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## **SUBMISSION IN RESPONSE TO THE SENATE INQUIRY ON THE ABBOT GOVERNMENT'S PERFORMANCE ON THE ENVIRONMENT**

Dear Sir/Madam,

We welcome the Senate inquiry into the Abbott Government's performance on the environment. We have been deeply dismayed at the Abbott Government's unprecedented attacks on the environment since coming to office, and welcome the opportunity to make a submission to this inquiry.

### **AUSTRALIA'S ENVIRONMENT**

#### **A National Treasure**

From our rugged coastline, to our lush forests and vibrant red centre, Australia's natural landscape is undoubtedly a national treasure. Millions of tourists travel to our shores each year to walk amongst our ancient rainforests, snorkel on our world famous reef and gaze on ancient landscapes.<sup>1</sup>

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<sup>1</sup> The Australia Bureau of Statistics reports that there were 6.6 million visitor arrivals for year ending June 2014, an increase of 7.9 per cent relative to the previous year ([www.tourism.australia.com/statistics/arrivals.aspx](http://www.tourism.australia.com/statistics/arrivals.aspx)). Leisure travel continues to

Australia is home to a unique range of native animals, many of which are found nowhere else in the world. About 85% of the continent's flowering plants, 84% of mammals, more than 45% of birds and 89% of inshore, temperate-zone fish are only found in Australia.<sup>2</sup>

### **Integral to our Wellbeing**

More importantly, our natural places are living and breathing ecosystems that provide essential services for life. From the air we breathe, to the water we drink, our natural places and ecosystems are essential to our continued way of life.

The 2011 State of the Environment Report recognised that 'Australians cannot afford to see themselves as separate from the environment'.<sup>3</sup>

The report highlights the essential role the environment plays in our survival and wellbeing in the following statement:

*"The Australian environment is precious. Our ecosystems, biodiversity and heritage are vulnerable to the choices we make. At the same time, we depend on them for our survival and wellbeing. Our ecosystems, and the biodiversity they support, provide services that are fundamental to human life, such as regulation of the atmosphere, maintenance of soil fertility, food production, filtration of water, and pest control. The major future drivers of change—climate change, population growth, economic development and associated consumption of natural resources, as well as the pressures that these drivers place on the environment—will need to be managed carefully if our society is to achieve a sustainable relationship with the Australian environment".<sup>4</sup>*

### **RECENT ATTACKS ON THE ENVIRONMENT**

Since coming to office in 2013, the coalition government has launched an unprecedented attack on the environment and the important laws and regulations that protect it. Under the guise of "streamlining, deregulation, and cutting red tape" the Abbott government has moved swiftly ahead with weakening or removing important environmental regulation.

Business and industry have pushed hard for key reforms that will see important Commonwealth oversight on Matters of National Environmental Significance removed, and have been behind decisions to strip important and much needed funding to public interest environmental law services.<sup>5</sup> The profit driven agenda of those with vested interests threatens the important natural assets, and is not in the public interest.

These attacks come at a time when Australia is facing enormous environmental challenges. The 2011 State of the Environment report found that:

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comprise the largest share of tourism in Australia, making up 77per cent of total visitors and 68per cent of total expenditure (or \$68.3 billion) in the year ending March 2014 ([www.tra.gov.au/documents/State-of-the-industry/Tourism\\_Update\\_March\\_Qtr\\_2014\\_FINAL.pdf](http://www.tra.gov.au/documents/State-of-the-industry/Tourism_Update_March_Qtr_2014_FINAL.pdf))

<sup>2</sup> See [www.environment.gov.au/biodiversity/threatened/publications/threatened-species-and-ecological-communities-australia](http://www.environment.gov.au/biodiversity/threatened/publications/threatened-species-and-ecological-communities-australia)

<sup>3</sup> [www.environment.gov.au/science/soe/2011](http://www.environment.gov.au/science/soe/2011)

<sup>4</sup> Ibid.

<sup>5</sup> See, for example, [www.smh.com.au/nsw/miners-lobbied-premier-to-pull-plug-on-environmental-legal-centre-20130110-2ci8h.html](http://www.smh.com.au/nsw/miners-lobbied-premier-to-pull-plug-on-environmental-legal-centre-20130110-2ci8h.html) and [www.theaustralian.com.au/business/legal-affairs/miners-press-brandis-to-stop-funds-for-environmental-defender/story-e6frg97x-1226737031498](http://www.theaustralian.com.au/business/legal-affairs/miners-press-brandis-to-stop-funds-for-environmental-defender/story-e6frg97x-1226737031498)

- Australia's land environment is threatened by widespread pressures including invasive species, grazing and land clearing.
- Pressures of past human activities and recent droughts are affecting our inland water systems.
- The impact of urban air quality on health is still a matter of serious concern.
- Threats to our soil, including acidification, erosion and the loss of soil carbon, will increasingly affect Australia's agriculture unless carefully managed.
- Our unique biodiversity is in decline, and new approaches will be needed to prevent accelerating decline in many species.
- Our extraordinary and diverse natural and cultural heritage is threatened by natural and human processes, and a lack of public sector resourcing.<sup>6</sup>

Australia's environment laws provide important protection for our valued natural landscapes and resources. Our World Heritage sites should be celebrated as national treasures, not subject to delisting applications from our own Federal government. Organisations and programs that provide support to everyday Australians who want to be involved in actively managing and protecting their environment should be supported, not stripped of important funding.

This Senate Inquiry has been asked to look at four specific areas of the Abbott Government's performance on the environment. Our specific comments on each of these areas are outlined below.

#### **A. ATTACKS ON CARBON PRICING, THE CLEAN ENERGY FINANCE CORPORATION, THE AUSTRALIAN RENEWABLE ENERGY AGENCY AND THE RENEWABLE ENERGY TARGET, THE CLIMATE CHANGE AUTHORITY AND THE CLIMATE COMMISSION**

The State of the Climate Report 2014<sup>7</sup> states:

- Australia's climate has warmed by 0.9°C since 1910, and the frequency of extreme weather has changed, with more extreme heat and fewer cool extremes.
- Rainfall average across Australia has slightly increased since 1900, with the largest increases in the northwest since 1970.
- Rainfall has declined since 1970 in the southwest, dominated by reduced winter rainfall. Autumn and early winter rainfall has mostly been below average in the southeast since 1990.
- Extreme fire weather has increased, and the fire season has lengthened, across large parts of Australia since the 1970s.
- Global mean temperature has risen by 0.85°C from 1880 to 2012.
- The amount of heat stored in the global oceans has increased, and global mean sea level has risen by 225 mm from 1880 to 2012.
- Annual average global atmospheric carbon dioxide concentrations reached
- 395 parts per million (ppm) in 2013 and concentrations of the other major greenhouse gases are at their highest levels for at least 800 000 years.
- Australian temperatures are projected to continue to increase, with more extremely hot days and fewer extremely cool days.
- Average rainfall in southern Australia is projected to decrease, and heavy rainfall is projected to increase over most parts of Australia.
- Sea-level rise and ocean acidification are projected to continue.

This will have a range of economic, environmental and social impacts upon Australians including:

- Sea level rise and potentially greater storm surges which will impact on coastal settlements, infrastructure and ecosystems. For example, since the 1990s northern Australia has

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<sup>6</sup>2011 State of the Environment Report, Report Summary

<sup>7</sup> CSIRO (2014) <http://www.csiro.au/Outcomes/Climate/Understanding/State-of-the-Climate-2014.aspx>

experienced increases in sea level of up to 7.1 mm per year as the rate of sea level rise increases.

- Impacts upon iconic tourist sites, national parks and biodiversity icons. For example, the lowland parts of Kakadu are vulnerable to changed salinity as a result of sea level rise and saline intrusion into groundwater. Sea level around Kakadu will rise by at least 8 cm and by up to 30 cm by 2030. Salt water intrusion into the Kakadu wetlands has already resulted in the tidal range of creeks moving four kilometres inland in the East Alligator River catchment, and significantly increased the area of bare and saline mudflats, killing two-thirds of the *Melaleuca* forest.
- Fundamental changes in ecological function will place severe pressure on many species of both plants and animals.
- Increases in insurance premiums, disaster relief requirements and negative impacts on housing prices in vulnerable areas.
- More intense droughts and higher risk of intense fire events brought on by hotter drier climate in southern Australia.
- Increased health impacts as a result of longer and more intense heatwaves and extreme weather events, including increased potential for mosquito-borne diseases in northern Australia.
- Impacts upon vulnerable communities, including from food-borne disease and temperature-related illnesses.

### **Policy changes by the Abbott Government increase the likelihood that Australia will fail to meet its global commitments**

Yet when faced with the global challenge of climate change, the Abbott Government has responded by:

- Axing a price on carbon (referring to it as a 'carbon tax') and repealing the *Clean Energy Act* 2011,
- Attempting to remove or cutting the funding of the Clean Energy Finance Corporation, the Australian Renewable Energy Agency, the Climate Change Authority,
- Abolishing the Climate Commission,
- Attempting to reduce or repeal the Renewable Energy Target.

Recent analysis by Climate Action Tracker states that all governments will have to significantly increase their action on climate change – both before 2020 and after, reducing total global greenhouse gas emissions to zero between 2060 and 2080, to keep warming to 2°C<sup>8</sup>.

At the recent Bonn Climate Change Conference, both the US and China committed to taking action on climate change, with the US proposing a 30% cut in power emissions by 2030 and China committing to a cap on its total greenhouse gas emissions.

Australia is committed to an unconditional target of 5 per cent below 2000 levels by 2020, requiring a reduction in emissions by 131 Mt CO<sub>2</sub>-e in 2020. However, Australia's emissions continue to increase and are likely to increase further since the Abbott Government's removal of a price on carbon<sup>9</sup>.

In its 2014-15 Budget, the Abbott Government proposed cutting the majority of funding toward climate change programs designed to reduce Australia's greenhouse gas emissions, including axing the Australian Renewable Energy Authority. It reneged on its promise of funds to the Million Solar Roofs program and supporting the creation of 25 solar towns. In July it placed Bills before the Senate proposing to repeal the Carbon Tax, Climate Change Authority and the Clean Energy Finance

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<sup>8</sup> Climate Action Tracker (June 2014) <http://climateactiontracker.org/publications/briefing/155/Below-2C-or-1.5C-depends-on-rapid-action-from-both-Annex-I-and-non-Annex-I-countries.html>

<sup>9</sup><http://www.environment.gov.au/resource/australias-abatement-task-and-2013-emissions-projections>

Corporation. Fortunately, it was not successful in its attempts to remove the Climate Change Authority and Clean Energy Finance Corporation, which contribute vital work to ensure Australia meets its global commitments and supports a successful renewable energy sector. However, the Bills are indicative of a government with no clear intention to significantly reduce Australia's greenhouse gas emissions or support a clean energy future.

Australia currently has a legislated 41,000 gigawatt-hour (GWh) Renewable Energy Target in place. A detailed report by Bloomberg New Energy Finance<sup>10</sup> shows if left untouched, the Renewable Energy Target is expected to:

- a. Drive \$35 billion of investment in clean energy by 2020
- b. Employ 25,000 workers each year in construction and operations
- c. Reduce emissions from power generation by 5%
- d. Prevent future surges in power prices by supplying electricity for 20-25 years with no ongoing fuel costs

It has recently been reported that the Prime Minister intends to repeal or reduce<sup>11</sup> the Renewable Energy Target despite economic reporting finding that it causes no net increase in power for consumers beyond 2020<sup>12</sup> and reports from the Solar Council and others showing that repealing the RET would cut 15,000 to 20,000 jobs in the sector and stymie development by preventing investment.

### **Moves to remove the Renewable Energy Target**

Based on independent modelling by Jacobs, a recent report<sup>13</sup> by the Climate Institute, Australian Conservation Foundation and WWF-Australia finds that reduction of the large-scale renewable energy target as proposed by some power companies has the following impacts:

- \$8 billion additional profit to coal and \$2 billion to gas generators (net present value of future profits 2015-2030). This includes \$2 billion in extra profit for Energy Australia, \$1.5 billion for Origin and \$1 billion for AGL.
- No decline in electricity prices: in fact, they could increase slightly (an average \$30 increase to the annual household power bill, with most of this increase taking place after 2020). This is consistent with modelling commissioned by the Government and studies conducted independently by leading economic analysts.
- Additional carbon pollution of about 150 million tonnes to 2030 (equivalent to adding nearly 4 million cars to the road) with additional pollution costs of over \$14 billion.
- Loss of \$8 billion in investment in new renewable capacity, with New South Wales and South Australia each standing to lose over \$2 billion in foregone investment.

Instead of supporting cleaner renewable energy technologies through a Renewable Energy Target, the Abbott Government is instead investing more taxpayers money in fossil-fuel based industries and continues to support expensive tax incentives for the sector, despite its significant contribution to Australia's greenhouse gas pollution.

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<sup>10</sup> Australian Solar Council (June 2014) <http://solar.org.au/solar-progress/ret-and-rhetoric/>

<sup>11</sup> Clean Energy Council (2014) <http://www.cleanenergycouncil.org.au/media-centre/media-releases/august-2014/140821-real-20-percent.html>

<sup>12</sup> The Guardian (August 18, 2014) <http://www.theguardian.com/environment/southern-crossroads/2014/aug/18/renewable-energy-target-abolish-abbott-hunt-warburton>

<sup>13</sup> Climate Institute (August 2014) Who really benefits from reducing the Renewable Energy Target? <http://www.climateinstitute.org.au/www.climateinstitute.org.au/articles/media-releases/big-power-company-profits-the-real-outcome-of-any-changes-to-the-renewable-energy-target.html>

## **Tax incentives provided to fossil fuel-based industries**

Environment Victoria and Market Forces<sup>14</sup> have outlined the level of tax incentives fossil fuel industries receive.

The government subsidies essentially make fossil fuels cheaper than they would otherwise be, leading to a greater use of fossil fuels than would occur with a level playing field. Fossil fuel subsidies also encourage (and provide discounts to) the continued extraction of further fossil fuels. These subsidies therefore represent a significant barrier to action on climate change, both internationally and in Australia. According to Fatih Birol, Chief Economist at the International Energy Agency (IEA), eliminating these subsidies would provide half the carbon emissions savings required to keep climate change below 2 degrees.

In its World Energy Outlook 2012, the IEA called for the phase out of fossil fuel subsidies globally concluding that “in 2011, fossil-fuel consumption subsidies worldwide are estimated to have totalled \$523 billion, \$111 billion higher than in 2010. By comparison, financial support to renewable energy amounted to \$88 billion in 2011.”

An important next step for action on climate change is to stop paying companies to pollute. With debate around the future of the carbon price and the possible introduction of the Emissions Reduction Fund, the Federal Government has a great opportunity to plug a hole in the budget while simultaneously providing emissions reductions at zero cost to the government.

Highlighted below are three of the largest fossil fuel subsidies that should be targeted for removal in the 2014-15 Federal Budget. Cutting just these Big 3 subsidies would deliver budget savings of over \$10 billion over the next three years, while cutting other smaller federal subsidies could deliver a further \$1 billion annually. Other fossil fuel subsidies also exist at the state level.

### 1. Paying the fuel bill for big mining companies – around \$2 billion a year

The average Australian pays 38 cents of tax per litre of fuel. But big mining companies operating in Australia pay just 6c a litre. Instead of paying their fair share, they get a massive tax refund costing the Australian taxpayer around \$2 billion a year.

### 2. Subsidising cheaper fuel for airlines – \$5 billion over four years

Australian taxpayers are funding cheap fuel for big airline companies like Qantas and Virgin. If these companies paid their own way it would literally save us billions, and the airlines would have more incentive to be more fuel efficient, meaning less pollution.

### 3. Special tax treatment for big oil, coal and gas projects – more than \$2 billion over the next four years

The coal, oil and gas sectors get special treatment under Australia's tax system allowing them to depreciate their assets like drilling rigs and pipelines over a much shorter period than they are actually in use. Detailed analysis by the Australian Conservation Foundation found that this legal tax dodge for big oil, gas and coal projects is costing the rest of us billions, and it's growing. Thanks to the Paid to Pollute campaign, the Federal Government reduced this loophole at the budget in May 2013, saving Australian taxpayers \$1.1 billion over the next four years, but there is still another \$1 billion being lost to big polluters.

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<sup>14</sup> Environment Victoria & Market Forces (2014) An analysis of Australian Government tax measures that encourage fossil fuel use and more pollution  
[http://environmentvictoria.org.au/newsite/sites/default/files/useruploads/EV%20&%20MF\\_Fossil%20fuel%20subsidies%20in%202014\\_FINAL.pdf](http://environmentvictoria.org.au/newsite/sites/default/files/useruploads/EV%20&%20MF_Fossil%20fuel%20subsidies%20in%202014_FINAL.pdf)

The Abbott Government's backward steps on climate action is alarming, especially given that the 2011 State of the Environment report was decisive about the fact that:

*"Earth is warming, and it is likely that we are already seeing the effects of climate change in Australia. As the driest inhabitable continent, Australia is particularly vulnerable to climate change".*

*... "Early action by Australia to reduce emissions and to deploy targeted adaptation strategies will be less costly than delayed action".<sup>15</sup>*

Climate change is a significant local and global issue, and Australia must show strong leadership and clear action to reduce carbon emissions and transition to a renewable energy future.

## **B. ATTACKS ON FEDERAL ENVIRONMENTAL PROTECTION THROUGH HANDING APPROVAL POWERS OVER TO STATE GOVERNMENTS, WHICH HAVE POOR TRACK RECORDS AND RECENT ENVIRONMENT STAFF CUTS**

The recent proposal to hand Federal environment powers to the States and Territories was presented by the Business Council of Australia to the Council of Australian Governments at its inaugural Business Advisory Forum meeting in April 2012.

The Business Council of Australia identified a number of priority areas for competition and regulatory reform including streamlining environmental assessments and approvals, and improving the efficiency of major project development approvals.

While we recognise the potential need for regulatory reform, and improved efficiency and effectiveness for Australian businesses, we do not think this should come at the expense of the environment and proper and effective management of our country's natural resources. We also note that those pushing for deregulation of major project development and approval processes, have the potential to profit from major project approvals and therefore have a vested interest in the 'green tape' agenda.

We are concerned that "streamlining" the regulatory framework will significantly weaken fundamental environmental assessment and approval processes.

The efficacy of approval processes should not be judged solely on their ability to fast-track assessment processing timeframes. More important is the ability for a planning system to produce ecologically sustainable outcomes. Often, the cost of business fails to recognise the costs to communities if laws that protect their health and local ecosystems are lost. Fast approvals that deliver poor quality, high risk or unsustainable development are not in the public interest.<sup>16</sup>

We are concerned that the Government continues to pursue the 'green tape' agenda despite the recent finding of the Senate Standing Committee on Environment and Communications that federal-state duplication is minimal, and further findings that environmental standards would be put at risk if federal approval powers were delegated.<sup>17</sup>

Our organisations have made numerous submissions in the past eighteen months on the importance of the Federal government retaining important Federal oversight with respect to Matters of National Environmental Significance.

Our key concerns are highlighted below:

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<sup>15</sup> 2011 State of the Environment Report, Report Summary

<sup>16</sup> See Nature Conservation Council of NSW, Total Environment Centre and EDO NSW *Our Environment, Our Communities – Integrating environmental outcomes and community engagement in the NSW planning system* (May 2012), available at <http://nccnsw.org.au/planningreport#attachments>

<sup>17</sup> Senate Environment and Communications Committee, Report on the *EPBC Amendment (Retaining Federal Powers) Bill 2013*.

- **Only the Federal government is suited to make environmental decisions in the national interest**

There needs to be national leadership on national environmental issues. Our rivers, critical ecosystems and endangered species do not adhere to state borders. Only the Federal Government can properly consider national or cross-border issues and make decisions in the national interest. This is why the EPBC Act focuses on Matters of National Environmental Significance – they are matters that by their nature should be considered and protected at the national level by the national government.

History has shown that federal oversight on Matters of National Environmental Significance provides critical protection for Australia's lands, water and threatened wildlife. Ill-conceived development proposals, supported by state governments, have threatened Australia's natural heritage several times in the past, prompting the federal government to step in to prevent irreversible harm. Without federal intervention, the Franklin River would be dammed, there would be oil rigs on the Great Barrier Reef and pristine Shoalwater Bay would be home to a large coal port.

- **There is a significant conflict of interest when states are proponents or have vested interests in the outcomes of projects**

In many instances, development projects that trigger the EPBC Act are projects where the state government is either the proponent, a major beneficiary, or has shown political interest in the project proceeding. This results in a direct conflict of interest when the state also acts in the role of approval authority.

Recent evidence shows that conflicting interests can result in state and territory governments undermining essential environmental protection for short-term economic and political gain. Examples include the Queensland Government's inadequate environmental assessment of the Alpha coal mine project that would harm the Great Barrier Reef and the NSW Government's approval of trial cattle grazing in national parks.

- **National environmental law enables Australia to meet its international environmental obligations**

The Commonwealth, not the states, is signatory to and responsible for upholding Australia's obligations to a number of international agreements for the protection of environmental assets, including Matters of National Environmental Significance under the EPBC Act.<sup>18</sup>

There is strong concern that states do not have adequate approval and assessment processes in place to meet Australia's international obligations at a national level.

If the Commonwealth devolves its obligations under international law it will be up to the states to ensure that development activities comply with Australia's international obligations – a task that they are unlikely to be willing or able to do. The Commonwealth holds primary responsibility for ensuring these international obligations are met, and it is in the best position to

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<sup>18</sup> The Commonwealth is responsible for ensuring Australia meet its obligations under conventions and agreements such as:

- The Convention on Biological Diversity
- The Convention for the Protection of World Cultural and Natural Heritage
- The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar)
- The Convention on the Conservation of Migratory Species of Wild Animals
- The China-Australia Migratory Bird Agreement (CAMBA) and
- The Japan- Australia Migratory Bird Agreement (JAMBA)



do so.

- **States have a poor record of establishing and administering environmental laws**

The 'one-stop' shop approach fails to address concerns that state legislation does not meet the standards necessary to effectively protect Matters of National Environmental Significance.

In a number of states and territories environmental impact assessment is currently weak and inadequate, and the states alone cannot be relied upon for protection of environmentally sensitive assets in the national interest.

For example, the Australian Network of Environment Defender's Office conducted a thorough assessment of threatened species laws and planning legislation in each jurisdiction and it found that no state or territory planning laws met best-practice standards for environmental assessment.<sup>19</sup>

- **A patchwork of standards provides less, not more certainty**

It has been claimed that transferring federal approval powers to the states will remove unnecessary duplication that is causing high costs to business in Australia. The claimed duplication is a fallacy. An assessment by Economists at Large found numerous flaws in the methodology used by the Business Council of Australia to estimate costs.<sup>20</sup>

Further, the Senate Environment and Communications Committee found that federal-state duplication is minimal, and that environmental standards would be put at risk if federal approval powers were delegated.<sup>21</sup>

There is no evidence suggesting that the transfer of federal approval powers to the states and territories is the most efficient way to transform the system of environment assessment and approvals. In reality the Commonwealth and the states have distinct interests in particular outcomes. It is beneficial, particularly for environmental approval processes, to have multiple, independent arbitrators. Devolving approval powers to states and territories would leave Australia with a patchwork of inconsistent and ineffective environmental protections that would lead to more, not less uncertainty for business.

- **Protection of environmental assets requires a system of checks and balances**

The EPBC Act delivers important environmental safeguards by placing checks and balances on the exercise of state power. The ability to hand over that power solely to states should be removed from our national environmental law.

History has shown that when the Federal Government exempts the states or gives them powers under the EPBC Act, environmental protection will be undermined and the Federal Government struggles to retain an oversight role. There is no evidence the Federal Government could effectively monitor and oversee the operation of bilaterals, including at the referral stage. Experience with Regional Forests Agreements indicates that non-compliance or ineffective implementation will not lead to any significant response from the Commonwealth.

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<sup>19</sup> *An assessment of the adequacy of threatened species and planning laws in all jurisdictions in Australia*, December 2012, Australian Network of Environment Defender's Offices Inc. (ANEDO). [www.edo.org.au/edonsw/site/policy\\_discussion.php](http://www.edo.org.au/edonsw/site/policy_discussion.php),

<sup>20</sup> *A response to the Business Council of Australia's Discussion Paper for the COAG Business Advisory Forum*, 2012, Economists at Large, Melbourne, Australia.

<sup>21</sup> Senate Environment and Communications Committee, Report on the *EPBC Amendment (Retaining Federal Powers) Bill 2013*.

- **There must be proportionate assessment of impacts**

It is a basic tenet of planning and development assessment that the level of scrutiny should be proportionate to the impacts of a project. That is, high impact development should be subject to the most rigorous assessment.

Major projects, by their nature, require the highest level of assessment. Conversely, Matters of National Environmental Significance require the highest level of protection. The regulation surrounding major project assessment and Matters of National Environmental Significance is an important and necessary part of our environment and planning framework.

**C. ATTACKS ON FUNDING FOR COMMUNITY ENVIRONMENT ORGANISATIONS AND THE ENVIRONMENTAL DEFENDERS OFFICES, ABOLITION OF THE BIODIVERSITY FUND, AND CUTS TO PROGRAMS INCLUDING, LANDCARE AND CARING FOR OUR COUNTRY**

The Abbott Government has proposed and implemented significant funding cuts to non-profit environment organisations and Environmental Defenders' Offices, and programs including Landcare and Caring For Our Country. These cuts will have widespread implications for the communities' ability to participate in important on the ground environmental programs and engage in environmental decision making processes.

**Community environment organisations**

The 2011 State of the Environment report recognised that "National leadership and commitment, together with the cooperation and coordination of all governments and stakeholders, *including the Australian community*, are important foundations for the future of Australia's environment and heritage" (emphasis added).<sup>22</sup>

Non-profit, non-government environment organisations play an important part in democratic society and make significant contributions to the protection and conservation of Australia's environment. For example, environmental NGOs can:

- Provide input into agenda-setting and policy development processes, including local, on-ground perspectives and case studies
- Support long term policy development, unlike Government's who operate within short term election cycles.
- Collate and disseminate information to supporters and the broader community.
- Keep Government accountable, including by monitoring the Government's performance and calling them to account.
- Undertake on-ground activities to restore and conserve natural landscapes.
- Advocate for the public interest and environmental justice.

In the most recent Federal Budget, the Government announced cuts of \$1.3 million to voluntary Environment, Sustainability and Heritage Organisations, significantly reducing the allocation of funds to a large section of NGOs.<sup>23</sup> These organisations rely on Government funding to cover much of their

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<sup>22</sup> [www.environment.gov.au/science/soe/2011](http://www.environment.gov.au/science/soe/2011)

<sup>23</sup> Budget Paper 2: Expense Measures; Environment, 2014, [http://www.budget.gov.au/2014-15/content/bp2/html/bp2\\_expense-11.htm](http://www.budget.gov.au/2014-15/content/bp2/html/bp2_expense-11.htm), viewed 18/08/14.

core administrative costs, and reduced funding will have a significant impact on their ability to continue out their work.

### **The Australian Network of Environmental Defenders Offices**

The Australian Network of Environmental Defenders Offices (ANEDO) has provided important public interest environment law services for over 25 years, when the NSW office was first established. ANEDO plays an important role in providing legal advice to the community on public interest environment matters, and representing third parties in court proceedings. The ANEDO offices are made up of lawyers, scientists and other professionals and support staff, who provide professional, expert and independent legal advice to individuals and community groups within clear public interest guidelines.

ANEDO's work has helped protect of coastal areas, private land, rivers and catchments, Aboriginal culture and land, and native flora and fauna, signifying the broad extent to which the organisation affects local people and communities.<sup>24</sup>

Recent attacks on the ANEDO are unfounded. Without ANEDO's legal services many Australians could not afford to get legal advice or mount a legitimate legal challenge against large companies or governments over major development projects which threaten their local communities and environment.<sup>25</sup>

### **Other policy implications for environment organisations, environmental justice and the public interest**

In addition to direct funding cuts to environmental organisations there have been a number of other policy decision that have implications for the capacity of these organisation to undertake their core work. For example:

- Cuts to Legal Aid

In NSW, as of 1 July 2013, Legal Aid support won't be available for environmental cases that are found to be in the public interest, including major forestry, mining or pollution breaches.

The NSW government's decision to end legal aid for major environmental cases undermines a pillar of environmental justice in NSW. Environmental laws in NSW contain important provisions that allow citizens to take legal action to enforce the law or remedy bad or illegal decisions. Removing legal aid for major environmental cases effectively denies communities and ordinary people access to the courts. Despite claims that third parties run vexatious litigation, only 1 per cent of merits cases in the NSW Land and Environment Court in 2011-2012 where commenced by third parties.<sup>26</sup>

Given the high cost of legal action and the deep pockets of the developers and mining companies, community groups and individuals need financial support to exercise their rights and ensure environmental justice is done. A recent report released by Community Law Australia noted the cost of legal services in Australia is unaffordable, severely inhibiting access to justice.<sup>27</sup>

- Proposed removal of charity status

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<sup>24</sup> 'Past Cases', EDONSW website, 2013, [http://www.edonsw.org.au/past\\_cases](http://www.edonsw.org.au/past_cases) viewed 18/08/14.

<sup>25</sup> See, for example, [www.edonsw.org.au/usual\\_suspects\\_line\\_up\\_for\\_new\\_attacks\\_on\\_edo\\_nsw](http://www.edonsw.org.au/usual_suspects_line_up_for_new_attacks_on_edo_nsw), <http://edo.org.au/> and [www.theaustralian.com.au/business/legal-affairs/taxpayers-still-fund-anti-coal-disputes/story-e6frg97x-1226750768457](http://www.theaustralian.com.au/business/legal-affairs/taxpayers-still-fund-anti-coal-disputes/story-e6frg97x-1226750768457)

<sup>26</sup> See [www.planning.nsw.gov.au/performance-monitoring](http://www.planning.nsw.gov.au/performance-monitoring)

<sup>27</sup> Community Law Australia, *Unaffordable and Out of Reach: The Problem of Access to the Australian Legal System*, July 2012

There have also been recent calls to have the tax deductible charity status of some environment organisations removed. In Tasmania, the Liberal party's federal council unanimously passed a motion to strip environmental charities of their tax deductibility for donations.<sup>28</sup>

- Anti-Protest Bill

In addition to a sweeping range of funding cuts that have inhibited the important work of environmental organisations, the Tasmanian Government is considering introducing new laws which would include significant fines and mandatory prison terms for participants in protests which 'hinder or obstruct' business activities. While the proposed laws are only being touted for Tasmania at this stage, there is concern that, if introduced they will establish an alarming precedent for other Governments. In our view the proposed laws are manifestly incompatible with the fundamental rights to freedom of expression, association and peaceful assembly enshrined in the International Covenant on Civil and Political Rights, to which Australia is a party.<sup>29</sup> The Bill in fact is very broad in scope and its effect if brought into law would be to stifle free speech and stifle the community, especially where there are community concerns regarding environmental impacts and effects.

### **Abolition of the Biodiversity Fund**

The Biodiversity Fund is a government fund allocated to projects across the country that aim to store carbon and enhance diversity of the Australian landscape. Projects improve the effectiveness of carbon storage, increase the resilience of Australian native species to the diverse effects of climate change, and aid landholders in their bid to protect their biodiversity and carbon values<sup>30</sup>. In the time period 2013-2016, the Government aims to redirect \$32.3million towards the Tasmanian Forests Agreement and other Government priorities. The Government also 'rephased' \$225.4million from this four year time period to 2017-2019, in the hopes that future carbon prices will decrease.<sup>31</sup>

Former Australian Conservation Foundation CEO, Don Henry, has expressed concern for the budget cuts to the Biodiversity Fund, in particular the threat it poses to the campaign for protecting the Australian natural landscape.<sup>32</sup> The prioritisation of promising carbon storage projects is of utmost importance in protecting the future of our natural environment, as it is a proven solution to the problem of high carbon emissions within our country.

### **Cuts to programs including Landcare and Caring For Our Country**

Previous to the Abbott Government's cuts, Landcare and Caring for our Country were two separate organisations with differing methods and goals. Landcare Australia Limited was an NGO with 4000 branches across the country plus another 2000 Coastcare branches. Because of the vast number of associated groups, Landcare was able to tackle issues ranging from the protection of waterways and coasts, restoration of ecosystems and habitats for native species and the care of our urban environments.<sup>33</sup> Caring for our Country is a government initiative developed in 2008 that takes a business styled approach to investment and focuses on natural resource management. The government has merged the two organisations together to form the National Landcare Program, and

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<sup>28</sup> See, for example, [www.abc.net.au/news/2014-06-29/andrew-nickolic-moves-to-strip-charity-status-from-some-environ/5557936?WT.ac=statenews\\_tas](http://www.abc.net.au/news/2014-06-29/andrew-nickolic-moves-to-strip-charity-status-from-some-environ/5557936?WT.ac=statenews_tas)

<sup>29</sup> See more at [www.ishr.ch/news/australia-drop-draconian-anti-protest-bill#sthash.eHtpqbiN.dpuf](http://www.ishr.ch/news/australia-drop-draconian-anti-protest-bill#sthash.eHtpqbiN.dpuf)

<sup>30</sup> 'Biodiversity Fund helps Australia's land managers store carbon and protect biodiversity', Landcare Australia website, [http://www.landcareonline.com.au/?page\\_id=8622](http://www.landcareonline.com.au/?page_id=8622), viewed 18/08/14.

<sup>31</sup> Environment: Budget Review 2013-2014, Parliament of Australia website, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/BudgetReview201314/environment#\\_ftn8](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201314/environment#_ftn8), viewed 18/08/14.

<sup>32</sup> 'Ups and downs in climate policy changes', Australian Conservation Foundation, July 2013, <http://www.acfonline.org.au/news-media/media-release/ups-and-downs-climate-policy-changes> viewed 18/08/14.

<sup>33</sup> 'About', Landcare website, [http://www.landcareonline.com.au/?page\\_id=2](http://www.landcareonline.com.au/?page_id=2), viewed 18/08/14.

in 2014 it instantly faced cuts of \$483 million over the next five years.<sup>34</sup> The significant funding cuts will have significant implications for on ground natural resource management and protection and conservation of natural landscapes.

The broad spectrum of attacks on environment organisations, and cuts to long-standing funding for the environment highlights the low priority that the environment has been given within the Abbott Government.

**D. Undermining Australia's compliance with the World Heritage Convention, the Convention on Biological Diversity, and the Ramsar Convention, in particular by attacking the Great Barrier Reef and the Tasmanian Wilderness World Heritage Areas**

Australia boasts nineteen World Heritage Areas. From the iconic Great Barrier Reef, to the lush Gondwana Rainforests, from historic early convict sites to the vibrant Kakadu National Park, our World Heritage Areas are proudly celebrated by Australians for their beauty and diversity.<sup>35</sup>

Whilst World Heritage Areas allow for tourism and enjoyment by society, their listing is primarily to ensure that effective and active measures are taken for the protection, conservation and presentation of cultural and natural heritage. It is essential that the Australian Government maintains an appropriate and effective level of care for our World Heritage Areas. In order to do this it must comply and take inspiration from the World Heritage Convention's guidelines, including acknowledging that both the cultural and natural heritage of the sites are increasingly threatened by natural and human-made forces of destruction.<sup>36</sup>

Recent action by the Abbott Government has been strongly criticised by the international community and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

For example:

- In 2013, UNESCO raised concerns about the level of development along the Queensland coast and its impact on the World Heritage site, including water quality and the loss of coral.<sup>37</sup> While UNESCO has deferred until next year a decision on whether to list the Great Barrier Reef as "in danger", it has been critical of the Federal Government's decision to approve the expansion of a coal terminal near the Great Barrier Reef off Queensland.<sup>38</sup>
- Earlier this year the Abbott Government sought to have 70,000 hectares of forest in Tasmania's World Heritage Area delisted. The area was part of 170,000 hectares added to the World Heritage Area last year. The application was swiftly rejected by UNESCO amidst strong international criticism.<sup>39</sup>

We also note the Abbott Government's wind back of Federal Marine Parks. In 2012 the federal Government established the world's largest network of marine parks in Australia's commonwealth waters. The process to establish the parks was initiated under the Howard Government in 1998 and

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<sup>34</sup> 'Federal Budget cuts undermine community environmental action and progress towards a clean energy economy', Nature Conservation Council website, May 2014, <http://www.nature.org.au/news/2014/05/federal-budget-cuts-undermine-environmental-action/>, viewed 18/08/14.

<sup>35</sup> See <http://whc.unesco.org/en/statesparties/AU/>

<sup>36</sup> 'Convention Concerning the Protection of the World Cultural and Natural Heritage', UNESCO website, <http://whc.unesco.org/en/conventiontext/>, viewed 18/08/14.

<sup>37</sup> See, for example, [www.abc.net.au/news/2013-06-18/unesco-postpones-decision-on-adding-great-barrier-reef/4763096](http://www.abc.net.au/news/2013-06-18/unesco-postpones-decision-on-adding-great-barrier-reef/4763096)

<sup>38</sup> See [www.abc.net.au/news/2014-06-18/unesco-defers-decision-on-great-barrier-reef-danger-status/5530828](http://www.abc.net.au/news/2014-06-18/unesco-defers-decision-on-great-barrier-reef-danger-status/5530828)

<sup>39</sup> ABC News online article, 'UNESCO rejects Coalition's bid to delist Tasmanian World Heritage forest', ABC website, 24 June 2014, <http://www.abc.net.au/news/2014-06-24/unesco-rejects-bid-to-delist-world-heritage-forest/5538946>, viewed 18/08/14.

was the end result of over 606 days of consultation and over 750,000 public and stakeholder submissions, 95% in support of the network. In December 2013 Prime Minister Abbott suspended the marine parks network and erased the management plans that were to come in to effect in July 1, 2014. This decision threatens our marine life and Australia's place as a world leader in marine conservation.

The Abbott Government's track record on protecting and conserving our World Heritage Areas has been deplorable, and the Government must be called to account.

### **The future of the Australian environment**

The issues highlighted by this inquiry demonstrate the significant failure of the Abbott Government to act in the public interest and implement strong policies that will protect and conserve the environment and our important natural resources, now, and for future generations.

Australia faces a broad range of environmental challenges including:

- loss and fragmentation of native vegetation, wildlife habitat and biodiversity,
- conversion and loss of prime agricultural land,
- degradation of rivers, wetlands and water catchments,
- urban sprawl, traffic congestion and urban air pollution, and
- carbon pollution and impacts of climate change.

Our generation is one of the first to face the stark reality of taking action to protect and conserve the environment now, or face long term environment, social and economic implications that will have significant impacts on our well-being and capacity to maintain our existing lifestyles.

We need our Federal government to show strong leadership on the environment, take pro-active action and make the hard decisions to implement robust environment laws that will protect and conserve the environment and our important natural resources, now, and for future generations. It must also support the important role of the community and environment organisations to participate important foundations for the future of Australia's environment and heritage.

Yours sincerely,

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