

REPORT ON COMMENTS

As required by section 49A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a draft bilateral agreement between the Commonwealth of Australia and New South Wales was published on 4 and 8 November 2006 with an invitation for any person to comment.

One submission was received on the draft New South Wales assessment bilateral agreement from the Environmental Defender's Office Ltd ('the EDO').

The EDO raised concerns regarding the Commonwealth's accreditation of the assessment of activities under Part 3A of the New South Wales *Environmental Planning and Assessment Act 1979* (the EPA Act). The EDO suggested that references to Part 3A of the EPA Act be removed from Schedule 1 of the draft bilateral agreement, and that assessment under the EPBC Act remain as a check for the projects of greatest impact in New South Wales.

These comments were taken into account in further consultation with the New South Wales Government and in my decision to enter into the New South Wales agreement.

SIGNED

Minister for the Environment and Heritage

20 December 2006