



Senate Environment and Communications Legislation Committee
PO Box 6100 Parliament House
CANBERRA ACT 2600

27th May 2010

To whom it may concern,

Re: Senate inquiry on Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

The Australian Marine Conservation Society (AMCS) is pleased to provide a supplementary submission on the *Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011*. We understand that Senator the Hon Richard Colbeck has proposed an amendment to the Bill that would provide for proclamations of Commonwealth marine reserves to be subject to the Parliamentary disallowance process and that the Committee is seeking views responding to this proposed amendment.

AMCS does not support the *Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011*, nor the proposed amendment to the Bill.

In summary, we believe the proposed Bill would add an additional, unnecessary and potentially costly layer to processes that are working adequately. Furthermore, rather than improving the Marine Bioregional Planning and Commonwealth reserves proclamation regimes, the Bill risks undermining them by over-riding public consultation processes and increasing uncertainty for industry, stakeholder groups and the public. Consequently, the Bill actually risks running counter to any intention to improve consultation and transparency around marine planning and reserves.

In addition to our written submission on the Bill of 24th March 2011, we would like to make the following points specifically about the proposed amendment to the Bill.

1. Disallowance is an inappropriate Parliamentary tool to deal with bioregional plans as they are information documents, not of a legislative character, which are designed to guide the Minister in his decision-making under the *EPBC Act 1999*.

It appears that this error was recognised following the Bill's drafting yet, whilst the proposed amendment to the Bill introduces the intended effect of disallowing Commonwealth marine reserve declarations, the Bill has not been amended to remove the initial error. Consequently bioregional plans remain subject to this Bill.

Australian Marine Conservation Society

Become a Sea Guardian Today: www.marineconservation.org.au

a P.O. Box 5136, Manly Qld 4179 p 07 3393 5811 f 07 3393 5833 e amcs@amcs.org.au

2. The amended Bill would allow either House to reject (disallow) a proposed reserve outright. The identification and proposal of Commonwealth marine reserves is subject to extensive public consultation, stakeholder and scientific input, and socio-economic assessment before they reached the stage of declaration.

If this Bill were passed the potential for disallowance would then arise after a long and inclusive process, with various stages of consultation and expert input. Once stakeholders and community have provided representations through this process it is reasonable to expect a final decision to be implemented rather than disallowed.

Furthermore, to introduce the potential for disallowance at the end of that process could deter rather than encourage engagement in the formal consultation process. It could undermine public confidence in the process and build uncertainty for stakeholders.

3. The report of the review of the performance of the EPBC Act (the 'Hawke Review') did not identify the need for nor propose the amendment of the EPBC Act to make bioregional plans or Commonwealth reserves disallowable instruments. The Hawke Review has been an extensive process involving wide stakeholder engagement and consultation with submissions to the review made by a significant number of organisations and individuals representing the spectrum of stakeholder interests in the marine environment. That the amendments proposed in the Bill were not identified through this thorough, independent review questions their necessity.

AMCS thanks the Committee again for the opportunity to provide this supplementary submission and for the invitation to appear at the Public Hearing into this Bill held on 13th May.

Yours sincerely

Darren Kindleysides
Director, Australian Marine Conservation Society