



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
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Questioner
Speaker Bandt, Adam, MP

Source House
Proof No
Responder
Question No.

Mr BANDT (Melbourne) (20:25): I move amendment (2) as circulated in my name:

(2) Page 14 (after line 23), at the end of the Bill, add:

Schedule 3—Amendments relating to retaining Commonwealth responsibility for approving proposed actions that significantly impact matters of national environmental significance

Environment Protection and Biodiversity Conservation Act 1999

1 Paragraph 11(a)

Repeal the paragraph.

2 Division 1 of Part 4

Repeal the Division.

3 Paragraphs 44(c) and (d)

Omit "and approval".

4 Subparagraphs 45(2)(a)(iii) and (iv)

Omit "and approval".

5 Section 46

Repeal the section.

6 Subsection 48(3)

Repeal the subsection, substitute:

(3) Subsection (1) does not limit section 47.

7 Subsection 48A(1)

Omit "46 or".

8 Subsection 48A(1)

Omit "(2) or" (first occurring).

9 Subsection 48A(1)

Omit "subsection (2) or (3) (as appropriate)", substitute "that subsection".

10 Subsection 48A(2)

Repeal the subsection.

11 Subsection 51(1)

Omit "(1)".

12 Subsection 51(2)

Repeal the subsection.

13 Subsection 51A(1)

Omit "(1)".

14 Subsection 51A(2)

Repeal the subsection.

15 Subsection 52(1)

Omit "(1)".

16 Subsection 52(2)

Repeal the subsection.

17 Subsection 53(1)

Omit "(1)".

18 Subsection 53(2)

Repeal the subsection.

19 Subsection 54(1)

Omit "(1)".

20 Subsection 54(2)

Repeal the subsection.

21 Section 55

Omit ", or accredit for the purposes of a bilateral agreement a management arrangement or an authorisation process,".

22 Subsection 59(1) (examples 1 to 3)

Repeal the examples.

23 Section 64

Repeal the section.

24 Section 65A

Repeal the section.

25 Section 66

Omit "(It does not deal with actions that a bilateral agreement declares not to need approval.)".

26 Paragraph 77A(1A)(b)

Omit "relates; or", substitute "relates."

27 Paragraph 77A(1A)(c)

Repeal the paragraph.

28 Paragraph 78(1)(ba)

Repeal the paragraph.

29 Subsection 82(2)

Omit "1,".

30 Subsection 82(2)

Omit "bilateral agreement or".

31 Subsection 146(2) (note 2)

Omit ", or make a bilateral agreement declaring,".

32 Section 528 (definition of *bilaterally accredited authorisation process*)

Repeal the definition.

33 Section 528 (definition of *bilaterally accredited management arrangement*)

Repeal the definition.

This is a very important amendment. What this will make sure is that there is no capacity for the federal government to effectively hand off to state governments the power to make major environmental approvals and—as I mentioned during my speech on the second reading—to say that, just because a state government has done something, 'That is good enough.' It is only because the federal government had the power to step in and override that that we stopped the damming of the Franklin. That is at risk unless this amendment goes ahead, because what we know—and we have heard it very clearly from this government—is that the Campbell Newman and the Barry O'Farrells are, in the government's mind, apt protectors of our environment. This government does not mind if Premier Campbell Newman is in charge of the reef. This government does not mind if Premier Denis Napthine has carte blanche to let cows roam in the Alpine National Park—to turn the park into a paddock.

Mr Christensen: Hear, hear!

Mr BANDT: I hear a member of the government cheering loudly, and the government has just belled the cat and shown that what this is about is giving to the states the power to make decisions about major areas of national significance—things of which most Australians would presume that, if there is a federal law, would get federal protection. Most Australians would presume that, when it comes to dealing with threatened species, the federal government, under the federal legislation, will look after them. But what we know is that this government cannot act quickly enough to hand that power over to the states. That would have seen the Franklin dammed. It would have meant no powers to stop oil drilling on the Great Barrier Reef. It speaks volumes among the first environmental legislation that this government wants to get through by the end of the year is that which will weaken environmental protection in this country.

The Greens have been consistent. Even when the previous government went a bit wobbly on this and said, 'Maybe it would be a good idea to hand off some of these powers to the states,' we stood up to protect the environment. I hope that, when there is a division on this amendment, there will be a change of heart from the Labor Party, because it is absolutely vital that this parliament offer the strongest possible protection for areas of national environmental significance. So, for those reasons, and for the reasons that I mentioned during my speech on the second reading, I urge this House to approve amendment (2).