

Morrison government resurrects Abbott's 'one-stop shop' environment laws

Mike Foley

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The controversial "one-stop shop" [environment approval system the Abbott government tried](#) and failed to create is being resurrected under a Morrison government bill introduced to Parliament on Thursday.

The Streamlining Environmental Approvals Bill brought by Environment Minister Sussan Ley would create a "[one-touch regime](#)" for assessments of major projects, which would hand state governments responsibility for approval and management of major project development impacts on threatened species, habitat and biodiversity as well as World Heritage areas.

Ms Ley's bill would deliver the most significant changes to the Environment Protection and Biodiversity Conservation (EPBC) Act since it was created by the Howard government in 1999.

Labor, the Greens and several crossbench MPs and Senators have [voiced objection to the bill](#), but the government is expected to have the numbers for it to pass.

Ms Ley said the federal government would form agreements with states to accredit their bureaucracies and argued the change was needed to speed up project approvals to boost the economy, and the regime would not reduce environment standards.

Labor environment spokeswoman Terri Butler said the opposition was open to environment law reform, but strongly criticised the current bill on environmental and business grounds.

"Our environment needs protection, business needs certainty and Australians need jobs. These changes fail on each count," Ms Butler said.

"This backwards-looking failed Abbott law rehash is yet another broken promise" she said and accused the government of ignoring interim findings from a statutory review of the EPBC Act, which is still in progress.

When former Australian Competition and Consumer Commission chairman Graeme Samuel released the [interim findings](#) from his review, which is required by law every 10 years, he found it was "ineffective and inefficient" and created significant extra costs for business. His final report will be published in October.

Samuel's findings said Australia's "current environmental trajectory is unsustainable". [His](#) assessment of national laws was scathing - warning they are "not fit to address current or future environmental challenges".

Australia's rate of wildlife extinction is a [national emergency](#) and leading causes of native extinction include land clearing and habitat degradation, which is caused by major agriculture and resources projects and is regulated by the EPBC Act. Mr Samuel's raft of reforms included a system where major project assessments are handed to state governments, which he said could remove unnecessary bureaucracy. He also called for two new major environmental protections which he said would beef up the new regime.

Mr Samuel proposed a draft set national standards that set common rules about development impacts on threatened species, habitat and biodiversity. He also called for an independent regulator to be a "tough cop" that makes sure state governments adhere to the standards.

However, when he released his interim report in July, Ms Ley immediately ruled out an independent regulator. She has also refused to provide funding for state governments to ramp up their assessment capability as they take on Commonwealth responsibilities.

Ms Ley said she is rushing to change the EPBC Act to help business and she would increase environmental protections as she did so. She said more changes would follow to reflect Mr Samuel's final report - which is still deep in consultation with experts.

The Environment Minister said in June she would create national standards to regulate environmental impacts when she announced plans to change the laws, but the bill before Parliament does not contain them.

Ms Ley said on Thursday the Morrison government will negotiate over potential standards agreements with state governments and has already started discussions with Western Australia.

She said the changes to the EPBC would "reduce regulatory burden, accelerate job-creating projects, promote economic activity and create certainty around environmental protections".

Labor, the Greens and environmental groups urged the government to develop national standards as a priority.

Greens environment spokeswoman Sarah Hanson-Young said the government had "ignored the fact a once in 10-year review is still under way" and it "should've been completed before any legislation was introduced, let alone laws that wind back protections".

Wilderness Society law specialist Suzanne Milthorpe said the government had shown it "has little interest in community concerns" for the environment.

"It's hard to see how the government introducing a bill, much of which is word-for-word identical to Tony Abbott's failed 2014 one-stop-shop amendments, isn't a deliberate breaking of faith with the near 30,000 Australians who fed into the independent review of the EPBC Act," she said.

Australian Conservation Foundation chief executive Kelly O'Shanassy said the change would "fast-track extinctions" by removing federal responsibilities to protect ecosystems like the Great Barrier Reef and threatened wildlife like the koala. The federal government's management of environment laws was [criticised by the Commonwealth Auditor-General](#) in a scathing report released in June, which found 79 per cent of approvals were non-compliant or contained errors and most decisions were not made within statutory time frames.

New research has revealed state governments have not consistently complied with their existing requirements under the EPBC Act.

Only [10 per cent of the koala habitat](#) cleared in NSW and Queensland between 2012 and 2017 was assessed by the federal government, despite national environment law requiring protection for threatened species. The low volume of approvals with no federal oversight show habitat clearing was consistently approved by the states and developers were not referred for assessment at any level of government.

Resources and farm groups have supported government plans to change the EPBC Act. They have been contacted for comment.

Environment law will add national standards after bill cops heavy criticism

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The Age

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Legally binding national standards will be added to the government's proposed changes to environment laws, the Environment Minister says, after they were a glaring omission from a bill put to Parliament last week.

Sussan Ley introduced the Streamlining Environmental Approvals Bill to speed up project approvals to boost the economy under a "one-touch" approval system that hands over federal government powers to assess environmental impacts of major projects to states and territories.

But the bill, which could be enacted as soon as this week, had no mention of promised national standards to ensure the states and territories did not weaken the existing federal protections for development impacts on threatened species, habitat and biodiversity.

Ms Ley's bill followed the July release of an interim report on the Environment Protection and Biodiversity Conservation Act, which is required by law every 10 years. The report author and former Australian Competition and Consumer Commission chairman Graeme Samuel found the law was "ineffective and inefficient" and created significant extra costs for business.

Mr Samuel made three key recommendations. Inefficient and unnecessary bureaucracy could be reduced if state governments were accredited to perform the assessment work that currently falls to the federal government, but only if a new set of national standards were written into law and a "tough cop" regulator was set up to police the states' approvals.

Ms Ley immediately ruled out a new independent regulator but committed on July 20 to create national standards to "underpin new bilateral agreements". However, last week when she introduced her bill the standards were missing and Ms Ley copped heavy criticism from environment groups, Labor and the Greens.

Speaking to *The Sydney Morning Herald* and *The Age* on Monday, Ms Ley said unequivocally that legally-binding national standards would be passed into law sometime after the current bill and she would not hand over any project approval powers until state governments had signed up and demonstrated their bureaucracies were up to scratch.

"No state is going to secure the right to make approvals without signing up to binding Commonwealth-led national standards as part of the bilateral agreement, and without showing that it can meet the provisions of the agreement," Ms Ley said.

"In moving forward we will develop the terms of bilateral agreements with states, set national environmental standards, and ensure states can meet these standards, before any agreement is signed.

"States will be more accountable and their accreditation will depend on it - there is a clear message to the states in this." Ms Ley said her bill was urgent to speed up project development and help the economic recovery from COVID-19, but it remains to be seen if and when state governments agree to take on extra project approval responsibilities. Ms Ley has ruled out addition funding for state or territory governments.

Ms Ley's bill mirrors the [Abbott government's failed "one-stop shop"](#) laws, which were blocked by the Senate in 2015, and would deliver the most significant changes to the EPBC Act since it was created by the Howard government in 1999. Labor and the Greens appear set to oppose the bill, but the government has the numbers to pass it through the lower house, and in the Senate support from One Nation and Jacqui Lambie or Rex Patrick would be enough to create the legislation.