THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

ADMINISTRATION OF THE ENVIRONMENT PROTECTION (IMPACT OF PROPOSALS) ACT 1974

Report from the House of Representatives Standing Committee on Environment and Conservation

May 1985

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Terms of Reference of the Committee

(1) That a standing committee be appointed to inquire into and report on:

(a) environmental aspects of legislative and administrative measures which ought to be taken in order to ensure the wise and effective management of the Australian environment and of Australia's natural resources; and

(b) such other matters relating to the environment and conservation and the management of Australia's natural resources as are referred to it by -

(i) the Minister responsible for those matters, or

(ii) resolution of the House.

Terms of Reference of the Inquiry

That the Committee inquire into and report on certain aspects of the response given by the Minister for Home Affairs and Environment on 11 October 1984 to the reports on the Commonwealth Government and the Urban Environment and Environmental Protection: Adequacy of Administrative Arrangements.

Members of the Committee

Chairman	Mr P. Milton, M.P.
Deputy Chairman	Mr D.M. Connolly, M.P.
Members	Mr R.L. Chynoweth, M.P. Mr R.F. Edwards, M.P. Mr P.S. Fisher, M.P. Mr G. Gear, M.P. Ms J. McHugh, M.P. Mr C.G. Miles, M.P.
Secretary to the Committee	Mr J.R. Cummins
Secretary to the Inquiry	Mr I.A. Dundas

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RECOMMENDATIONS

The Committee recommends that:

1. the Environment Protection (Impact of Proposals) Act 1974 be amended to allow-

   (a) the Minister for Arts, Heritage and Environment to consult with proponent Ministers about the need to invoke the Act, and

   (b) if after consultation there is disagreement, the Minister for Arts, Heritage and Environment to recommend that action be taken in accordance with the provision of the Act;

   (paragraph 21)

2. the Minister for Arts, Heritage and Environment ensure that the Annual Report to Parliament of his department should contain advice on progress and delays in developing memoranda of understanding between his Department and other departments and authorities;

   (paragraph 28)

3. all Government departments and authorities involved in environmental assessment should advise in their Annual Reports to the Parliament of activities in this area and detail their operations under the provisions of the Environment Protection (Impact of Proposals) Act 1974;

   (paragraph 29)

4. memoranda of understanding refer to those activities of a department which are not considered to be within the ambit of the Environment Protection (Impact of Proposals) Act 1974;

   (paragraph 34)

5. the Minister for Arts, Heritage and Environment seek an independent review of staffing arrangements in the Environment Assessment Branch of his department to take account of existing and proposed requirements; and

   (paragraph 38)

6. the Department of Arts, Heritage and Environment be provided with sufficient resources to enable it to assist other Departments by the secondment and outposting of officers involved in environmental assessment, and

   provision for the outposting and secondment of officers from the Department of Arts, Heritage and Environment be covered in memoranda of understanding.

   (paragraph 42)

1 INTRODUCTION

1. In October 1979 the Committee in the 31st Parliament presented a report entitled 'Environmental Protection: Adequacy of Legislative and Administrative Arrangements'.[1] Part of that report dealt with the operations of the Environment Protection (Impact of Proposals) Act 1974.

2. That Committee identified a number of deficiencies in the Act, including:

- the inability of the environment Minister to require that provisions of the Act be invoked;
- the inability of the environment Minister to require departments to furnish information; and
- the failure of the Act to exempt activities where it would be administratively impracticable to undertake environmental assessment.

3. On 11 October 1984 the Minister for Home Affairs and Environment presented a statement about proposed amendments to the Environment Protection (Impact of Proposals) Act 1974 and the administrative procedures under the Act. The statement outlined the Government's responses to a number of Parliamentary committee reports which referred to Commonwealth environment assessment legislation.

4. The Minister's statement dealt with the Committee's report on Environment Protection. The statement also responded to part of a Committee's report of May 1978 entitled 'The Commonwealth Government and the Urban Environment'.[2] This report had also examined aspects of the Environment Protection (Impact of Proposals) Act 1974. Most of the Committee's recommendations

were accepted. However, there were some areas where the Government had not yet made a decision or where it had rejected the Committee's findings.

5. On 21 March 1985 the Committee of the 34th Parliament resolved to hold a short inquiry into certain aspects of the Minister for Home Affairs and Environment's statement responding to the previous Committee's reports. In so doing, it decided to limit its inquiry to the following aspects:

- powers of the environment Minister to invoke the Act;
- the development of memoranda of understanding between the environment Minister and other Commonwealth Ministers; and
- staffing of the Environment Assessment Branch of the Department of Arts, Heritage and Environment.

6. The Committee notes with concern that successive governments had been slow in responding to its 1978 and 1979 reports and to a further report in 1981 dealing with other Commonwealth environment legislation.[3] The Government has still not responded to the Committee's conclusions and recommendations about:

- the Australian Heritage Commission Act 1975;
- the National Parks and Wildlife Conservation Act 1975;
- Great Barrier Reef Marine Park Act 1975;
- Commonwealth involvement in the Northern Territory; and
- environmental data and reporting.

7. Many of the matters raised in these reports remain unresolved and the Committee therefore proposes to commence a series of hearings to ascertain from the relevant departments the reason for the lack of progress.

ENDNOTES

1. Parliamentary Paper No. 261 1979
2. Parliamentary Paper No. 142 1978
3. Parliamentary Paper No. 278 1981

2 THE POWERS OF THE ENVIRONMENT MINISTER

The Environment Protection (Impact of Proposals) Act 1974

8. The Environment Protection (Impact of Proposals) Act 1974 requires that matters affecting the environment to a significant extent are fully examined and taken into account in the:

- formulation of proposals;
- carrying out of works and other projects;
- negotiation, operation and enforcement of agreements and arrangements;
- making of, or the participation in the making of, decisions and recommendations; and
- incurring of expenditure;

by or on behalf of the Commonwealth Government and authorities of Australia either alone or in association with other governments.

9. The purpose of the Act is to ensure that those responsible for developing proposals or taking decisions on those proposals think about and take account of environmental factors. Section 6 of the Act provides for the preparation of administrative procedures for the purpose of achieving the object of the Act.

10. The decision as to whether the Act and its procedures should be invoked, is at the discretion of the proponent Minister and not the Minister for Arts, Heritage and Environment. The proponent Minister must decide whether a proposed action is environmentally significant.

11. It appears that these procedures were specifically designed to make ministers and departments incorporate environmental assessment into their decision making and project review routines. The Committee in the 31st Parliament considered that these provisions could be used by some departments to avoid their obligations under the Act and noted the considerable difficulty that was arising over the definition of environmental significance.

12. The Committee was concerned that there was a lack of consistency in approach, that some departments seemed unwilling to comply with the intention of the legislation and, that as a consequence there was a risk that environmentally significant proposals would escape environmental assessment. The Committee therefore recommended in its 1979 report that the Environment Protection (Impact of Proposals) Act 1974 be amended to allow the Minister for Science and Environment to recommend to the proponent Minister that the Act be invoked.[1]

Departmental Attitudes

13. The Act has not been amended and the Minister reported in his statement that this matter is still under consideration. In evidence to the present Committee the Departments of the Treasury, Transport and Resources and Energy all indicated that in their view the existing provision worked well.

14. Representatives from the Department of Resources and Energy told the Committee that the situation was satisfactory because the Minister for Resources and Energy was the person who ultimately took responsibility for resource and energy development proposals. They suggested that it was reasonable for their Minister to be in a position to make decisions across the board about these proposals. Treasury officers commented that as a general principle Ministers responsible for a project should have full decision making powers in respect of that project.

15. This view contrasts with that of the Department of Housing and Construction. The Department recognizes the potential for an unwilling proponent to side step the process of environmental assessment by consciously failing to designate a proponent thereby avoiding invoking the provisions of the Act. The Department submitted that:

> 'The Act essentially depends on the integrity of the proponent in initially assessing whether the proposal is of potential environmental significance. It does little to promote public confidence in the Act or to enhance the image of the Government-of-the-day if a publicly sensitive issue cannot be addressed under the Act due to ...(the proponent Minister's)... refusal to "designate a proponent"'.[2]

16. The Department of Housing and Construction supports efforts to find an acceptable formula to enable the environment Minister to invoke provisions of the Act in circumstances of sponsor obstruction. The Department is in an unusual position in that it rarely acts in the role of a sponsor or proponent of a proposal. However, it is directly involved in the technical solution of a wide range of client sponsored capital works projects. The Department's concern about the deficiencies of the Environment Protection (Impact of Proposals) Act 1974 reflects its wish not to be led into situations whereby projects were disrupted or cancelled through a client's initial refusal to recognize the environmental aspects.

Other Australian and Overseas Legislation

17. Three Australian States have legislation which specifically provides for environmental impact assessment. In New South Wales the Minister responsible for the environment does not have power to invoke the provisions of the Act but the regulations made under the Act contain a schedule of 25 types of

environmentally hazardous land use which must be subject to environmental impact statements whenever approval is required for a project. In Victoria and South Australia the environment Ministers have power to initiate environmental impact assessments under certain circumstances in consultation with proponent Ministers.

18. In New Zealand proposals are subject to the requirements of the environmental impact assessment process under the 'environment protection and enhancement procedures' if they are made by a Government department or involve some Government decision. The Government agency responsible for promoting a proposal, for approving any Crown loan or grant, or for granting any licence, permit or authorization is also responsible for ensuring that the process of environmental impact assessment is carried out. If a Department does not propose to prepare an assessment but the Commission for the Environment believes that an assessment is desirable then the Commission may refer the matter to the Minister for the Environment who may, after consultation with the proponent Minister, direct that an assessment be prepared.

19. The Canadian federal environmental assessment and review process is a Cabinet ordered administrative procedure applicable to proposed Federal Government initiatives or private sector undertakings for which the Federal Government has a decision making responsibility. The Government agency with the main decision making responsibility for the project undertakes the preliminary assessment and determines the need for the project to be referred to the Minister for the Environment. The Minister has no power to initiate environmental impact assessment.

20. The United States of America Environmental Policy Act of 1969 requires all federal agencies to file Environmental Impact Statements on all actions significantly affecting the quality of

the human environment. Like the Australian legislation proponent agencies are responsible for initiating this action, but the Act allows for judicial action to be taken to require a statement where none has been prepared.

Conclusion

21. The Committee believes that, at the Federal level in Australia, the environmental assessment procedures have worked reasonably well despite the lack of power of the environment Minister to invoke provisions of the Act. The Committee considers that it is appropriate to place prime responsibility for determining the need for environmental assessment on proponent Ministers. However the Committee agrees with the reservations expressed by the Department of Housing and Construction which recognises the need for the environment Minister to be able to take action in certain circumstances. The Committee believes that it is necessary for the Minister for Arts, Heritage and Environment to have some powers to invoke the Act. The 1979 report recommended that the Act be amended to allow the Minister to recommend that proponent Ministers invoke the Act. Accordingly the Committee therefore recommends that:

> the Environment Protection (Impact of Proposals) Act 1974 be amended to allow -
>
> (a) the Minister for Arts, Heritage and Environment to consult with proponent Ministers about the need to invoke the Act; and
>
> (b) if after consultation there is disagreement, the Minister for Arts, Heritage and Environment to recommend that action be taken in accordance with the provisions of the Act.

22. The Committee does not advocate that all proposals be described in detail and referred to the Minister for Arts, Heritage and Environment. Any project with environmental significance should come to the attention of the Minister's department through the existing procedures. The purpose of the Committee's recommendation is to ensure that environmental assessment procedures are followed and that in the event of a dispute or an oversight the Minister for Arts, Heritage and Environment will be able to determine if an assessment is required.

ENDNOTES

1. Report, page 27.
2. Submission, page 1.

3 MEMORANDA OF UNDERSTANDING

Introduction

23. Predecessors of the present Department of Arts, Heritage and Environment attempted to develop memoranda of understanding with other Commonwealth departments. These memoranda were intended to set down procedures to be followed to give effect to the Environment Protection (Impact of Proposals) Act 1974. The memoranda were considered desirable because of the lack of power available to the environment Minister to allow him to invoke the Act. They were also designed to overcome the problem caused by the lack of any precise definition in the Act as to what was to be subject to environmental assessment.

Development of Memoranda of Understanding

24. The Committee in the 31st Parliament noted that memoranda of understanding had been reached with five departments and authorities and noted that understandings were to soon be reached with four other departments. The Committee was concerned that negotiations had been proceeding for three to four years without agreement being reached with the majority of Government departments and instrumentalities, and therefore it recommended in its 1979 report that memoranda of understanding be agreed to between the Minister for Science and Environment and other Ministers of the Commonwealth Government within a period of six months of the proclamation of the amendments to the Act.[1]

25. The Committee was appalled that despite the expectations and recommendation of the earlier Committee in the six years since the tabling of the report, there were only two further memoranda agreed to.

26. While Government departments are prepared to accept the general concept of memoranda of understanding it is apparent that they are reluctant to actually enter into formal agreement with the environment Department even where there are existing informal agreements.

27. The Minister has stated that formal memoranda of understanding will be concluded between the environment Minister and other Ministers and that these understandings would be made public. The Department of Arts, Heritage and Environment has approached fifteen other departments and authorities involved in environmental assessment with the view to establishing memoranda of understanding. This includes a proposed renegotiation of the existing five memoranda. All the departments who gave evidence to the Committee had been recently involved in discussions with the Department of Arts, Heritage and Environment but none were able to state when agreement will be reached. It appears that agreements may take a further twelve to eighteen months at least. The Committee considers that this is unacceptable given that the legislation has been in existence for more than a decade. An example of a memorandum that is currently being considered is at Appendix three to this report.

28. The Committee believes that the process of negotiation of memoranda of understanding should be monitored to ensure that the problems and delays of the past do not reoccur. The Committee, *therefore, recommends that:*

> the Minister for Arts, Heritage and Environment ensure that the Annual Report to Parliament of his department should contain advice on the progress and delays in developing memoranda of understanding between his department and other departments and authorities.

The role of Memoranda of Understanding

29. The Minister's statement advised that memoranda of understanding will be made public. The Committee believes that because the Act and the memoranda place responsibility for environmental assessment on proponent Ministers that the activities of these Ministers' departments in this area should be subject to continuing public scrutiny. Further mechanisms need to be established to ensure that departments fulfil their responsibilties under the Act and in accordance with the procedures. Accordingly the Committee recommends that:

> **all Government departments and authorities involved in environmental assessment should advise in their Annual Reports to the Parliament of activities in this area and detail their operations under the provisions of the Environment Protection (Impact of Proposals) Act 1974.**

The requirement for annual reporting should be referred to in the memoranda of understanding.

30. The Committee considers that memoranda of understanding will be necessary even if the Government amends the Act to increase the powers of the environment Minister. The prime responsibility to invoke the Act will remain with the proponent department and the procedures to be followed by the department must be the subject of memoranda.

31. Some witnesses expressed concern that the draft memoranda of understanding, proposed by the Department of Arts, Heritage and Environment, were too generalised. The Department indicated that it was desirable to achieve some degree of uniformity across departments. The Committee believes that it would be more practical if the Department of Arts, Heritage and Environment were to adapt its draft memoranda to the particular requirements of departments and authorities.

The need for exemptions

32. In 1979 the Committee recommended that the Environment Protection (Impact of Proposals) Act 1974 be amended to allow for a schedule of items to be exempted from the provisions of the Act.[2]

This recommendation took account of the concerns of those departments who thought that the scope of the Act was too broad and could be interpreted as applying to almost any Government activity. The Department of Finance, for example, suggested that the Act could be applied to the formulation of the budget.

33. The administrative procedures, under the Act, allow for certain proposed actions to be exempted from any or all of the procedures of the Act. The procedures do not allow for exemptions on the grounds of administrative impractability. The Minister for Arts, Heritage and Environment stated that the Government does not accept that the Act should be amended to allow a schedule of exempt items, as the administrative procedures include provisions for exempting proposals at the discretion of the Minister.

34. The Committee believes that, in the absence of a schedule of exempt items, departments should seek to have their memoranda of understanding refer to procedures to which normal environmental assessment processes need not apply. This would allow the Department of Arts, Heritage and Environment and other departments to review their activities, as a whole, during the memoranda negotiation period and to identify those activities which should be exempt. It would also help clarify the intended scope of the Act. The Committee recommends that:

> **memoranda of understanding refer to those activities of a department which are not considered to be within the ambit of the Environment Protection (Impact of Proposals) Act 1974.**

ENDNOTES

1. Report, page 26.
2. Report, page 29.

4 STAFFING AND RESOURCES

Department of Arts, Heritage and Environment

35. The number of staff in the Environment Assessment Branch of the Department of Arts, Heritage and Environment (and its predecessors) has fallen dramatically since 1978 when the previous Committee commenced its investigations (see Fig.1). The Department submitted that the legislative changes proposed by the Government would require additional staff resources for the administrative procedures involved.

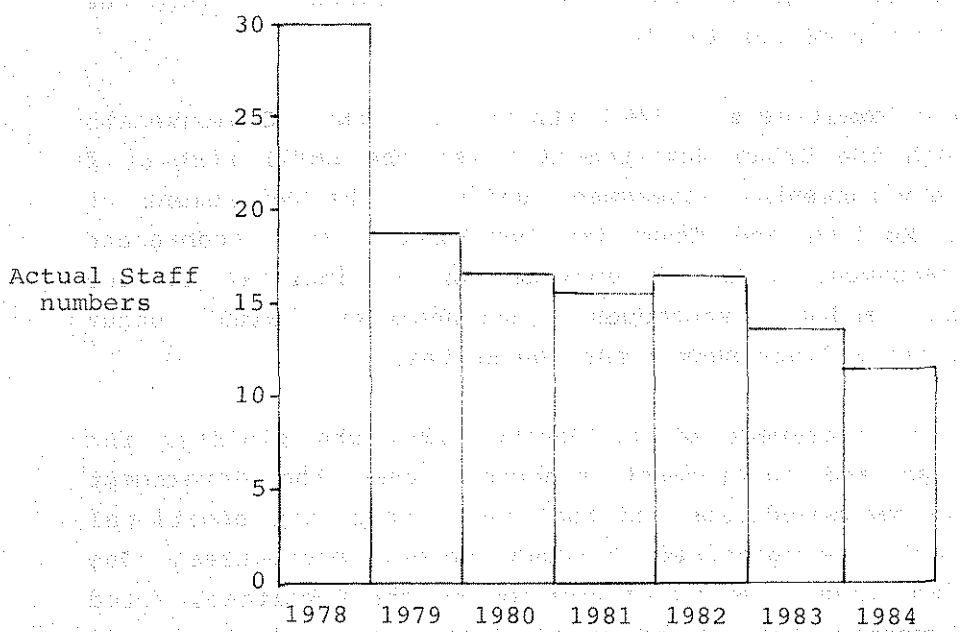
36. The Committee's 1978 report on the Commonwealth Government and the Urban Environment noted the small number of persons in environmental assessment units of the Department of Environment, Housing and Community Development and recommended that the assessment units be upgraded by an increase in the establishment and/or secondment arrangements with other departments, the private sector and the States.

37. In his statement of 11 October 1984 the Minister for Arts, Heritage and Environment announced that the Government accepted this recommendation and that where necessary additional resources would be provided through normal procedures. The Minister's department, in its submission to the Committee, noted that that Government's acceptance of this recommendation would need to be considered in the budget context.

38. It is evident that staffing of the Environment Assessment Branch of the Department of Arts, Heritage and Environment needs to be reviewed, particularly in the light of the proposed changes to the Act and the need to develop memoranda of understanding with other departments. The Committee acknowledges that environmental impact assessment is not the only

FIGURE 1

Staff numbers in the Environment Assessment Branch
Department of Arts, Heritage and Environment



Notes 1. Figures for 1978 are for September and are approximate.
2. Figures for 1980 are an estimate.

area of Commonwealth environment activity that should receive priority in the allocation of resources. However, given the importance of assessment procedures and the expected increase in activity the Committee recommends that:

> **the Minister for Arts, Heritage and Environment seek an independent review of staffing arrangements in the Environment Assessment Branch of his department to take account of existing and proposed requirements.**

Other Departments

39. The other departments who gave evidence to the Committee indicated that they had not developed special units to deal with environmental matters nor had they specifically recruited staff with environmental skills and training. The task of initial environmental review was done by general project officers as part of their routine work. This is a matter of concern because the Environment Protection (Impact of Proposals) Act 1974 clearly places an onus on the proponent Ministers and departments to ensure that environmental consideration is taken into account. This requires the departments to have some environmental expertise.

40. The Committee is also concerned that the departments lacked adequate resources to enable them to develop and put in place environmental assessment procedures such as the proposed memoranda of understanding.

41. The introduction of memoranda of understanding and the development of environment review and assessment procedures in the departments could be undertaken by environmental experts seconded and outposted from the Department of Arts, Heritage and Environment - provided the Department had sufficient resources.

42. The Committee considers that it would be beneficial if the environmental officers of the Department of Arts, Heritage and Environment were seconded to other departments on a full time basis. This would provide the other departments with access to environmental expertise, would ease the workload placed on the project officers and ensure that adequate procedures were developed and put in place. It could also overcome the uncertainty and lack of consistency about matters such as the definition of environmental significance and the ambit of the Act. The Committee therefore recommends that:

- **the Department of Arts, Heritage and Environment be provided with sufficient resources to enable it to assist other departments by the secondment and outposting of officers involved in environmental assessment; and**

- **provision for the outposting and secondment of officers from the Department of Arts, Heritage and Environment be covered in memoranda of understanding.**

43. The Committee believes that if the Government does not provide sufficient resources or allow the proposed secondments to take place then it should review the staffing in those departments involved in environmental assessment to ensure that sufficient resources are provided in regard to the proposed amendments to the Environment Protection (Impact of Proposals) Act 1974 and the obligations placed on departments by the Act.

Peter Milton
Chairman

May 1985

APPENDIX 1

Conduct of the Inquiry

1. On 21 March 1985 the Committee decided to inquire into and report on the administration of the Environment Protection (Impact of Proposals) Act 1974. The purpose of the inquiry was to review certain aspects of a statement made by the Minister for Home Affairs and Environment on 11 October 1984 that responded, in part, to Committee reports dealing with this matter.

2. The Committee invited submissions from Commonwealth Ministers with environmental assessment responsibilities and held two public hearings in Canberra during April and May 1985.

3. The Committee acknowledges the co-operation and assistance from those who made submissions and who gave oral evidence to the Committee.

APPENDIX 2

List of Witnesses

ANDERSON, Mr D.M.	Director, Policy Review and Planning Division, Department of Transport
CADOGAN-COWPER, Mr G.F.	Assistant Secretary, Uranium Industry Branch, Department of Resources and Energy
DALTON, Mr G.B.	Director, Urban Public Transport and Land Transport Policy Division
FURNELL, Mr G.F.	Senior Executive Officer, Petroleum Division, Department of Resources and Energy
HANDKE, Mr W.A.	Principal Executive Officer, Water Resources Section, Department of Resources and Energy
HYDEN, Mr N.F.	First Assistant Secretary, Incomes, Resources and Development Division, Department of the Treasury
KERR, Mr R.	Assistant Secretary, Resources, Primary Industry and Properties Branch, Department of the Treasury
LAMB, Mr I.D.	Acting Assistant Secretary, Environment Assessment Branch, Department of Arts, Heritage and Environment
McHUGH, Mr K.P.	Principal Adviser, Coal and Minerals Division, Department of Resources and Energy
O'BRIEN, Mr K.F.	Principal Executive Officer, Coal and Minerals Division, Department of Resources and Energy
WASLIN, Mr N.A.	First Assistant Secretary, Roads Division, Department of Transport
WILLCOX, Mr C.G.	Director, Environment Systems Section, Department of Arts, Heritage and Environment

APPENDIX 3

Draft Memorandum of Understanding

The following is part of the text of draft memorandum of understanding being used by the Department of Arts, Heritage and Environment to initiate discussion with other Departments. It does not represent the final view of the Department.

"Introductory

The purpose of this understanding is to:

(a) outline procedures for determining environmental significance under the Environment Protection (Impact of Proposals) Act 1974, in a manner compatible with the responsibilities and processes of the Department of ..... so that environmental assessment requirements can be satisfied in the most efficient, economic and timely manner possible.

(b) identify the types of proposals that will not normally fall within the scope of the Act; and

(c) ensure that relevant State Departments and Authorities are consulted, where appropriate, so that the benefit of their expertise can be utilised and duplication avoided.

2. This understanding recognises the powers and responsibilities of the Department of ..... as set down in the Commonwealth Administrative Arrangements Order. It also recognises that the objective of the Environment Protection (Impact of Proposals) Act 1974 (the Act) is to ensure, to the greatest extent practicable, that matters affecting the environment to a significant extent are fully examined and taken into account in relation to the proposals, decisions and actions of the Australian Government and its authorities.

3. It is recognised that compliance with the Act will not usually involve heavy assessment workloads. Since the Act came into force in 1974 over 2000 environmentally significant proposals have been examined by the Department of Arts, Heritage and Environment and its predecessors. Of these only some 90 have been the subject of environmental impact statements (EIS's) and two the subject of formal enquires.

Environmental Significance

4. The Act applies to "matters affecting the environment to a significant extent". It is agreed that such matters will normally include:

(a) proposed actions which will give rise either directly or indirectly to adverse effects on the physical or social environment including:

- an impact on the eco-systems of an area;
- a diminution of the aesthetic, recreational, scientific or other environmental quality, or value, of an area;
- an adverse effect upon an area, or structure that has an aesthetic, anthropologic, archaeologic architectural, cultural,

historical, scientific or social significance or other special value for the present or future generations;

- the endangering, or further endangering, of any species of fauna or flora;
- the degradation of the quality of the environment for example by pollution or problems associated with waste disposal;
- the curtailing of the range of beneficial uses of the environment;
- increased demands on natural resources which are, or are likely to be, in short supply.

(b) within the generality of (a), proposed actions in respect of land acquisitions, buildings or works which:

- impinge on or are adjacent to a site, building or structure entered on the Register of the National Estate;
- are not compatible with existing land-use zoning, or require an amendment to an existing local government zoning scheme;
- cause State or Local government objections of an environmental nature, which are not resolved to the satisfaction of both parties;
- are located in or close to a declared or proposed National Park, nature reserve, conservation area, recreational area or important landscape area;
- are located in or close to an area either owned or subject to a Land Claim by Aboriginals, an identified Aboriginal sacred site or archaeological site.

Officers of the Department of Arts, Heritage and Environment are available for consultation and advice at the time of consideration of significance.

5. In respect of the application of the Act to matters which are the responsibility of the Department of ..... it has been agreed that so long as they do not fall within the criteria noted in paragraph 4 above, proposals in the following areas are considered not to affect the environment to a significant extent:

List of matters

Application

6. Where after consideration of a proposal against the guidelines set out in paragraph 4, the Department of ..... considers that the proposal will not affect the environment to a significant extent, it will proceed with usual planning arrangements. Where the Department decides that a proposal will or may have a significant effect on the environment, the requirements of the Act will apply and the proposal should be referred to the Minister for Arts, Heritage and Environment through his Department in accordance with the Administrative Procedures under the Act.

7. Information supplied under paragraph 2.1 of the Administrative Procedures (referred to as a Notice of Intention) will normally be referred to the relevant State authorities for consideration and advice regarding the need or otherwise of an environmental impact statement (EIS) and/or environmental protection measures with respect ot the proposal. If for security or other reasons the Department of ..... considers that the information should not be passed to a State authority it

will consult with Department of Arts, Heritage and Environment. The views of State Authorities will be taken into account by the Department of Arts, Heritage and Environment in determining the need for an EIS.

Consultation

8. The environmental assessment of proposals not excluded under paragraph 5 will be facilitated by:

(a) the Department of ..... making available to the Department of Arts, Heritage and Environment information on the development and timing of specific proposals as soon as practicable after they have been first formulated; and

(b) the Department of Arts, Heritage and Environment bringing to the attention of the Department of ..... proposals identified by State or Territory environment authorities as potentially requiring Commonwealth actions and decisions.