



Your ref: EPBC Act Review
Our ref: A1739/200501
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Secretariat
Independent Review of the EPBC Act 1999
GPO Box 787
CANBERRA ACT 2601

Dear Secretary

SUBMISSION TO THE INDEPENDENT REVIEW OF THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC Act)

Thank you for inviting the Department of Industry and Resources (DoIR) to comment on the above review.

The main issues of concern to DoIR relate to the operation of the EPBC Act: i) with petroleum activities; ii) dealing with strategic assessments; and iii) the affect on mining and petroleum activities in the Regional Forest Agreement area in Western Australia (WA). DoIR is keen that the assessments and approvals process for the mineral, petroleum and geothermal activities is timely, transparent and clear.

A key concern is the operation of the EPBC Act where it overlaps with the efficient and timely operation of DoIR's assessments process. In particular, DoIR is concerned that the assessment, incident reporting and compliance auditing processes under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, which are carried out under delegation by DoIR for the Commonwealth, are being duplicated by the Department of Environment, Water, Heritage and the Arts (DEWHA) under the EPBC Act. There are a number of petroleum projects for which EPBC approval conditions have directly duplicated with the requirements of the *Petroleum Submerged Lands (Management of Environment) Regulations 1999* administered by DoIR. Thus, DoIR suggests that DEWHA in its assessments should recognise the existing regulations and processes during their condition setting process and not duplicate them. The mechanism for DEWHA providing this recognition of the regulatory processes could be through an agreement between DEWHA and the Department of Resources, Energy and Tourism, or DEWHA and the individual designated authorities (including DoIR) around Australia.

Another concern is that any changes to the EPBC Act which may affect mining and petroleum activities within the Regional Forest Agreement Area should only be done in consultation with the relevant State agencies (e.g. DoIR) to ensure that the provision for mining and petroleum activities in the Regional Forest

Agreement and the Forest Management Plan 2004-2013 are appropriately addressed. The current provisions in the Regional Forest Agreement were developed in consultation with the Commonwealth. Thus, it is important that any changes adversely affecting existing and future mining and petroleum (including geothermal) development interests are appropriately addressed by DoIR in consultation with the Commonwealth.

I trust that these comments are of assistance to you and please contact Carmel Staniland (08 9222 3403) at the Department for further information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ian Briggs', is positioned above the printed name and title.

Ian Briggs
A/DIRECTOR
ENVIRONMENT DIVISION

23 December 2008

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