**Gecko - Gold Coast and Hinterland Environment Council** Assn Inc.

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Committee Secretary
Senate Standing Committees on Environment and Communications
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Re: *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012*

Thank you for the opportunity to make comment on the upcoming bill, *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012*. As a community conservation organisation of long standing, **Gecko – Gold Coast & Hinterland Environment Council Association Inc** presents the following points for consideration by the Senate for the better preservation of Australia's environmental values in this era of great sensitivity and crisis with interconnected effects on our own species' survival. Gecko- Gold Coast and Hinterland Environment Council Assoc. Inc. is a not-for-profit environment association founded in 1989 and has been active for the past 23 years in protecting the environmental values and ecological sustainability of the Gold Coast, Queensland and when appropriate nationally.

We support the notion of restricting federal ability to pass on power to make decisions regarding environmental protection to the states particularly in matters of national significance. Doing so obliges the federal authority to review and rule upon the merits and negative impacts of a given project in regard to the natural environment and raises the potential likelihood of proper protection/conservation of the natural environment through legislative means.

Species, ecosystem and landscape feature protection requires understandings of impacts at larger contextual levels, which state authorities are less likely to indulge, given the insular briefs, boundaries and focus of state authorities and their necessarily limited horizons.

Also, state governments have traditionally been more 'provincial' in character than the Federal authority, with new, important, confronting ideas usually filtering through to legislation of the general population from federal policy. In regard to the difficult but crucial changes in perspective and even ideology required to properly address the challenges of the present time of anthropogenic climate change, biodiversity decline and extinction crisis, and the need to transition to a sustainable economy, it is imperative that a more global perspective can be achieved with increased certainty.

Conflicts of interest which regularly arise over state or state based corporate projects requiring government decision making on environmental matters can be avoided or more fairly adjudicated through Federal intervention. One example is the Paradise Dam (commonly, the Traveston Dam) in Queensland which would have seen the valuable lungfish threatened had the community not had resort to the overriding decision-making powers of the Federal Minister for the Environment.

State governments have necessarily insular emphases when obliged to produce positive budget outcomes, ensuring sound employment figures, providing infrastructure and facilitating investment. As a consequence, state government environmental legislation can be weaker in regard to protection. In Queensland, the already unsatisfactory *Nature Conservation Act* is being further weakened by a zealous focus on 'reducing green-tape' to fast track projects. Legislation currently favours a development outcome with poorly and even irresponsibly regulated EIS procedures, mechanisms to ensure prioritization of employment and investment over environmental concerns, and excessive power of the Coordinator General to override conservation recommendations of consultancies and even government departments. Declaration of a project as having state significance allows and even obliges the rejection of environmental precedence. The Queensland Nature Conservation Act is in the process of being amended to allow the construction of eco-resorts within National Park boundaries and is so poorly worded that developers would be allowed large scale developments to proceed without environmental impact studies, public enquiry or further legislation not permitted in other areas under State Planning legislation (Prof Ralph Buckley International Centre for Ecotourism, Griffith University). It is imperative that the federal government have higher powers of intervention in matters of environmental concern to prevent and better monitor the impacts of development.

State governments are also more likely to be swayed by the wishes of lobby groups and private interests of the state, especially if these are linked to political sponsorship. Project related decision making can be supposed to be weighted towards commercial, political and even personal expediency rather than genuine conservation goals. While the same phenomenon can be presumed to operate at federal level, the likelihood of scrutiny is greater at national level and the specificity of location less minute and thus less piecemeal.

State environmental legislation is also inconsistent and incomplete across Australia. Legislation does not dovetail with the rulings, perspectives or objectives and principles of other states, the national perspective or global findings and recommendations. The federal authority functions as an important unifier and equalizer of state legislation disparities.

As states elect their own governments on their individual schedules, and also because state governments largely tend to be of an alternative political persuasion from the federal government, democracy is better served by a contrasting perspective at federal and state levels. Also, as political parties tend to prioritize environmental values with varying levels of commitment, insight and willingness to act, there is some degree of opportunity for conservation action inspired by rivalry and the desire to appease the strong conservation principles of the constituency.

Finally, the known background to the recent advertised intention of the present Federal Government to pass on approval powers to the states is a key illustration of why this bill is crucial to improving environmental protection. The federal authority is not infallible in its environmental decision making as decisions such as the Olympic Dam and many other instances demonstrate. The present intention was prompted by very persuasive but dangerously under-informed lobbying by the Business Council of Australia which persuaded the Prime Minister that (averred) flagging productivity was attributable to the bureaucratic restrictions placed upon business ventures by the albeit flimsy environmental protection that presently exists. While the states would have welcomed the changes, the mooted move attracted the attention of networks and individuals across the nation, whose advocacy succeeded in educating the Prime Minister and her cabinet of the much more reasoned and researched alternative point of view. Successive federal governments cannot be guaranteed to be equally willing to heed such viewpoints, and nor can Opposition and minor party representation be assured to alert the community to such proposals or to support the community voice for the environment. Our biodiversity – at this crucial time for the nation and planet, given predicted climate change impacts and the real prospect of total environmental collapse in a highly populated world – requires far greater certainty of protection and less exposure to risk than the recent situation demonstrates it has. It is imperative that Australia further seal the protection of our flora, fauna, ecosystems and landscape features by strengthening rather than weakening what effective legislation and authority we have in place.

Thank you for your attention to the outline of our concerns.

Yours sincerely,

Lois Levy.OAM