

**Submission to the Senate Standing Committees on Environment and Communications
on the Environment Protection and Biodiversity Conservation Amendment (Standing)
Bill 2015**

Dear Committee members

I do not consider that the proposed amendment to remove Section 487 from the *Environment Protection and Biodiversity Conservation Act 1999* is required.

The amendment will see the definition of an aggrieved person revert to that defined under the *Administrative Decisions (Judicial Review) Act 1977* (the ADJR Act), which is “a person whose interests are adversely affected by the decision”. Decisions relating to the environment and matters of national environmental significance potentially affect all Australians, and it is entirely appropriate to have an extended definition as s487 provides. Reverting to the ADJR Act definition will mean that more time will be spent in court arguing about whether an individual or organisation has standing, rather than considering the environmental issues at hand.

The 2009 Australian Environment Act: Report of the Independent review of the *EPBC Act 1999* examined the issue of Standing and found that s487 (and others) had “created no difficulties and should be maintained”. The Review also raised the question of whether such provisions should be expanded e.g. provision for open standing. Open standing is provided for under the *Trade Practices Act 1974* and the *NSW Environmental Planning and Assessment Act 1979* and the Review notes that “there is no evidence of them being abused”.

Protection and conservation of the environment, which is the purpose of the EPBC Act, is in the interest of all Australians. The current s487 of the EPBC Act reflects this and should be maintained.

Yours sincerely

Dr Anna Lashko