

27 April 2020

Professor Graeme Samuel AC  
Independent Reviewer  
for the Independent Review of the EPBC Act

via:  
EPBC Act Review Secretariat  
[epbcreview@environment.gov.au](mailto:epbcreview@environment.gov.au)

Dear Independent Reviewer

**Re: Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

The Queensland Resources Council (QRC) welcomes the opportunity to provide a submission on the *Independent Review of the EPBC Act Discussion Paper*.

QRC is the peak representative organisation of the Queensland resources sector, including coal, metals, and petroleum and gas. QRC's membership encompasses exploration, production, processing companies, and associated service companies. QRC works on behalf of its members to ensure Queensland's resources are developed profitably and competitively, in a socially and environmentally sustainable way.

QRC has contributed to, and supports, its joint submission with the Minerals Council of Australia (including its Northern Territory and Victorian divisions), The Chamber of Minerals and Energy of Western Australia, the South Australian Chamber of Mines and Energy, the New South Wales Minerals Council and the Tasmanian Minerals, Manufacturing and Energy Council, submitted on 24 April 2020.

The joint submission outlines legislative, policy and administrative issues associated with the EPBC Act that are reflective of that experienced by the Queensland's resources sector – inclusive of all commodities. These issues are validated by a number of previous reviews<sup>1</sup>, including the recent findings of the draft report<sup>2</sup> by the Productivity Commission on the review of resources sector regulation. Of noting, the draft report emphasised room for significant improvement with regulatory processes, including those under the EPBC Act, remaining unduly complex, duplicative, lengthy and uncertain and may be becoming more so.

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<sup>1</sup> A. Hawke (2009) [The Australian Environment Act – Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999](#)

J. Woodward (2016) [Regulatory Maturity Project Final Report](#)

<sup>2</sup> Productivity Commission (2020) [Resources Sector Regulation, Draft Report](#), Canberra

The review of the EPBC Act presents a marked opportunity to drive reform for a coordinated, integrated and consistent approach to meeting national environmental objectives, while creating and sharing economic benefits with the community. The joint submission provides a range of recommendations to achieve such change in the most effective and efficient manner with a focus on:

- Leading regulatory practice, including (but not limited to):
  - Advocacy for a risk-based and outcomes-driven approach to regulation supported by fit-for-purpose, clear, time-based and predictable assessment and approvals processes;
  - Improving the administration of the Act, its policies, processes and tools (particularly offsets) through published, unambiguous guidance and open and transparent regulator communication;
- Rationalising regulation and processes to reduce unnecessary duplication, time and cost burdens, including (but not limited to):
  - Removal of the water trigger for coal seam gas and large coal mining development;
  - Improved cooperation and coordination between the Commonwealth and State/Territory governments;
- Enhancing regulator performance and service delivery with the need for capable and accountable staff;
- Upgrading systems and consolidating data with regular updates; and
- Building community awareness and confidence while reducing the vulnerability of approvals to unnecessary appeals.

Since the review began, Australia has faced an unprecedented economic and social threat from the COVID-19 pandemic. As Australia now turns to rebuilding the economy, QRC welcomes the Australian Government's recent recognition of the:

- Duplication and barriers of the EPBC Act (and accompanying policies and processes) and how it is hindering investment and job creation; and
- Negative outcomes of lawfare for all parties.

QRC also strongly supports the Government's commitment to:

- Cut green tape, following delivery and consideration of your interim report, with improvement measures to be proposed to Parliament in October 2020; and
- Clear its backlog of environmental decisions on dams, roads, public transport, mines and other key projects by June 2020 to boost jobs<sup>3,4</sup>.

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<sup>3</sup> The Australian (23 April 2020) [Coronavirus Australia: Green tape to be cleared for recovery](#)


<sup>4</sup> Australian Government (23 April 2020) [Media release from The Hon Sussan Ley MP: Congestion busting assessments protecting our environment and our economy](#)

Such sensible reform to the EPBC Act can help sustain a stronger and productive resources sector, which will continue to support and aid in the recovery of the Australian economy. It can also facilitate improved environmental outcomes while maintaining appropriate safeguards.

Having regard to the above, QRC recommends that the EPBC Act review prioritise measures to improve administrative issues. These can be progressed immediately without the need for legislative amendments to the Act. Such measures could be followed by (or progressed in parallel with) staged legislative amendments on more substantive changes, which require additional time to be developed and considered by Government and stakeholders. Any recommendations made as part of the review should also align with the Productivity Commission's draft report on the review of the resources sector regulation.

QRC looks forward to further participating in the EPBC Act review and assisting with any subsequent outcomes. Should you have any queries regarding this correspondence or the joint submission in the context of the Queensland resources sector, please contact QRC's Assistant Policy Director, Environment – Chelsea Kavanagh at [chelseak@qrc.org.au](mailto:chelseak@qrc.org.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'I. Macfarlane', is written over a light blue dotted grid background.

Ian Macfarlane  
**Chief Executive**