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*Working towards a sustainable and productive catchment*

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18<sup>th</sup> January 2013

Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

To whom it may concern,

## **Comments on the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012**

### **Background**

The Mary River Catchment Coordination Association (MRCCC) is an active Integrated Catchment Management organisation with a committee representing 25 government, industry and community sectors within the Mary Catchment. Since its inception in the mid-1990's, the MRCCC has participated actively in natural resource management and environmental planning issues in the Mary Catchment, endeavouring to remain abreast of the continually changing regulatory framework governing these matters at all levels of government. In recent years the MRCCC has been actively involved in the Federal EIS and assessment process associated with a number of major projects in the Mary River Catchment, the nomination and listing of threatened ecological communities, and the creation and implementation of threatened species recovery plans under the EPBC Act. The MRCCC contributed to Parliamentary inquiries into the operation of the EPBC Act, the review of the Bilateral Agreement with the State of Queensland, and the Protection of Threatened Species and Ecological Communities in 2008, 2009 and 2012 respectively.

There are many Matters of National Environmental Significance governed by the EPBC Act influenced by the Mary River Catchment. These include areas covered by international agreements to which the Commonwealth is a party such as the Great Sandy Strait Ramsar Wetlands, World Heritage Areas of Fraser Island and the Great Barrier Reef, the Noosa and Great Sandy International Biosphere Reserves, and important habitat for migratory bird species listed under the CAMBA, JAMBA and ROKAMBA agreements. The Mary River Catchment is also home to large range of threatened species and ecological communities listed under the EPBC Act.

It is from this background that the MRCCC would like to offer the following brief comments to the Senate concerning the *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012*

Yours sincerely,

**Margaret Thompson**  
Secretary, MRCCC

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*The MRCCC gratefully acknowledges the support of  
The Sunshine Coast Regional Council, Gympie Regional Council and Fraser Coast Regional Council,  
the Burnett Mary Regional Group, the Department of Agriculture, Fisheries and Forestry, the Department of Sustainability,  
Environment, Water, Populations and Communities, the Department of Main Roads, the Gambling Community Benefit Fund,  
and landholders throughout the Mary Catchment.*

***DONATIONS TO THE MARY CATCHMENT PUBLIC FUND ARE TAX DEDUCTIBLE***

## MRCCC Comments on the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

- **The MRCCC strongly supports the intent of the Bill**, which is to ensure that under the EPBC Act, the approval or non-approval of actions that may adversely impact upon Matters of National Environmental Significance, the setting of conditions on approvals, and the enforcement of approval conditions, remain the sole responsibility of the Commonwealth.
- It is imperative that the assessment of controlled actions under the EPBC Act, and all approval decisions relating to those actions are made completely independently of the proponents of those actions. The Hawke Review of the EPBC Act suggested that approval decisions could be made by an independent commissioner, and the MRCCC can see merit in this suggestion
- In many cases of controlled actions under the EPBC Act, State Governments are either the effective proponent of the action, or have a major financial and political interest in the project. In these circumstances, it is completely unacceptable for a State to be able to act in the simultaneous roles of the proponent and assessor, and also be given powers of making approval decisions. This would be a very clear abrogation of the Commonwealth's responsibilities for the fair application of the EPBC Act.
- In the case of Queensland with its unicameral parliament, there is very little opportunity for review of State Government decisions, particularly in the case of projects deemed to be of State Significance under the State Development and Public Works Organisation Act. The level of review provided by the independent Commonwealth application of the EPBC Act to these projects (where applicable) has been a critical step in protecting Matters of National Environmental Significance in Queensland in the past. The most notable example in the Mary River Catchment was the case of the Traveston Crossing Dam proposal. Removing this level of independent review would be a very backward step in the case of the State of Queensland, with its particular legislative structure.
- The MRCCC is fully supportive of legislative and procedural change to make the assessment and approval decision process under the EPBC Act more efficient, effective and timely for all concerned. The goal of simplifying and removing duplication of effort to ensure that the process of making decisions under the EPBC Act is conducted in the most efficient manner is **completely separate** to the more important goal of ensuring sound decisions are made, independent of conflicts of interest.