



Australian
Koala
Foundation

A.C.N. 010 922 102

Senate Inquiry into the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 [Provisions] and the Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Bill 2014 [Provisions]

Submission from the Australian Koala Foundation (AKF) 30 May 2014
Deborah Tabart OAM, Chief Executive Officer

On behalf of the Australian Koala Foundation (AKF), I am grateful for the opportunity to air our concerns regarding the proposed legislation, to facilitate the Federal Government's proposed 'one-stop shop' environmental approvals process. We are anxious that the proposed policy diminishes the role and capacity of the Federal Government to oversee State and Local Government decisions impacting on the Koala and other *Matters of National Significance*.

During the Senate Inquiry into the Status, Health and Sustainability of Australia's Koala Population, there was general agreement amongst all involved in that enquiry that the States were incapable of protecting the Koala. In my 27 years with the AKF I have seen State and Local Governments across the country prove this time and again. They were unwilling and incapable of protecting Koalas and their Habitat. It has just been an endless procession... game after game after game... and for the Koala it has been the classic 'death by a thousand cuts.' Not to mention an opportunity for corruption of the process. I would be happy to detail specific case-studies illustrating these deficiencies to the Senate Committee, if such details are required. Better still read the 101 submissions to the Koala inquiry, which document these facts.

In addition to the above, we would ask that the Committee gives consideration to the following specific concerns in relation to the Bills under consideration:

- 1) It is apparent that the State Government will incur considerable costs associated with assuming many of the assessment functions of the Federal Government. It already appears that the State's environmental assessments processes are a shambles. How will more work make things better? Certainly, in discussions with State Government officers I have gained the impression there is an expectation workloads will increase dramatically. I therefore question why the imposition of these costs has not been considered within the Financial Impact Statements, and how the States, with their current budget questions, will have the resources to perform the functions required of them under the bilateral agreements.
- 2) There are currently two draft bilateral agreements on display for public comments. These agreements are with the State Governments of Queensland and New South Wales. I question why, when the goal of the 'one-stop shop' policy is to simplify the system, are there considerable differences between these agreements? It seems the end result of this policy will not be simplification of the process, but complications, as different States will have different agreements, and thus different relationships with the Department.
- 3) The amendment to the EPBC Act "allowing approval bilateral agreements to include approvals made by any person or organisation authorised by the State or Territory (such as local governments), rather than only entities that meet the EPBC Act definition of 'the state'



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or an ‘agency of the state’” does not appear to help the Government achieve its stated purpose, to “create a single environmental assessment and approval process... to simplify the approvals process for business.” Rather, allowing State or Territory Governments the power to delegate approvals to other entities will simply create an even more fractured assessment environment.

- 4) The AKF is of the view that the proponent should pay for costs incurred during the environmental approvals process at all levels of Government. It is imperative for Government to recover costs associated with assessment. The Koala will continue to lose out in this process if the money required by Government to do their job isn’t available.
- 5) We would question the proposed Section 521A. Why should the clock stop if a proponent does not pay? If the goal is to make the process more efficient, if the proponent fails to pay, the work should not be done and the process should end with the application rejected.

The AKF is supportive of efforts to streamline the assessments process. Indeed that is why believe there is a need for a Federal Koala Protection Act - to simplify the process. The Senate Inquiry insisted the Koala was listed federally, and responsibility for the Koala must remain with the Federal Government, although we have grave doubts about the referral guidelines.

We do not have any faith in the States to protect the environment, and we have concerns that the ‘one-stop shop’ will have a significant negative impact on our National Icon, the Koala. Case studies abound. Why did we go to all the trouble of getting the Koala listed Federally, to see it all overturned on the whim of a new government?

Thank you for your consideration,

Deborah Tabart OAM
Chief Executive Officer
Australian Koala Foundation