

Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

## **Environment and Infrastructure Legislation Amendment (Stop Adani) Bill 2017**

Dear Committee Members,

I write to make a submission regarding the Environment and Infrastructure Legislation Amendment Bill 2017.

I do so in my personal capacity as an active, interested and concerned citizen. I have worked in environmental regulation and policy for ten years, hold a post-graduate diploma in Environment, majoring in Policy and Governance and am in my final year of completing a Master of Government Law and Regulation with Monash University.

I support the inclusion of a suitable person test as described within the bill. Such a test is standard in modern environmental legislation such as:

- Environment Protection Act 1970 Victoria  
Sec 20C Consideration of policy (3)(b)(ii)  
(3) The Authority may refuse to issue, transfer or amend an authorisation—  
(b) if the person applying for the issue or amendment, or in the case of a transfer, the person to whom the authorisation is to be transferred—  
(ii) as a result, the person is, in the opinion of the Authority, not a fit and proper person to hold the authorisation...  
In determining whether a person is fit and proper EPA Victoria take into account the track record of the business including past incidents, inspections, enforcement and pollution reports, the competence of the business and its operators and other matters.
- Protection of the Environment Operations Act 1997  
Section 45 Matters to be taken into consideration in licensing functions  
In exercising its functions under this Chapter, the appropriate regulatory authority is required to take into consideration such of the following matters as are of relevance:  
(f) whether the person concerned is a fit and proper person (as referred to in section 83),  
Section 83 outlines the matters to be considered when determining whether a person is fit and proper including environmental history.

The inclusion of this test would bring the EPBC Act in line with State environmental law when issuing approvals and authorisations and strengthen the national environmental law.

I also support the trigger to review the approvals to Adani. I am concerned about the very likely environmental impacts from this activity due to Adani's poor environmental history. Using EPA Victoria's compliance and enforcement framework and publicly available information about Adani's environmental history, an assessment of Adani's likelihood of non-compliance is very likely to certain.

This amendment will ensure that the current Adani approvals and future approvals will be adequately assessed to protect our environment now and in the future.

Thank you for considering my submission.

Regards,

Meaghan Burkett