



COMMONWEALTH OF AUSTRALIA

SENATE

**ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS
REFERENCES COMMITTEE**

Reference: Commonwealth environment powers

MELBOURNE

Monday, 15 September 1997

OFFICIAL HANSARD REPORT

CANBERRA

SENATE
ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS
REFERENCES COMMITTEE

Members:

Senator Lees (Chair)

Senator Coonan	Senator Payne
Senator Hogg	Senator Reynolds
Senator Gibbs	Senator Schacht
Senator O'Chee	Senator Tierney

Participating Members

Senator Abetz	Senator Cooney
Senator Bolkus	Senator Eggleston
Senator Boswell	Senator Evans
Senator Brown	Senator Faulkner
Senator Calvert	Senator Ferguson
Senator Carr	Senator Margetts
Senator Chapman	Senator McKiernan
Senator Bob Collins	Senator Neal
Senator Colston	Senator Patterson

Matter referred for inquiry into and report on:

- (a) the powers of the Commonwealth in environmental protection and ecologically-sustainable development in Australia, including an examination of case studies;
- (b) the practicality, adequacy and application of existing Commonwealth mechanisms, including legislation, to promote the national interest in the protection of natural and cultural heritage and to achieve compliance with the principles of ecologically-sustainable development, with particular reference to:
 - (i) implementing Australia's obligations under international treaties and conventions, in particular, the Ramsar Convention and the World Heritage Convention,
 - (ii) the National Reserve System and the consistency of management

regimes for reserves created under the National Reserve System program,

- (iii) environmental impact assessment in or near areas of high conservation value in which the Commonwealth has an interest, and the consistency of guidelines for assessment processes between all levels of government,
 - (iv) export controls,
 - (v) the use of the corporations power,
 - (vi) the Endangered Species Protection Act,
 - (vii) the Inter-Governmental Agreement on the Environment, and
 - (viii) the National Strategy for Ecologically Sustainable Development; and
- (c) the most appropriate balance of powers and responsibilities between Commonwealth, State and local levels of government and mechanisms for implementation of treaties, conventions and national strategies to ensure consistency between all levels of government in environmental protection.

WITNESSES

HORSTMAN, Mr Mark Andrew, Research Coordinator, Australian Conservation Foundation, 340 Gore Street, Fitzroy, Victoria 3065 2

WRIGHT, Mr Peter Charles, Biodiversity Campaigner, Australian Conservation Foundation, 33 George Street, Sydney, New South Wales 2

SENATE
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ENCES COMMITTEE

Commonwealth environment powers

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Present

Senator Lees (Chair)

Senator Hogg

Senator Reynolds

Senator Payne

The committee met at 2.17 p.m.

Senator Lees took the chair.

HORSTMAN, Mr Mark Andrew, Research Coordinator, Australian Conservation Foundation, 340 Gore Street, Fitzroy, Victoria 3065

WRIGHT, Mr Peter Charles, Biodiversity Campaigner, Australian Conservation Foundation, 33 George Street, Sydney, New South Wales

CHAIR—The committee prefers all evidence to be given in public but if, at any time, you would like your evidence, part of your evidence or answers to questions to be given in private, the committee will consider that request. We have your submission No. 345 dated August 1997 and have authorised its publication in a separate volume. Would you like to make any alterations or additions to that submission?

Mr Horstman—Not to the main body of the submission. We have forwarded to the committee a supplementary submission provided by Dr Geoff Mosley about Norfolk Island. We are happy to have that attached as a supplement. I would like to table a further supplement to our submission about proposed amendments to Australia's constitution that would clearly indicate the Commonwealth role in environmental protection matters.

CHAIR—I now invite you to make some opening remarks and the committee will then put questions to you.

Mr Horstman—Thank you for the opportunity to speak today. As you would be aware, this is an inquiry that the ACF had quite a role in setting up. We would like to introduce our presentation by explaining why we believe it is so important and, therefore, why we think it is so important for this committee to adopt an inquiry into Commonwealth environment powers. There are really high levels of public support on environment issues, as we know. Consistently, a majority of Australians are shown to believe that environmental protection is equally as important as economic growth and job creation. On the issue of Commonwealth environment powers in particular, there are also high levels of public support. The last time this was comprehensively measured was in 1993 by the then Department of the Environment, Sports and Territories. It was conducted by the ANOP survey house and the report was called *Community attitudes to environmental issues*.

For example, from the findings in 1993, 73 per cent of people felt that the federal government should be involved in setting uniform standards for, say, reducing lead levels in petrol; only 20 per cent believed that it should be left to the states. Sixty-three per cent believed that the federal government should take the lead on protecting air and water quality; only 31 per cent believed that it should be left to the states. Fifty-nine per cent believed that the federal government should protect plant and animal species under a national system; only 35 per cent believed that it should be left to the states. Fifty per cent believed that it was the Commonwealth government's responsibility to deal with land

degradation; there was a minority level of support for that being left to the states.

We wanted to start today by reminding you that the general public and the Australian community do see a role for the national government in environmental protection, particularly regarding issues of national significance. I think people understand the logic. Certainly we at ACF get calls about it all the time from people saying, 'Why can't this issue be dealt with in a more overall way? Obviously this river that is being degraded in one state does not stop being degraded when it crosses the border into another state. Surely the states can get together and come to some common position on how you manage that river.' People also ask, for example, 'Why can't one level of government decide for the whole country what is the best way to protect this endangered species?' People recognise that environmental problems like air and water pollution and so forth do not respect state borders or national boundaries or—when you are looking at things like climate change—even international boundaries.

This is an issue that has been with us for some time. As I have demonstrated, it generates quite an amount of public interest. I guess the trigger for the ACF to call for a Senate inquiry into this issue was the announcement last year by the Minister for the Environment, Senator Robert Hill, that his government was prepared to excise an area out of the Point Lillias wetlands that are listed under the Ramsar convention to allow the construction of a chemical plant there. At that time we and many other groups thought, 'If we cannot protect areas that are protected by international conventions, that are important wetlands and so forth, then what areas can we protect?' That was particularly so when there were something like 11 separate acts and international agreements that applied to this very area. We thought that, if there were so many pieces of legislation and instruments relating to this area and we still could not protect it, what would happen to others that did not enjoy such legislative recognition?

We suggested to various senators that perhaps we needed to take a comprehensive look at what the Commonwealth's environmental role should be. Our main reason behind that was that we wanted to look behind the specific issues. There were issues going up all around the country. We put together a news sheet at the time that had a map of environmental hot spots in Australia, and we barely had enough room to fit in various issues right around the country that were of a national nature but also local in their interest. We wanted to look behind those issues and connect them all up and look at what the underlying trends were. We wanted to look at the policy processes that were producing this kind of outcome where the federal government appeared to be retreating in its role as the national protector of the environment. There seemed to be a trend going towards greater powers for the states and a more fragmented approach, therefore, to environmental protection.

What is very much driving those underlying trends is the review by the Council of Australian Governments. They are doing a review of the roles and responsibilities of the state and Commonwealth levels of government. We made a submission to that review at

the only opportunity there has been for public submissions. But we are concerned at the lack of public participation in a process that could lead, and appears to be leading, to quite a radical review of Australia's environmental legislation.

Therefore in our call for a Senate inquiry, we thought it appropriate that your committee, as the Senate environment committee—as the watchdog of these kinds of processes—should have the opportunity to run a process that gave the public some input into the kinds of issues that are determining what role the national government should have in environmental issues. So, arising from a concern that the COAG review is proceeding with little or no involvement of the parliament or the public, we call on the Senate environment committee to adopt a public process to look at these issues. That brings us to where we are today.

CHAIR—Would you like to add anything to that?

Mr Wright—I will talk about three particular areas which we would encourage the committee to focus its attention on. They are the Ramsar convention, the environmental impact assessment in general and the threatened species act. Mark will follow me and speak about the world heritage convention and the Teoh legislation that is coming up.

I speak about the Ramsar convention, firstly. One of the reasons the problem with Point Lillias arose and that problems continue to arise with the implementation of the Ramsar convention is that there is no legislative force behind the convention. It is a convention which Australia was the first signatory to. We have the world's first Ramsar wetland. We like to think of ourselves as a nation that is doing the right thing for our wetlands. We are active in the Ramsar community. However, we do not have a strong structural base that guides the Commonwealth or the states in implementing that convention. It is not clear what activities are appropriate and what activities are not appropriate in Ramsar wetlands. The management planning process for Ramsar wetlands is very disjointed and ethereal. Most Ramsar wetlands do not have plans of management.

In attempting to deal with this very complex issue about areas of the Australian continent that are probably the richest, most productive parts of the country we do not have a clear set of guidelines about how they should be managed. The ACF is seeking legislation to implement the Ramsar convention in Australia which makes it clear who is responsible and what they are responsible for so that we do not end up with this crazy situation where the federal environment minister can decide what is in the urgent national interest, and what is not, based on a particular case. We would like some clear guidelines about what is urgent national interest and what is not.

We would also like some management guidelines that take up the wise use principles of the convention so that it is made very clear what is wise use of a Ramsar wetland? Is it appropriate to build a chemical plant in a Ramsar wetland? Is it appropriate to allow oil and gas exploration in a Ramsar wetland? Is a marina an appropriate

development in a Ramsar wetland? None of these issues are pinned down so we have this great level of uncertainty.

A particular case that we encourage you to examine, which I think illustrates many of the points and will continue to illustrate the points over the next year or so, is the case of the Coongie Lakes—the wetlands in the north-east of South Australia. There is a large area of desert with wetlands scattered throughout. Part of it is an offshoot of Cooper Creek. It is an incredibly biodiverse area. It has the highest number of frog species anywhere in arid Australia. It is a remarkable place. It is listed as a Ramsar wetland at the moment. It has recently been studied by the CSIRO. They found that it contains world heritage values. So it is pretty clear that this is an area that should be nominated as a world heritage area in addition to being a Ramsar area already.

At the same time as all this information is coming about, the South Australian government has approved gas exploration in the core, least disturbed, highest value area. There is a draft Ramsar management plan being prepared. However, it is not likely to be released in draft until April of next year. The South Australian cabinet will then have a look at it, perhaps make some changes and refer it to the federal government who are unlikely to deal with it until 1999.

In the meantime, on the current timetable the South Australian government are likely to have approved the extraction of gas and petroleum resources from that site and there is no impediment to them doing that. The federal government could, if it chose to, take an interest and ask them not to do it. They could ask them to hold off but, at the moment, they have no legislation that allows them to enforce that kind of request. So we are seeing a ridiculous situation where management is coming later. The plan of management may talk about what sorts of activities are appropriate in the Coongie Lakes area but, by then, it is quite possible there will be a 20-year licence for this extraction project to go ahead.

Senator HOGG—Could I just stop you for a moment. I would like your advice on what would happen in a similar situation in other countries. Do they have the required legislative force behind their signature to the convention? How do we in some way differ from overseas experience? What makes our experience such that it needs and warrants the attention that you are asking for.

Mr Wright—It varies in different countries around the world. There is no secret that we are better than some countries and not as good as others in fulfilling our obligations under the convention. I guess for us we come back to the management of the area and whether it is adequate or not and whether the values are protected or it is being degraded. In many of our Ramsar sites, a lack of good management is leading to the sites being degraded.

Senator HOGG—So that does not mean that there is no management strategy; it

is a matter of there being a bad management strategy in place.

Mr Wright—No, the minority of Australia's Ramsar sites have management plans. There are many that do not have management plans at all. There are some that are covered by management plans for, say, a national park or some other area. But those national park management plans do not specifically address Ramsar wetland values, which is what the area is listed for under the convention, so they are not getting the special attention they need to protect the values of the wetland in particular.

Senator HOGG—Is there a model piece of legislation in another nation which we should look at or could look at?

Mr Wright—I think the best one that I have seen is a bill that is currently before the South African parliament, which is a bill to identify national responsibility for managing Ramsar wetlands. I can make sure that the committee gets a copy of that bill.

Senator HOGG—That would be useful.

Mr Wright—There is also a slightly different approach used in the UK where all the Ramsar wetlands are listed as sites of special scientific significance, which is a kind of high-level planning zoning that means they have to go through a quite detailed planning protection process.

Senator REYNOLDS—Is it true that Australia is particularly disadvantaged, if you like, because we have not yet got this Commonwealth-state responsibility resolved? It seems that in almost every government, both state and federal, regardless of the political complexion of that government, we come back to this states rights argument. Is that the same in Canada or in the United States? For example, does California stand up and say, 'Look, we don't care what you have done in terms of world heritage or Ramsar, we are going to do our own thing because of states rights'? Is this an international trend or is it something that we have to deal with in Australia?

Mr Wright—I am not really aware of what goes on in those other countries.

Mr Horstman—Canada has a more similar federated structure to Australia than the United States. So it may be instructive to look at how they have dealt with wetlands in Canada—or these kinds of issues, rather than just wetlands specifically—or how they have dealt with environmental matters in a federated structure. While not having the specific information with me, I am prepared to bet that, wherever there is not a clear head of power delegated to a particular level of government—and for environmental matters it is usually a national level of government that is most appropriate—then you have all kinds of management problems. You have conflicts over resource use, how areas are treated and so forth. You have a fairly jumbled jurisdiction. I think it would be useful to compare the Australian experience with the Canadian experience.

Mr Wright—We are certainly not arguing against reform. We are not arguing against change. I think there is a need to tighten up the processes. I think many things are possible under the existing legislative framework. There are many powers that the Commonwealth has that it chooses not to use. There are many pieces of legislation that it uses in a minimalist rather than a maximalist way. I guess there is no reason more could not happen under the current framework, except that there is an argument that is regularly put up by reluctant Commonwealth governments that this is a states issue because it is not in the constitution.

Mr Horstman—You raised the constitution and the example of wetlands in South Australia and South Africa before. In that submission on the constitution which I tabled earlier there is a section out of the newly adopted South African constitution that is a clear statement of environmental responsibility for that national government. We suggest that would be a good thing to be considered at the upcoming Constitutional Convention for inclusion in Australia's constitution if it were to be amended. There is that clear delegation of power to a level of government that really clears away a lot of the hurdles and pitfalls in developing good policies on environmental protection and management and implementing them.

CHAIR—We have digressed to questions. Is there anything else that you would like to mention before we open up to questions for the rest of the time?

Mr Wright—Yes, I want to briefly mention environmental impact assessment. In our submission there are a couple of tables that look at the various environmental impact and planning frameworks that are in place in different states and at the Commonwealth level. We were quite disturbed when mineral export controls were dropped by the present government. There were some statements made at the time by Senator Parer, and subsequently by Senator Hill, that they were quite comfortable with the EIA frameworks in place in the states, and there was less need for the federal government to get involved in this issue than there had been in the past.

I think we have demonstrated pretty clearly that there are very different processes in place all around the country. The grossest example is the protection of threatened species. Not all states have laws that protect threatened species. We have the national threatened species conservation act and we have opportunities to protect threatened species at the national level, so we would urge that those controls be retained and used until such time as each of the states has in place good legislation.

The other point we wanted to make about environmental impact assessment is that there are some projects where a state jurisdiction is not competent or where we would not be confident that a state jurisdiction would do a comprehensive job and address the national interest. I will give an example there of a development project that is currently being considered. It is the diversion of part of the Paroo River which commences in Central Queensland, just across the New South Wales border. It runs down into the

Darling in northern New South Wales and central northern New South Wales. There is a proposal being considered to pump some of the Paroo's water into an irrigation project. That catchment is the last pristine catchment in the Murray-Darling Basin. It has the great misfortune of crossing the border. A project is being considered upstream. The Queensland government say, 'Well, we haven't wrecked our bit of the river yet. Just because you lot down in New South Wales have done it, that's bad luck. We're going to consider this project.'

We do not have confidence that the Queensland government, in assessing that project, is going to address the national interest issues. The Paroo wetlands are Ramsar listed. This is the last pristine catchment in the Murray-Darling Basin. It is a marvellous national resource that is in dire straits and needs all the help it can get. How is that cross-border problem going to be addressed by either of the state governments? Such an issue should be dealt with through a Commonwealth environmental impact assessment process that considers the national interest for the wetlands and the river system that this project is a part of.

I will finish with one other issue. I touched briefly on threatened species conservation. The lack of adequate threatened species legislation in some of the states is a great cause of concern for us. The federal government has authority as the signatory to the biodiversity convention to do something about that problem. It has a couple of levers it can use to encourage the states to lift their game and introduce better legislation, particularly to fill that gap that has been left by the removal of the mineral export controls.

The government has legislative levers. It can create national legislation which operates in the absence of effective state legislation and which could be removed once effective state legislation is in place through an accreditation program. The other opportunity that the federal government has is through its funding programs. The Natural Heritage Trust is a fairly major funding program which is currently not being used to address some of the major threatened species problems of the country.

The problem of land clearing in Queensland is the overriding and the grossest example of this problem. Land clearing has been identified as the major biodiversity problem for Australia. Queensland, which is clearing land at the rate of 500,000 hectares a year, has been identified as the major problem spot. We would see it appropriate for the federal government to use the NHT funding program as a bit of bait to encourage the Queensland authorities to begin to reform their clearing controls to bring an end to this incredible disaster that is going on in Central Queensland. Any funding program that does not deal with that biggest biodiversity problem in Australia is really dancing around the edges. That is the sort of priority that we would like to see.

Mr Horstman—As we step through this we are identifying priority issues for the committee and also suggesting case studies. Just to cap on those last three. We are suggesting Ramsar and as a case study Coongie Lakes; for environmental impact assess-

ment the case of the Paroo River; and for endangered species the happy conjunction of the Natural Heritage Trust, Queensland and land clearing.

I would like to touch on two other issues briefly. In the context of the COAG review, we would certainly urge this committee to request that people from the Intergovernmental Committee on Ecological Sustainable Development or people intimately involved in the COAG review should explain to this committee the aim of what they are doing, where they are at at the moment, when they might expect to complete the review, what that would lead to and what kind of environmental legislation it might involve the review of.

As we mentioned before, we are concerned that this COAG review is being conducted with little or no involvement of either the parliament or the public. One example of what it does impact quite importantly on is world heritage management protection. We understand that one of the sticking points in the whole COAG discussion process has been a disagreement between the states and the Commonwealth about who has the final say over world heritage areas. The states clearly want to have a veto over nomination or listing of areas and certainly want to have the final say about how they are managed and how developments are approved for those areas.

I suggest that we need to go only so far as the Port Hinchinbrook case in the Great Barrier Reef Marine Park area, which is a very crystal clear example of why we do not leave world heritage management and protection to the states. You may be aware that there was a large peaceful protest happening in Cardwell that came to a head over the weekend where, unfortunately, people were assaulted by construction workers on the site. People have been hospitalised as a result. That is not going to change their resolve, though, because the people there are protesting against the construction of a marina in a world heritage area that will lead to the demise of a population of endangered species—in this case the dugong.

Dugong are large air-breathing mammals. They swim close to the surface. They breed very slowly. In Australia at the moment, certainly in the southern Great Barrier Reef, they are dying faster than they can reproduce. So the last way to protect endangered species like this is to build a boat garage where they feed and breed.

That is why people are taking action there. They believe they have to act where governments have failed to act. They believe, as the ACF does, that because an environmental impact study has never been done in the approval of this development, the impact on things like dugongs has never been able to be taken into account. It is a clear failure of process which has come from trying to develop an alternative way of approving developments in a world heritage area through some kind of cooperative, yet private, agreement between local, state and Commonwealth governments.

We see this kind of trend being reflected in the COAG review as it currently

stands. We strongly believe that this issue is something the committee should look at also in the context of the COAG review. It underlines the point that we need some national guidelines. The Commonwealth government's role in this should really be to set some national guidelines about what you can and cannot do in world heritage areas. If these are world heritage areas, then they have gone through a very stringent process, meeting very high criteria that make them of international standard, as their name suggests.

So Australia needs to allow world heritage areas to be treated on a case by case basis. In the case of the Great Barrier Reef, we will decide if we can have large resort there but not do an EIS. In the case of Shark Bay, the state government of Western Australia can allow petroleum exploration licences to be issued, and the federal government has no say over whether or not that can or cannot go ahead. We understand there has now been some action on that, and a report is to be produced about whether or not that kind of exploration could be compatible with the protection of world heritage.

All we suggest is that we should not have to get to this stage with world heritage areas. It should be clear from the outset what the guidelines are for their protection and management. So world heritage areas are an issue, and Port Hinchinbrook and Shark Bay are certainly good examples of that.

I am aware that this is being covered by another Senate committee—in this case, the Senate Legal and Constitutional Legislation Committee—on the potential implications of the so-called Teoh legislation, which is more technically known as the Administrative Decisions (Effect of International Instruments) Bill 1997. We are concerned about what will happen if this bill goes ahead. As it currently stands, it states that the fact that Australia might be bound by a particular international agreement should not give rise to any legitimate expectation that provides a basis at law for changing the effect of any administrative decision. That is, simply because we are signed up to an international agreement and we are a participant in that, it does not mean that we should reflect it in the way that we make laws domestically or the way we implement them.

We are very concerned that this kind of bill ignores the realities and environmental problems that we mentioned earlier. Many of these environmental problems that the modern world is faced with now are of a global nature—climate change, desertification, the loss of biological diversity and so forth.

We are very concerned that by this kind of bill we might lose our capacity to implement the kinds of powers that the Commonwealth parliament gains under an international agreement and that therefore the bill will reinforce the fragmented and the jumbled nature of our jurisdictions when they are used for environmental purposes.

CHAIR—So what could happen effectively is that eventually we may sign something at the end of the year in Japan, but if Teoh is active—it has actually been passed—we do not need to do anything about that.

Mr Horstman—That is right.

CHAIR—What would be the response of the world community to that?

Mr Horstman—Especially when they see Australia, on one hand, claiming the kudos for being there on the day and signing the agreement along with everyone else but, on the other, with Australia knowing that when we go home we do not actually have to pay any attention to it.

CHAIR—What are the implications for Ramsar?

Mr Horstman—That is one of the agreements that could be in doubt over all this.

CHAIR—Because I do not think in any jurisdiction we have legislation that specifically protects wetlands in the way that the Ramsar convention requires us to.

Mr Horstman—I have got a list of about nine international agreements here.

CHAIR—So Ramsar would effectively be useless. Is that your understanding?

Mr Horstman—There would be no compulsion for the government to recognise it or implement it.

CHAIR—At any stage?

Mr Horstman—Yes.

CHAIR—I am sorry to interrupt you but I wish to go back a step. You have given us some case studies—you are looking at Coongie Lakes and you are looking at the Paroo River and, as far as world heritage goes, perhaps Port Hinchinbrook as well as Shark Bay. Do you think we also need to look at potential world heritage areas and what some of the barriers are at the moment to one or two of those areas actually getting to that point? I am thinking of the Blue Mountains—I think there has been a full case study; we have had various state governments giving different opinions on it; and we have got some local government opinions on it. Do you think it would be useful for us to look at potential world heritage areas?

Mr Wright—I guess that is where Coongie Lakes fits in nicely because it is an existing Ramsar area, but it is a potential world heritage area and the values have been clearly defined. I am not sure that the Blue Mountains is a great case study to pursue at the moment because, from what I understand, the process currently under way is moving towards resolution. There have been delays for a number of years for a number of different reasons but, as I understand it, there is pretty broad support for the listing to go ahead. There is going to be a bit of argy-bargy about the actual lines on the map at the

end of the day but, no, I do not think there are major impediments to the listing going ahead.

CHAIR—Also, when looking at case studies, should we be looking at perhaps the implications of privatisation? I am thinking particularly of what is happening in the Snowy Mountains and the impact that that may have on the Snowy River, which was mentioned earlier. Would that be another area where we could look at this? We have got two state governments involved; we have got the Commonwealth government doing something different; and we have got the local shires very much involved now particularly down the river. Would that be a worthwhile case study in terms of where the three levels of government powers mesh together?

Mr Wright—The horse might be bolting right at the moment on that one. I know that the bill is about to be introduced—the bill is coming back into the New South Wales parliament this coming week, as I understand it. I think you have got a bill before you as well.

CHAIR—But it is all being done independently of the environment.

Mr Wright—It is. I guess there might be value in it, or if amendments are successful anywhere or if any negotiations go ahead that improve the situation, then—

CHAIR—Our close study can continue through that process, too, to look at ways in which perhaps Senate committees eventually, in terms of environmental powers, can influence the outcome of some decisions.

Mr Wright—On the Snowy, for us the main issue is the regulatory regime that operates if and when the thing is privatised. I am not sure that those kinds of ongoing regulatory regimes are quite within the scope of the management of special places like Ramsar wetlands. It is more of an ongoing operational issue—the Snowy is not a Ramsar listed wetland; it is not a world heritage area at the moment so I am not sure that it is going to be the best example. Again, it is not a development project as such. It is a project that is already there, and we are trying to work out how to regain some of the environmental benefits that have come from the projects. We do think it is a very important issue, and I would be very happy to talk to you at any time about our objectives for the area.

CHAIR—As one of the priorities if we are looking for case studies here?

Mr Wright—Yes, and I get the feeling that something is going to happen fairly soon on that.

CHAIR—Is there anything else to add?

Mr Horstman—No.

Mr Wright—Perhaps I could make one more point, and that is about the content of the plans of management for both world heritage areas and Ramsar areas.

At the moment, one of the things that concerns us greatly from what we are hearing about the COAG review is that the detailed content of those plans of management is not being discussed at all. Basically, as we understand what is going on, the Commonwealth and states will agree on a plan of management for a world heritage area in particular. It will then be up to the states to go away and manage that world heritage area in a way that is consistent with the plan of management.

Unless those plans very clearly articulate what is acceptable in those areas and what is not and unless those fundamentals are specified as a set of national guidelines, it will just go all over the place. We will be back into this present very uncertain situation where we have issues being decided basically on a case by case basis, depending on the political climate of the time. That is certainly no good for the environment. I would not think it would be terribly good for industry interests either because they are not being provided with any certainty. They are not getting a clear idea of what is possible, what is likely to go ahead and what is not likely to go ahead in those areas. The detail is all important. That, as we understand it, is not being considered in the COAG review.

CHAIR—Looking, therefore, at the case studies, are there any others that you would recommend? We were hoping in each state to have a look at a particular issue. Point Lillias is obviously off our list as that has been resolved. Is there another issue in Victoria, for example, that you think would benefit the committee in terms of having a look at what specifically is going on? Perhaps one of the things we could do in Victoria is ask for management plans to see what they have by way of management plans for each of the Ramsar sites. That would be a good place to start in Victoria.

Mr Horstman—While the issue of whether or not a chemical plant goes ahead at Point Lillias may appear to be resolved at the moment, the issue of protection of Ramsar wetlands generally might be a good one to look at in Victoria.

CHAIR—Right across the board of Victoria, yes. We have obviously covered Queensland, and I think we have done South Australia. What about Tasmania? Are there any specific issues there? Yes, Queensland seems to have come up trumps about four times.

Senator REYNOLDS—You could never cover Queensland.

CHAIR—We have done Western Australia. We have looked at South Australia now.

Mr Wright—I think the obvious one in Tasmania is the Mt McCall Road. It is a classic world heritage management issue. In fact, it is even worse because there was a

plan of management in place and there was an agreement between the federal and state governments that the area would be managed in a particular way. But, as we have seen, that agreement was dropped. I think there is a very clear case of world heritage management failing there.

CHAIR—New South Wales is missing then.

Mr Horstman—The Paroo. We would be happy to provide some more information on the Paroo.

CHAIR—That is Queensland and New South Wales.

Mr Horstman—We could talk about Jabiluka. There is an issue of concern raised that goes directly to the heart of Commonwealth control of environmental matters in the Northern Territory as to whether or not the Commonwealth government is going to retain control of parks like Kakadu, Uluru, Nitmulik and so forth. While there has not been any recent statement about that, around the time of the election there were some hopeful comments made by Northern Territory politicians that they expected—

CHAIR—Due to the Northern Territory election, there were, yes.

Mr Horstman—That is right. They expected the Commonwealth government to see responsibility of these national parks to the Northern Territory government. Maybe that is something to inquire into further.

Senator HOGG—I have two questions. You mentioned the survey done in 1993. Are there any subsequent surveys which show if there has been any shift in those expectations by people, or are we to believe that what was around in 1993 in terms of their expectation of federal government involvement is still there?

Mr Horstman—In the absence of any other recent survey, Senator, we are going to have to believe that that is where people generally are. There was a survey done in 1991 and another done in 1993. Earlier this year, the ACF made a submission to this committee before we made this submission suggesting that it would be really good to do a 1997 survey so we can start to track these attitudes. That would be the third in a series of the same questions being asked.

Senator HOGG—Yes, I think I remember that. I think it got pushed to one side because of financial—

Mr Horstman—It may well be beyond the resources of the committee—we understand that. Certainly, if we could find some way via Environment Australia or some other body to continue this research, we can start monitoring these trends. That would be very useful information indeed. We are confident, at any rate, from all the indications we

get from people who write to us or ring us when we are moving around and the kinds of concerns people have, that there would still be high levels of support remaining for the Commonwealth government to take a national role on national environmental issues. But it would certainly strengthen the case to be able to demonstrate that through polling.

Senator HOGG—The second issue: you mentioned a map of hot spots. Is it too large to be provided?

Mr Horstman—We can certainly provide it. It is—

CHAIR—We have got quite a few copies spare. That would probably be helpful for the committee if we could—

Senator HOGG—It would be helpful so that we get some idea of how you view where all the problems are.

Mr Wright—I think we did provide a few copies of our fold-out newspaper.

CHAIR—Yes, we will circulate those to the committee.

Senator REYNOLDS—I have a question that is really more for you to take on notice: see how creative you can be in making suggestions as to how we ensure that governments take their international obligations seriously. I have been at some of these international conferences where enormous energy leading up to the conference, during the conference and in post-conference debates is expended in ensuring that Australia is part of the international community in meeting its obligations, then everyone comes home and forgets about it.

It is a difficult area to try to sensitise the Australian public to what is happening because it is all a bit esoteric. If you went out and asked your proverbial taxi driver about Ramsar, he or she would not know what you were talking about, and yet it is letting the country down every time we sign with a flourish and then turn our backs. Do we have to go to the extent of taking the risk of lobbyists and others saying, 'Well, let's not sign if we're not going to implement'? That would be extreme action. I would worry that there might be a few politicians around on both sides of the parliament who might agree with that, so that is perhaps taking an enormous risk. I guess Kyoto will provide a very significant focus for this intellectual type of debate.

Any thoughts that ACF have on how we sensitise the community would be appreciated. If you sensitise the community to what is going on, you will sensitise your politicians because ultimately that is how we will respond. Of course, it does not just apply in environmental areas; it applies in relation to other areas of human rights. We are very aware of the cynicism about politics and politicians. It seems that nothing could contribute more to this cynicism than the way a country sends off its delegations to put

forward views, sign the treaty or the convention and make fine speeches and then five minutes later it is all forgotten at the domestic level. I do not expect an immediate answer.

Mr Horstman—We would be happy to take that question on notice but, to give an off the top of my head response, I think one of the contributing factors to these problems is that international agreements, particularly environmental agreements, are presented as a threat to the community and to national sovereignty. They are going to create great economic impact; they are something to be feared; it is Big Brother telling us what we should do. I think if we could reverse that—

Senator REYNOLDS—Maybe through this type of material that you have presented.

Mr Horstman—Yes, that is right, then that would do a lot to sensitise the community. People obviously see that there are problems with the greenhouse effect and they can see that you need a global approach to global problems. But at the same time they are being told, ‘But we are not going to be pushed around and told that we have to sign under this if it doesn’t suit us.’ There is a gap in logic there.

If you read the latest document *In the national interest: Australia’s foreign and trade policy* put out by the Department of Foreign Affairs and Trade which attempts to define what is the national interest, environment is specifically excluded from the national interest. In fact, environment is identified in that document as relating to international agreements which are a specific threat to Australia’s business competitiveness and so forth. It does seem inconsistent that, while on the one hand the policy says that they are going to move away from a multilateral approach as it relates to environment, at the same time the government is enthusiastically approaching multilateral economic agreements such as APEC and WTO—although I guess there has been a bit of a falter in the implementation of APEC recently. I think there is an imbalance between the way that economic, environmental and also human rights international agreements are being compared with each other. Really those mechanisms are similar but they are being treated in different ways.

Mr Wright—Also the clarification of responsibilities will assist this process, because at the moment issues get lost in buck passing. I attended the Ramsar conference of the parties that was held in Brisbane. It was just as you say: many fine words were spoken there. To Australia’s credit, Australia played a very leading and active role at that conference, but you still cannot escape the fact that the Peel Inlet in Mandurah south of Perth is still going down the tube. There is urban development in its catchment, and terrible things are happening to it. It is a Ramsar listed wetland and it is not being managed well. This buck passing about something being either a national or a state issue is part of the problem. It adds to people’s cynicism as well.

Senator REYNOLDS—Thank you.

CHAIR—Just one last question because I realise we are running out of time. We could continue on this discussion and no doubt we will see you again at some stage. Just looking at local government and where other governments stand back and say, ‘Oh no, that development proposal is in the hands of the XYZ shire, are there some issues that you would recommend that we look at? Perhaps the Peel Inlet is one of those we could examine because I understand it is local government there allowing further development that is one of the keys to that. Perhaps you could take that question on notice and come back to us with a couple of case studies where we can see the Commonwealth passing down or a state passing down to local government and then some of the problems begin.

Mr Horstman—I am just trying to recall if the Australian Local Government Association has made a submission.

CHAIR—We have asked, but as yet they have not.

Mr Horstman—We would certainly suggest that would be an appropriate body to ask about these issues.

CHAIR—We do have one promised.

Mr Horstman—The ALGA is involved in the COAG review process as well but often finds itself crowded out by the state and federal levels of government.

Mr Wright—There are some excellent schemes around where the federal government has dealt directly with local government to produce good environmental outcomes.

CHAIR—Perhaps we could look at some positives as well to see how it can be done. I think that would be very helpful.

Mr Wright—I am thinking specifically of the Sydney air shed project, which was a federal government program to fund local councils in Sydney to collectively develop a manual of things they can do to improve air quality in Sydney themselves without state government involvement. It is a fantastic project. It is in its implementation phase now that the manual has been developed. The state government is playing catch-up trying to find out what is going on.

CHAIR—That sounds like a great one to have on the positive side. I thank you very much for your time today and no doubt we shall be back in touch.

Committee adjourned at 3.10 p.m.