards are the same across the country, and that these are of the highest standard.

While NQCC believes that it is against the national interest for responsibility for assessment to be passed to the State, were such an agreement be struck it would be essential that:

- The EIS process under the *Environmental Protection Act 1994* (Qld) should be the only assessment method accredited in the proposed assessment bilateral.
- An independent body with expertise in the implementation of the EPBC Act is required to provide comprehensive and independent oversight, review and auditing of the bilateral arrangements.
- In accrediting a process under the EPBC Act, the Commonwealth must ensure that the rights of the public to participate in assessment processes are maintained at the standard that the EPBC Act requires.
- Each of the accredited assessment laws should contain equivalent false and misleading provisions as those set out in the EPBC Act.
- The assessment bilateral must specifically define the Queensland Environment Minister as the relevant Minister.

NQCC has previously provided substantiated arguments (for the purpose of the Major Projects review in Queensland) that there is no evidence that 'tape' is imposing unnecessary delays on economic proposals. Indeed, as was argued then, there is evidence that as development proposals have increased in number, size and complexity, the level of resources dedicated to assessment of proposals has been cut.

NQCC suggests that the cuts to environmental protection, such as those that would inevitably occur under the suggested agreement and resulting from stream-lining for the sake of *short-term* economic gain accruing to a few, will be sadly rued in years to come.

To return once again to the Conservation Biology editorial:

The fact that state governments are retreating from the previously accepted principal purpose of reserves—to conserve biodiversity—suggests a shortsighted decline in political and societal concern for nature conservation (McCallum & Bury 2013).

Similarly, the handing over of responsibility from the Commonwealth to the State in relation to assessment of matters of national environmental significance suggests a shortsighted decline in the national government's concern for nature conservation. And, we would suggest, in its concern for our medium- to long-term economic and societal welfare as a whole.

A handwritten signature in grey ink, appearing to read 'Wendy Tubman', written in a cursive style.

Wendy Tubman
Coordinator