

HOUSE OF REPRESENTATIVES
Votes and Proceedings
Hansard
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Mr GARRETT (Kingsford Smith) (7.18 pm)—This legislation that has been rushed into the House that we are debating today will be opposed by the Labor Party, particularly if the amendments that we will seek to have moved are not carried. The Environment and Heritage Legislation Amendment Bill (No. 1) 2006 probably represents in the clearest possible way the approach the government is going to take to the protection of the environment in relation to a number of proposals for development and a number of proposals for the speeding-up of development approvals. This includes the analysis and consideration of the existing EPBC Act that certain parties around the Commonwealth have represented to the government as standing in the way of them being able to conduct their business. But the critical question is whether or not this legislation will serve to better enhance the protection of Australia's environment.

There is a glaring omission in the legislation that has been brought into the House: it does not contain any measure in relation to climate change. There has been a long debate in the community amongst scientists and conservationists and it is a debate which has come into the House over a period of time. It is a debate that was current when the first tranche of EPBC legislation was being considered in relation to what ought to be the appropriate triggers for the environment minister to have to take note of regarding an action under the act.

At the time, it was felt that there ought to be a greenhouse trigger because there were clear signs that what are described as anthropogenic activities—the activities of humans, whether it is using motor vehicles, power stations or a whole range of other different activities— were contributing in significant ways to the possibility of us having an emerging pattern of global warming. Even though the science at that particular point in time was less complete than it is now, there were sufficient reasons for the government to consider whether or not the greenhouse trigger should have been included in the original EPBC Act—but it was not.

A number of years later in 2006, the signs of global warming are clear and apparent wherever we look. Each and every day brings more media reports, scientific analysis and evidence that global warming is upon us and that it produces a number of significant risks to endangered species, risks to natural landscapes and risks to the viability of our inland river systems.

For example, I picked a news clipping at random. It is from the *Sydney Morning Herald* on Wednesday, 30 August 2006: 'Fears over speed of glacial meltdown'. We often talk about the likely impact of global warming on the Antarctic and Arctic regions. The article points to the impact of global warming on the Andean glaciers in South America. Amongst other things, it says:

The rate of glacier retreat has shocked scientists, says a report on the effects of global warming in Latin America ... Their study says climate change is accelerating the deglaciation phenomenon.

The report went on to point out:

The last two hurricane seasons in the Caribbean rim—to the north of the Andes— caused \$US12 billion ... damage to countries other than the US. Climate change models predict more rainfall in eastern South America and less in central and southern Chile with a likelihood of greater and opposite extremes. The 2005 drought in the Amazon basin was probably the worst since records began.

That sounds very familiar to me. It is a consistent pattern that we are experiencing in the global climate and it is clearly a consequence of the increasing emissions into the atmosphere of greenhouse gasses. If there were any environmental issue of significance that the national government should be addressing it is this: the prospects of the impact of climate change on our economy, our ecology and our future. Yet there is nothing in this legislation at all. That is a glaring omission and I urge the minister and the government to consider the amendments that Labor is bringing in which would make sure that there was effectively consideration of climate change in the assessment of developments that come to the minister under the EPBC Act.

This bill has some 400 pages of amendments. It is complex and being viewed with real concern by conservation organisations and by those who have a legal background and some knowledge of the way in which the approvals process has hitherto worked under the EPBC Act. I note in particular that the Worldwide Fund for Nature and the Humane Society International have both spoken out quite strongly about their concerns of the deficiencies that exist in this legislation. Both of those organisations have a record of working constructively with the government—a record, I think, of analysing in a sober and prudent way legislation of an environmental kind that comes into this House. Yet they say very clearly that there are a number of features of this legislation which gives them concern. Andreas Glanzing, the senior policy adviser for WWF, says: HSI and WWF-Australia are alarmed by the proposed changes and the potential for the Minister to politicise what should be an objective scientific process.

Why would these organisations have concerns of that kind? Perhaps one reason is that we first learnt about this bill when we read in the *Australian*, in a Denis Shanahan article, that new legislation was going to come into the House to speed up and expedite the decision-making process in relation to projects which would fall under the EPBC Act. The Burrup Peninsula in particular was slated as one of the possible developments which would benefit from legislation of this kind. As it turns out, the Burrup Peninsula is an area that has been identified as having great cultural importance and natural heritage values as well. The assessment and understanding of those values must balance the development needs and proposals that are intended for the Burrup with the need to adequately protect the world's largest collection of intact rock art and petroglyphs. That is a threshold issue for both the Western Australian and the federal government. On the basis of the legislation that is being introduced into the House, the government is now finding itself in a position of having to respond.

We have seen a number of pieces of legislation come into this place over the past week which have been rushed through this House. Yet this is another piece which is great in its complexity, which has emerged virtually out of nowhere and which contains a number of particular and specific provisions which are worrying not only for those of us in the House as we look at it and assess and analyse what we think the government is doing with legislation of this kind but also for those interest groups who represent the community interest and want to see the environment substantially protected. Of real and critical importance are the concerns that the bill abolishes the right to appeal ministerial decisions relating to the protection of whales and dolphins, threatened species and other wildlife. It is very clear that there are a number of amending provisions which remove the right of review of ministerial decisions by the Administrative Appeals Tribunal.

The basis on which legislation of this kind as constituted in the original EPBC Act passed the parliament was that the minister's decisions could be subject to review. There are a number of decisions that ministers for the environment have made in the past and are likely to make in the future which require that review.

That review is very necessary not only for the adequacy of the decision-making process but also to ensure that people have confidence, particularly when areas of natural significance and environmental importance are being considered by the minister.

In particular, I note that affected decisions in terms of the ministerial review are decisions to issue or refuse a permit; to specify, vary or revoke a condition; to impose a further condition on a permit; to transfer or refuse to transfer a permit; and to suspend or cancel a permit in relation to a listed threatened species or ecological community. The government's poor environment record is at its starkest when the minister actually has to make decisions and take into account the likely impact of a development on something like a threatened species or ecological community. Yet there has been a removal of the right of review by this legislation.

That is why we feel so strongly in the House that the amendments we are bringing in need to be given full support by the government.