

Emailed: 19 February 2004

Sorry for late entry but the time of unpaid contributors is a rare commodity.

Your Draft Report on the Native Veg Inquiry contains a very serious misstatement of fact. You state, in the section dealing with the Precautionary Principle (Box 2.5 p17) that the elements of the international agreement, that ensure the principle only applies cost effective measures, have not been carried through into the Australian text.

This is incorrect. The application of the principle in Australia is shaped by The Intergovernmental Agreement on the Environment 1992, signed by all Premiers and PM. It clearly has the Precautionary Principle in article 3.5.1 subordinated to article 3.4 (ii) and (iii). That is;

- (ii) ensuring that there is a proper examination of matters which significantly affect the environment; and
- (iii) ensuring that measures adopted should be cost effective and not be disproportionate to the significance of the environmental problems being addressed.

This is then followed by the section with the precautionary principle;

3.5 The parties further agree that, **in order to promote the above approach**, the principles set out below should inform policy making and program implementation.

3.5.1 The precautionary principle

**Where there are threats of serious or irreversible environmental damage**, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Note that there is a clear obligation to establish a strong case that serious or irreversible environmental damage is likely. The principle does not apply to vague, unsubstantiated claims of harm.

If anything, the IGEA actually strengthens this requirement but it is the subsequent drafting of the principle in the EPBC Act that has failed to comply with the policy.

Please amend the draft accordingly and include a recommendation that all legislation and policies that seek to apply the precautionary principle be reviewed and amended to ensure that the full meaning and intent of the IGAE is implemented.

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