

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON THE ENVIRONMENT

INQUIRY INTO STREAMLINING ENVIRONMENTAL REGULATION, 'GREEN TAPE' AND ONE STOP SHOPS

Announced 27 January 2014. Submissions due 11 April 2014

TOR's: The Committee will inquire into and report on the impact of 'green tape' and issues related to environmental regulation and deregulation.

The inquiry will have particular regard to:

- *Jurisdictional arrangements, regulatory requirements and the potential for deregulation;*
- *The balance between regulatory burdens and environmental benefits*
- *Areas for improved efficiency and effectiveness of the regulatory framework; and,*
- *Legislation governing environmental regulation and the potential for deregulation*

General comments

EFN represents farmers in Southeast Australia interested in sustainable farming in a social, environmental and economic sense. We represent mostly commercial farmers very concerned about the impact of climate change on farms, people and landscapes, loss of farm biodiversity and the loss of farmland and relatively natural areas to urban expansion. Our policies are available at www.environmentalfarmers.net.au. In particular, we encourage strong greenhouse gas mitigation and adaptation to climate change. We strongly support State and Federal Governments developing market mechanisms that reward those landholders providing ecosystem services such as retention and protection of biodiversity on farms and carbon sequestration.

The history of government regulations concerning environmental issues has been of reacting to damage done and recognising a need to protect our environment. Development at any cost mentality is now hopefully being replaced by considered development. That is, a consideration of environmental costs associated with major developments. Rarity has also driven legislation to protect the last remaining bits of unique biodiversity. The capitalist system we operate under has not protected key environmental assets which we all rely on. The fact that we are looking at ways to streamline regulations reinforces this paradigm. If we make hasty judgements for the sake of development we may regret forever the consequences of these streamlined systems.

EFN believes that regulation is a good thing. It also believes that the interpretation of regulatory burden is often a very selfish concept belong to one or another interest group. In fact it points out the need for regulatory administration at a distance from the activity (eg National oversight of some State activities, and State oversight of some regional activities) if it is going to be effective. A good example of this would be the use of EPBC Act to stop environmental damage in farming areas. Local Government action to protect key environmental assets seems compromised by familiarity between those charged with administering regulations and persons/organisation wishing to remove a perceived environmental restriction (such as native vegetation).

The need for regulation (green tape should be seen as a good thing)

- Probably the foundational role of government is to set the rules for reciprocity, equity and our future. Clearly the lack of key rules, or the wrong rules, can predicate against - and cause the opposite.

- Regulation to protect our environmental capital (aka “green tape”) should be regarded as a good thing. Short term money making activities which consume and remove environmental capital must not have free reign. Environmental capital sustains us, and enables us to have a future.
- Environmental capital underwrites our economy. Economic sustainability is subservient to environmental sustainability. We have no choice but to make rules to ensure we can achieve environmental sustainability (and thus economic sustainability) through environmental protection.
- “Deregulation” and even “self-regulation” are frequently anticompetitive when used as clarion calls by the self-interested. Green tape regulation should be considered as a way of dealing-in the externalities of those activities which can have significant environmental consequences.

The role of government

- The assumption (of the removing green tape lobby) that government is there to facilitate business, rather than guide and empower all society is questionable. Governments must be accountable to its citizenry, and that includes that of the future as well as now..
- Proper green tape is not a regulatory burden

Focusing and sharpening the pointy end of regulation

- We do accept that while green tape is a good thing, over-zealous use can be counter-productive. Hence the EFN would ask that this inquiry judiciously consider just what green tape is fundamental to the sustainability of our communities, societies and landscapes. A portfolio of such could be a palpable outcome. If, however the inquiry concentrates on cutting, as a response to vested interests, then we run a major risk of losing important societal guides and standards
- If we choose to cut green tape regulation in order to expedite business activity, any damage resulting will not be easily undone. The horse bolting is a reasonable metaphor. For example coal seam gas developments with implications for ground water quality are probably the types of development where caution is paramount. In these cases it may be necessary to move in the other direction and slow any decisions and watch what happens in other countries that have a different attitude (eg USA).

The consequences of the failure of regulation

- If we do not keep our environmental capital (and its associated ecosystem services) healthy and vibrant we cannot be sustained. Society can only survive if we keep the fundamental services of the planet running at an appropriate level. Five key ones are worth reiterating; clean water; clean air; food; climate; and the diversity of life. There is plenty of evidence that we humans are close to compromising the lot. Green tape can only be a good thing if it helps preserve these fundamental services.

The fundamentals of green tape

- Green tape, or the need for environmental regulation, cannot be evaluated without the establishment of a clear vision of what we want this nation to look like in say 50 years.
- The vision can then enable the goals
- Green tape then sets the guidance, the standards and the responsibilities for achieving the goals.
- Without a clear common understanding of the goal, green tape does run the risk of becoming a bureaucratic hurdle. Just box ticking. Hence the plea for goal clarity. Then green tape can become truly intelligent.

An example of the general (and unsung) value of green tape.

- Some years ago the Water Department in Victoria wanted to develop better equity in the ability to collect runoff water in Victorian catchments . It was proposed to require landholders to get construction approval for off-stream dams bigger than that required for stock and domestic use. A hue and cry of course arose. The Victorian Farmers federation joined in. However, when it was made clear to the VFF that if such green tape did not go ahead, they would have the responsibility of explaining to the downstream irrigators (also VFF clientele) why they no longer had access to catchment runoff waters – they soon were strong supporters of the “new” green tape.