

To the Senate Standing Committees on Environment and Communications,

I am writing to express my opposition to the Environment Protection and Biodiversity Conservation Amendment (Standing) Bill, which is the subject of a current inquiry by your Committee.

I am deeply concerned that the Bill will reduce the rights of landholders and communities to challenge Federal approvals that are given for coal mines and unconventional gas projects under the EPBC Act 1999.

Existing rights to challenge EPBC Act approvals are already strictly limited to judicial review rights, with no rights to challenge the merits of an approval, and restricting rights any further would render legal challenges of the most damaging projects almost impossible.

I understand that a recent review by The Australia Institute has found that of 5,500 developments referred to the Federal Government, only 27 have ever been subject to legal challenge. Therefore, it is clear that there is no problem with the system as it is now.

It is important to note that most cases against mining companies originate from small regional community groups who would probably not get standing under the proposed changes to standing.

Restricting challenges to only individuals who are directly affected will make it almost impossible for challenges to proceed, because individuals are unlikely to have the funds required to go to court and will be personally liable for costs if they lose.

Therefore, the changes would dramatically shift the balance even further towards mining companies, who already have access to vast resources and legal avenues that dwarf those available to landholders and communities.

I am also gravely concerned that these changes are being made in order to prevent potential legal challenges by farming or community groups against the Shenhua Watermark and BHP Caroon coal mines on the Liverpool Plains and the Acland coal mine on the Darling Downs.

It is important to note that the NSW ICAC has found that broad community objection rights are an important corruption prevention measure, as decisions that are open to be tested in court are more likely to be made well.

Similarly, a review of the EPBC Act in 1999 found that the standing provisions "have created no difficulties and should be maintained" and in fact recommended extending opportunities for the public to review decisions under the Act in court.

And it's clear that all Australians have a stake in protecting our most important national assets, like the Great Artesian Basin and the Great Barrier Reef.

There is simply no reason why the standing provisions under the EPBC Act should be altered. I urge you to reject this Bill.