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ARTICLE

Dispute resolution and the “EPBC Act bilaterals” – *Hanna Jaireth and Madeleine Figg*

The Palmer United Party, the Australian Greens and the Australian Labor Party announced in October 2014 that they would block passage of the *Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014* and disallow new Commonwealth-State/Territory approval bilateral agreements under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) when tabled in the Senate. This development will delay or prevent the implementation of the Australian Government’s One-Stop-Shop policy for environmental approvals under the EPBC Act, unless the cross-bench parties abandon this stance and pursue other deals in response to political pressures. This article sketches the context for the enactment of the EPBC Act and explains that intergovernmental arrangements have been contentious since its passage. It outlines the nature and purpose of bilateral assessment and approval agreements, stakeholders’ responses to the Australian Government’s One-Stop-Shop policy, and recent reviews of the Act. It notes briefly what might have been for local governments if the EPBC (Bilateral Agreement Implementation) Bill had been enacted, and the possible implications of the One-Stop-Shop policy for dispute resolution under the Act. Following a brief assessment of merits review dispute resolution in Tasmania, it also considers whether governments should be providing access to a broader range of better harmonised mechanisms for resolving disputes arising from development assessments and approvals, and whether this might lead to improved decision-making as well as better outcomes for the environment. 197

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