



Section 487: How Activists Use Red Tape To Stop Development And Jobs (2020 Update)

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Legal activism by environmental groups has put \$65 billion of investment at risk in Australia by holding major projects up in court for a cumulative total of 10,100 days (28 years) since the year 2000.

This legal activism has been enabled by Section 487 of the *Environment Protection and Biodiversity Conservation (EPBC) Act* which allows environmental groups to challenge project approvals made by the federal environment minister. The *EPBC Act* was introduced in July 2000.

The legal action has not made a discernible difference to environmental outcomes. Since the introduction of the *EPBC Act*, 94 per cent of legal challenges under Section 487 have failed to alter environmental outcomes. There have been 41 cases proceeding to judgement and a further 10 cases that were discontinued or withdrawn. Seven of these cases have resulted in approval changes and only three cases have resulted in any substantial change in conditions.



This report provides an update to the IPA's 2016 report, *Section 487 of the Environmental Protection and Biodiversity Conservation Act: How activists use red tape to stop development and jobs*. The previous report detailed judicial reviews of federal environmental approvals brought about by environmental groups under Section 487 of the EPBC Act and measured the time major projects were held up in court.

Since 2016, 11 additional cases under Section 487 has resulted in major projects being held up in court for a cumulative 2,600 days. This takes the total days in court since the introduction of the EPBC Act in 2000 to 10,100 days (28 years).

The report also estimates that \$65 billion of investment in major projects across Australia has been put at risk due to the legal activism of green groups enabled by Section 487. This is a conservative estimate based on publicly available investment and construction estimates. These projects include six coal and iron ore mine projects, two dam construction projects, two dredging projects, forest and pest management activities, a tourism development, multiple road construction projects, the construction of a pulp mill, a desalination plant and a marine supply base.

Section 487 of the *EPBC Act* is being used by environmentalist groups to disrupt and delay major projects with the goal of restricting investment in the resources sector by increasing costs and uncertainty for investors. By specifically granting legal standing to environmental activist groups to challenge environmental approvals, Section 487 has allowed the courts to be used as a strategic tool of environmental activism. Section 487 has imposed substantial costs to the economy without improving environmental outcomes. This report recommends that Section 487 be repealed.

To download the report, [click here](#).