

Chapter 4

Committee view

4.1 The committee received submissions which supported the repeal of section 487 and submissions which supported its retention. Submitters who supported the retention of section 487 pointed to the limited number of legal challenges, the possible diminution of access to justice and the need to maintain the rule of law. The committee also notes the arguments put forward by those supporting the repeal of section 487, such as the costs to proponents and consequences for economic activity when major development projects are delayed by judicial review sought by groups granted standing by section 487. The committee also acknowledges the significant cost of these challenges to the Commonwealth. The Department of the Environment indicated that it had not recovered costs in the majority of cases where the Commonwealth had been successful in defending the validity of a decision.

4.2 The committee considers that the repeal of section 487 will not diminish the protection of Australia's environment and the conservation of biodiversity and heritage provided by the EPBC Act. The provisions of the EPBC Act specify the arrangements for environmental impact assessment and the matters that the minister must have to regard to when deciding to grant an approval. These provisions, which are the core of the Commonwealth regime for the protection of matters of national environmental significance, will not be altered by the repeal of section 487.

4.3 The committee notes that review of decisions under the EPBC Act will remain available through the ADJR Act and Judiciary Act. In addition, the committee notes that there is continuous engagement with interested stakeholders, including communities where projects are proposed, in both Commonwealth and state and territory environmental assessment processes.

Recommendation 1

4.4 The committee recommends that the Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015 be passed.

**Senator Linda Reynolds CSC
Chair**

