



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

Environment Legislation Amendment Bill 2013

Consideration in Detail

SPEECH

Monday, 9 December 2013

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Monday, 9 December 2013
Page 2014
Questioner
Speaker Bandt, Adam, MP

Source House
Proof No
Responder
Question No.

Mr BANDT (Melbourne) (20:06): There is something going on here, and it deserves far more scrutiny than it is being given at this moment. This amendment will apply retrospectively and it will say that, for any decision that has been made until now, it does not matter if the minister did not pay any regard to expert conservation advice about how a species can be threatened. They will be off the hook. It has to be about more than the case that is being litigated in the court at the moment, because that has been adjudicated upon.

If you are at all thinking that this is some conspiracy theory, the minister let the cat out of the bag when, in his surprise at Labor's changing its position, said this a few moments ago in his second reading summing up speech: 'This amendment is fixing up the mess caused by the previous government. We are helping them out. There could potentially be more challenges based on technicalities. These could cause endless delay without having had the substantive base for improper decision making. We know that the other side'—that is, Labor—'is in agreement with this. What they are doing at the moment is in breach of what we understood to be the direction they would head in.' Then he said that everything that has happened until now will give you an out-clause. So presumably some decisions have been made without taking regard of the expert conservation advice. The minister should get up and say what those decisions are.

If we are being asked at no notice, at 10 past eight at night, to give this government and previous governments an out-clause, and the minister says, 'It's because there are potential grounds for challenges to decisions,' then simply as a matter of honesty and disclosure to this House, let alone good decision making—given that the minister just a few moments ago said there are potential legal challenges which could be made unless we rush this amendment through—it is now incumbent on the minister to say what those decisions are. What are the decisions that have been made by the previous government or by this government prior to today that are potentially the subjects of this amendment? The minister will have ample opportunity to answer that specifically. We are not interested in generalities. We know that one decision has been before the Federal Court, but he has let the cat out of the bag, so now he should explain to us exactly what is being covered up in this sordid late-night deal between Labor and the coalition to exclude the best practice environmental laws that have been in place for some time. If he does not answer or get up a couple more times during this detail stage to answer, perhaps the shadow minister at the table, who might have been the minister at the relevant time of any decision, would care to answer. Obviously—and we know this from the *Hansard*—discussions have gone on to try to get the government out from under bad decisions that have been made, and we have the right to know what they are. That is the first point, and I am waiting to hear from the minister or the shadow minister as to what the decisions are that are going to be affected by this.

Secondly, the minister in his summing up said, 'We are not even requiring that this protection apply to us.' The minister said this was about the previous administration: the former Labor government before 7 September. If that is right, then perhaps the minister can explain why the amendment says it applies to decisions that are made any time before 31 December 2013. I say this with respect to the minister: it cannot be the case that he is seeking this only to apply to previous administrations, because the amendment he is moving says '31 December'. Many, many decisions can be made between now and 31 December. We know that Abbott Point is one of them. Perhaps the minister can explain, given that he will have ample opportunity to do so, why he said in his summing up that he is only seeking this with respect to the previous government but moving an amendment that applies until 31 December. Everyone should be very worried about this last-minute deal that has been done between Labor and the coalition to weaken our environment protection laws. (*Time expired*)