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Strategy Policy - Environmental Protection Act 1986 amendments  
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***Environmental Protection Act 1986 amendments consultation***

My name is Daniel Morey, I am currently studying law and I endeavour to pursue a career specialising in environmental and planning law. As a young Australian, I have particular concern for environmental protection. This concern has been catalysed by the results of the latest Federal election and recent environmental catastrophes. I have spent considerable time researching Western Australia's environmental legislation, and in a recent assessment task I conducted a comparison of Western Australia's environmental legislation to other Australian jurisdictions. While I acknowledge my interests in this consultation are merely intellectual and emotional, I hope my point of view is nonetheless considered.

The major point of action I would like to submit for consideration is establishing a specialised Environmental Court in Western Australia, or alternatively granting the State Administrative Tribunal jurisdiction to hear appeals arising from the *Act*. Such a reform was recommended in 2009 by the Government of WA Industry Working Group (the 'Jones Report') and has long been championed by legal practitioners and experts but has not yet been enacted. As it stands, Western Australia is the only Australian jurisdiction alongside the Northern Territory without a specialised Court or Tribunal to hear environmental matters.

I believe the current Ministerial Appeals system fails to uphold the purposes of the legislation and undermines confidence in environmental matters in the State. The lack of independent review of Ministerial decisions gives the impression of a lack of transparency, leading to issues of procedural fairness and natural justice. On the other hand, Courts and Tribunals are public institutions chaired by unbiased, educated individuals, thus upholding the impression that decisions will be justly considered.

Further, the lack of published decision making in the current appeals system creates difficulty in ascertaining the likely success of pursuing an appeal. In a Tribunal or Court, the reasons for decisions and determinations are published, creating precedence from which to draw from to guide future issues.

Finally, the State Administrative Tribunal currently has jurisdiction over planning matters, which often share a symbiotic relationship with environmental law. The synthetic distinction between these fields is counter-intuitive, and one independent judicial body should have authority over both.

Regards,

Daniel Morey.