

Submitter:

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Dear Senators,

Our group request that Senator Waters' Bill for the Commonwealth to retain its powers with respect to the EPBC Act 1999 be endorsed.

**Introduction:**

The responsibility for the conservation of lands has traditionally been held by the State Governments. States that are politically conservative with a strong pioneering frontier ethos, have historically undervalued their natural resources in the name of economic, and agrarian progress.

State governments, particularly if possessing a slender political majority, are extremely sensitive to local demands by groups that wish to exploit natural resources. These groups promise jobs and wealth to the local population by means that can be at the expense of valuable environmental values.

We feel any transfer of powers to State Governments would not be beneficial to the preservation of biodiversity and threatened species in Australia.

**History:**

Prior to the EPBC Act, the Federal Government had to resort to varying stratagems to protect national treasures.

There are several examples of the Federal Government overruling State Government wishes in order to preserve areas of outstanding natural worth. The EPBC Act was introduced in 1999 to streamline Federal Actions to benefit the environment. Prior to that, the Federal Government had recourse to a number of legal expedients to wrest control from the states when certain assets were threatened.

**Great Barrier Reef Marine Park:**

If we go back as far as 1967, the Bjelke-Petersen Government in Queensland had been leasing areas of the Great Barrier Reef for mineral and oil exploration.

Liberal Prime Ministers such as Holt and Gorton were sympathetic to appeals to save the reef but unfortunately, Holt died and Gorton felt the issue was too politically sensitive. It took a presentation by Sir Percy Spender and a Royal Commission to conclude that Queensland had no claim to Reef waters. Legislation to declare Commonwealth sovereignty over the seas and submerged lands was introduced into Parliament in May 1973 by the Whitlam Government. A ban on oil exploration on the reef occurred, which was a result of the Commonwealth taking over responsibility for waters and islands below the low water mark.. Had the EPBC Act been in place at that time, the process would have been expedited much more cleanly and quickly.

### **Fraser Island:**

In 1976, to effectively stop sand mining on Fraser Island, Prime Minister Fraser had to cancel the export licences of the sand miners. If the EPBC Act had been in existence, such a back door solution may not have been necessary.

“In 1976, following the Fraser Island Environmental Inquiry, the Commonwealth government recognised the environmental significance of Fraser Island when it nominated it as the first item to be listed on the Register of the National Estate. Environment Minister Kevin Newman announced that he believed the Commonwealth government would give consideration to World Heritage listing for Fraser Island. The Queensland government has consistently opposed giving the area any international recognition, fearing that such recognition may inhibit its plans for future exploitation.” (“Fraser Island and Cooloola” John Sinclair, 1990.)

Despite this, logging continued until 1991 when the Fraser Island Fitzgerald Inquiry recommended that logging cease.

### **Franklin River:**

Consider the struggle to prevent the damming of the Franklin River in Tasmania. The Hawke Labor Government was forced to conduct a legal battle with the Tasmanian Government to prevent the damming of the Franklin River, which would have impacted on a World Heritage Area. (World Heritage Properties Conservation Act in 1983 Commonwealth vs Tasmania July 1983). Not only were natural values threatened but ancient aboriginal relics. Fortunately, the Federal Government won the court case.

### **Wet Tropics World Heritage Area:**

Another confrontation between the Queensland Government and the Federal Government was the battle to save the Wet Tropics. Despite Premier Bjelke-Petersens’ declaration regarding the value of the rainforest, a road was bulldozed through the Daintree Forest with no environmental assessment. The road was opened in 1984 and several vehicles using it got bogged!

Logging of the forests also continued.

June 5, 1987, Prime Minister Bob Hawke announced that the Federal Government would apply for World Heritage listing. When the Hawke Government was re-elected it proceeded to honour this promise. Environment Minister Graham Richardson bore the brunt of unpleasant conflict with forestry workers in Ravenshoe and other northern centres.

In January 1988, under the World Heritage Properties Conservation Act, logging in the proposed World Heritage Area was banned. Inflammatory statements by the State Government condoning violence were released. Queensland lobbied the International Union for the Conservation of Nature against granting World Heritage status. The Federal Government and the State Government were turning to overseas authorities to conserve Australia’s own wet tropics forests!

Once again if the EPBC had existed at that time, protection could have been granted whilst World Heritage listing was pursued.

## **Application of EPBC Act.**

### **Nathan Dam:**

Also in Queensland, the construction of the Nathan Dam was, suspended after some to-ing and fro-ing regarding what the responsibilities of the Federal Minister for the Environment were. It was ruled under the EPBC Act that the dam EIS would need to consider the downstream impacts on the Great Barrier Reef. The current Queensland government feels confident that the environmental conditions will be able to be met and the dam will proceed. But the EPBC Act should ultimately decide if that is the case.

### **Traveston Crossing Dam:**

Very fresh in our minds was the campaign against the Traveston Crossing Dam. The Queensland Labor Government of Anna Bligh planned a dam on the Mary River to help relieve the effects of the drought on Brisbane. The Mary River is the home to nationally threatened iconic species including the lungfish, Mary River turtle and the Mary River cod. Despite great community opposition, all recommendations by the Queensland Government, including the auditor general were in favour of the dam. It required the invocation of the EPBC Act by Environment Minister Peter Garrett to put a halt to this threat to nationally endangered species.

### **Koala:**

Lastly the koala has recently been declared vulnerable over much of its range under the EPBC Act. The risks to koala populations have been recognised for decades, yet the individual state governments have been unable to prevent it sliding further towards extinction. Let us hope that the EPBC Act remains in place to help defend the survival of this harmless Australian mammal.

## **Conclusion:**

The conclusion is that the EPBC was formulated for sound reasons.

These reasons still apply today.

In particular, Queensland residents who value the environment have benefited mightily from Federal intervention to conserve natural assets. In addition, the very people who opposed conservation actions now profit greatly via tourism.

The EPBC Act 1999 facilitates the intervention with regard to items of national interest.

We feel it would be a backward step to weaken Federal Administration of the EPBC Act.

January 17, 2013.