

To whom it may concern,

Thank you for taking the time to conduct this inquiry and to consider this submission.

This submission is in regards to the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012.

Keeping approval powers with the Federal Government, it is argued, is undeniably the right thing to do. Transferring environmental approval powers back to the states would be a giant step backwards for environmental protection, at a time when it is under more threat than ever.

First of all, and most importantly, there often is a clear conflict of interest as states get most of the 'royalties' from projects such as mining, forestry, etc. This means that an objective assessment is often impossible as states almost always choose short-term profit over the long-term impacts such projects can have on the environment. Moreover, State Government departments are often not independent and respond to Ministers who have an interest in raising revenue. A good example of such conflict of interest (amongst many others) is the flawed and deceitful approval process for Gunns' pulp mill at Bell Bay, in which the Tasmanian Government rushed new laws to allow for fast-tracking the approval, away from public scrutiny. In 1999, the now Prime Minister Julia Gillard herself spoke of the dangers of handing environmental powers to the States. (see appendix)

Over the years, intervention from the Federal Government saved what have become national icons: the Franklin River and Great Barrier Reef being just two examples. Time has proven that these have clearly been the right decisions. But such interventions are only possible if environmental powers stay firmly in the Federal government's hands.

Another problem with concentrating environmental powers with the states is the management of assets which transcend state boundaries. A case in point is the Murray River, which clearly needs to be managed at the Federal level in order to protect downstream water users from impacts upstream. Some places are not only important to Australia nationally, but also to the rest of the world. For example, Ramsar wetlands shelter birds that migrate back and forth between the northern and southern hemispheres. If a State Government decided to approve a project that damaged such wetlands, the consequences would literally reach the other side of the planet.

What we need are laws that take into account cumulative impacts. Assessing project on a case-by-case basis is insufficient as impacts can accumulate exponentially and reach tipping points. For example, the EPBC contains no requirement to properly assess the climate change impact of a project.

Concentrating environmental powers with the states would not necessarily save that much time and money. Due to a potential jumble of laws around the nation, uncertainty regarding project approval will rise. The risk of legal challenge will also increase if environmental organisations and the public feel due process has not been followed. These legal challenges will be costly both in terms of time and money due to the greater complexity and diversity of laws governing approval.

The argument that so-called 'greentape' is bad for business simply doesn't stand. Australia is in the midst of the biggest mining boom in its history, with billions of dollars in future investment. In contrast to this, environmental health is declining. At the risk of using an old cliché, you can't eat money! What is the point of being rich if all our farmland and water is gone or polluted? Australia's long term prosperity depends on a healthy environment.

If the genuine purpose of environmental laws is to effectively safeguard the environment in order to

secure our long-term prosperity, then the national debate should be over how to significantly strengthen the existing system, starting with keeping environmental power firmly in the Federal Government's hands and stronger, independent statutory bodies.

Thank you for your attention.

Jean Dind

Appendix:

**Ms GILLARD** (9:49 PM) —We have just heard another coalition speaker in this debate tell us what a landmark piece of legislation this is. If it is such a landmark piece of legislation, why the completely shameful haste in getting it through the Senate before 30 June and then returning it to this House and gagging the debate so quickly? Why wouldn't you put the bill out for consultation with the environment groups in its radically amended form and get some feedback? I will tell you what the answer to that is: despite all the claims of 'landmark', everybody participating in this debate knows this is about rolling back Commonwealth responsibility and rolling back environmental standards. If you put it out there in the community, if you give it to the environment groups, that is what they are going to tell you.

It is a very sensitive issue in my electorate, because we have Ramsar wetlands, we have the petrochemical industry making some of the most noxious and dangerous substances on earth—that is, if they are not properly dealt with—and we had the Kennett government proposal for a toxic dump in Werribee. 15,000 members of my electorate went out on a winter night—which was as cold as it can be in Canberra—to the Werribee racecourse to protest against that decision. Because I think it is very important to the final position that the Democrats have taken in this debate, let me take you to what the Democrats said to the 15,000 people who were at the Werribee racecourse protesting about the Werribee toxic dump when they were looking for votes in the run-up to the last federal election.

Did the Democrats come out to Werribee and say during that campaign, 'Once we are in parliament, we will do a dirty deal with the coalition to ensure that the Commonwealth government washes its hands of protecting Ramsar wetlands and hands the whole thing—the whole issue it cannot be bothered with—back to the states'? No, they did not come out to Werribee and say that; in fact, the Democrats came out to Werribee and said quite the opposite. Democrat Senator Lyn Allison said: The Howard government needs to get moving with the states on establishing national, enforceable guidelines for storing toxic waste.

Not content with that, she went on to give the following Democrat commitment to the people of my electorates: residents should have the right of veto against projects like the toxic dump via a residential ballot and activated by a petition of 1,000 or more. That was the commitment she made to the electors in Lalor. One notes that the Democrats are very big on petitions: big on having rules about them, but not so good on acting on them when they get them—otherwise they would be in the middle of a leadership ballot. They are pretty big on making promises to constituents when they are in the run-up to a federal election. They came out to Werribee in the electorate of Lalor and said to people who had been campaigning for two years, 'This is what we will do if we are returned to the federal parliament.'

They also promised to introduce a bill in the Senate to stop the Werribee toxic dump. Fortunately, no-one had to rely on the Democrats to deliver. If we had had to rely on the Democrats to deliver,

we would see the Werribee toxic dump already in the construction stage. Instead of relying on the Democrats to deliver, the people of Werribee kept campaigning. Ultimately it was not a political party—not the Liberal Party, the National Party or the Democrats—that came to their rescue. Because the people of Werribee campaigned so hard, ultimately CSR, the project developer that wanted to make money out of putting toxic waste in Werribee, decided that it had had enough and that it would not proceed with the project.

It is important to recognise that, despite those commitments from the Democrats, in this legislation they have enabled the states and the Commonwealth to now go through a process where, through a bilateral agreement, in future the Commonwealth could say to Victoria—and states with track records of environmental vandalism like Victoria—'Here, you have the responsibility for the Ramsar wetlands. Here, you have the responsibility for the environmental impacts of a toxic dump,' and just let it happen. Despite all their brave rhetoric that is where the Democrats have led us to by entering into this agreement with the government—an agreement that they did not need to enter into and did not need to deal with in this time frame. They could have had the decency to come back to the people that they had made grandiose promises to and work them through the issues, if they thought this was the right course. Instead, here we have legislation gagged and the Democrats not abiding by their word. I am sure they will be harshly judged by my electors when it comes to the next election. We know one thing in Werribee—that the coalition does not care about the environment. After all, they are the party that wanted to put a toxic dump on top of us. Today, through this bill, we have proof positive that, despite their campaigning rhetoric, the Democrats are exactly the same. *(Time expired)*

From:

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber/hansardr/1999-06-29/0081;query=Id:%22chamber/hansardr/1999-06-29/0067%22>