



CLARENCE ENVIRONMENT CENTRE

29-31 Skinner Street

South Grafton 2460

Phone/ Fax: 02 6643 1863

Web site: www.cec.org.au

E-mail: admin@cec.org.au

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The Hon. Tony Burke MP
Minister for Environment
Australian Parliament House, Canberra

Dear Minister

Proposed transfer of EPBC Act Powers to State Governments

The Clarence Environment Centre, an organisation that has maintained a shop front in Grafton for more than 23 years, with a proud record of environmental advocacy, has major concerns about Federal Government's plans, to hand over powers under the Environment Protection and Biodiversity Conservation Act (EPBC), to State Governments.

We believe, given subsequent events in NSW, the infamous "green tape" reduction agreement with COAG earlier this year must be scrapped, pending an thorough review of State Governments' record on environmental protection.

The Regional Forest Agreements (RFA)

This form of abrogation of responsibility to the States occurred with the signing of the historic RFAs some 13 years ago, a move that has proved to be a disaster for threatened species and biodiversity generally. You were reminded of this by Tom Arup from The Age at your address to the National Press Club on 24th August last year, who asked why the Government had ignored the recommendations of Alan Hawke's Review of National Environment Law that was released in 2009

Mr Arup pointed out that, "*some of the strongest language in the (Hawke) review was around the RFAs and the recommendations for the RFAs. The review called them unaccountable and implied – or said that basically loggers ignore them*". The Clarence Environment Centre (CEC) can vouch for that assessment, having been involved in professional audits of logging operations on the north coast of NSW for the past 6 to 7 years.

Your response to the Press Club was an admission that nothing had been done about the problems with the RFAs, and there were no reassurances that anything would be done. However, following a letter from the CEC earlier this year, Your department took notice of our allegations of systemic breaching of Forests NSW's Threatened Species Licence, and your officer, Dylan Horne, was given the job of investigating. We have not been advised as to the outcome of that investigation.

Land Clearing

Only a week ago an article in the Sydney Morning Herald reported that the NSW Office of Environment and Heritage (OEH) has been sitting on its hands while more than 1,000 hectares of important koala habitat has been bulldozed in the Moree district.

<<http://www.smh.com.au/environment/animals/koala-habitats-in-danger-as-bushland-areas-are->

[bulldozed-20121011-27fjw.html](#)>

The fact that the latest clearing follows another case of land clearing on the same property, that the Office of Environment and Heritage (OEH) has been investigating since the beginning of the year, is a clear indication that landowners believe they have the Government's tacit blessing.

This is reflected in another report, released by OEH earlier this year that showed land-clearing rates in NSW during 2011 was the highest since records began some 30 years ago. Our own Clarence Valley reportedly topped the State for the second consecutive year for the loss of native vegetation, with the report blaming logging on private land as the major contributor.

State Forest logging has also contributed to vegetation loss with basal area logging volumes frequently exceeding 70% which, as identified in the NSW Scientific Committee's 2009 determination of Bell Miner Associated Dieback (BMAD) as a Key Threatening Process, is putting some 6 million hectares of NSW's Eucalypt forests at risk of dieback.

There is widespread acknowledgement that logging rates have been unsustainable since the Agreements were signed in 1999, the true extent of which, we believe, has not yet been realised. However, what is known is that NSW is now running out of timber, and the O'Farrell government is moving to allow logging to occur in national parks.

The response to this increase in the loss of native vegetation is the current process of significantly weakening the Native Vegetation Act which will see the resumption of even great levels of broadscale land-clearing by exemption.

National Parks under threat from new public land management proposals

Earlier this year, the CEC wrote a submission to a Shooters – National Party driven Inquiry into the management of public land in NSW, and as a result was invited to give evidence at a public hearing in Grafton earlier this month. From that hearing it was very clear that the majority of the panel (National, Liberal, Shooters Party MLC members) had the opening up of national parks to logging and grazing as a priority, two activities that are known to have a devastating impact on biodiversity.

As you would be only too well aware, the Shooters and Fishers Party, through its' holding of the balance of power in the NSW Upper House, has already forced the O'Farrell Government to change the law to allow recreational hunting in over 700 parks and reserves across the State, and this sport is set to commence in more than 70 national parks before the end of this year.

Those changes to the regulations also leaves the door open for hunters to be allowed to shoot a range of native animals described as “game” species. We believe it will only be a matter of time before the O'Farrell Government will be called upon once again to 'do a deal' with the Shooters Party, and you only have to visit that Party's web site to see their wish list, which includes the statement that: *“The Shooters and Fishers Party strongly supports appropriate and sustainable utilisation of all natural resources. The intelligent way to do this is not by 'locking them away...”*.

This is the party that holds the balance of power in NSW, and while that remains the case, the Federal Government should not be handing over any further responsibilities for environmental management to the State.

The State Government's environmental record to date.

The 18 month attack that has been waged on the environment by the NSW Coalition Government began with the immediate removal of protection zones for the critically endangered Grey Nurse Shark, and the placing of a 5 year moratorium on the declaration of any new marine parks, claiming the justification for their declaration had been based on “voodoo science”.

Those who participated in that science were not forgotten with the decision earlier this year to close the internationally renowned Cronulla Fisheries Research Centre.

Scientific research staff attached to forestry were the next to receive the chop, while widespread heavy logging of Koala habitat is under way in both State forests and on private land. A report of the virtual clear-felling of an identified high-use Koala area at Clouds Creek State Forest has been ignored by the regulatory authority, as have been reports of a failure to undertake the required searches for koala high use areas prior to logging at Royal Camp State Forest. The now infamous response from the Environment Minister was that that “logging protects Koalas” appears to sum up the Government's approach to threatened species protection.

Recreational hunting using guns, bows and arrows, knives, black powder, and packs of dogs is allowed in NSW State Forests, even where there are relatively slow-moving threatened species present like Koalas. This was again an initiative by the Shooters and Fishers Party who pressured the previous NSW Labor Government to trial it for 5 years, and the current Coalition Government has increased those hunting areas.

That was followed by legislation changes making renewable energy development more difficult. Anyone living within 2 kilometres of a proposed wind farm can put in an objection and stop the proposal, while a mere 200m is the case for a coal seam gas mine, even when it's on their own land.

The recent granting of approval to recommence unconventional gas exploration across much of the state including on prime agricultural land, and within urban drinking water catchments, is a further evidence that this State Government has no consideration of the potential environmental and social impacts this will have.

The O'Farrell Government also promised to demarcate some areas that would be no-go for mining, such as prime agricultural land and urban drinking water catchments, but have broken that promise, and the promise to hand planning powers back to local communities has similarly been broken.

Therefore we repeat our earlier request that you call off the “greentape” deal with COAG. In fact, we believe it is imperative that strong Commonwealth legislation has to be maintained to act as a safety net to ensure that State Governments are held accountable for any excessive environmental damage they cause. Therefore, the Commonwealth powers under the EPBC Act should, we believe, be strengthened rather than handed to those with a proven anti-environment record.

Yours sincerely

John Edwards
Honorary Secretary.