

Diarne Wiercinski

The Secretary
Standing Committee on Environment, Communications,
Information Technology and the Arts
Legislation Committee
email ecita.sen@aph.gov.au

Dear Secretary,
Environment & Heritage Legislation Amendment Bill (No. 1) 2006

I make the following comments on the above Bill.

The outrageous size of the Bill made it extremely difficult to determine what amendments the government proposes. As I am generally unwilling to rely on the explanatory memorandum to inform my opinions, I have instead chosen to endorse the comments of the Environmental Defender's Office on this issue. Unfortunately, this is the only means by which I, as an individual, can manage to lodge a submission in the limited time available, given the size of the Bill.

Missing issues of climate change and over extraction of water.

The Bill as introduced to Parliament fails to address most crucial and urgent environmental matters of national significance, namely climate change and over extraction of water. There clearly is a requirement for a greenhouse trigger. Those issues need to be addressed in the Bill. It is particularly disappointing to note the absence of a greenhouse trigger and the government is nothing short of remiss in failing to include such an important trigger in this vital piece of legislation.

Species listing process weakened

The proposed provisions that give the Minister greater control over the listing process for species and heritage and potentially restrict nominations to annual themes are not supported. Instead of restricting assessment of proposed listing of threatened species by reference to themes decided by the Minister, the conservation status should determine the urgency of assessment.

Community enforcement processes reduced

General community legal standing provisions are not altered by the Bill. Those provisions are important for accountability and I strongly believe that they are an essential part of the legislation. However, the proposed Bill weakens options for third party enforcement, by removing review of Ministerial decisions (such as import of endangered species) by the Administrative Appeals Tribunal and reinserting requirements for financial undertakings for interim injunctions. This will make it much harder for communities and community groups (who often have severe financial constraints) taking enforcement actions against government and business, which are necessary for transparency and accountability. I am particularly

concerned that the role of the community in environmental decision-making is being sidelined while the needs of developers are being catered to on an ever-increasing level. I strongly oppose any move to limit the involvement of communities in decision-making.

Cutting already thin green tape

The proposals for streamlining the referrals and assessment processes, including assessment based purely on the information provided in the referral and accreditation of plans, regimes and policies are stated to be driven by the need to speed up development approvals for developers. Fast development assessment means less ability and opportunity for the community to usefully participate and those provisions are not supported.

Corporate liability strengthened

The proposed amendments make it easier to prove liability of company directors in large companies. These are useful provisions and are supported.

Access to information amendments needed

The proposed Bill does not address the concerns regarding the publication of documents that the decision-maker is considering. Lack of access to information restricts the public's ability to make an informed contribution to environmental decisions under the legislation. Amendments are needed to ensure that all documents required to be lodged are available over the web, including for example preliminary documents and public environment reports. Public exhibition periods need to cease during Easter and Christmas holiday periods.

Improvements to matters of national environmental significance needed. It is necessary to include wetlands of national importance not just international importance, to expand the listed migratory species trigger to also include Annexure 1 of UN Convention of the Law of the Sea, and to extend the trigger for Commonwealth marine areas to include State and Territory managed fisheries in Commonwealth marine areas unless accredited.

Yours faithfully,
Diarne Wiercinski