



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**BILLS**

**Environment Protection and Biodiversity  
Conservation Amendment (Bilateral  
Agreement Implementation) Bill 2014**

**SPEECH**

**Monday, 16 June 2014**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Monday, 16 June 2014  
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**Questioner**  
**Speaker** Zappia, Tony, MP

**Source** House  
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**Responder**  
**Question No.**

**Mr ZAPPIA** (Makin) (16:07): It is interesting that we are debating the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 when simultaneously the House of Representatives Standing Committee on the Environment is inquiring into this very issue under the reference 'Streamlining environmental regulation, 'green-tape', and one stop shops'. The committee has not concluded its inquiry or presented any recommendations or findings. One might have thought that it would be appropriate that, given that there is a standing committee of the House inquiring into this matter, we might await the committee's findings before we proceeded to change the rules relating to who carries out assessments.

In fact, why did the minister give the green light to the committee to proceed down the path of an inquiry if he was going to bring in legislation simultaneously that effectively makes the inquiry a waste of time? If nothing else, it is irresponsible of the government, which is being irresponsible with taxpayers' funds. Hopefully, this legislation will not get through the Senate right now and therefore it might have to come back either amended or to be debated at a later time when the committee has concluded its work and brought some recommendations back to the House. That would seem to me to be the logical time to debate these matters.

It is interesting that, this week, I understand, the World Heritage Committee is meeting in Doha as part of its 38th session. It, too, says that it believes that decisions in respect of referring assessment powers to other levels of government—I am using my own language here—are premature and should be postponed to allow further consideration.

The legislation clearly exposes the Abbott government's lack of commitment to the environment, contrary to what speakers on the government side have said. Neither has the minister shown any such commitment. Since coming to office, the Abbott government has sought to dismantle every environmental protection measure that was in place, including measures put in place by previous coalition governments. Its motive for doing so has been that it wants 'to eliminate green tape, streamline processes, avoid duplication and speed up the approval times'. The government claims that that, in turn, will make development projects costs much lower, will make projects become viable and will enable Australian developers to compete with their overseas counterparts. If only those claims were true.

The government goes on to talk about how green tape is stifling investment and Australia's future. Can I just point members opposite to what has happened in this country over the last 20 years or so under both coalition and Labor governments? There was no lack of project developments across the country. Indeed, it has been claimed that this country has benefited from the boom in development projects—mainly mineral and gas projects and mining more broadly. If all the regulations that we have in place are so bad for this country, how did all of those projects come to be? The truth is that those regulations were all put in place for a good reason, and that is to ensure that we protect the natural environment whilst at the same time we allow projects to be developed responsibly in this country. In making them responsible, the proponents benefit from them and so does the broader community.

One might be persuaded by the government's arguments about the need to remove green tape if their environmental credentials were sound. But, unfortunately, that is not the case. This legislation is merely one of several measures the Abbott government is taking to relegate the environment to the point of making it irrelevant. The reality is that this government does not simply want to streamline decision making, avoid duplication and reduce development costs; it wants to eliminate environmental obligations altogether. And whilst environmental obligations may exist in law under this legislation, in reality they will be emasculated.

I will outline what is wrong with this legislation. Firstly, in delegating environmental assessment to the state governments the process is immediately flawed. State governments have a vested economic interest in every development in their state, so immediately their primary interest will be in approving developments. By cutting funding to the states, as the Abbott government has done in its 2014-15 budget, the states are now even more desperate to generate funds from developments and are even less likely not to back any developments that they

are asked to assess. That is why the Commonwealth, which does not have a vested interest in the individual projects of the states and which would be seen as an independent assessing authority, should continue to provide the environmental assessments that are necessary.

Secondly, the states have made cuts to their own budgets with respect to environmental funding. Indeed, I understand that the cuts to environmental budgets by some state governments have been very severe. I understand why they are doing that; it is because they have had their own funds cut by the federal government, so they, too, have to make cuts. And yet, right now, at a time when they are making cuts to their own environmental departments, they are being asked to do more with much less funding.

The inevitable outcome is that short cuts will be taken in the assessment process, that mistakes will be made—not deliberately, but they will be made simply because short cuts will be taken and there will be fewer resources to carry out the processes—and, in turn, the assessment processes will become not only less reliable but, frankly, more open to challenge. I see them as being more open to challenge both by proponents who want to do things even more cheaply and by others who have an interest in the outcome of that development. It is only logical that if you have fewer staff employed in a department, they will have less time to do more work. That in turn means that their ability to carry out the job they have been asked to do will be put under pressure.

It is often said that developers ultimately have to bear the costs of environmental impact assessments. It may well be true that they will bear the cost one way or another. The states, however, still have the responsibility to scrutinise those assessments once they are in hand and to ensure that they comply with all requirements. That scrutiny also requires resources and time. Just as importantly, the states will inevitably still be held accountable, and possibly open to challenge, if they have not conducted the process thoroughly. So they are being asked to conduct the process thoroughly in order not to be held liable, perhaps, in a court, but at the same time they have fewer resources with which to do it. I am not sure that too many of the states would be jumping up and down about this transfer of responsibility.

It is inevitable, given all of these applications, that conditions will be applied. The problem with conditions is that unless they are monitored—and monitored properly—they become useless. Again, a scantily funded state environment department is unlikely to devote sufficient resources to the inspectorial work once an application has been approved. What makes it even more complicated and more difficult is that many environmental impacts do not arise, or are not detected, until many years later. The responsibility to assess and monitor projects is not just a one-off responsibility for these departments; it continues for many years. Because it happens over a period of years it is often difficult to pinpoint what the cause of a specific environmental problem was. Just as concerning is that poorly funded state environment departments are very unlikely to launch what they know are going to be difficult, complex and costly legal proceedings against well-resourced developers, often multinational, if a breach does arise. So there are a whole range of reasons why this legislation should be of concern.

I will go to the delegation of responsibility to local government. Again the question is: does local government have the necessary expertise and resources to thoroughly undertake the assessment processes required? Even if they do now, this year's budget freezes grants to local government for the next three years, costing local governments some \$920 million. As with state governments, they will be making cuts. Where are those cuts likely to be made? They will probably make them in areas where they think they can do so without getting too much resistance from local communities. That means that if they have an environment department, that will probably be one of the first areas cut.

To take away environmental protections from the community, as the Abbott government has done by withdrawing funding from community environmental organisations, including environmental defenders offices, highlights how little regard this government has for the environment. Indeed, when you look at all of their decisions collectively you clearly see a clever, cynical attack on the environment. Who will be the major beneficiaries of this legislation? The winners will predominantly be big mining companies—85 per cent of whom, I understand, are foreign owned and most of whom are taking far more from Australia than they give back. Now they want to take even more. The government boasts about having approved some \$400 billion of development investments in this country since it came to office. I do not know what the figures are, but I suspect most of that \$400 billion is for mining developments.

The harder the government tries to shut down the voices of communities who want to raise environmental concerns, the more determined, I believe, those communities will become. That is what we are seeing with

coal-seam gas objectors around Australia, particularly in New South Wales. It makes more sense to have open, transparent and inclusive processes. It makes more sense to bring affected communities into the discussions. These communities often include people with extensive expertise, whose opinions and knowledge should not be ignored. As a member of this House's committee on the environment, I have spoken to countless people with extensive environmental expertise, expertise that has been useful in the past and will be useful in the future. We should listen to these experts when they identify environmental problems, and their expertise should be utilised in finding solutions to those problems. But the Abbott government simply does not value the natural environment, the biodiversity within it or the expertise of the people within our communities.

I will close on this note: the environment, and the biodiversity within it, sustains our health and wellbeing. It underpins our economy, especially primary production. Australia and the rest of the world have experienced significant and unsustainable loss of biodiversity over the years. More than 50 species of Australian animals are believed to have become extinct in the past 200 years and many others are functionally extinct. The environment and its biodiversity are already under serious threat from climate change. The Australian government has an obligation to the people of Australia and it has an obligation to give effect to international conventions to which we are a signatory, such as the Convention on Biological Diversity.

The EPBC Act is the instrument by which the federal government exercises its environmental responsibilities. The EPBC Act is the Australian government's principal piece of environmental legislation. It is designed to protect the national environmental assets of this country. To delegate powers from within that act, when it was specifically designed to put those powers into the hands of the federal government, is irresponsible indeed.