



PRIME MINISTER

Press Statement No. 529

14 July 1975

CHALLENGES TO ENVIRONMENTAL LEGISLATION

The Prime Minister and Minister for Environment, Mr E. G. Whitlam, stated today that there had been two important challenges made in the High Court to actions undertaken by the Australian Government in consequence of recent Acts of the Australian Parliament. These related to the Environmental Inquiry being held in relation to Fraser Island and to the acquisition of Towra Point, on the foreshore of Botany Bay, for nature conservation purposes.

The Prime Minister said the challenge to the Fraser Island Inquiry had been taken out by parties associated with the Dillingham-Murphyores consortium when the hearing was well advanced. He said that transcripts of evidence now totalled some 1,400 pages, that over 200 documents had been tabled and that the Inquiry was about to adjourn to Brisbane for the final stage of the hearing. The attitude of the consortium contrasted with the reported attitude of the Premier of Queensland, who, whilst questioning the power of the Inquiry to call witnesses and while not accepting that there was any legal obligation on the Queensland Government to present a submission, nevertheless indicated that, because of the public controversy and interest developed by the Committee of Inquiry, his government would provide the inquiry with information in the public interest.

The Prime Minister went on to say that the public could draw their own inferences about the consortium's concern for environmental obligations but, because they had raised a point turning on the letter of the law regarding the scope of the inquiry, this had to be examined by the Government. Consequently to ensure that there was no ambiguity as to where the Government stood and to provide a firm legal basis for the inquiry to be carried through, he had revoked the existing direction to the Commissioners and issued a new one to them which was specifically related to the Australian Government's export powers and which, on the advice of the Attorney-General, could withstand any High Court challenge.

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The new direction requires that "an inquiry be conducted in respect of all of the environmental aspects of the making of decisions by or on behalf of the Australian Government in relation to the exportation from Australia of minerals (including minerals that have been subjected to processing or treatment) extracted or which may hereafter be extracted from Fraser Island in the State of Queensland".

The Prime Minister said he hoped that the Commissioners would be able to complete hearings under these new terms as soon as practicable. He also said that he hoped the great bulk of material already gathered could be considered by the new inquiry.

With respect to the challenge by the N.S.W. Government to the purchase of Towra Point for national park purposes, he said he was certainly not attracted to the proposition that the Australian Government, having regard to its status as a national government, cannot acquire a national park or national nature reserve under an enactment of the national parliament. He hoped the High Court would clarify this as soon as practicable.

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CANBERRA, A.C.T.