Experience comes to life when it is powered by expertise.

Beyond bilateral agreements in Australian impact assessment

Erin Pears
Practice Leader Environmental and Social Impact Assessment
Beyond bilateral agreements in Australian impact assessment

1. Current approach to cross jurisdictional assessment (bilateral agreements)
2. Why is there a problem?
3. What is the solution?
Cross jurisdictional assessments in Australia
Overview of Australian system

Limited powers related to environment:

- International treaties
- Commonwealth land and water
- Nine Matters of National Environmental Significance

All other environmental matters

Commonwealth government

State and territory governments
Bilateral agreements

- Single assessment process
- Streamlined assessment
- Removes duplication

What happens when bilateral agreements don’t apply?
Inland Rail Project

- 1,700 km freight rail project
- Four jurisdictions
  - Victoria
  - New South Wales
  - Queensland
  - Commonwealth
- Bilateral agreements do not apply

- **Divided** assessment
Case studies

North East Link

• 6 km road tunnel
• Two jurisdictions:
  – Victoria
  – Commonwealth (small area of Defence land)
• Bilateral agreement does not apply

• Duplicated assessment
**Case studies**

**Basslink**
- MOU between Victorian, Tasmanian and Commonwealth governments.
- Project specific assessment

**Project Marinus**
- Subsea power interconnector
- Three jurisdictions
  - Tasmania
  - Victoria
  - Commonwealth
- Bilateral agreement does not apply
- Assessment approach yet to be determined
Case studies
Why is this problem?

<table>
<thead>
<tr>
<th>Cross jurisdictional assessment approach</th>
<th>Full assessment of all relevant impacts</th>
<th>Streamlined approach removing duplication</th>
<th>Clear communication with affected stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divide projects</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>Duplicate assessment</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>Project specific approach</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
</tbody>
</table>
What’s the solution?

National standards for cross jurisdictional assessment

Framework for cross jurisdictional assessment

Revolution
Thank you

Erin Pears
erin.pears@coffey.com