

Dissenting Report

Australian Greens

1.1 The Australian Greens do not support the passage of Environment Legislation Amendment Bill 2013 in its current form.

1.2 This bill will remove the community's right to take the Government to court if the Environment Minister failed to consider expert advice on threatened species impacts in any project approved before 31 December 2013.

1.3 Australia is in a biodiversity crisis – we have the worst mammal extinction rate in the world having lost 18 mammal species to extinction since European colonisation, and 20% of our remaining mammal species are threatened with extinction.

1.4 This is not the time to allow the Environment Minister to ignore key expert advice when approving major mines and other environmentally destructive developments.

1.5 The Department has assured the Committee that this amendment is only to clean up an administrative problem that arose when the Minister failed to consider expert advice when approving Shree Minerals mine in Tasmania's precious Tarkine rainforests. Despite this, the Greens believe this amendment sets a dangerous precedent of ignoring science and preventing transparency and accountability of huge Government decisions. It was not explained, for example, why the exemption was extended to the end of 2013 – meaning Minister Hunt's decisions to approve the world's biggest coal port in the Great Barrier Reef WHA, and a fourth LNG plant on Curtis Island, could be made without considering key expert advice about the species these projects will harm and would be exempt from this avenue of community court review.

1.6 This amendment is yet another retrograde step for the protection of Australia's environment by the Abbott Government. It demonstrates yet again this Government's eagerness to disregard science in its decision making.

1.7 The community and expert alarm about this dangerous precedent is clear. Submissions from luminary legal bodies like the Law Council of Australia and leading conservation groups like the Australian Conservation Foundation and WWF-Australia expressed deep concern about the retrospective nature of these amendments, and the poor signal they send to the community about the need to comply with laws and to have evidence-based decision making.

1.8 The Australian Greens will move an amendment in the Senate to delete this Schedule 1, to stop the Abbott Government from further weakening our national threatened species protection and from setting a dangerous precedent allowing science to be ignored in decision making.

1.9 The bill also proposes to increase penalties for illegal hunting of turtles and dugongs. While the Greens support proposals that increase protection of our threatened species, we share the concern of many experts that:

- There has been very little consultation with Indigenous communities who currently invest considerable effort in sustainable management of these species, on whether this is the best approach to deal with the anecdotal issues of illegal hunting. This Government purports to be committed to working better with our Indigenous communities but it would appear they fell well short on this occasion.
- There have never been any prosecutions under our national environment laws for illegal hunting of dugongs and turtles, so it's not clear how increasing the penalty will deliver anything on the ground for these species – particularly when the very Departments responsible for enforcing these laws are so under resourced, making significant law enforcement activities in remote northern Australia seem rather implausible. Increased poaching penalties on paper will be meaningless if staff cuts continue at the Departments that would enforce such penalties, as is expected under the Abbott Government's Commission of Audit razor gang.
- If the Government was serious about protecting turtles and dugongs it would stop letting the mining industry dump dredge spoil into the Great Barrier Reef, where it can smother feeding and breeding grounds.
- If penalties are to be increased, they should be increased for harming all threatened species, rather than selecting such a limited number.

1.10 The Greens are extremely concerned that this bill is a sneaky attempt by the Abbott Government to distract attention from their approval of multiple industrial developments in the Great Barrier Reef World Heritage Area in the few months since they took office. Within three months of taking office, this Government approved the building of the world's biggest coal port within the Great Barrier Reef World Heritage Area. This project will involve dumping of five million tonnes of port sludge offshore in the Great Barrier Reef's waters, where it will drift for untold kilometres, smothering sea grass and corals – the habitat of turtles, dugongs and countless other species who call the Reef home.

1.11 In late 2013 the Abbott Government also approved yet another LNG plant to be built on Curtis Island in Gladstone Harbour within the World Heritage Area, and they've indicated support for a second shipping channel in Gladstone, involving huge dredging of the sea bottom of the Harbour, further increasing pressure on this important inshore Reef ecosystem.

1.12 The Greens take the concerns of the Queensland community, our fishers, tourism operators and reef scientists and the UN World Heritage Committee seriously. We are proposing an amendment to this bill, to ban offshore dumping of port dredging sludge within the Great Barrier Reef's waters.

1.13 Natural (pre-colonial) sediment run-off from the Reef's river catchments into the Reef is estimated at 3 million tonnes per year. On top of that, the Reef is now subject to significant increased sediment run-off due to agriculture of approximately 6 million tonnes per year – which the Reef Rescue program is making very positive steps to combat. In light of this, allowing a further five million tonnes of sediment to

be dumped offshore directly into the Reef's waters, for just one of many planned port developments, completely undermines the efforts of farmers and communities to date to protect the Reef, and makes a mockery of any stated commitments to protecting turtles and dugongs.

1.14 It's the Great Barrier Reef, it's World Heritage, and it's at risk. We have to step up to protect the Reef for the generations to come. It's time to stop dumping on the Reef.

1.15 Lastly, the Greens share the community's significant concerns about the Abbott Government's plans to hand their national responsibilities for protecting our Reef to the Newman Government. This is a truly unfathomable step given the huge threats currently faced by the Reef – climate change, crown-of-thorns, industrialisation of the coast backed to the hilt by the state government. This is not the time for our national government to abandon their responsibilities for looking after the Reef.

1.16 Yet across Australia the Abbott Government is set to handover federal responsibility for approving or rejecting major development proposals to state governments. Handing off national protection for nationally significant environmental icons destroys 30 years of reform whereby the federal government acted in the national interest to protect our environmental assets of international significance. The Greens strongly oppose this gutting of national protection for our wild places and species. We will move amendments to this bill to stop this handover. We commend the Australian Labor Party for changing its earlier position and now supporting the Greens' amendment in the House of Representatives, and look forward to their continued support on this matter in the Senate. Further, we call on all parties to recognise the unique and critical role our national government has in protecting Australia's most precious species and places.

1.17 We call on all parties to support our amendment which will ensure that final decision for whether the most environmentally destructive projects in Australia should go ahead must stay with our national environment minister.

1.18 Now is not the time to weaken our federal environmental laws. The Greens will continue to champion protection for our precious places and species, especially our one and only Great Barrier Reef.

Senator Larissa Waters

