



A Community Legal Centre specialising
in public interest environmental law

The Executive Officer
National Environment Protection Council Service Corporation

28 June 2013

Dear Sir/Madam

Re: Management of Chemical Environmental Risks-Consultation Regulation Impact Statement

The Environmental Defenders Office (SA) Inc. (EDO) is a community legal centre with twenty years experience specialising in public interest environmental and planning law issues. EDO functions include legal advice and representation, law reform and policy work and community legal education. We appreciate the opportunity to make the following comments in response to matters raised in the Regulation Impact Statement (RIS). Moving beyond the present situation where there is little action by State and Territory governments to implement NICNAS recommendations is critical in helping to ensure a safe and healthy environment into the future. The RIS proposes three options.

We do not recommend adoption of option 1 due to its voluntary nature. As noted there are no statutory time frames or appeal mechanisms. Under option 1, 40% of the risk management decisions deemed necessary by NICNAS would fail to be adopted by jurisdictions. In addition, non-quantifiable environmental benefits are very important in assessing the 3 options. Such benefits would in our view be minimal for option 1. We submit there is an unacceptable lack of transparency, accountability and efficacy associated with option 1.

In relation to options 2 and 3 there is a higher level of compliance anticipated. We would also suggest that high levels of non-quantifiable benefits are possible. These benefits could be significant as against the relatively small difference in net benefit estimated in relation to implementation of option 2 versus option 3.

We support option 3 which provides for a national regulator under Commonwealth legislation. A uniform national approach provides greater certainty and consistency which in turn has the potential for greater protection of the environment. New Commonwealth legislation can contain best practice compliance and enforcement provisions which may not be present in current State and Territory environmental laws.

Please do not hesitate to contact Melissa Ballantyne of this office should you have any queries in relation to this submission.

Environmental Defenders Office (SA) Inc.