

Environmental Justice Symposium - World Café (27 July 2012)

Topic 2 - How can environment justice principles be incorporated in to the legal and governance system in Australia?

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Discussion points

1. There is concern that the law is too blunt and inflexible as an instrument for achieving environmental justice (**EJ**) outcomes.
2. We need to legislate for EJ the same way that human rights are protected through the Victorian Charter of Human Rights.
3. The vast majority of problems come from the planning system in Victoria and its multiple decision-makers (for example, the EPA, Councils and the Minister for Planning). When there is no clear differentiation around who is responsible in any given instance, it leads to problems with accountability for decisions, and acts as a barrier to improving systems.
4. Incorporation in to law a requirement to take EJ in to account in decision-making. For example, some local councils have a 'Social justice charter' that they measure their decisions against. These EJ considerations must be specific (unlike Ecologically Sustainable Development, which is too broad).
5. There needs to be improved community consultation around planning permit renewals and 'time' and 'cost' can not be used as an excuse
6. There is a need for greater 'adaptive feedback' in existing legislation for industrial/polluting activities
7. Laws that reverse the onus of proof would be useful – for example, industry has to constantly display what they are doing to Government and to the community (for example, the USE Toxic Release Inventory).
8. It is thought that the Judiciary would be open to litigants raising EJ arguments, and lawyers should be more willing to do so
9. An increase in legal education to local councils would be beneficial – not just to increase their capacity to enforce and sue, but to help them formulate creative and positive legal possibilities
10. Other non-legal avenues such as lobbying and high level advocacy around these issues might hold possibilities
11. A cross agency-group or network would be useful to further the objectives of EJ. There is interest in forming a committee made up of state and local government representatives to look at concepts of EJ.