

Environmental Protection Amendment Regulation (No 1.) 2014

Explanatory notes for SL 2014 No. 57

made under the

Environmental Protection Act 1994

General Outline

Short title

Environmental Protection Amendment Regulation (No. 1) 2014.

Authorising law

The regulation is made under section 580 of the *Environmental Protection Act 1994*.

Policy objectives and the reasons for them

The objectives of this Amendment Regulation are to amend the *Environmental Protection Regulation 2008* to meet the Commonwealth Government's requirements for the proposed 'approvals bilateral' under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (the EPBC Act).

Queensland has already achieved Commonwealth Government accreditation of assessment processes for major projects (i.e. environmental impact statements (EISs)) under the successful 'assessment bilateral' providing a solid platform from which to seek more extensive accreditation. The objective of the proposed 'approvals bilateral' is to accredit both assessment and approvals at the 'systemic' level so that the Commonwealth Government can "switch off" the EPBC Act.

The EPBC Act protects 'matters of national environmental significance' (MNES) which are the matters outlined in chapter 2, part 3, division 1 of the EPBC Act and include:

- World Heritage
- National Heritage
- Wetlands of international importance
- Listed threatened species and communities

- Listed migratory species
- Nuclear actions
- Marine environment
- Great Barrier Reef Marine Park
- Protection of water resources from coal seam gas development and large coal mining development.

Currently, the *Environmental Protection Regulation 2008* requires consideration of MNES as part of the ‘assessment bilateral’. Amendments are required to the Regulation in order to ensure that the same consideration is required under the proposed ‘approvals bilateral’. Since both bilateral agreements will continue to operate, these amendments do not remove references to the existing ‘assessment bilateral’.

Achievement of policy objectives

The policy is to be achieved by amending the *Environmental Protection Regulation 2008* to make clear that MNES must be considered for the purposes of both the existing ‘assessment bilateral’ and the proposed ‘approvals bilateral’.

Consistency with policy objectives of authorising Act

The Amendment Regulation is consistent with the object of the *Environmental Protection Act 1994* that is, to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (*ecologically sustainable development*).

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative approach. These matters, and the statutory instruments, are established in legislation and legislative amendments are the only option to give effect to the policy objectives.

Benefits and costs of implementation

These amendments will not add to the administrative cost to the Queensland Government unless and until an ‘approvals bilateral’ is agreed and implemented. These amendments are part of a suite of amendments for the proposed ‘approvals bilateral’ and the benefits and costs to the Queensland Government of implementing the ‘approvals bilateral’ as a whole are canvassed as part of the other amendments.

