

18 January 2013

Committee Secretary  
Senate Standing Committees on  
Environment and Communications  
PO Box 6100  
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Canberra ACT 2600

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

As the peak conservation body for South Australia, the Conservation Council of South Australia (Conservation Council SA) welcomes the opportunity to contribute to the Committee's investigation in to the **Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 (the Bill)**.

Conservation Council SA is an independent, non-profit and strictly non-party political organisation representing around 50 of South Australia's environment and conservation organisations and their supporters. Conservation Council SA has developed a comprehensive view of environment policy in "South Australia in a Changing Climate: A Blueprint for a Sustainable Future"<sup>1</sup> This document sets out, at a strategic level, policy positions in six key environmental areas, including biodiversity issues.

We are part of a national alliance of over 35 environmental organisations who are against the devolution of Australian environmental laws. The Protect the Places You Love campaign has strong public support and polling has shown that 85% of Australians want the federal government to retain approval powers for environmental decisions.

The environment is in a state of decline. The biodiversity and ecosystems we all rely on to support human life on this planet is deteriorating at a disturbing rate with many ecosystems and populations declining or approaching collapse. This is without taking into account the threat climate change will pose. One simple example of how reliant we are on the environment to provide vital ecosystem services is the pollination services provided by insects. Due to the collapse of bee populations in the United States, the US is now required to import bees, in their millions, in order to pollinate food crops. Simply, we can not live without the environment. Given the

<sup>1</sup> <http://www.conservationsa.org.au/blueprint.html>

rate of environmental destruction worldwide, as a society we need to be looking into strengthening and evolving environmental laws and process, not devolving them for short term economic benefit.

The Conservation Council is unequivocally opposed the bilateral approvals for matters of national environmental significance and therefore, we fully support this bill.

Our reasons to oppose the handing over approval powers to the states on matters of National Environmental Significance include the following.

1. There is inherent conflict of interest for the states. States are often the proponents when putting forward project for environmental approval under the EPBC Act.
2. Current national approval processes exist due to past governments acknowledging the need for federal oversight for environmental matters. This should not be overturned at the behest of a small sector of the Australian business community using a process that excludes the general public from having input. History has already demonstrated that states may not appreciate the need to prevent Impacts that risk environmental values of national significance.
3. The competition between states to attract industry puts the environment at risk. There is incentive for the state governments to reduce environmental protection on order to make themselves appear more attractive to industry. Nor are states obliged to make decisions that are in the national interest. This can create circumstances such as those seen during the Millennium drought where overextraction of water from the Murray-Darling Basin seriously put at risk and damaged important freshwater ecosystems and Adelaide's water security. Decisions made in the interest of one state can have lasting and devastating consequences for another.
4. There needs to be national oversight to protect the environment and biodiversity in Australia. Environments do not stop at state borders and with ecosystems as numerous and diverse as the ones in Australia it is not possible for states to adequately or efficiently assess impacts that cross state boundaries.
5. The Commonwealth is signatory to and responsible for upholding Australia's obligations to numerous international agreements for the protection of environmental assets. These include the Convention on Biological Diversity, Convention for the Protection of World Cultural and Natural Heritage, Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar), Convention on the Conservation of Migratory Species of Wild Animals, China-Australia Migratory Bird Agreement (CAMBA) and Japan-Australia Migratory Bird Agreement (JAMBA).
6. There has been very little community input or consultation into the proposed changes. The environment is an issue for all Australians and needs to be

evaluated by the wider community. The process to hand over powers to the states could even be considered undemocratic; as the small and exclusive group of business driving this change have been given “extraordinarily privileged access to the Council of Australian Governments, one of the key policy institutions in our messy federal system.”<sup>2</sup> There was no community input into this process.

7. At this point there is no uniformity applied to how the bilateral approvals will be applied in each state. The current proposal, while delayed, creates separate agreements with each state government, increasing uncertainty and the so called “green-tape” for industry. The reason why these changes were proposed.
8. There is no duplication in the environmental approval process. The Commonwealth and the states have distinct and separate responsibilities and interests for environmental decision making.
9. New responsibilities will add significant administrative burden to state governments, including resourcing compliance and enforcement actions.

In summary, the Conservation Council of Australia does not believe it is appropriate to for the federal government to hand over federal approval powers to the states. It is essential that national oversight is maintained and the environment protected.

We fully support the introduction of this Bill. These laws protect not only the environment but also business and the community. Environmental degradation has serious economic and social impacts, it is the role of the government to ensure that these impacts are minimized. It is in everyone's interest to protect the environment.

*I would also be happy to meet with you or your representatives to discuss these matters in more detail.*

Yours sincerely

Tim Kelly

Chief Executive

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<sup>2</sup> <http://www.edovic.org.au/blog/transfer-national-enviro-law-responsibilities-state-govs-attack-democracy>