

Transcript, Thursday 8 June 2023

Question taken on notice:

The Hon. PETER PRIMROSE: Could I ask a more general question? You have already indicated a couple of amendments that you would like to see in the bill. If you were developing drafting instructions for the parliamentary draftsman on this, can I zero in and ask what other specific instructions you would like to give to the draftsman as to which changes you would like to see in this particular bill? Please feel free to take it on notice. I'm trying to zero in on what particular things in the bill you would like to see changed.

MAIRE SHEEHAN: Good question.

JEFF ANGEL: We might further consult with the EDO, but the three areas of concern to us are, firstly, that it doesn't close off the door to nature-positive improvements to the underlying legislation. It gives rise to this fund—that is, the Biodiversity Conservation Act and the biodiversity certification processes that gave rise to the Cumberland Plain Conservation Plan; secondly, that the issue of like for like, or that the region inside the region that is subject to a large biocertification plan is where the vast bulk of the money is spent, because that's where the endangered species are and they shouldn't be allowed to disappear from that region; and thirdly, some sort of circumscribing of 7.25 (b), certainly in the absence of any explanation from government—whether it's Commonwealth or State—as to why that clause is there. If the Commonwealth wants to put conditions on biocertification then it goes in biocertification, not this sort of open-ended clause in this bill that allows lands, policies or programs to intrude on how the money is expended. But, yes, we can do a bit more work on that, if you like.

From: Jeff Angel
Sent: Tuesday, 13 June 2023 4:59 PM
To: Portfolio Committee 7
Subject: Re: Inquiry into the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023 – Post-hearing responses – 8 June 2023

Dear Madeline,

Please find below our proposed amendments to the Bill.

1. Delete CI Clause 7.25 (b) of the Bill refers to plans, policies or programs under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as purposes to which the Strategic Biodiversity Contributions Fund may contribute. If the Commonwealth has a policy or program or plan it wants to include in a biocertification, then it should transparently include them in the instrument.
2. An amendment should be included that requires the Biodiversity Contributions Fund to be invested by TCorp in programs or investment groups that do not harm biodiversity.

regards,

Jeff Angel
Director, TEC
www.tec.org.au