

APPENDIX B.7 ENVIRONMENT

Summary

Environment reported 13 measures¹ during the year, with a total net regulatory saving of \$440.9 million per year.

In the first two years of the Government's regulatory reform agenda, the Environment portfolio has contributed total net regulatory savings of \$1 billion. Regulatory reform activity has targeted the areas of highest regulatory burden across the portfolio. Savings have therefore been significant. This includes accrediting the National Offshore Petroleum Safety and Environmental Management Authority as the sole regulator for petroleum activities in Commonwealth waters which reduced duplication and \$120 million² in regulatory burden on industry. The streamlined framework for the management of ozone depleting substances and synthetic greenhouse gases has reduced regulatory burden by approximately \$420,000, particularly benefiting small volume importers. A One-Stop Shop for environmental assessments and approvals is currently being agreed with states and territories. This is estimated to further reduce the regulatory burden by \$370 million. Work continues on some of these activities to ensure benefits are fully realised for stakeholders.

During 2015 and beyond, the portfolio has continued to pursue effective environmental regulation that balances business efficiency, environmental protection and community confidence. The regulatory reform measures outlined below will produce meaningful benefits for business, individuals and community groups.

¹ Measures counted here only include decisions with a regulatory impact. Measures with a zero regulatory impact have been excluded.

² The annual saving of \$120 million in compliance costs is shared between the Environment and the Industry and Science portfolios.

Regulatory measures reported since the 2015 Spring Repeal Day³

With an impact of greater than \$2 million

Environment	Reducing emissions from non-road spark ignition engines and Equipment
	<ul style="list-style-type: none">• On 15 December 2015, Australian environment ministers finalised the National Clean Air Agreement, which will strengthen clean air standards and includes measures to reduce emissions that affect air quality.• The measures include emission standards for new non-road spark ignition engines and equipment (NRSIEE). NRSIEE are a significant contributor to air pollution. The new standards will bring Australia into line with other countries, particularly those in North America. The aim is to introduce legislation into Federal Parliament in 2016, with a staged introduction.• The OBPR has agreed that this will lead to an annual regulatory compliance cost of \$46.8 million. Given this is an inter-jurisdictional reform, \$42.2 million is attributable to the Commonwealth and \$4.6 million is attributable to the states and territories.

³ These measure descriptions relate to new decisions taken and reported between the Spring 2015 Repeal Day and 31 December 2015. Descriptions of regulatory increases or regulatory decreases generally capture those measures with a regulatory change in excess of \$2 million per annum.

Environment

Water Trigger exclusion

- On 14 September 2015 the Government introduced amendments in the Senate to the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 which supports the One-Stop Shop reform.
 - The amendments to the Bill will see the Commonwealth retain responsibility for approving coal seam gas and large coal mining projects in relation to significant impacts on water resources, which is the case currently under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The projects will still be able to be assessed under existing assessment bilateral agreements with states and territories.
 - The Department of Environment estimated that regulatory savings for the One-Stop Shop measure (previously agreed by OBPR to lead to an annual saving of \$426.3 million in reduced delay and compliance costs) have been reduced by \$56.1 million per annum.
 - The subsequent decision taken is recorded as an annual increase of \$56.1 million in compliance costs.
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2015 regulatory measures, previously reported in conjunction with the Autumn and Spring Repeal Days

These measures below are reproductions of the 2015 Autumn and Spring Repeal Day overview descriptions and have not been amended.⁴ Where necessary, supplementary information is shown as blue text.

Environment	Abolishing the Biological Diversity Advisory Committee (Autumn)
	<ul style="list-style-type: none"> As part of the 2015 Autumn Repeal Day, amendments will be made to abolish the Biological Diversity Advisory Committee (BDAC). The BDAC is a ministerial advisory committee created under the EPBC Act. The membership of the BDAC lapsed in February 2007. A range of other existing mechanisms have since been used to provide advice to the Minister, including through the Department, stakeholder consultation, scientific input, the Threatened Species Commissioner, the Indigenous Advisory Committee and the Threatened Species Scientific Committee. NB: This measure was part of the Omnibus Repeal Day (Autumn 2015) Bill. There are no regulatory savings or burden associated with this proposal.
Environment	Abolishing the Natural Heritage Trust Advisory Committee (Autumn)
	<ul style="list-style-type: none"> As part of the 2015 Autumn Repeal Day, amendments will be made to abolish the Natural Heritage Trust Advisory Committee (NHTAC). The role of the NHTAC is to provide advice to the Natural Heritage Ministerial Board about the integration of the objectives of environmental protection, natural resources management and sustainable agriculture in relation to programmes funded through the Natural Heritage Trust of Australia Account. It has not met since 2010. The Natural Heritage Ministerial Board continues to serve as the formal mechanism for liaison and cooperation between the Environment and Agriculture Ministers on all matters relating to programmes funded through the Natural Heritage Trust of Australia Account. The Board is advised by the Department of the Environment and the Department of Agriculture. The NHTAC and the Australian Landcare Council will both be abolished and their functions merged in the non-statutory National Landcare Advisory Committee. The National Landcare Advisory Committee advises the Board on the development and implementation of the National Landcare Programme. NB: This measure was part of the Omnibus Repeal Day (Autumn 2015) Bill. There are no regulatory savings or burden associated with this proposal.

⁴ To align this table with the 2015 calendar year, any measures accounted for in the previous annual report have been excluded.

Environment	Removing an inconsistent reference to the Australian National Botanic Gardens in the EPBC Act (Autumn)
	<ul style="list-style-type: none"> • As part of the 2015 Autumn Repeal Day, amendments will be made to remove an inconsistent provision from the EPBC Act that relates to the part of the Australian National Botanic Gardens in the Jervis Bay Territory which is now redundant. • The provision became redundant in 2000 when this part of the Australian National Botanic Gardens was incorporated into Booderee National Park to be jointly managed by the Director of National Parks and the Wreck Bay Aboriginal Community. • NB: This measure was part of the Omnibus Repeal Day (Autumn 2015) Bill. There are no regulatory savings or burden associated with this proposal.
Environment	Removing duplication regarding the management of Heard Island and McDonald Islands (Autumn)
	<ul style="list-style-type: none"> • As part of 2015 Autumn Repeal Day, amendments will be made to remove duplication regarding the management of Heard Island and McDonald Islands (HIMI). • The provisions in the EPBC Act that exclude HIMI from the requirement for protected area management plans are redundant because the islands are now part of the Heard Island and McDonald Islands Marine Reserve and the exemption for Commonwealth reserves now applies. • The Reserve is covered by the Heard Island and McDonald Islands Marine Reserve Management Plan 2014-2024. The Plan addresses natural heritage management; biodiversity science, knowledge management and use; cultural heritage management; use and appreciation of protected areas; stakeholders and partnerships; and business management. • NB: This measure was part of the Omnibus Repeal Day (Autumn 2015) Bill. There are no regulatory savings or burden associated with this proposal.
Environment	Green Army Programme (Autumn)
	<ul style="list-style-type: none"> • On 26 February 2014, the Minister for the Environment introduced the Social Security Legislation Amendment (Green Army Programme) Bill 2014 to establish the Green Army. The Bill received Royal Assent on 30 June 2014. • Two rounds of applications under the scheme have been sought, in April and November 2014. The Green Army is a hands-on, practical, grassroots environmental action programme that supports local environment and heritage conservation projects across Australia. The burden associated with the Green Army measure is primarily due to individuals educating themselves and applying for the programme. • The OBPR has agreed that this will lead to an annual increase of \$3.2 million in compliance costs.

Environment	Reform of the National Television and Computer Recycling Scheme (Spring)
	<ul style="list-style-type: none"> • On 10 June 2015 the Minister for the Environment announced amendments to the Product Stewardship (Televisions and Computers) Regulations 2011 to commence 1 July 2015. • The amendments improve the operation of the scheme and reduce the regulatory burden on industry by: improving the way television and computer waste is estimated to take account of the trend to lighter-weight products; and increasing immediate recycling targets but decreasing them in future years. • The OBPR has agreed that this will lead to an annual saving of \$7.1 million in compliance costs.
Environment	Reforming the Renewable Energy Target (Spring)
	<ul style="list-style-type: none"> • On 27 May 2015 the Minister for the Environment introduced the Renewable Energy (Electricity) Amendment Bill 2015. The Bill received Royal Assent on 26 June 2015. • Amendments to the <i>Renewable Energy (Electricity) Act 2000</i> will readjust the amount of renewable-source electricity required in each year from 2016 to 2030. The key benefit to business will arise from the readjustment in the Renewable Energy Target from 41,000 GigaWatt hours to 33,000 GigaWatt hours by 2020 and the full exemption from liability for businesses carrying out emissions-intensive trade-exposed activities. • The <i>Renewable Energy (Electricity) Act 2000</i> places a legal requirement on liable entities (typically electricity retailers) to surrender renewable energy certificates (RECs) to the Clean Energy Regulator. The readjustment in the RET means that annual purchases of RECs by liable entities will decrease by around 5.4 million. • The OBPR has agreed that this will lead to an annual saving of \$519.6 million in compliance costs.
Environment	Removing unintended consent requirements under the Emissions Reduction Fund (Spring)
	<ul style="list-style-type: none"> • This measure amends Subsection 28A(1) of the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (the CFI Act) to correct a minor technical error in the drafting of the <i>Carbon Farming Initiative Amendment Act 2014</i> by replacing the term 'offsets project' with the defined term 'sequestration offsets project'. • The amendment will limit the need to obtain consents of eligible interest holders to sequestration offsets projects only, as originally intended and previously provided for by the CFI Act. • NB: This measure was part of the Omnibus Repeal Day (Spring 2015) Bill. There are no regulatory savings or burden associated with this proposal.

Environment	Amending references to strategic assessments (Spring)
	<ul style="list-style-type: none"> • This measure amends Section 170CA of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (the EPBC Act) which incorrectly makes a reference to strategic assessments being a process that occurs after a controlled action decision. • This technical amendment corrects the existing inaccuracy and continues to enable the Minister to determine the amount of fees that may be charged for a strategic assessment. The change will provide clarity, resolve uncertainty and does not impose any additional burden or impost. • NB: This measure was part of the Omnibus Repeal Day (Spring 2015) Bill. There are no regulatory savings or burden associated with this proposal.
Environment	Correcting an error in definition of “assessment documentation” (Spring)
	<ul style="list-style-type: none"> • This measure amends the definition of 'assessment documentation' in Sections 133 and 136 of the EPBC Act to ensure the Sections are consistent with the documentation already required to be produced by proponents for an assessment on preliminary documentation in accordance with Subsection 95(2) or 95A(3) of the EPBC Act. • This measure provides clarity and resolves uncertainty and does not impose any additional burden or impost. • NB: This measure was part of the Omnibus Repeal Day (Spring 2015) Bill. There are no regulatory savings or burden associated with this proposal.
Environment	Amending the requirement for the Minister to publish a decision (Spring)
	<ul style="list-style-type: none"> • Section 74A of the EPBC Act will be amended to remove redundant and inaccurate publishing and notice requirements. The Minister is not required to make a decision to accept a referral under Section 74A(1) and so the requirement under Section 74A(4) that the Minister must publish a copy of the decision to accept a referral is redundant. • Under Section 74(3) of the EPBC Act the Minister will continue to be required to publish all referrals on the Department of the Environment website for public comment. • NB: This measure was part of the Omnibus Repeal Day (Spring 2015) Bill. There are no regulatory savings or burden associated with this proposal.

International standards and risk assessments

As part of the Industry Innovation and Competitiveness Agenda announced in October 2014, the Government adopted the principle that if a system, service or product has been approved under a trusted international standard or risk assessment, then Australian regulators should not impose any additional requirements for approval in Australia, unless it can be demonstrated that there is a good reason for doing so.

While no international standards or risk assessments have been adopted to date as part of the Industry Innovation and Competitiveness Agenda, the Department of the Environment is in the process of developing guidance material for staff to consider International Standards and Risk Assessments in accordance with the Agenda. This guidance material is available at:

<https://www.environment.gov.au/about-us/accountability-reporting/isra>

Further information

If you would like further information about the information provided here, please email Ms Paula Perrett, Acting Assistant Secretary Analysis Branch from the Department of the Environment at paula.perrett@environment.gov.au.