

Statement of Environmental and Assurance Outcomes

Overview

This document

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for bilateral agreements to minimise duplication in the environmental assessment and approval process through Commonwealth accreditation of the processes of States or Territories, if certain requirements for accreditation are met. The requirements of the Act reflect the community's expectations for environmental outcomes. Those outcomes are set out in the objects of the Act at **Attachment A**.

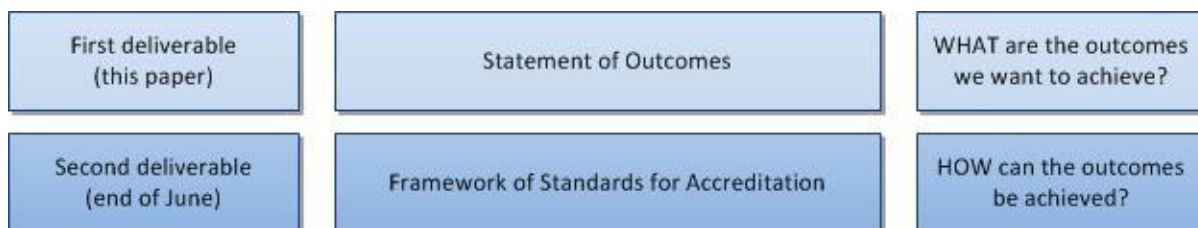
On 13 April 2012, COAG reaffirmed a commitment to high environmental standards, while reducing duplication and double-handling of assessment and approval processes. COAG further agreed the following milestones for reform:

1. fast-track the development of bilateral arrangements for accreditation of State assessment and approval processes, with the frameworks to be agreed by December 2012 and agreements finalised by March 2013;
2. develop environmental risk- and outcomes- based standards with States and Territories by December 2012; and
3. examine and facilitate removal of unnecessary duplication and reduce business costs for significant projects.

This paper is a foundation document for the delivery of COAG's commitment. It describes outcomes for improving productivity, environmental outcomes as reflected in the EPBC Act, and associated outcomes for approval and assessment systems and assurance. Circulation of this paper is the first milestone endorsed by the COAG Working Group on Environment Regulation Reform (WGERR) and agreed by the Business Advisory Forum (BAF) Taskforce in May 2012.

The second milestone, a draft Framework of Standards for Accreditation, is to be circulated at the end of June this year. It will describe risk- and outcomes-based standards for accreditation under the EPBC Act. These standards will set out how the outcomes described in this document may be met.

Diagram 1: Relationship between the Statement of Outcomes and the Framework of Standards for Accreditation



In parallel with negotiations for bilateral agreements, the Commonwealth will work with States and Territories to improve the delivery of current regulatory arrangements for significant projects (the third element of COAG's commitment). These arrangements will seek to improve services for proponents and productivity outcomes in the short-term. These arrangements will be subject to ongoing review, including when bilateral accreditations come into effect.

Desired outcomes

Consistent with COAG's decision, the Commonwealth's overarching vision for these reforms is:

To strengthen intergovernmental cooperation and minimise unnecessary costs to business through bilateral agreements under the EPBC Act which achieve high environmental outcomes.

This vision is consistent with the requirements of the EPBC Act, which reflect a balance between the different expectations and interests within the Australian community about desired environmental outcomes and appropriate levels of risk.

For instance, project proponents may expect governments to deliver efficient, streamlined and consistent processes for assessments and approvals. More broadly, industry may expect greater certainty for business and the creation of a stronger climate for investment. Environment and conservation groups may expect governments to look for opportunities to maintain or improve environmental outcomes, while the general public may expect both improved efficiency and high standards of environmental protection.

The following diagram summarises the three types of outcome to be addressed through the negotiation of bilateral agreements, and the way in which each category of outcome will be addressed in this paper and the subsequent Framework of Standards for Accreditation.



Diagram 2: Desired outcomes of reform

The outcomes sought from the implementation of COAG's environment regulation reform agenda fall into three related categories: outcomes for Australia's productivity through creating greater regulatory efficiency and certainty, outcomes for the environment, and outcomes for the assessment and approvals system. The agreements will be successful if they deliver these outcomes. Consistent with the 1992 *Intergovernmental Agreement on the Environment*, these outcomes will facilitate a cooperative national approach to the environment, better definition of the roles of respective governments, a reduction in the number of disputes between the Commonwealth and the States and Territories on environmental issues, greater certainty of government and business decision-making, and better environment protection.

Productivity outcomes

The outcomes described here draw on the discussions at the Business Advisory Forum Taskforce and COAG meetings in April 2012, and the Commonwealth’s analysis of the different ways in which productivity benefits may flow from environment regulation reform.

Consistent with COAG’s decision on 13 April 2012, the overarching productivity outcome for the reforms is:

To reduce unnecessary costs for business and contribute to increased productivity and economic growth.

Costs can be reduced through more efficient and better targeted regulation. More efficient regulation includes the removal of duplication and double-handling. In this context, “duplication” means the same or similar processes, where one process is not necessary to achieve environmental outcomes. “Double-handling” refers to involvement of multiple regulatory agencies. Bilateral agreements under the EPBC Act can deliver reduced duplication and double-handling, while promoting a partnership approach to environmental protection and biodiversity conservation. More targeted regulation could also ensure greater proportionality between the scale of projects, their regulatory treatment and their likely environmental impacts.

To support more efficient regulation, governments will need to commit to the highest level of joint action. This could include developing and applying common standards and cooperative arrangements for efficient, timely and effective environmental decision-making. Certainty should be increased by removing duplication in decision-making processes.

These outcomes, set out in Table 1, may be achieved through accreditation of state and territory processes and systems which meet the requirements of the EPBC Act; and cooperative efforts to streamline regulatory arrangements for significant projects.

Table 1: Productivity outcomes of COAG environment regulation reform

| # | Outcome | Supporting outcome |
|---|---------------------------|---|
| 1 | More efficient regulation | More timely processing of assessment and approvals |
| | | Fewer unforeseen delays |
| | | Less duplication and double-handling, and better targeted process and engagement (supports a ‘one-stop-shop’) |
| | | More integrated, cooperative and proactive working arrangements, including through major project facilitation and improved business systems |
| | | Better user experience of, and engagement with, the system |
| 2 | More process certainty | Better upfront information about assessment requirements and policies |
| | | More integrated and streamlined assessment and approval processes |
| | | Public confidence in the bilateral arrangements |
| | | More consistent regulatory approaches, through adoption of agreed risk and outcomes-based standards |
| | | Strong oversight and assurance |

Environmental outcomes

Background

The Commonwealth Government has responsibility for Australia's ratification of international agreements including those relating to the environment. The Commonwealth also has responsibility for ensuring that international obligations relating to the environment are met by Australia. These responsibilities are formally recognised by all Australian governments in the 1992 *Intergovernmental Agreement on the Environment* and the 1997 *COAG Heads of Agreement on Commonwealth/State Roles and Responsibilities for the Environment*.

While the Commonwealth has ultimate responsibility for meeting Australia's international obligations under conventions and treaties, it can rely on the States and Territories to meet those obligations through the application of State and Territory law, policies, procedures and standards. However, the Commonwealth must be satisfied that State and Territory law, policies, procedures and standards are adequate to meet Australia's international obligations. Both these propositions are recognised in the 1992 *Intergovernmental Agreement on the Environment*.

They are also recognised in the EPBC Act. The objects of the Act include the cooperative implementation of Australia's international environmental responsibilities. To achieve its objects, the EPBC Act specifically provides for the intergovernmental accreditation of environmental assessment and approval processes. Full details of those objects are at **Attachment A**.

The environmental outcomes described in this paper are founded on Australia's international obligations, as translated into Australian law in the EPBC Act. The EPBC Act's provisions protecting World Heritage properties, listed threatened species and ecological communities, wetlands of international importance, and listed migratory species are based on obligations under international environment and heritage conventions ratified by Australia. The full list of relevant international conventions is at **Attachment B**.

The EPBC Act also sets standards for other national priorities of the Australian community, including protection of Australia's national heritage places, and the protection of the environment from nuclear actions; actions taken by Commonwealth agencies; and actions affecting Commonwealth land and waters.

Overarching outcomes

Consistent with the standards expressed in the EPBC Act, this reform's overarching outcome, and measure of success for the environment is that:

Australia's high environmental standards are maintained and that:

- 1. Australia will comply fully with all its international environmental obligations;*
- 2. matters of national environmental significance are protected as required under the EPBC Act;*
- 3. there will be high quality assessment of the impacts of proposed actions on matters of national environmental significance; and*
- 4. authorised actions do not have unacceptable or unsustainable impacts on matters of national environmental significance.*

Specific outcomes

Matters of national environmental significance were initially defined in the *COAG Heads of agreement on Commonwealth and State roles and responsibilities for the Environment 1997* and subsequently in the EPBC Act when it entered into force in 2000. The Great Barrier Reef Marine Park has since been included as a matter of national environmental significance. The matters of national environmental significance are: World Heritage properties, National Heritage places, wetlands of international importance, listed threatened species and communities, listed migratory species, protection of the environment from nuclear actions, the Commonwealth marine environment and the Great Barrier Reef Marine Park.

A summary of the desired outcomes for each of the matters of national environmental significance follows. These summaries are based on Australia's international treaty obligations, where relevant, and on the provisions of the EPBC Act (further detail is at **Attachment C**). National and Commonwealth environmental and heritage policies are also relevant in defining outcomes for matters of national environmental significance (relevant policies are at **Attachment D**).

Table 2: Environmental outcomes for COAG environment regulation reform

| # | Matter of national environmental significance | Outcome |
|---|---|---|
| 1 | World Heritage Properties ¹ | <p><i>The outstanding universal value of World Heritage properties must be identified, protected, conserved, presented and transmitted to future generations.²</i></p> <p><i>Australia's World Heritage properties must be managed to ensure that Australia is not subject to international sanction, none of the properties are placed on the 'in danger' list and none are delisted.³</i></p> |
| 2 | National Heritage | <p><i>The outstanding value to the nation of National Heritage properties is identified, protected, conserved, presented and transmitted to future generations of Australians.⁴</i></p> |
| 3 | Wetlands of international | <p><i>The ecological character of each Ramsar wetland is maintained, and conservation and wise and sustainable use of the wetland is</i></p> |

¹ Australia's World Heritage properties are listed at:

www.environment.gov.au/heritage/places/world/index.html.

² Statements of Outstanding Universal Value are available for some of Australia's world 19 heritage properties: see example at **Attachment E**. The requirement that the outstanding universal value of World Heritage properties must be identified, protected, conserved, presented and transmitted to future generations, reflects and is consistent with Australia's obligations under Arts 4 and 5(d) of the *Convention for the Protection of the World Cultural and Natural Heritage* [1975] ATS 47 (World Heritage Convention).

³ The process for the delisting of World Heritage properties is set out in the *Operational Guidelines for the Implementation of the World Heritage Convention* (at [192] - [198]).

⁴ This outcome statement reflects the National Heritage management principles (in particular in the objective set out in Sch 5B, item 1 of the Environment Protection and Biodiversity Conservation Regulations 2000. The list of National Heritage properties are at: www.environment.gov.au/heritage/places/national/index.html. Australia's National Heritage properties include the Great Ocean Road, Bondi Beach and Ngarrabullgan. Each property has a statutory statement of its values against the nine national heritage list criteria, see: www.environment.gov.au/heritage/about/national/criteria.html.

| | |
|--|---|
| importance | <i>promoted for the benefit of humanity in a way that is compatible with maintenance of the natural properties of the ecosystem. This is to be achieved through the implementation of ecosystem approaches, within the context of sustainable development.</i> ⁵ |
| 4 Listed threatened species and communities | <i>The survival and conservation status of listed species and ecological communities is promoted and enhanced, including through the conservation of critical habitat and other measures contained in any recovery plans, threat abatement plans or conservation advices.</i> ⁶ |
| 5 Listed migratory species | <i>The survival and conservation status of migratory species and their critical habitat is promoted and enhanced, consistent with Australia's international obligations.</i> ⁷ |
| 6 Protection of the environment from nuclear actions | <i>Nuclear actions (e.g. uranium mining and radioactive waste management) are undertaken in a manner that protects the community and the environment.</i> ⁸ |
| 7 Commonwealth Marine Environment | <i>The ecosystem functioning and integrity of Commonwealth marine waters are maintained or enhanced in full conformity with relevant marine bioregional plans.</i> ⁹ |
| 8 Great Barrier Reef Marine Park | <i>The outstanding universal value of the Great Barrier Reef Marine Park, as a World Heritage property, must be identified, protected, conserved, presented and transmitted to future generations.</i> ¹⁰ <i>The environmental, biodiversity and heritage values of the Great Barrier Reef Marine Park are protected and conserved for the long term, consistent with the objects of the Great Barrier Reef Marine Park Act 1975.</i> ¹¹ |

⁵ Australian Ramsar management principles are set out in Schedule 6 of the EPBC Regulations. Each Ramsar site has an ecological character description which is developed by the site manager and endorsed by the State and Commonwealth governments. The list of current Ramsar listed sites can be found at: www.ramsar.org/cda/en/ramsar-documents-list/main/ramsar/1-31-218_4000_0__. The ecological character descriptions are subsequently appended to the Ramsar List. See <http://ramsar.wetlands.org/Database/Searchforsites/tabid/765/Default.aspx>

⁶ This outcome statement reflects the intended outcomes of Recovery Plans and Threat Abatement Plans under ss 269A, 270, 270B and 271 and requirements for decision-making under s 139 of the EPBC Act. The list of threatened species and communities can be found at www.environment.gov.au/cgi-tmp/publiclistchanges.11404fac43b85677f93d.html. The list of species recovery plans can be found at: www.environment.gov.au/biodiversity/threatened/recovery-list-common.html. Threatened species in Australia are listed by both State and Commonwealth governments and are categorised based on the likelihood of extinction per year.

⁷ A list of migratory species can be found at: www.environment.gov.au/epbc/protect/migratory.html.

⁸ This outcome statement reflects the scope of protection for the environment in relation to nuclear actions, under s.21 of the EPBC Act.

⁹ This outcome reflects the scope of protection under s23 and the intended outcomes under s176(5) of the EPBC Act. The list of current marine bioregional plans can be found at: <http://www.environment.gov.au/coasts/mbp/index.html>

¹⁰ These values underpin a \$5 billion per year tourism industry, which has a net present value of \$50 billion.

¹¹ This outcome is consistent with Arts 4 and 5(d) of the World Heritage Convention and the *Great Barrier Reef Marine Park Act 1975*.

Other opportunities to deliver environmental outcomes

The reforms also offer opportunities to deliver environmental outcomes through greater cooperation on matters that complement assessment and approvals processes, including by:

- a. supporting the greater use of strategic approaches, such as strategic assessments and regional environmental plans, which will both increase efficiency and improve management of cumulative impacts; and
- b. improving the gathering, sharing and use of environmental information to inform and improve environmental management.

System outcomes

Robust and efficient systems will be required to deliver the desired outcomes for productivity and the environment, underpinned by community confidence in the reforms. Consistent with the standards in the EPBC Act, this reform's overarching outcome for assessment and approvals systems and assurance is:

The community has confidence that systems will deliver certainty, efficiency, transparency, appropriate opportunities for public engagement and legally robust decisions.

Environmental outcomes for the protection of matters of national environmental significance are supported by standards for efficient decision-making processes in the EPBC Act. Those processes include:

- a. transparency of decision-making, including access to statements of reasons for decisions;
- b. public consultation and engagement; and
- c. decision-making by an appropriate decision-maker who is fully informed and applies recognised principles of environmental policy.¹²

Legal certainty in the bilateral agreements will be important to provide certainty for business and the community in the ongoing integrity of the new arrangements. Decisions under the EPBC Act may be subject to judicial review. The new bilateral agreements, and decisions under them, may equally be subject to judicial review. As such, it will be critically important that the new agreements ensure transparent, legally sound and thorough decision-making.

Assurance

For the environment, assurance mechanisms will be essential, so that governments and the community will know that the standards for accreditation, together with environmental outcomes, are maintained.

¹² See Intergovernmental Agreement on the Environment, section 3.

For this purpose, bilateral agreements will provide for regular reporting, and review, potentially including by independent reviewers. Such reviews would also provide opportunities for adaptive management, to ensure the agreements remain as efficient as possible for achieving productivity and environmental outcomes. Consistent with existing bilateral agreements, governments would jointly develop administrative procedures to help implement them.

To demonstrate that environmental outcomes are being achieved through cooperative action, assurance mechanisms would provide for a comprehensive exchange of data. This would provide a common information base for the parties to jointly:

- a. understand the condition of the environment, particularly the conservation status of matters of national environmental significance and how that condition is changing in light of both approved actions and natural events; and
- b. co-operate in responding to pressures on the environment, for example by changing standards or investing in recovery action.

List of attachments

- A. EPBC Act objects
- B. List of relevant international environmental conventions
- C. Specific requirements of the EPBC Act for matters of NES
- D. Relevant National and Commonwealth policies
- E. Example of World Heritage Statement of Outstanding Universal Value: Fraser Island

Objects of the EPBC Act

Objects – Section 3

The objects of the EPBC Act are:

(a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and

(b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and

(c) to promote the conservation of biodiversity; and

(ca) to provide for the protection and conservation of heritage; and

(d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples; and

(e) to assist in the co-operative implementation of Australia's international environmental responsibilities; and

(f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and

(g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

(2) In order to achieve its objects, the Act:

(a) recognises an appropriate role for the Commonwealth in relation to the environment by focussing Commonwealth involvement on matters of national environmental significance and on Commonwealth actions and Commonwealth areas; and

(b) strengthens intergovernmental co-operation, and minimises duplication, through bilateral agreements; and

(c) provides for the intergovernmental accreditation of environmental assessment and approval processes; and

(d) adopts an efficient and timely Commonwealth environmental assessment and approval process that will ensure activities that are likely to have significant impacts on the environment are properly assessed; and

(e) enhances Australia's capacity to ensure the conservation of its biodiversity by including provisions to:

(i) protect native species (and in particular prevent the extinction, and promote the recovery, of threatened species) and ensure the conservation of migratory species; and

(ii) establish an Australian Whale Sanctuary to ensure the conservation of whales and other cetaceans; and

(iii) protect ecosystems by means that include the establishment and management of reserves, the recognition and protection of ecological communities and the promotion of off-reserve conservation measures; and

(iv) identify processes that threaten all levels of biodiversity and implement plans to address these processes; and

(f) includes provisions to enhance the protection, conservation and presentation of world heritage properties and the conservation and wise use of Ramsar wetlands of international importance; and

(fa) includes provisions to identify places for inclusion in the National Heritage List and Commonwealth Heritage List and to enhance the protection, conservation and presentation of those places; and

(g) promotes a partnership approach to environmental protection and biodiversity conservation through:

(i) bilateral agreements with States and Territories; and

(ii) conservation agreements with land-holders; and

(iii) recognising and promoting indigenous peoples' role in, and knowledge of, the conservation and ecologically sustainable use of biodiversity; and

(iv) the involvement of the community in management planning.

Principles of Ecologically Sustainable Development-section 3A

The following principles are the principles of ecologically sustainable development :

(a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;

(b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;

(c) the principle of inter-generational equity--that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;

(d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;

(e) improved valuation, pricing and incentive mechanisms should be promoted.

List of relevant international environmental conventions

- the World Heritage Convention (Australia ratified in 1974);
- the Ramsar Convention (Australia ratified in 1975);
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Australia ratified in 1976); and
- the Convention on Biological Diversity (Australia ratified in 1993).
- Apia Convention (Convention on Conservation of Nature in the South Pacific);
- Biodiversity Convention (Convention on Biological Diversity);
- Bonn Convention (Convention on the Conservation of Migratory Species of Wild Animals);
- CAMBA (Agreement between the Government of Australia and the Government of the People's Republic of China for the protection of Migratory Birds and their Environment);
- CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
- JAMBA (Agreement between the Government of Japan and the Government of Australia for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment);
- Ramsar Convention (Convention on Wetlands of International Importance);
- ROKAMBA (Agreement between Australia and the Republic of Korea on the Protection of Migratory Birds).
- World Heritage List (list kept under that title under Article 11 of the World Heritage Convention);
- Framework Convention on Climate Change; and
- SPREP Convention (Protection of the Natural Resources and Environment of the South Pacific signed at Noumea).

EPBC Act requirements for matters of national environmental significance

1. World Heritage properties (controlling provisions: sections 12 and 15A)

Specific outcomes/requirements for a bilateral agreement relating to a declared world heritage property (section 51)

- The provisions of the agreement are not inconsistent with Australia's obligations under the World Heritage Convention;
- The agreement promotes the management of the property in accordance with the Australian World Heritage management principles (identify, protect, conserve, present and transmit to future generations, and, if appropriate, rehabilitate – see Schedule 5 EPBC Regulations); and
- The provision meets the requirements (if any) prescribed by the regulations.

World Heritage management principles (Schedule 5, EPBC Regulations)

General principles:

- Require public consultation on decisions and actions that may have a significant impact on the property (including through the involvement of people who have a particular interest in the property or may be affected by the management of the property), and provide for continuing community and technical input in managing the property.

Principles relating to environmental impact assessment and approval requirements:

- Before an action is taken that is likely to have a significant impact on the World Heritage values of the property (whether the action is to occur inside the property or not), the likely impact of the action should be assessed under a statutory environmental impact assessment and approval process.
- The assessment process should:
 - Identify the World Heritage values of the property that are likely to be affected and examine how those values might be affected; and
 - Provide for adequate opportunity for public consultation.
- Actions should not be approved if inconsistent with the protection, conservation, presentation or transmission to future generations of the World Heritage values of the property.
- Approval of actions should be subject to conditions that are necessary to ensure protection, conservation, presentation or transmission to future generations of the World Heritage values of the property.

- Actions that have been approved should be monitored, and if necessary, enforcement action should be taken to ensure compliance with conditions of the approval.

2. National Heritage (controlling provisions: sections 15B and 15C)

Specific outcomes/requirements for a bilateral agreement relating to a national heritage place (section 51A)

- The agreement will promote the management of the place in accordance with the National Heritage management principles (identify, protect, conserve, present and transmit, to all generations, their National Heritage values – see Schedule 5B EPBC Regulations); and
- The provision meets the requirements (if any) prescribed by the regulations.

National Heritage management principles (Schedule 5B, EPBC Regulations)

- The objective in managing National Heritage places is to identify, protect, conserve, present and transmit, to all generations, their National Heritage values.
- The management of National Heritage places should:
 - Use the best available knowledge, skills and standards for those places, and including ongoing technical and community input to decisions and actions that may have a significant impact on their National Heritage values;
 - Respect all heritage values of the place and seek to integrate, where appropriate, any Commonwealth, State, Territory and local government responsibilities for those places;
 - Ensure that their use and presentation is consistent with the conservation of their National Heritage values;
 - Make timely and appropriate provision for community involvement, especially by people who have a particular interest in, or association with, the place and may be affected by the management of the place;
 - Provide for regular monitoring, review and reporting on the conservation of National Heritage values.

3. Wetlands of International Importance (Ramsar Wetlands) (sections 16 and 17B)

Specific outcomes/requirements for a bilateral agreement relating to a declared Ramsar wetland (section 52)

- The provision is not inconsistent with Australia’s obligations under the Ramsar Convention;
- The agreement will promote the management of the wetland in accordance with the Australian Ramsar management principles (see Schedule 6 EPBC Regulations); and
- The provision meets the requirements (if any) prescribed by the regulations.

Australian Ramsar management principles (Schedule 6, EPBC Regulations)

General management principles:

- In accordance with the Ramsar Convention:
 - Describe and maintain the ecological character of the wetland; and
 - Formulate and implement planning that promotes conservation of the wetland and wise and sustainable use of the wetland for the benefit of humanity in a way that is compatible with maintenance of the natural properties of the ecosystem.
- Require public consultation on decisions and actions that may have a significant impact to the wetland (including through the involvement of people who have a particular interest in the wetland or may be affected by the management of the wetland), and providing for continuing community and technical impact into the management of the wetland.

Principles relating to environmental impact assessment and approval:

- Before an action is taken that is likely to have a significant impact on the ecological character of Ramsar wetland (whether the action is to occur inside the wetland or not), the likely environmental impact of the action on the wetland's ecological character should be assessed under a statutory environmental impact assessment and approval process.
- The assessment process should:
 - Identify any part of the ecological character of the wetland that is likely to be affected and examine how the ecological character might be affected; and
 - Provide adequate opportunity for public consultation.
- Actions should not be approved if they are inconsistent with maintaining the ecological character of the wetland or providing for the conservation and sustainable use of the wetland.
- Approval of actions should be subject to conditions to ensure that the ecological character of the wetland is maintained.
- Actions that have been approved should be monitored and, if necessary, enforcement action should be taken to ensure compliance with conditions.

4. Listed threatened species and communities (Sections 18 and 18A)

Specific outcomes/requirements for a bilateral agreement relating to a listed threatened species or a listed threatened ecological community (section 53)

- The provision is not inconsistent with Australia's obligations under the Biodiversity Convention; or the Apia Convention or CITES;
- The agreement will promote the survival and/or enhance the conservation status of each species or community to which the provision relates;

- The provision is not inconsistent with any recovery plan for the species or community or a threat abatement plan;
- The Minister has had regard to any approved conservation advice for the species or community; and
- The provision meets the requirements (if any) prescribed by the regulations.

5. Listed Migratory Species (Sections 20 and 20A)

Specific outcomes/requirement for a bilateral agreement relating to a listed migratory species (section 54)

- The provision is not inconsistent with the Commonwealth's obligations under the Bonn Convention, CAMBA, JAMBA, ROKAMBA (approved as an international agreement under subsection 209(4) as an agreement relevant to the conservation of migratory species) or any other international agreement approved under subsection 209(4) (depending under whichever of those conventions or agreements the species is listed);
- The agreement will promote the survival and/or enhance the conservation status of each species to which the provision relates; and
- The provision meets the requirements (if any) prescribed by the regulations).

6. Protection of the environment from nuclear actions (sections 21, 21AA and section 55)

- The Minister must not enter into a bilateral agreement, or accredit for the purposes of a bilateral agreement a management arrangement or authorisation process, containing a provision that:
 - Relates to a nuclear action; and
 - Has the effect of giving preference to one State or part of a State over another State or part of a State, in relation to the taking of a nuclear action by a person for the purpose of trade or commerce between Australia and another country or between 2 States or by a constitutional corporation (section 55).
- There is a high level of community interest in nuclear actions as impacts can persist for thousands of years.
- Accredited decisions must ensure that nuclear actions (e.g. uranium mining and radioactive waste management) are undertaken in a manner that protects citizens and their community, meets international obligations and does not have a significant impact on the environment, or cause long-term environmental legacies.

7. Commonwealth marine environment (sections 23 and 24A)

- Bilateral agreements must ensure that the ecosystem functioning and integrity of Commonwealth marine waters are maintained or enhanced in a manner that is compatible with relevant marine bioregional plans or regional environment plans.

- The list of current marine bioregional plans can be found at:

www.environment.gov.au/coasts/mbp/index.html

8. Great Barrier Reef Marine Park (sections 24B and 24C)

- Whilst the Act does not contain any requirements for bilateral agreements that contain a provision relating to the Great Barrier Reef Marine Park, the requirements that relate to bilateral agreements for World Heritage properties will apply in relation to the Great Barrier Reef Marine Park as the Great Barrier Reef Marine Park is within the boundaries of the Great Barrier Reef World Heritage Area.
 - Bilateral agreements must ensure that the Great Barrier Reef Marine Park's environment, biodiversity and heritage values are maintained or enhanced. These values underpin a \$5 billion per year tourism industry, which has a net present value of \$50 billion, and will do so in the future.
 - Where the first objective has been met, bilateral agreements must enable ecologically sustainable economic activities, consistent with the objects of the Great Barrier Reef Marine Park Act 1975.
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National and Commonwealth policies

National

Key policies include:

Australia's Biodiversity Conservation Strategy 2010-2030

National Framework for the Management and Monitoring of Australia's Native Vegetation 1999

Australian Weeds Strategy 2006

Australian Pest Animal Strategy 2007

Australia's Strategy for the National Reserve System 2009-2030

Commonwealth

Key policies include:

EPBC Act Environmental Offsets Policy (draft, to be finalised)

Australian Government Biodiversity Policy (draft, to be finalised)

Significant Impact Guidelines:

Significant Impact Guidelines – Matters of National Environmental Significance 2009

Significant Impact Guidelines – Actions on, or impacting upon, Commonwealth Land and Actions by Commonwealth Agencies 2006

Industry Guidelines:

EPBC Act Policy Statement – Interaction between Offshore Seismic Exploration and Whales 2008

EPBC Act Policy Statement – Offshore Aquaculture 2006

EPBC Act Policy Statement – Wind Farm Industry 2009

Information on Listed Ecological Communities:

Lowland Rainforest and Landholders 2012

White box - Yellow box - Blakely's red gum grassy woodlands and derived native grasslands 2006

Peppermint box (*Eucalyptus odorata*) Grassy Woodland of South Australia and Iron-Grass Natural Temperate Grassland of South Australia 2007

Nationally Threatened Ecological Communities of the Victorian Volcanic Plain: Natural Temperate Grassland & Grassy Eucalypt Woodland 2011

Littoral Rainforest and Coastal Vine Thickets of Eastern Australia 2009

Alpine Sphagnum Bogs and Associated Fens 2009

Weeping Myall Woodlands 2009

Lowland Native Grasslands of Tasmania 2009

Gippsland Red Gum Grassy Woodland and Associated Native Grassland 2010

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest 2010

Significant impact or referral guidelines for nationally listed species:

Wallum sedge frog - draft September 2011

Black-eyed susan 2011

Striped legless lizard 2011

Macquarie perch - draft 2011

Four threatened Tasmanian burrowing crayfish - draft 2011

Three threatened Western Australian black cockatoos - draft 2011

Southern brown bandicoot (eastern) - draft 2011

Brigalow Belt reptiles - draft 2011

Northern quoll - draft 2011

Growling grass frog 2010

Endangered Southern Cassowary Wet Tropics Population 2010

Green and golden bell frog 2010

Western Ringtail Possum in the Southern Swan Coastal Plain 2009

Spiny rice-flower 2009

Golden sun moth 2009

Black-throated finch (southern) 2009

Significant Impact Guidelines for the Vulnerable Water Mouse - draft 2009

Significant Impact Guidelines for 36 Migratory Shorebird Species - draft 2009

Spot-tailed Quoll - draft 2009

Tasmanian Devil 2006

Grey-headed Flying Fox 2003

Tiger Quoll 2004

Spectacled Flying Fox 2003

Regional Guidelines:

Magnetic Island, Queensland 2010

Survey Guidelines for Nationally Threatened Species:

Survey Guidelines for Australia's Threatened Bats 2010

Survey Guidelines for Australia's Threatened Birds 2010

Survey Guidelines for Australia's Threatened Frogs 2010

Survey guidelines for Australia's Threatened Fish 2011

Survey guidelines for Australia's Threatened Mammals 2011

Survey guidelines for Australia's Threatened Reptiles 2011

Example of World Heritage Statements of Outstanding Universal Value

Fraser Island

Statement of Outstanding Universal Value

Brief synthesis

Fraser Island, also known by its Aboriginal name of K'gari, lies along the eastern coast of Australia. The property covers 181,851 hectares and includes all of Fraser Island and several small islands off the island's west coast. It is the world's largest sand island, offering an outstanding example of ongoing biological, hydrological and geomorphological processes. The development of rainforest vegetation on coastal dune systems at the scale found on Fraser Island is unique, plus the island boasts the world's largest unconfined aquifer on a sand island.

The area has exceptional natural beauty with over 250 kilometres of clear sandy beaches with long, uninterrupted sweeps of ocean beach, strikingly coloured sand cliffs, and spectacular blowouts. Inland from the beach are majestic remnants of tall rainforest growing on sandy dunes and half of the world's perched freshwater dune lakes.

Criterion (vii)

Fraser Island is the largest sand island in the world, containing a diverse range of features that are of exceptional natural beauty. The area has over 250 kilometres of clear sandy beaches with long, uninterrupted sweeps of ocean beach, including more than 40 kilometres of strikingly coloured sand cliffs, as well as spectacular blowouts. Inland from the beach are majestic remnants of tall rainforest growing on tall sand dunes, a phenomenon believed to be unique in the world. Half of the world's perched freshwater dune lakes occur on the island, producing a spectacular and varied landscape. The world's largest unconfined aquifer on a sand island has also been found here.

Criterion (viii)

The area represents an outstanding example of significant ongoing geological processes including longshore drift. The immense sand dunes are part of the longest and most complete age sequence of coastal dune systems in the world and are still evolving. The superimposition of active parabolic dunes on remnants of older dunes deposited during periods of low sea level, which are stabilised by towering rainforests at elevations of up to 240 metres, is considered unique. Fraser Island also has a variety of freshwater dune lakes which are exceptional in terms of number, diversity and age. The dynamic interrelationship between the coastal dune sand mass, aquifer hydrology and the freshwater dune lakes provides a sequence of lake formation both spatially and temporally.

The process of soil formation on the island is also unique, since as a result of the successive overlaying of dune systems, a chronosequence of podzol development from the younger dune systems on the east to the oldest systems on the west change from rudimentary profiles less than 0.5 metres thick to giant forms more than 25 metres thick. The latter far exceeds known depths of podzols anywhere else in the world and has a direct influence on plant succession, with the older dune systems causing retrogressive succession when the soil horizon becomes too deep to provide nutrition for tall forest species.

Criterion (ix)

The area represents an outstanding example of significant ongoing biological processes. These processes, acting on a sand medium, include biological adaptation (such as unusual rainforest succession), and biological evolution (such as the development of rare and biogeographically significant species of plants and animals).

Vegetation associations and succession represented on Fraser Island display an unusual level of complexity, with major changes in floristic and structural composition occurring over very short distances. Both heathland and closed forest communities provide refugia for relict and disjunct populations, which are important to ongoing speciation and radiation. Evolution and specialised adaptation to low fertility, fire, waterlogging and aridity is continuing in the ancient angiosperm flora of the heathlands and the associated vertebrate and invertebrate fauna. Since listing, patterned fens have been discovered on the property, which along with those at Cooloola, are the only known examples of sub-tropical patterned fens in the world. These fens support an unusual number of rare and threatened invertebrate and vertebrate species.

The dynamic interrelationship between the coastal dune sand mass, hydrology, the ongoing processes of soil formation and the development of plant communities is remarkable in its scale and complexity given the uniform substrate. In particular, the development of rainforest vegetation communities, with trees up to 50 metres tall on coastal dune systems at the scale found on Fraser Island, is not known to occur elsewhere in the world. There is clear zonation and succession of plant communities according to salinity, water table, age and nutrient status of dune sands, exposure and fire frequency. The low shrubby heaths ('wallum') are of considerable evolutionary and ecological significance. Fauna including a number of threatened species of frog, have adapted to the highly specialised acidic environment associated with wet heathlands and sedgeland in this siliceous sand environment.

Integrity

The property includes all of Fraser Island and a number of small adjacent islands off the west coast including Stewart and Dream Islands covering an area of 181,851 hectares. The boundary of the property extends 500 metres seaward from high water mark around Fraser Island and the smaller islands. The majority of Fraser Island is National Park, and all of the marine area within the property lies within Great Sandy Marine Park. A small area of private land on the island is managed to ensure the property's values are maintained.

The conditions of integrity are met as there is no perceptible human threat to longshore drift and other ongoing processes that make this area outstanding. The property is sufficiently large, diverse and free from disturbance to contain all ecosystem components required for viable populations of all species and for continued maintenance of all natural phenomena. For example the evolution of soil profiles remains essentially undisturbed. Weeds, plant diseases and feral animals are present but in low numbers and are subject to active management. Disjunct and relict populations of flora and fauna, including those associated with the lakes and creeks, have remained intact and will continue to be important for ongoing speciation. While the tall forests have been affected to some extent by logging, this practice has stopped and the forests have the capacity to return to their former grandeur.

Protection and management requirements

On-ground management of the property is the responsibility of the Queensland Parks and Wildlife Service, Department of Environment and Resource Management, guided by the Great Sandy Region Management Plan, and activity-specific management plans for Fraser Island. As the majority of the island is national park, the strongly protective provisions of the Nature Conservation Act 1992 and the Recreation Areas Management Act 2006 apply. The narrow marine zone surrounding the island lies within the Great Sandy Marine Park and is subject to the provisions of the Marine Parks Act 2004. Indigenous, community and scientific advice on protection and management of the World Heritage values is provided to the State of Queensland and Australian Governments by three Fraser Island World Heritage Area Advisory Committees.

Key threats requiring ongoing attention include degradation due to visitor numbers, inappropriate fire, invasive plants and animals, and climate change. Recreational use of the area is intensive and localised degradation can occur from excessive numbers of visitors potentially impacting on, in particular, lake water quality. Appropriate fire management is required to maintain the integrity of the World Heritage values. Significant human and financial resources are being directed to the management of these threats as well as to the protection and monitoring of the property.

Overarching protection of the World Heritage values occurs under national legislation, the *Environment Protection and Biodiversity Conservation Act 1999*. All World Heritage properties in Australia are 'matters of national environmental significance' under that legislation, which is the statutory instrument for implementing Australia's obligations under the World Heritage Convention. By law, any action that has, will have or is likely to have a significant impact on the World Heritage values of a World Heritage property must be referred to the responsible Minister for consideration. Substantial penalties apply for taking such an action without approval. In 2007, Fraser Island was added to the National Heritage List, in recognition of its national heritage significance under the Act.