

5 December 2012

Dear Prime Minister,

We the undersigned are deeply dismayed by and oppose absolutely the move to transfer Commonwealth government responsibilities under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to state governments. We believe that this proposal will significantly weaken environmental protection.

As legal professionals with a strong concern for Australia's iconic environment, we wish to see Australia's federal environment laws set the necessary standard for the long term protection of our environment and biodiversity. It is incumbent on the Commonwealth to adhere to our commitments under the *Convention on Biological Diversity*, and, as part of that, ensure state laws require rigorous environmental assessment and approvals for any planning processes.

The 'Draft Framework of Standards for Accreditation of Environmental Approvals under the EPBC Act' (Accreditation Standards Framework) recently released by the Commonwealth allows environmental protection to be diminished by the transfer of key responsibilities to the states. The standards merely restate and paraphrase in high level and vague terms existing provisions under the EPBC Act and international agreements, as indeed they are legally required to do. However experience in the actual administration of regulation demonstrates that what counts is not just what is on paper but also how it is implemented and enforced in practice. There is no evidence to support the view that the states can be entrusted to thoroughly apply national environmental protection measures. However, there is, unfortunately, much evidence to the contrary.

The Commonwealth Government has a crucial role to play in ensuring environmental protection and, as the keystone of our federal environment legislation, the EPBC Act is intended to protect environmental areas and wildlife that are so important and so at risk that their existence is of national significance.

Our iconic wildlife and environment are under greater pressure and face more threats than ever before. We need to strengthen rather than weaken environmental protection laws.

On many occasions, including the notorious proposals to dam the Franklin River or to re-introduce cattle grazing into Alpine National Parks, the Federal Government has stepped in to prevent state governments from carrying out environmentally damaging projects, and to ensure the protection of our unique landscapes and wildlife. It is clear that state governments are too close to many proposed developments and have a financial interest that clouds their decision-making, invariably to the detriment of the environment.

The serious problems with creating bilateral management arrangements with the states are already demonstrated by the Regional Forest Agreement process, which has led to long term controversy and conflict in every forest region, and the continued loss of native wildlife and forests around the country. Handing even broader environmental assessment and approval powers to the states would see irreversible environmental damage and conflict.

Australia's environment is unique, precious and world class. For our wildlife and threatened wild places, please prevent the weakening of our environment laws at COAG and prioritise the Commonwealth's essential role in preserving the natural environment.

Yours sincerely,

(Organisations)

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The Australian Wild Law Alliance

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