

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

Dear Sir/Madam

I write regarding the Committee's investigation in to the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 (the Bill).

I support the Bill as I feel strongly about the role of the Federal government in environmental regulation. If the Federal government hands over its approval powers under the EPBC Act to the States, as it is currently legally able to do, 30 years of important gains in environmental regulation will be wound back.

It is vital that the Federal government retain control of environmental approvals decisions on projects that impact upon matters of national or international significance. This is important in a number of significant ways: National environmental issues need national leadership. Our rivers and threatened species do not keep neatly within State borders and in many cases cross over a number of State and Territory boundaries. Only the Federal government has the ability to properly consider national or cross-border issues and make decisions in the national interest.

Only the federal government can deliver on Australia's international environmental obligations. Australia has obligations that have arisen from the signing of treaties and conventions dealing with such topics as threatened species, migratory species, wetlands and world heritage areas. It is not only appropriate that our national government continues to have primary responsibility for ensuring compliance with these obligations, but it is difficult to imagine how timely reporting would be achieved if these roles were delegated, either fully or partially. Experience suggests State and Territory Governments are not up to the job - The states have a terrible track record with establishing and administering their own environmental laws. Some State environmental protection laws are not even used, and for those that are, they are neither monitored nor enforced. In a number of States and Territories environmental impact assessment is weak and inadequate, and the States alone cannot be relied upon for protection of environmentally sensitive places in the national interest.

Inherent conflict of interest - States often directly benefit from the projects they are assessing, creating a conflict of interest, especially when it comes to major developments. The need for Federal approval adds a much needed layer of protection to the environment in these instances.

History has shown that when the Federal government exempt the States or give them powers under the EPBC Act, environmental protection will be undermined and the Federal government struggles to retain an oversight role. The experience with Regional Forestry Agreements illustrates this.

For the above reasons, I believe it will never be appropriate for the Federal government to hand over their federal approval powers to the States. Accordingly, the power to do so should be removed from the EPBC Act. The recent law reform agenda progressed through COAG to 'cut green tape' and reduce duplication has highlighted the problematic nature of this section existing in the Act.

I support the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 will give certainty to the involvement of the Federal government in protecting Australia's special places and nature in to the future.

Yours sincerely,  
Hank Vandepol