



**Australian Government**

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**Department of the Environment, Water, Heritage and the Arts**

**STATEMENT OF REASONS**

**Agreement between the Commonwealth of Australia  
and the State of Queensland under section 45 of the  
*Environment Protection and Biodiversity Conservation Act 1999*  
relating to Environmental Impact Assessment**

I, PETER ROBERT GARRETT, Minister for the Environment, Heritage and the Arts, provide the following reasons for my decision to enter into a bilateral agreement with the State of Queensland.

**Legislative power**

Section 45 of the EPBC Act authorises me, on behalf of the Commonwealth, to enter into a bilateral agreement with a state or a self-governing territory that is expressed to be a bilateral agreement and that provides for one or more of the following:

- protecting the environment;
- promoting the conservation and ecologically sustainable use of natural resources;
- ensuring an efficient, timely and effective process for environmental assessment and approval of actions; and
- minimising duplication of environmental assessment and approval processes through Commonwealth accreditation of state or territory processes (or vice versa).

A bilateral agreement may declare that actions that have been assessed in a specified manner need not be assessed under Part 8 of the EPBC Act ('section 47 declaration'). My approval under Part 9 of the Act is still required before such an action can proceed.

**Consultation**

In accordance with section 49A of the EPBC Act, a draft of the bilateral agreement was published on 16 May 2009 with an invitation for any person to comment. The comments received are described in the attached report. The comments were taken into account in the further negotiation of the draft bilateral agreement and in making my decision to enter into the final agreement.

## Reasons

The bilateral agreement includes a section 47 declaration. The specified manner of assessment is set out in Schedule 1 to the agreement. This includes the following environmental assessment processes under Queensland legislation with additional criteria as described in Schedule 1:

- Chapter 5, Part 8 of the Queensland *Integrated Planning Act 1997* and the *Integrated Planning Regulation 1998*;
- Part 4 of the Queensland *State Development and Public Works Organisation Act 1971* and the *State Development and Public Works Organisation Regulation 1999*; and
- Part 1 of Chapter 3 of the Queensland *Environmental Protection Act 1994* and the *Environmental Protection Regulation 1998*.

I have concluded that the provisions of the bilateral agreement, and in particular the specified manner of assessment, will ensure that proper assessment of the relevant impacts of an action will take place, including adequate opportunity for public consultation and access to documents. I have concluded that the Queensland bilateral agreement will minimise duplication between the Commonwealth and the State of Queensland environmental assessment processes and ensure that assessment of proposed actions occurs in a timely and efficient manner.

I am satisfied, therefore, that the bilateral agreement provides for the matters described in section 45(2)(a) of the EPBC Act.

I am satisfied that the specified manner of assessment will ensure:

- that the impacts an action has, will have or is likely to have on the matters protected by Part 3 of the EPBC Act will be assessed (subsection 47(2)); and
- that I will receive a report including, or accompanied by, enough information about those impacts to let me make an informed decision whether or not to approve the action under Part 9 of the EPBC Act (subsection 47(4)).

I am satisfied that the bilateral agreement accords with the objects of the EPBC Act (paragraph 50(a)).

In relation to the requirements of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), I am satisfied that the bilateral agreement:

- identifies each assessment approach and the approach under the EPBC Act to which it corresponds (regulation 3.02);
- provides for public access to assessment documentation (regulation 3.03), and
- provides for special arrangements for comment by particular needs groups (regulation 3.04).

I am satisfied that the specified manner of assessment meets the criteria in Schedule 1 to the EPBC Regulations (regulation 3.06).

In addition, I am satisfied that the bilateral agreement:

- is not inconsistent with Australia's obligations under any of the international agreements referred to in sections 51 to 54 of the EPBC Act;
- will promote the management of National Heritage in Queensland in accordance with Australian National Heritage management principles;
- will promote the management of world heritage properties in Queensland in accordance with the Australian World Heritage management principles;
- will promote the management of wetlands in Queensland in accordance with Australian Ramsar management principles; and
- will promote the survival and/or enhance the conservation status of listed threatened species and listed threatened ecological communities and of listed migratory species.

I have considered the role and interests of Indigenous peoples in promoting the conservation and ecologically sustainable use of natural resources in the context of the bilateral agreement, taking into account Australia's relevant obligations under the Convention on Biological Diversity 1993 (paragraph 49A(c)).

**Material on which my decision was based**

The material on which I have based my decision was:

- the content of the assessment bilateral agreement;
- the content of the Review Report produced by DEWHA in consultation with the Queensland Department of Environment and Resource Management and the Department of Infrastructure and Planning;
- the relevant provisions of the EPBC Act and the EPBC Regulations;
- the relevant provisions of the *Integrated Planning Act 1997*, *Integrated Planning Regulation 1998*, *State Development and Public Works Organisation Act 1971*, *State Development and Public Works Organisation Regulation 1999*, *Environmental Protection Act 1994* and *Environmental Protection Regulation 1998*;
- comments and information provided by the Queensland Government in the course of negotiation of the bilateral agreement;
- public comments received on the draft bilateral agreement published on 16 May 2009, in accordance with section 49A of the EPBC Act; and
- advice from my Department contained in a brief in July 2009, which included the bilateral agreement for my signature.

*SIGNED*

Peter Robert Garrett  
Minister for the Environment, Heritage and the Arts

2 August 2009