



Inquiry into the Environment Legislation Amendment Bill 2013

Submission from the Australian Koala Foundation (AKF) 15 January 2013

On behalf of the Australian Koala Foundation, I would like to voice our grave concerns about this Bill, in particular the proposed *Schedule 1 – Amendments relating to approved conservation advice* contained within the Bill.

1. This Bill effectively seeks to allow for the removal of scientific evidence from the approvals process; such a move is alarming. While amendments to the proposed legislation limit the impact of the Bill to decisions made before 31 December 2013, scientific evidence should, at all times past and present, be at the heart of the decision-making process. Failing to consider the advice of experts is an incomprehensible dereliction of duty on the part of the Minister.
2. The Minister for the Environment has stated that conservation advice amendments contained in this Bill were driven by a recent Federal Court decision (*Tarkine National Coalition Incorporated v Minister for Sustainability, Environment, Water, Population and Communities* [2013] FCA 694), in which a decision by the Minister was overturned because the Court was of the opinion that the Minister did not have sufficient regard to scientific evidence presented to him. It is our belief that the decision of the Court was entirely justified. Removing the requirement that the Minister must give regard to approved conservation advice is unnecessary, and removes the major safeguard and oversight mechanism available under the *Environment Protection and Biodiversity Conservation Act 1999*.
3. In spite of amendments limiting the impact of the Bill to decisions made before 31 December 2013, we are concerned that a troubling precedent will be set, and that this will be merely the first step in a process that will ultimately entirely remove science from the approvals process, and greatly weaken an already broken environmental protection system.
4. The potential implications of this Bill on the approvals process under the Federal Government's 'one-stop-shop' policy warrant particular consideration by the Senate Committee. The previous Inquiry into the status, health and sustainability of Australia's koala has already concluded that State Governments have been incapable of protecting koalas. The 'one-stop shop' policy already looks to be a shambles, and this Bill has the potential to greatly exacerbate the situation.

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