

Friday, 4 September 2020

Law Council of Australia calls for parliamentary inquiry into environmental bill

The Law Council of Australia has warned that the Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 (**the Bill**) must not be rushed through the Senate and has called for its referral to a parliamentary inquiry.

The Bill is intended to streamline environmental approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (**the Act**) by facilitating ‘the legally robust devolution of environmental approvals to the states and territories’.

The Law Council maintains its longstanding view that the Commonwealth should be demonstrating leadership in biodiversity conservation and environmental protection, given its unique role sitting at the apex of government in Australia and its independence of particular State and Territory interests.

Law Council President Pauline Wright said: “Australia is a signatory to some 33 key treaties and protocols regarding the environment. The Commonwealth Government must remain at the helm in ensuring that Australia’s obligations under those treaties and protocols are met.”

“Bilateral agreements should not operate without robust and comprehensive Commonwealth oversight which is necessary to ensure that the Australia’s obligations under international treaties are met and public confidence and trust is maintained.”

“This is particularly important in the context of the protection of Australia’s many World Heritage Listed sites, which include not only sites of outstanding environmental value but also sites of sacred value and importance to Australia’s First Nations peoples.”

In his independent review of the Act, Professor Graeme Samuel AO has proposed the devolution of decision making from the Commonwealth to the states and territories, but within a broader reform platform, including the development of clear, legally enforceable National Environmental Standards combined with a *strong assurance framework*.

The Law Council stresses the importance of placing approvals of bilateral agreements within a strong assurance framework that clearly demonstrates how the Commonwealth Government will ensure that its obligations under international law will be met.

“This assurance framework must be clear, transparent to the public and properly developed. We have an independent inquiry that has not even had the chance to complete its final report and reflect on over 3000 unique submissions by concerned people and organisations. We must let that run its due course before embarking on this significant change.”

“We must also have regard to the outcomes of the current Parliamentary inquiry into the destruction of caves at the Juukan Gorge and the protection of Indigenous cultural heritage. A Senate inquiry into the Bill must accommodate these broader processes by allowing the public time to consider and reflect on their findings.”

Contact: Julia Timms, P. 0457 517 355, E. julia@hortonadvisory.com.au

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.