

## **Protecting Endangered Species – Censure Motion 9 August 2006**

Senator MILNE (Tasmania) (4.24 p.m.)—I rise today because I think that people across Australia must be asking themselves if the minister has really seriously taken into account his responsibilities under the Environment Protection and Biodiversity Conservation Act to make sure that:

A person must not take an action that:

(a) has or will have a significant impact on a listed threatened species included in the endangered category; or

(b) is likely to have a significant impact on a listed threatened species included in the endangered category.

They would be asking themselves today: why is it that every single day threatened species, endangered species, across Australia are going to extinction and the government is not doing anything? I wonder if the government has asked itself why people are so sceptical about the minister's decision in this case. It is because of the hypocrisy that is involved here.

If the minister was serious about his statutory obligations under the Environment Protection and Biodiversity Conservation Act he would rip up immediately the bilateral agreement he has with Tasmania. The EPBC Act accredits the regional forest agreement as taking into account, and fulfilling, all the responsibilities of the Commonwealth in terms of threatened species. As a result, as I stand here today there are chainsaws ripping down old-growth forests in Tasmania and sending any number of endangered species further towards extinction.

I have heard the minister say a couple of times that he is concerned about the Tasmanian wedge-tailed eagle. I have not seen him take any action to prevent the wedge-tailed eagle going to extinction, or the swift parrot for that matter. The minister will have an opportunity very shortly to show his real commitment to endangered species, and he will be able to stop the marina development put forward by Walker Corporation for Ralphs Bay. On the argument Senator Brandis has put forward today about the minister's statutory obligations it will not be a problem. Under the EPBC Act the spotted handfish is critically endangered. It is listed under the Commonwealth act and it is in the vicinity of Ralphs Bay. I hope the minister will commission report after report in the same way he did in relation to this, and make sure that that development does not proceed because it will further endanger the spotted handfish.

The same goes for the pulp mill. We have very clear evidence that logging across Tasmania is sending these species to extinction. In fact, on 6 July Forestry Tasmania announced late in the day that an endangered wedge-tailed eagle's nest had been cut down and destroyed by the logging industry. It shows that, regardless of whether the industry had best intentions or not, it is still destroying the breeding habitat of endangered species. At the moment in the Federal Court we have the case of Brown versus Forestry Tasmania, which is challenging the logging industry's exemption from the federal threatened species legislation under bilateral arrangements with Tasmania. My colleague Senator Brown, when the EPBC Bill came into the parliament in 1999, stood up here and said:

In future, the great environmental issues of the day in Australia will be determined by what are called bilateral agreements. These are bilateral sell-outs of the environment, and I will tell you why. They

involve the federal government entering into an agreement about such things as forests with the state and territory governments involved. It is a process of the lowest common denominator dictating national policy.

That is precisely what has happened. Threatened species legislation in Tasmania does not exist because it comes under the auspices of the regional forest agreement, which is delivered on the ground by forest practices which allow for and see the destruction, as it has turned out, of an active breeding nest of the wedge-tailed eagle. In fact what has become apparent is that the timber industry is reducing the habitat of the eagles to the point where Forestry Tasmania is trying to substantiate its claim that there are 457 breeding pairs of eagles left in Tasmania. But the expert, Mr Mooney, estimates that, whilst there may be a total number of 457 pairs, breeding is severely compromised by habitat loss and disturbance. The expert estimates that there are only 250 active territories. That is the situation at the moment.

What is Senator Campbell, if he is really concerned about endangered species, doing about the fact that every single day in Tasmania that is the case? The wedge-tailed eagle is getting closer and closer to extinction. He has been standing up here today telling us that every month another wedge-tailed eagle is going into the turbines in north-western Tasmania. When that was drawn to the attention of his colleague Senator Hill, the former minister for the environment, Senator Hill went ahead and approved that wind farm regardless of what people said about the impact on migratory species and the wedge-tailed eagle. That was clear in the evidence given at the time.

Why people are so frustrated about this example is that it is a clear use of the EPBC, the Environment Protection and Biodiversity Conservation Act, for cynical political purposes. There is no consistent application of the act, and the bilaterals with the states make it a joke anyway. In a sense I am grateful to Senator Campbell for exposing to the whole Australian community what a joke, how fundamentally flawed, the Environment Protection and Biodiversity Conservation Act is. It is irretrievable; you cannot amend it to fix it up. We need new legislation in this country that genuinely gives protection to rare and endangered species. All the claims made about this legislation for the last five or six years have come to absolutely nothing. There have been several assessments of it. One such assessment was done by Andrew Macintosh of the Australia Institute. He pointed out that, of the 1,913 development proposals referred to the minister from 2000 to 2006, only 462 were declared to be controlled actions. In fact, the overwhelming majority of them were declared to be exempt.

The Australian community is being told by Senator Brandis and Senator Campbell that they take endangered species so seriously that they apply the principles of ecologically sustainable development, one of which is the precautionary principle. Where do I see that being applied in relation to logging in Tasmania? I do not. Where do I see it being applied in relation to the Walker Corporation proposal at Ralphs Bay? I do not. Where have I seen it being applied to a whole range of other developments that have come before this assessment authority? I have not seen it being applied. It is only being applied here because of a political situation in Victoria.

What I thought was interesting was hearing Senator Brandis quote from the conclusion of the Biosis Research report. Let me add the final sentence which Senator Brandis did not read out. Let me read the whole conclusion. They said:

Given that the Orange-bellied Parrot is predicted to have an extremely high probability of extinction in its current situation, almost any negative impact on the species could be sufficient to tip the balance

against its continued existence. In this context it may be argued that any avoidable deleterious effect - even the very minor predicted impacts of turbine collisions - should be prevented.

That is where Senator Campbell and Senator Brandis stopped. The final sentence says:

Our analyses suggest that such action will have extremely limited beneficial value to conservation of the parrot without addressing very much greater adverse effects that are currently operating against it.

So I put to the minister, to Senator Brandis and to anyone else from the government who is prepared to stand up and defend Senator Campbell: what action is the government now going to take to address the very much greater adverse effects that are currently operating against the orange-bellied parrot? What are they going to do to look at this issue? Or are we just going to see this as a sufficient reason to somehow suggest that the Commonwealth is taking the plight of this bird seriously?

The government knows full well that it can quote this report. It is not choosing to quote other reports that it got, such as the Latitude 42 Environmental Consultants report which found that the impact of the wind power project was likely to be minimal on local bird populations and that further species-specific studies were unwarranted. It looked at all sorts of things.

The department looked at it as well. The department's point is that to veto the wind farm on the basis of the low likely impact on the orange-bellied parrot would be inconsistent with the approach taken to approve wind farms elsewhere. The department knows that Senator Hill and Senator Campbell, the minister, never ever took the same attitude to other wind farms. The department was rightly highlighting: if you go down this path you will open up every other wind farm that you have approved to the same kind of scrutiny and questions will be asked about whether the minister took the same action with them that he has in this case—that is, to commission report after report. If those reports said that one per cent was going to be affected, why didn't they stop those wind farms if they are going to stop this one? In fact, that is where this is likely to go. That is why the department is saying, 'You'd better be consistent about what you're doing here.'

As I pointed out in this chamber yesterday, when the wind farm at Woolnorth in north-western Tasmania was first approved, Senator Hill, as minister for the environment, refused to assess it on the basis of the cumulative impact of the wind farms then proposed for north-west Tasmania, South Australia and Victoria. He said he did not have and would not take responsibility for cumulative impact and he was looking at each one as a specific and separate case, which I pointed out at the time was completely ridiculous. When you have an endangered species which has a clearly defined migratory path, you cannot look at development applications as one-off applications; you do have to look at the cumulative impacts. Senator Hill, the minister for the environment of the day, said no.

Senator Campbell has now opened up a real can of worms. He has brought into question the appropriateness of previous decisions that ministers have made. He has demonstrated that he has been prepared to use the EPBC Act for political purposes. He has been prepared to commission extra reports on some bases but not on others.

Down at Recherche Bay, where we had the Southport Lagoon conservation area, there is a critically endangered plant there, the swamp eyebright. It exists in an area of less than 100 square metres. The minister was prepared to let a

road go straight through that area, knowing full well that a road would lead to the extinction of that plant because people travelling on that road leave the road. It is a complete mess from four-wheel drives, as any Tasmanian senator would be aware. Senator Campbell knew full well about the swamp eyebright. Why didn't he stop that road going through the conservation area? That would have protected Recherche Bay because without road access they could not log it. But did he take any notice of that? No, he fell back quickly on his bilateral agreement with Tasmania saying, 'Under the regional forest agreement I don't have to assess a logging road,' even though the swamp eyebright is critically endangered. It is the one small place on the whole planet where it exists and it is going to extinction. What did he do about it? He did zero, zilch, nothing.

People are so critical and cynical about him because he has been so selective in what he does about endangered and threatened species. But what he has now done—and I am grateful for this—is he has opened himself up in regards to every single threatened and endangered species across Australia. Senator Brandis so admirably read out the minister's responsibilities as follows:

A person must not take any action that:

(a) has or will have a significant impact on a listed threatened species included in the endangered category;

On any endangered species in the country, if anyone takes any action any resident can come to this minister and say, 'Why have you got a bilateral agreement with that state government which exempts you from taking this statutory responsibility under the act?' That is what is flawed. Until he rips up those bilaterals that allow the logging industry in Tasmania to send these species to extinction, he has no credibility whatsoever. I am looking forward to the residents at Ralphps Bay asking him to take into account the critically endangered spotted handfish and to apply the same level of concern he has with the orange-bellied parrot at the Bald Hills wind farm to that particular development application.

Like the seat in question in Victoria—that is, Mr Broadbent's seat—I am looking forward to the minister doing the same in Bass, because it is a very marginal seat in next year's federal election. We have the proposed pulp mill there. Even though the minister is happy to have the bilateral that excludes assessing the logging and the impact it is going to have on threatened species, in the pulp mill's own assessment report it identifies the endangered wedge-tailed eagle and swift parrot as being on the site. The Commonwealth has a role in assessing this project. It has exempted all the forestry activities associated with the project but they have to assess the project at its own site.

I am looking forward to the people of Bass contacting this minister and saying, 'These are endangered species under the act. They exist on the site. You stopped this wind farm in Victoria because it might have an adverse impact of one mortality per year from all sites. What we know is that 12 species listed as threatened under the Commonwealth EPBC Act have been recorded or have the potential to occur within or adjacent to the proposed development areas.' Michael Ferguson holds Bass by what, one or 1.5 per cent? It is something like that. So here we are in Bass and it is a marginal seat, and yet we are going to that find this passion from both the Liberal and Labor parties in this place evaporate when it comes to the plight of the endangered wedge-tailed eagle, the white-bellied sea eagle and also in relation to the swift parrot.

If you are so concerned, all of you, about the cynical way in which this minister has used the act, I look forward to seeing the same enthusiasm about rejecting the Gunns pulp mill proposal in Northern Tasmania because of the impact it will have on endangered species in Tasmania at the site. I look forward to the tearing up of the bilateral, because what has been said in this place today from both sides says to me that both Liberal and Labor recognise that that bilateral agreement under the regional forest agreement is sending species to extinction in Tasmania.

The minister himself has said that they are going to extinction. He has said that they are highly endangered. Let members and senators take the action they need to take. This minister has sent shockwaves through the whole development community in Australia because what he has done is said that there is no certainty at all under EPBC legislation. He has opened up to communities, as it should have been all along, the right to take this minister and this government to task about development applications that do threaten endangered species across this country.

Senator Ian Campbell, the Minister for the Environment and Heritage, has let down all Australians in relation to endangered species but he has, to his credit, totally exposed this legislation as the joke that it is. Anyone who looks at the trends on endangered species and loss of habitat around the country would have to say that there is not one single environmental indicator that has improved since this legislation came into being some seven years ago.