

SEWPAC's Heads Up On Lay Of The Land

Kimberley Dripps, Deputy Secretary, Department of Sustainability, Environment, Water, Population and Communities (SEWPAC), addressed APPEA's 7–9 November 2011 National Environment Conference in Coolool, Queensland on behalf of Minister Tony Burke on key elements of the reform package, as it impacts the oil and gas sector. Here is an edited summary of her presentation, which provided an overview of the key elements of the package of reforms announced for the Environment Protection and Biodiversity Conservation Act (the EPBC Act).



Kimberley Dripps.

Major elements of the reforms include:

1. Taking a more proactive approach to protecting Australia's environment through more strategic assessments and new regional environment plans.

- Efforts will be focused on whole regions and ecosystems.
- This is a much more effective way of protecting precious habitats and the animals that depend on them for survival, taking account of potential cumulative impacts, while ensuring communities are planned for in the long term, recognising their environmental, social and economic needs.
- Strategic assessments have been completed or are currently under way in all states and the Australian Capital Territory. In the 2011–12 Budget the Australian Government made a further \$29.2 MM available for a new Sustainable Regional Development initiative to support better sustainability planning in regions experiencing high growth through strategic assessments in the regions.
- These assessments greatly reduce the number of individual assessments needed under the legislation. For example, the strategic assessment of the Melbourne Urban Growth Boundary was equivalent to about 250 separate assessments over 20 years.

2. In consultation with key stakeholders, more and better upfront guidance will be developed to give proponents and the community a clearer understanding of expectations under the EPBC Act.

- This includes consultation on a draft environmental offsets policy that will ensure a consistent and balanced approach to securing valuable habitats,

while allowing development, creating jobs and building our economy.

3. New national standards for accrediting environmental assessment and approval processes ensuring Commonwealth and state systems are better aligned.

- In August 2011, the Council of Australian Governments (COAG) agreed to a new national reform agenda for environment regulation.
- A key theme for reform is to develop and implement options which will reduce unnecessary duplication.
- A key element of the proposed national standards is that in accrediting any jurisdiction using new national standards, the Minister will need to be satisfied that equivalent protection to matters of National Environmental Significance as is currently provided by the EPBC Act will be achieved.

4. A new biodiversity policy for consultation to help protect our ecosystems across the continent.

5. A single national threatened species list will be developed, to provide an easily accessible reference of species listed under national and state or territory legislation to reduce inconsistencies between jurisdictions.

6. Identifying and protecting ecosystems of national significance through regional environment plans, strategic assessments or conservation agreements.

7. Better regulating of international trade in wildlife.

8. Increasing transparency by making more information publicly available, including making it standard practice to publish the departmental recommendation reports for the Minister's decisions under national environment law.

9. More cooperative approach to developing environmental standards.

- The Australian Government is calling for expressions of interest in setting up a new National Centre for Cooperation on Environment and Development.
- This centre would provide a neutral forum for industry, scientists, non-government organisations and governments to work together to inform the development of national environmental standards, guidelines and procedures for application under the EPBC Act.

10. Better processes for heritage listing by introducing a more transparent listing process based on a single assessment list, and more open discussion about heritage values with stakeholders.

11. Cost recovery.

- A consultation paper on options for cost recovery under the EPBC Act had been released for six weeks of public comment. The comment period closed 31 October 2011, and the government will make a decision on whether or not to proceed with cost recovery after consideration of the comments.
- Without cost recovery, implementation of reform would be limited to the budget capacity of SEWPAC. It will be essential to achieving timeframe improvements as it will allow resources to keep pace with demand for regulatory certainty.
- Cost recovery would more equitably share the cost of protecting the environment between the community and those who derive a private benefit and a social licence from an activity approved under national environment law.

Through COAG, the Australian Government and states and territories have already implemented one round of measures aimed at streamlining environmental assessments and approvals through the Seamless National Economy Mark I reforms.

A comprehensive and ambitious reform package, the elements combine to deliver better outcomes for the environment and better certainty for business. Whilst many of the reforms will be implemented by the Australian Government through amendments to the EPBC Act, there is no question that some of the reforms will be most effective when delivered in cooperation with state and territory governments. ■