



COMMONWEALTH OF AUSTRALIA

SENATE

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

Reference: Commonwealth environment powers

SYDNEY

Tuesday, 16 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

**COLLEY, Mr Alexander, Honorary Secretary, Colong Foundation for
Wilderness, Gloucester Walk, 88 Cumberland Street, Sydney New
South Wales 2000 20**

**SERVENTY, Mr Vincent, President, Wildlife Preservation Society of
Australia, 36 Diamond Road, Pearl Beach, New South Wales 2256 20**

**SOMERVILLE, Mr James, Member, Colong Foundation for Wilderness,
Gloucester Walk, 88 Cumberland Street, Sydney, New South Wales
2000 20**

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Commonwealth environment powers

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Present

Senator Lees (Chair)

Senator Gibbs

Senator Reynolds

Senator Hogg

Senator Tierney

Senator Lundy

The committee met at 12.28 p.m.

Senator Lees took the chair.

SERVENTY, Mr Vincent, President, Wildlife Preservation Society of Australia, 36 Diamond Road, Pearl Beach, New South Wales 2256

COLLEY, Mr Alexander, Honorary Secretary, Colong Foundation for Wilderness, Gloucester Walk, 88 Cumberland Street, Sydney New South Wales 2000

SOMERVILLE, Mr James, Member, Colong Foundation for Wilderness, Gloucester Walk, 88 Cumberland Street, Sydney New South Wales 2000

CHAIR—We now move on to the Commonwealth environment powers inquiry. We have before us submission No. 348 of August 1997 from Mr Serventy and submission No. 14 from the Colong Foundation for Wilderness and we have authorised their publication in separate volumes. Does either of you want to make any additions or alterations to your written submissions?

Mr Serventy—I did send a letter and a submission to Robert King which I hope has been passed around to everyone.

CHAIR—We have just received those. Thank you very much for that.

Mr Serventy—I can add to that. Our society has been in touch with the Netherlands government, and they are willing to send their minister out to discuss that scheme during our Earth 2000 conference in Sydney. You can all have copies of this document, if you are interested. So hopefully that will be given a big airing in the year 2000.

CHAIR—Yes, we have been circulated with those.

Mr Serventy—I have also sent it to Mr Costello. He passed it on to Senator Robert Hill who has explained they do not want to muck around with tax incentives. They do not think it is a good idea. I still think it is a good idea but, still, that is human nature. I should add that I was appointed the Australian head of commission by Malcolm Fraser, a Liberal, and I was appointed to the group that drew up the act by Gough Whitlam. So I have been trusted by both sides of the political spectrum, shall I say.

CHAIR—Thank you. I now call on the Colong Foundation. Do you have any additions to your submission on Commonwealth environment powers?

Mr Colley—No, it was not a very long submission. I think it made one point.

CHAIR—That is fine. Do you wish to make any opening remarks?

Mr Colley—Just to say that national heritage should be a matter of national significance and that the Commonwealth should have the power to make sure that the

nation's interests are respected, as often they are not by the states. The trouble is that land use is a state responsibility. The only way I can see out of that would be through a constitutional alteration after a referendum to give the Commonwealth the land use powers over heritage assets. That is about all I would say.

Mr Serventy—If I could add a point. I have just finished an article on how to solve the unemployment problem which I can send to Robert King to pass around to committee members. It is quite a short article. It is basically the same thing which I said to Bob Hawke many years ago but developed in more detail.

CHAIR—Thank you. If I could just open the questioning by trying to set the scene a little bit for today. You are only the second group of witnesses that we have spoken to on our new inquiry. As we did yesterday, we are looking at the structure of the inquiry and where we go. In particular, the first term of reference requires us to look at some case studies.

One of the original case studies would have been Point Lillias where the state government wanted one thing, the federal another and we had a Ramsar convention in the middle; but that one seems to have been largely resolved. So we are now looking at other areas where we can home in and specifically look at the various powers. Perhaps there are three levels of government involved because in some instances power is then devolved down to local governments. Could you perhaps make any recommendations of areas, say, in New South Wales that the committee could have a closer look at in its inquiry—particularly perhaps areas where World Heritage is in question.

Mr Colley—I think that World Heritage listing of the Blue Mountains, which has been our proposal for the past 10 years or so, is extremely important and is not only a matter for the New South Wales government but also a matter of terrific importance to the Commonwealth government. World Heritage always is. I would like to see the Commonwealth taking an active role in this, which I am afraid it is not doing at present. The Commonwealth government seems to be obstructing the heritage more than promoting it.

CHAIR—So you would recommend that as perhaps one of the issues we could look at in New South Wales. We were hoping for a couple of issues in each state.

Mr Serventy—One of the problems is that the Liberal Party will not nominate anything for World Heritage unless a state government first approves. The Labor Party do not hold that position. When the Labor Party was in power, they nominated areas such as the rainforests and so on for World Heritage listing. I have talked to Mr Ian McLachlan, who was the shadow minister for the environment. He agreed that, where it was a matter of overriding national interest, the Liberal Party should change their policy. But, of course, since then he has been put into another portfolio; so sadly he will not influence them very much—except in cabinet. But I think it should be done.

CHAIR—With the Blue Mountains nomination perhaps we should also look at state government and local government involvement because we may have fulfilled the criteria—I do not know where the federal government stands today on the Blue Mountains—if the state government has agreed to the nomination. Do you have any comments today on where local government up in the mountains stands on the nomination?

Mr Colley—Yes. There have been a couple of meetings of the local government people and nearly all the local governments concerned are very much in favour of it. I think it is the Rylstone government which does not like it but the other local governments, and particularly the Blue Mountains City Council, are all in favour of it.

CHAIR—Thank you, that has been quite helpful. Are there any other areas in New South Wales that you think it may be beneficial for us to have a look at; for example, are there any questions you are aware of regarding Ramsar wetlands and their protection?

Mr Colley—No, I cannot think of anything there. But what about the woodchipping in the south—I think that might come into it. There has been a long fight to try to stop woodchipping there and to get the national parks. I think that was a matter of national significance which the federal government had the power to do something about and it did not. It could have terminated woodchipping but it did not do it.

Mr Serventy—Another place is Coongie Lakes in South Australia. It is a Ramsar site but it is under threat from Santos to explore for oil and gas, although the Coongie Lakes is only one per cent of the total Santos lease. We have written to the South Australian government and to the general manager of Santos suggesting they should hand over that one per cent to the people of Australia, as was done by Rupert Murdoch many years ago when he handed over Dryandra forest to the people of Western Australia. So it could be done. It seems to me that Coongie Lakes as a Ramsar site, a desert wetland, is an instance where the federal government could say that Coongie Lakes must be kept, because under the Ramsar convention they are supposed to do that.

Senator LUNDY—I want to turn to the additional information provided by Mr Serventy which refers to another dimension of the Commonwealth's power to exert influence over the protection or development of our natural assets. Can you provide a summary for the purposes of this committee of what the government of the Netherlands has done in their proposal and how you see its potential application in Australia.

Mr Serventy—Although increasing age has increased my wisdom, I hope, it has diminished my hearing powers. I did not quite hear all of that.

Senator LUNDY—I am sorry, I am just making reference to the additional information that you supplied. I was wondering whether you could provide a summary of the Netherlands government initiative and how you see the potential application of such a

scheme in the Australian circumstance.

Mr Serventy—You have the section that I photocopied. However, there is a whole stack of stuff that I did not send to you because I thought we would discuss in some detail how the scheme works in the Netherlands. There is a whole booklet which I could photocopy and send on to you, if you are interested.

It just seems to me that this scheme in the Netherlands has great possibilities because the government decides whether a company is a green company or not. The government makes the decision. The money must be invested in the Netherlands. It must be an innovative project, not just tacked on. Seventy per cent must be green but 30 per cent can be invested by the company in other projects. They have had an incredible response from the big business. I think in two weeks some \$400 million, or whatever the equivalent is in guilders, was invested. So it is going very well. They intend to spread it. They are going to help the developing world as well. Any companies involved in the developing world can also get green credentials. The Netherlands have always been very good on supporting the developing world—helping them in Africa and so on. A friend of mine has been in charge of the ones on the African side.

Senator LUNDY—Just going to another point about the ability of the Commonwealth to exert control, in terms of nominations for World Heritage listing obviously being an overt way that the government can influence protection, what about the less overt mechanisms; that is, proposed Commonwealth developments in a given space and how a government is currently obligated to declare all countervailing interests that may exist and be impacting upon their decisions. It is mainly in terms of potential alternative development and how those considerations factor into listings and other Commonwealth land usage.

Mr Serventy—When I send this article that I promised to Robert King, I think that will deal with a lot of the questions you have asked. There are immense powers that a national government has, where there is a financial carrot and where it is going to be very good for Australia as well. This article will deal with that in some detail; so I hope you will enjoy it.

CHAIR—Would you be able to send that to the committee as well?

Mr Serventy—I will send that to the committee, yes. It has not gone through the filtering system of my wife yet. I should mention, by the way, that my wife has just been elected the World President of the Friends of the Museums of the World and she has a big conference in 1999. But once she has corrected my article, I will send it to Robert King and he can then circulate it to you. But it does cover a lot of these points on how we can help the environment from the federal level in not just a straight tax deductibility field but in other fields.

Senator LUNDY—Thank you.

CHAIR—I want to continue for a moment on the World Heritage listing questions. As this inquiry progresses, we may need to get back to both of you with some additional questions. Just looking at the mechanisms that World Heritage listing actually puts in place that helps us to protect the environment, and looking at the Blue Mountains specifically: do you think there are sufficient mechanisms already up there with the local government to do a lot of the protecting or do you see the World Heritage listing giving us additional powers?

Mr Colley—I think it will give additional powers. There is an awful push up in the Blue Mountains from developers to increase both the tourist potential and the residential potential all the time. It is a threat to the Blue Mountains. Fortunately, the new sewerage scheme is going to improve things a good deal because before that all the streams emanating from the Blue Mountains towns were polluted.

The Blue Mountains does have a fair measure of protection already. Very largely due to the efforts of the Colong Foundation, the Greater Blue Mountains National Park is now in existence in fact although not in name. We also have the Kanangra Boyd wilderness and the Wollemi wilderness draft nominations which are being assessed. That will give a high degree of protection to the Blue Mountains.

But our idea in nominating the Blue Mountains for World Heritage listing is to give it the strongest protection it could possibly get and I think that is about as far as you can go in Australia. It also has broader implications because a World Heritage area in the Blue Mountains would be a wonderful asset to New South Wales, particularly with the onset of the Olympic Games.

CHAIR—So tourism will actually increase for World Heritage areas.

Mr Colley—Yes.

CHAIR—Can I just go back to the various areas that are coming within your map of the new World Heritage area. From memory I think there are some areas at the moment that are not protected, aren't there?

Mr Colley—Most of it is protected, yes.

CHAIR—But there are some new areas that you want to see included. I think a couple of those may be areas up near the developed or higher parts of your map and at the moment they are potentially open for development. So will there need to be any financial compensation or any allowance to some local governments which may lose some potential rate revenue? Are there any economic implications of the listing?

Mr Colley—I do not think so. As a matter of fact, the country in the Blue Mountains which we have nominated has very little developed area within it. The only highly developed areas are the Blue Mountains towns. Most of it is very much undeveloped. I do not think there would be much compensation. We would like to see a lot of the inn holdings within the national parks being acquired, which may happen from the Myles Dunphy Wilderness Fund. We hope it will.

Mr Serventy—I think one must accept that World Heritage listing does not mean it becomes a national park. That is a common misconception. The Great Barrier Reef is not a national park. It is what our society classifies as a regional park. In other words, what you do is put a conservation umbrella over the whole region. Shark Bay, for example, is in essence a regional park. There are sheep stations there and people still harvest sandalwood under proper management guidelines. So World Heritage listing and similarly with Australian heritage listing does not say that the whole thing must be a national park. It just says there must be a conservation umbrella supervised by the national government. I know it has loopholes, but that is what happens.

CHAIR—Yes, that is where I was heading with the questioning. Some of the areas are obviously going to continue with the current activities but, from my reading of it, there will be some restrictions to further development and councils may have seen potential rate revenue diminish at least.

There being no further questions, I thank you for helping us to set the scene with our new inquiry. As I said, we may need to get back to you later on for further information. I thank Mr Serventy for what he is going to pass on to the committee.

Mr Serventy—Thank you, ladies and gentlemen, for listening to us. It is very pleasant to know you have the ear of politicians. That is what we are always searching for, because governments have the final say. Unless we convince you, we cannot convince Australia.

Committee adjourned at 12.46 p.m.