

3 September 2013

Dear Prime Minister Rudd,

cc Mr Abbott, Leader of the Opposition, COAG and Business Council of Australia members, federal election candidates,

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.

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 Agreements (RFAs), which have led to long term controversy and conflict in every forest region, and the continued loss of native wildlife and forests around the country. These issues are documented in the recent 15 year review of RFAs, conducted by the Environment Defenders Offices – 'One Stop Chop: How Regional Forest Agreements streamline environmental destruction' (<http://www.edovic.org.au/blog/RFA-report>). Handing even broader environmental assessment and approval powers to the states would see irreversible environmental damage and conflict.

The recent decision by the Supreme Court of Western Australia, that found the Barnett Government's approval for a gas hub at James Price Point, Broome to be unlawful, is demonstrative of the environmental and legal issues that will emerge as a consequence of placing federal environmental issues in the hands of state governments.

Australia's environment is unique, precious and world class. For our wildlife and threatened wild places, please make a clear policy stand to prevent the weakening of our environment laws and to ensure that the Commonwealth's retains its essential environmental assessment and approval powers, and its role in preserving the natural environment.

Yours sincerely,

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