



Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
Submitted online

17 January 2013

To Whom It May Concern,

The Cairns and Far North Environment Centre (CAFNEC) would like to submit the following comments relating to the Committee's inquiry into the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 (the Bill).

CAFNEC supports this Bill and strongly supports maintaining the role of the Federal government in environmental regulation. The history of our region provides many examples of the benefits of Federal environmental regulation, particularly relating to protection of the world heritage values of the Great Barrier Reef and the Wet Tropics.

The Federal government is currently legally able to hand over its approval powers under the EPBC Act to the States, which would result in significant negative environmental outcomes. We need a stronger EPBC Act, not a weaker one, and any move to hand over powers to the States would reverse the important gains in environmental regulation that we have seen in recent decades.

The current Queensland government has publicly prioritised development and resource extraction over environmental protection. This situation is a clear example of the need for Federal involvement in environmental regulation to protect matters of national environmental significance, which the State governments will often sacrifice for short-term economic gain.

It is of critical importance that the Federal government retain control of environmental approvals for projects that impact upon matters of national or international significance for a number of reasons, listed below.

- **National environmental issues need national leadership.**

Our rivers and threatened species do not adhere to State borders and in many cases cross over a number of State and Territory boundaries. Only the Federal government has the ability to properly consider national or cross-border issues and make decisions in the national interest.

- **Only the Federal government can deliver on Australia's international environmental obligations.**

Australia has obligations that have arisen from the signing of treaties and conventions dealing with such topics as threatened species, migratory species, wetlands and world



heritage areas. It is not only appropriate that our national government continues to have primary responsibility for ensuring compliance with these obligations, but it is difficult to imagine how timely reporting would be achieved if these roles were delegated, either fully or partially.

- **Experience suggests State and Territory Governments are not up to the job.**

The states have a terrible track record with establishing and administering their own environmental laws. Some State environmental protection laws are not even used, and for those that are, they are neither monitored nor enforced. In a number of States and Territories environmental impact assessment is weak and inadequate, and the States alone cannot be relied upon for protection of environmentally sensitive places in the national interest.

- **There is an inherent conflict of interest.**

States often directly benefit from the projects they are assessing, creating a conflict of interest, especially when it comes to major developments. The need for Federal approval adds a much needed layer of protection to the environment in these instances.

- **Any handover will degrade environmental regulation.**

History has shown that when the Federal government exempt the States or give them powers under the EPBC Act, environmental protection will be undermined and the Federal government struggles to retain an oversight role. The experience with Regional Forestry Agreements illustrates this.

For the above reasons, we believe it will never be appropriate for the Federal government to hand over their approval powers to the States. Accordingly, the power to do so should be removed from the EPBC Act. The recent law reform agenda progressed through COAG to 'cut green tape' and reduce duplication has highlighted the problematic nature of this section existing in the Act.

We support the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012, which will give certainty to the involvement of the Federal government in protecting Australia's special natural places and species into the future.

Yours sincerely

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Coordinator