

Harriett Swift
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Hon. Mike Kelly MP
Member for Eden Monaro
Carp St
Bega NSW 2550

Dear Mike Kelly

In the short time left before the election, there is one significant action that the federal government can take to protect the environment for years to come.

Before parliament rises the Government must amend our national environment law, the Environment Protection & Biodiversity Conservation Act (or EPBC Act for short) so that:

- National Parks are brought under the protection of the Act. In technical terms, this means inserting a "National Park trigger" so that any proposal for development or destructive activities in a national park "triggers" protection by the Federal Environment Minister.
- Approval powers under the Act will always remain with the Federal Government and can never be handed over to State Governments.

Without this second point, all protection won for National Parks could be lost because the Act currently contains a loophole that would allow a future Federal government to handover their decision-making powers to the states.

The example of Regional Forest Agreements, which hand over powers to the States in forest policy shows clearly what a disaster that can be.

Across the country, our National Parks are being opened up to logging, mining, grazing and shooting. State Governments are damaging the places Australians love like our reefs, rainforests, bushland and beaches.

At the same time, our national environment law, which should protect these places, is under threat. Big business and State Governments are lobbying the Federal Government to hand over to the states their power to veto damaging development. They are doing this under the guise of 'cutting green tape' but the implications of this are serious.

- We have a very narrow window of opportunity to fix this problem. *There is only one more session of parliament before the election.* We need stronger national environment laws to protect our National Parks from destructive activities like logging, mining, grazing and shooting.

- Our National Parks are places for the whole community to enjoy, **they should not be handed over to commercial interests for profit making, or, in the case of the logging industry, loss making.**

There are five good reasons why this needs to happen :

1. States don't have the capacity to take over environmental approvals. It takes expertise and resources to conduct robust assessments and approvals and many states simply don't have capacity. For example, staff at the Queensland Department of Environment and Heritage Protection were cut by 16 per cent (220 redundancies) in 2012-13.

2. States don't have the necessary legal frameworks. Analysis by the network of Environment Defenders Offices found that not a single state had the legislative and regulatory frameworks to manage assessments and approvals.

3. States have conflicts of interest. They find it hard to make impartial decisions on development and environmental damage. The finances that flow to them, and the political relationships involved, make arm's-length analysis virtually impossible.

4. State governments don't answer to all Australians. The Great Barrier Reef is in Queensland but is loved by all Australians. Threatened and migratory species do not recognise state borders. Nuclear facilities and uranium mines are of concern to the whole nation, wherever they are located. Significant projects should be approved or refused by the government that is answerable to all Australians.

5. States aren't responsible for international obligations. The Commonwealth is responsible for Australia's obligations under international treaties and agreements on migratory and threatened species, wetlands and World Heritage areas. If it delegates its powers of approval, the Commonwealth may find itself held to account for failure to meet international obligations

Sincerely

Harriett Swift