

Dissenting Report

Australian Greens

1.1 The Australian Greens have a number of significant issues with the Infrastructure Australia Amendment Bill which were addressed during the inquiry but not reflected in the recommendation to pass the bill in its current form.

1.2 This bill weakens the independent arms-length decision-making in IA, increases the power of the Minister to interfere in IA's evaluation processes, has the capacity to exclude classes of projects from IA's consideration including public transport, removes climate change considerations, and foreshadows a return to reduced merit in assessments, deal-making, forsaken productivity and favouring roads over public transport.

1.3 The issue of going backwards on climate and public transport is of particular concern. The Prime Minister wants to be seen as "an infrastructure Prime Minister" – this bill spells out what kind of agenda he is setting us up for.

Particular issues with the bill

1.4 A number of submissions to the inquiry expressed significant concern with the particular elements of the bill that relate to expanding the discretionary powers of the Minister in relation to Infrastructure Australia fulfilling its roles and obligations.

1.5 The Australian Sustainable Built Environment Council said that the changes this Bill introduces to the functions of Infrastructure under which the Minister may give directions to IA where of "greatest concern". In particular, their submission raises concerns with Section 5A(2) which empowers the Minister to exclude any 'class of proposals' from IA's remit for evaluation.

1.6 The Urban Development Institute Australia shares the concerns expressed by the Australian Sustainable Built Environment Council, and in specific, the functional obligation of Infrastructure Australia to "review and provide advice on proposals to facilitate the harmonisation of policies, and laws, relating to development of, and investment in, infrastructure" being shifted to the discretion of the Minister.

1.7 Similar concerns along these lines were raised in submissions from the Committee for Melbourne, the Business Council of Australia and Consult Australia.

1.8 It's also concerning to note that Infrastructure Australia was not consulted while the Bill was being drafted. In its submission Infrastructure Australia notes that the "proposed new provisions appear diametrically opposed" to Infrastructure Australia's "objectives and principles".

1.9 The Bill removes references to climate change in defining the functions of Infrastructure Australia, something noted by a number of submissions.

1.10 The submission by the Australian Conservation Foundation recommends include green infrastructure as a valid infrastructure sector, something supported by The Greens.

1.11 The submission and evidence heard by the Moving People 2030 Taskforce was compelling. In particular their concerns with Section 5D (1)(b) which removes the requirement for Infrastructure Australia to publish project evaluations or material used in those evaluations or plans, audits and advice, other than at the direction of the Minister. The Taskforce stated ‘this will completely undermine the credibility of Infrastructure Australia and its value to the nation. It runs counter to the principles of consultation and transparency which any attempt to obtain consensus on a national infrastructure plan must accept’.

1.12 In short, the Australian Greens believe

- Climate change must remain as a strategic priority;
- Productivity gains shouldn’t take precedence above all else (e.g. Schedule 1, Part 1, Section 5B). Sustainability principles and green infrastructure should be a feature, and mass public transport should be included as a priority;
- IA should also be free from Ministerial direction on the scope of audits, lists, evaluations, plans or advice, including the infrastructure to be considered;
- There should be more opportunity for consultation with individuals, community organisations and their representatives; and
- Transparency and independence should be enhanced not curtailed (e.g. Schedule 1, Part 1, Section 5D) - IA should publish draft and final evaluations and reports immediately and without the need for approval by a Minister. Commercial-in-confidence material should be published where it is necessary to assess the public benefit of a proposal or evaluation.

1.13 For these reasons and the damning evidence against this Bill heard in the Inquiry and articulated in numerous submissions, the Greens believe the government must be out of its mind to pursue the amendments contained.

Senator Scott Ludlam
Australian Greens Senator for Western Australia