



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

Environment Legislation Amendment Bill 2013

Second Reading

SPEECH

Monday, 9 December 2013

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Bandt, Adam, MP

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Mr BANDT (Melbourne) (13:33): This is an astounding bill. It says that, if you are the Minister for the Environment and someone gives you some advice that something needs to happen to protect a threatened species, you are allowed to ignore them. If a mining company comes in and says, perhaps, 'We want to develop here, right in the middle of a national park,' and someone says, 'You can't do that in that way, because that might affect a threatened species,' this bill says that the minister can completely ignore that advice and side with the mining company. It also means that if you go to court to challenge it by saying that, 'No, look, hang on, there is expert advice that the Tasmanian devil—or perhaps a species up on the Great Barrier Reef—is going to be threatened by this and potentially made extinct and wiped off the face of this earth,' there is nothing the court can do about it because the minister is able to hide behind their decision and say, 'No, we've changed the law to say that we can ignore the best conservation advice available in this country.'

That is an astounding proposition to come from someone who says he is the Minister for the Environment. If you were the Minister for the Environment, presumably you would craft laws in this country that gave the environment the maximum possible protection. Instead, these laws are being rewritten by, essentially, mining companies—and that is, ultimately, what this bill is. A couple of weeks before Christmas, this is a nicely wrapped up gift to some of Australia's and the world's biggest companies, at the expense of the environment and at the expense of species that are threatened. It is this parliament's job to stand up for species and the environment that otherwise would not have a voice. Unless we put into law proper protections for the species that we share this planet with, we are going to see a 'let it rip' mentality. Chop it down, dig it up, ship it off—that is the limit of the government's vision for the country.

Our environment laws at the moment are not actually that strong and are nowhere near as strong as they should be. It is astounding that, in the first few sitting weeks of parliament, before the end of the year, the first thing that the government wants to do is weaken them even further so that the minister for the environment does not even have to listen to advice about what it would take to protect threatened species. It is a very cynical attempt to overcome a decision that has been referred to before in the debate, where the previous minister for the environment gave the go-ahead to a mine in a forest in Tasmania without having any regard to advice that said, 'This will impact on the Tasmanian devils in a way that potentially would breach your obligations,' and was found by the court to have not followed the act. This law is now attempting not to strengthen our processes to make sure we are never found in breach of those obligations again but to change the law so that such court cases never happen again—so that, if you ignore a piece of advice about conservation, there is nothing anyone can do about it.

It is very clear why this is happening. We heard why from a couple of speakers before. It is because the country is now open for business, apparently. That does not just include our cities and our rural areas; it includes our parks, too. It seems our parks are now open for business. This is a piece of legislation that the government wants to get through by the end of the year so that it does not even have to listen to advice about how we can protect some of our threatened species in the future. We have seen, in my state of Victoria, what that means in practice. It means, for example, cattle being allowed to graze in Alpine National Park areas—in defiance of the science and in defiance of common sense—so that we can turn the park into a paddock, so that cows can have a free feed. It does not matter what happens to threatened species or the environment!

There is a second part to the bill, which is to increase penalties for those who harm or kill turtles or dugongs. That is something that many people from across the political spectrum, including in this chamber, have been raising as an issue for some time. But, again, the cynicism of this government knows no bounds. At the same time as they modestly increase penalties in this law, they are enthusiastically rolling out the red carpet for the big coal and gas port developments on the reef's coast, developments that pose huge risks to the Great Barrier Reef's dugong and turtle populations. Dredging and dumping of dredge spoil offshore destroys the sea grass where the turtles and dugongs live and feed.

The true test of this minister's commitment to the dugong and turtle populations in the Great Barrier Reef falls due on Friday the 13th. That is when the minister will decide whether or not to approve the Abbot Point coal terminal expansion. If he approves it, that will facilitate Abbot Point becoming the biggest coal port in the Southern Hemisphere, facilitating the export of vast amounts of climate-destroying Galilee coal from Queensland. It also involves—which is relevant to this debate—dredging and dumping three million cubic metres of dredge spoil offshore in the reef's waters. That is going to contribute to destroying turtle and dugong habitats. We will see how much the minister really cares about the dugongs and turtles when it comes to the Abbot Point development.

In the few minutes I have left I will foreshadow some amendments that we will be moving in the detail stage. Firstly, we will move to strike out schedule 1 of the bill, because this schedule as it is currently drafted will allow the government to just ignore science and just ignore advice from experts in this country about how to protect the environment. That is anathema to good governance—having no requirement that, in the environment protection legislation of this country, you have to even listen to advice about how to protect the environment. That is anathema to good governance and it must go.

The second amendment that we will move does something fairly straightforward. It will strengthen our national environment laws to ensure that all major decisions about projects that will significantly harm Australia's most precious places and wildlife must be made by our national environment minister. This is crucial. We have seen state governments in operation. We have seen their willingness to trash the environment for the sake of a dollar. For that reason, over time we have developed national environmental protection laws. Those laws which allow the national government to step in and override state governments have meant that, for example, we have not seen dams built in Tasmania—as I am sure many people here know.

What is on the cards with this government—and it was flagged under the previous government—and what this amendment will stop is the federal government saying to the state governments: 'Look, you decide. We will hand over to you, essentially, the responsibility for making a decision about whether or not national environment laws are complied with.' We have seen this government act at the behest of some of the country's and the world's biggest mining and resource companies, and sign MOUs with the New South Wales and Queensland governments to kick-start the process, to essentially hand to Premiers Newman and O'Farrell the federal environment minister's powers. It is rumoured that, at the upcoming COAG meeting, we are going to see more of that. If this proceeds, the federal government will have no power to step in and stop, or even place conditions on, developments that are likely to have a significant impact on some of our most precious national icons. It would mean the federal government could protect neither World Heritage areas from big mines nor threatened species from being sent to extinction by state governments, who would approve—and we have seen them do this—major developments in key habitat.

As I said, if this procedure had been in place in the past, we could not have stopped the Franklin from being dammed. If it were in place, we would not be able to stop oil rigs in the Great Barrier Reef. We need to stop the Abbott government from creating essentially a one-stop shop for business to sell out our environment. This would be a major step backwards. It would overturn 30 years of gradually increased, and greatly needed, Commonwealth involvement in environmental protection. I do not want to see Premier Napthine in sole control of whether or not to put cows in the Alpine National Park or Campbell Newman in sole control of the World Heritage Great Barrier Reef. That is what is likely to happen unless the amendments that we are going to move are passed. Likewise, unless this House supports the amendments that the Greens are going to move, we will have Barry O'Farrell in sole control of whether or not to send koalas there to extinction. I am pleased to hear the noises from the Labor Party that, although they initially floated this idea, they now understand what it would mean. They understand that the Hawke legacy is fundamentally under threat from this government and, unless we support—

The DEPUTY SPEAKER (Hon. BC Scott): Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour and the member for Melbourne will have leave to continue his remarks should he so wish.