

Submission No. 25
11.1.19
16 May 2014

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Ms Erin Pasley
Research Director
State Development, Infrastructure and Industry Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Pasley,

Thank you for the opportunity to comment on the *Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014* ('the Bill'). QRC is supportive of the overall intent of the proposed amendments that give effect to the 'One Stop Shop' approach to approvals processing and recognition of a State approval of Matters of National Environmental Significance ('MNES') under the *Environmental Protection and Biodiversity Conservation Act 1999* ('EPBC Act'). QRC would like to note the importance of these amendments and their intent to give effect to a future approval bilateral agreement and the value of appropriate consultation timeframes to understand the proposed amendments.

QRC supports the implementation of a seamless 'One Stop Shop' approvals process as it will go a long way to reducing unnecessary processes from an already lengthy and expensive process. QRC also acknowledges the leadership of the Queensland Government to promote the benefits of a 'One Stop Shop' and the progress made with respect to the development of an Approvals Bilateral with the Commonwealth. QRC would also be pleased to see similar amendments to give effect to a future bilateral arrangement under the *Environmental Protection Act 1994* (Qld).

As you know the QRC is the peak representative organisation of the Queensland minerals and energy sector. QRC's membership encompasses exploration, production, and processing companies, energy production and associated service companies. The QRC works on behalf of members to ensure Queensland's resources are developed profitably and competitively, in a socially and environmentally sustainable way.

QRC offers the below comments on the Bill which seek to enhance the proposed processes and at the same time are consistent with the intent of a 'One Stop Shop':

1. Section 54H(3)(b) should be amended to refer to a 'significant' impact in accordance with the EPBC Act –

*For this part, a coordinated project is **within the scope of the bilateral agreement** if the project*

(b) has had, will have or is likely to have ~~an~~ *significant* impact on an environmental matter protected by a specified provision.

2. QRC notes that only sections 54K(3) and 54Q expressly state that the bilateral processes may be undertaken at the same time as the coordinated project processes. QRC suggests this allowance needs to be all encompassing and apply to all matching processes between Part 4A and Part 4. This will ensure a greater level of streamlining and enable a fuller integration between the bilateral processes (within Part 4A) and coordinated project processes (within Part 4).
3. Section 54ZO of the draft legislation proposes to include a mechanism whereby the CG can recover, as a debt, the cost of obtaining advice from another entity. The explanatory notes (in section 54W) highlight that the CG will commission expert advice, at the cost of the proponent, necessary to make an informed decision. The Bill does not provide an ability for proponents to dispute the reasonableness of the costs being recovered. QRC recommends that an amendment be made to this section to ensure that any costs incurred are “reasonable”.
4. The EPBC Act (in Section 131AA) requires the Federal minister to seek comment from a proponent regarding a proposed decision and any conditions to be imposed, and provides a timeframe within which such comment can be provided. The Bill should include an equivalent section which allows a “reasonable amount of time” for a response to be provided. Currently the Bill does not include such a provision.
5. In relation to cancelling approvals, currently the Bill does not provide the Minister with the ability to suspend or reinstate approvals. In the EPBC Act there is provision for the Minister to do so and QRC seeks amendment to the Bill to provide for this, otherwise the only option available in the legislation is cancellation of an approval which QRC feels is quite severe.
6. QRC seeks clarification on the compliance role for conditions imposed, for example the compliance regime in the Bill seems to link to the *Environmental Protection Act 1994* (section 54ZL), meaning an environmental approval issued by the Coordinator General is taken as if it were an environmental authority under the *Environmental Protection Act 1994*.

One of the useful aspects of the EPBC Act was the legislated timeframes for decision-making which provided some certainty for proponents regarding the assessment and approval schedule. QRC suggests the Bill be amended to include timeframes for the EIS and its approval (for both the coordinated process Part 4 and the bilateral process Part 4A).

Thank you again for the opportunity to comment on the proposed amendments. The QRC contact on this work is QRC’s Resources Policy Adviser, Katie-Anne Mulder, who can be contacted on 3316 2519 or alternatively via email at Katie-annem@qrc.org.au

Yours sincerely



Michael Roche
Chief Executive