

**PLACES
YOU
LOVE**

Re-Imagining National Environmental Law

Places You Love



More than 40 environmental NGOs

Over 1.5 million Australian members and supporters

Mission:

To inspire Australians to protect nature.

Vision:

A prosperous and healthy Australia where nature is valued and protected under our economic and legal system, championed by a powerful and effective constituency.

The *Australia We Love* report



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A compilation of best available scientific, economic and social analysis on the state of nature in Australia

The report identified serious problems with nature protection in Australia

Our conclusion: our current system of behaviours and laws are, at best, moderating the decline of the natural world

The *Australia We Love* report

1259 plants, 396 animals and 67 ecological communities are listed as threatened by the Australian Government.

Since 1985 more than half of the coral cover of the Great Barrier Reef has been lost.

More than 3,000 Australians die each year from air-pollution-related illness, nearly twice the national road toll.

Almost one-third of the 851 nationally important wetlands in Australia do not have adequate water supply or flow to maintain their health.

Invasive species have significantly contributed to extinctions in most regions of Australia, including more than 40 native mammals, birds and frogs.

Are we alone?

Brendan Pearson, CEO of the Minerals Council: “We have to find a way to satisfy the legitimate expectations of people to have a say on projects without suffering from interminable delays.”

Jennifer Westacott, CEO of the Business Council: “The double handling and delays that are evident in the current environmental approvals processes costs jobs, while doing nothing to protect the environment.”

Rob Stokes, NSW Planning Minister: “I want to encourage peace, order and balance in the resolution of increasingly hostile land use conflicts. The current battles we see among communities across NSW are of no benefit to communities or industry.”

Community concerns

There has been a growing level of community dissatisfaction and conflict. Examples include:

- James Price Point
- Margaret River coal
- Anti-CSG community
- Hunter Valley
- Carmichael Mine
- GBR
- Tasmanian forests WHA



Case: Mine Rehabilitation

More than 50,000 abandoned mine sites across Australia

“In Queensland there hasn’t been a mine closed for the past 33 years, the government doesn’t want to take on the risk of a closed mine and the industry is reluctant to spend the money required to safely close the mine.” Dr Peter Erskine, UQ

Queensland Auditor General – financial securities “insufficient to cover the costs of rehabilitation”

Question: what environmental legacy has been/will be left?

Question: who will pay?

Case: McArthur River Mine

Largest open cut lead and zinc mine on earth

Controversial decision to go to open cut in 2006

NT Government over-rode Supreme Court decision in favour of Traditional Owners

Creation of Independent Monitor

Heavy metals in fish

Water quality problems

Acid, heavy metals in over-burden

Glencore finances



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Case: Linc Energy UCG

The Queensland Government is currently undertaking legal action against Linc Energy

Queensland Environment Department investigation: Linc has caused irreversible damage "to more than one environmental receptor [which includes the atmosphere, vegetation, water and soil]"

320 km²

100 + officers

Staff told to drink milk



Case: Port Melville

\$130m deep sea port development

Woodchip facility and port facility for oil and gas

30 million litre tank farm for fuel storage and distribution

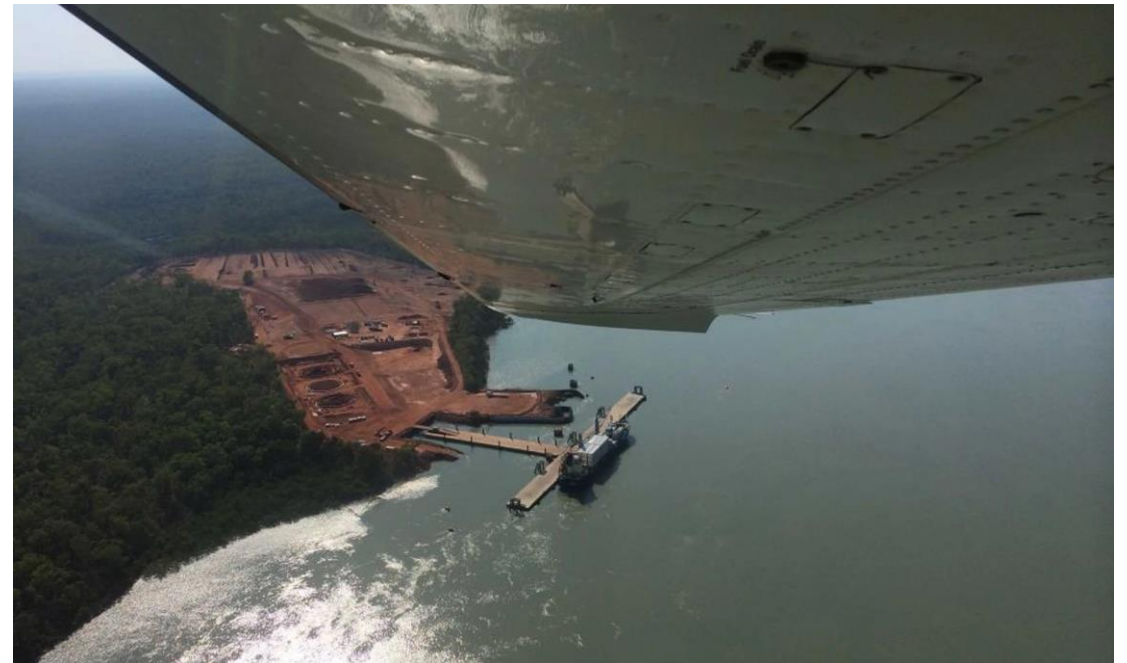
Started in 2010

To service US Navy

Severe storms

No publicly available data

No community input



Expert Panel



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Purpose

For a credible group to develop recommendations for renewal of the current Australian environmental legal system and a new generation of Federal environmental legislation. The new legislation will reflect international best practice and ensure effective, fair and efficient protection and management of Australia's environment as the foundation for sustainable jobs and a prosperous society.

Discussion Papers



- The foundations of environmental law
- Environmental governance
- Environment, land and water
- Climate laws and energy regulation
- The private sector, law and environmental performance
- Environmental democracy



What good laws deliver

Good environmental laws serve these purposes:

- 1. Protect the quality of key components of our natural environment**
- 2. Contribute to human prosperity**
- 3. Safeguard ecosystem values and services**
- 4. Protect cultural heritage and national character**
- 5. Enable individuals and communities in decision that impact on their environment**

Foundations



Questions being considered:

- Should ESD remain the basis of environmental law?
- Is the precautionary principle realistic? Intra- and inter-generational equity?
- How do we encourage environmental restoration and innovation?
- What are other principles we should consider?

Environmental Governance



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Questions being considered:

- Is 'shared' or 'collaborative' governance best?
- Are better, more open intergovernmental arrangements possible?
- What federalism models best suit environmental law?
- What sort of institutions do we need?

Environment, Land and Water



Questions being considered:

- **What is an efficient, equitable balance between protection of public vs private interests?**
- **Are there more strategic, landscape-scale approaches?**
- **Should offsetting and other compensatory measures be part of environmental law?**
- **How do you establish legal arrangements in context of adaptive management?**

Climate and Energy



Questions being considered:

- What is our nation's 'fair share' of global effort?
- What is the best suite of mitigation and adaptation laws?
- What roles should private and public sector play?
- What will the best package of complementary measures to de-carbonise the energy sector.

Private sector, performance



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Questions being considered:

- Can law embed performance standards into broader social and economic life?
- Can business laws be harmonised with environment laws?
- Can we achieve more through reform to other areas of law?

Environmental democracy



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Questions being considered:

- Should the right to a safe and healthy environment be established in Australian law?
- Can we provide incentives for positive environmental activities through the law?
- What 'rights to environmental information' are needed?
- Is access to justice important?
- Should we look at legal models that recognise and give rights to nature?

Further Questions...

