



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

October 27, 2006

Dear Secretary,

Re: Environment & Heritage Legislation Amendment Bill (No. 1) 2006

We make the following comments on the above 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.

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. Here at Mission Beach we have a critical situation with the Southern Cassowary, listed as Endangered, but the situation often seems to be overlooked when assessing proposed developments.

Community enforcement processes reduced

General community legal standing provisions are not altered by the Bill. Those provisions are important for accountability and we strongly agree 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.

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.

Offsets

The proposed Bill seeks to broaden the types of conditions to be attached to development, including voluntarily compensatory actions and financial contributions to offset the impacts the development will have on the environment. Clearly, this may allow for developers to simply pay money to gain approval for their development. We should not be encouraging a system of offsets, particularly when there are often variations between the areas to be offset.

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.

We do want our organisation's name and address to be made public. We do not request a chance to address the Committee in relation to this inquiry.

Yours faithfully,
President C4