Committee Secretary
Senate Standing Committee on Environment and Communications Legislation
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Parliament House
Canberra ACT 2600

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Re: Inquiry into the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

The Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 (the Bill), amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to prevent the Commonwealth from handing responsibility for approving proposed actions that significantly impact matters protected under the EPBC Act to a state or territory.

The authors of this submission write in support of the Bill, having personally recently witnessed the pillaging on a massive scale of Australian resources by the super rich and foreign interests in Western Australia, Queensland, and New South Wales. It is evident that such exploitation pays no heed to the concomitant destruction of Australia's environment and biodiversity.

The Federal Government Vs state and territory governments as protector of the environment

The need for national solutions to environmental problems increases rather than decreases with the expansion of our knowledge of Australia's unique environment and biodiversity and realisation of the irreparable damage we have wrought since European settlement.

The Federal Government handing environmental assessment powers to the states and territories will make it more difficult to ensure state planning laws withstand heavy pressure from industry and developers. The recent statement by Pepe Clarke, CEO of the Nature Conservation Council of NSW, encapsulates the inevitable result of the Commonwealth abrogating its responsibility for environment protection and biodiversity conservation: "If the states had been left to their own devices over the last 30 years, the Franklin River would be dammed, the Great Barrier Reef would be dotted with oil rigs and cattle would be grazing in our alpine national parks."[i]

The only way we can keep in place important protections for Australia's iconic reefs, forests, wetlands and threatened wildlife is not only by retaining the existing national environmental protection measures, but also by further strengthening them. We share this opinion with Birdlife Australia CEO James O'Connor: "Our iconic wildlife and environment are under greater pressure than ever before. Our national environmental laws must be made stronger, not weaker, to protect Australia's unique natural heritage from the impacts of destructive development."[ii]

The protection and preservation of Australia's diverse and unique environments and biodiversity and the conservation of our biodiversity are matters of national significance, not matters for state or

territory partisan, parochial interests to determine. The situation in Victoria's highland Mountain Ash forests, where more than 75% of the forests in the known range of the endangered and uniquely Victorian Leadbeater's Possums are being clear felled for logs and pulpwood for the paper industry, clearly illustrates the folly of permitting a state to have jurisdiction over such matters.

Rivalry between the states will ultimate destroy vast swathes of Australia's environment and biodiversity.

Matters within the ambit of the EPBC Act should not be added to the many areas where Federal Parliament lacks the power to regulate comprehensively. It should be unlawful for the Federal Government to hand over any of its environmental responsibilities to the states or territories. To do so would demonstrate short-sightedness in the extreme as it would allow the states and territories to each embark on their own paths of unprecedented environmental destruction on a mega scale in the quest for short term profits for the wealthy minority and long term, even permanent, loss for Australia's environment and biodiversity. By their very nature, state and territory governments are overwhelmingly self-interested. They do not have the motivation or the necessary knowledge to impartially assess the national picture; nor do they have the expertise, interest or resources of the Federal Government. Placing major decision-making powers into inappropriate hands which may be influenced by short term, selfish considerations may well result in unprecedented environmental and biodiversity decimation on a scale far beyond that currently being seen in all Australian States. These powers must be vested in Federal Parliament to avoid such disasters. Further, ceding these powers to the states and territories will exacerbate the already vast imbalance in wealth amongst the jurisdictions and the Australian people. The corollary of this, as the jurisdictions with the largest reserves of exploitable minerals, coal seam gas or coal are perceived to be benefitting from their exploitation, will be a mad scramble by other jurisdictions not to be left behind. This inevitably will lead to dubious and undemocratic decision making processes, for example, Western Australian Department of State Development's strategic assessment for the proposed LNG processing facility at James Price Point which allows companies to submit development plans as "derived proposals" - or future proposals - which do not require further environmental approval.

Australia has already lost much of its biodiversity. Disastrous environmental decisions can, and are, being made even at the Federal level; for example, the recent decision by the Federal Environment Minister to permit massive coal port developments at Port Abbot threatening the nationally important Caley Valley Wetlands at Abbot Point and the Great Barrier Reef. Nevertheless, such decisions which threaten our natural environment and biodiversity are less likely to be made if the decision-making power resides with the Federal Parliament whose members represent a far larger number of voters across all jurisdictions and are therefore far more likely to make wise, fair, considered and equitable decisions than those made by the representatives of individual State or Territory jurisdictions.

The Australian media is overly controlled and influenced by the wealthy mining lobby and often foreign, mega, pro-mining business interests – to the extent that many voters are either ill-informed or misinformed. Where an extreme political backlash against a government occurs in a state election, as in Queensland in 2012, the resulting state government can be biased, strongly partisan, pro mining and pro destructive-development. While this can also occur under the current legislation,

it is somewhat less likely that the bias will be as pronounced and the backlash to an unpopular Federal decision will be nation-wide. Therefore fairer more representative decisions are more likely to result. This view is supported by polling conducted by Lonergan Research and released in October 2012[iii] which indicates that an overwhelming majority of Australians oppose the proposal to hand federal environmental powers to the states. The poll found that 85 per cent of Australians believe the Federal Government should be able to block or make changes to major developments that could damage the [Australian] environment.

The submission authors therefore believe that the Committee should recommend that the Bill be supported.

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[i] http://ymlp.com/zChFDg

[ii] http://m.wwf.org.au/?5641/10000-ask-Prime-Minister-to-dump-controversial-reforms-to-environmental-laws

[iii] http://www.wwf.org.au/?5140/Poll-environment-laws