

Dear Senator

Re: Carbon Pollution Reduction Scheme - Exposure Draft Legislation

Through the NSW Farmers' Association I have received a copy of your email to Kerry Collins advising that the Senate Economics Committee "the Committee" has a revised closing date for submissions (25 March) following referral of the exposure draft legislation to the Committee.

Could you please accept the following as my submission to the Committee. It covers two particular issues and includes what I hope that you may agree is reasonable but limited detail.

The two issues are:

- 1) That the Scheme be Titled the "Atmospheric Carbon Reduction Scheme" instead of the "Carbon Pollution Reduction Scheme".**
- 2) That any and all definitions relating to the imposition of the requirements of the scheme are couched in terms that are consistent with the customs and democratic traditions of this country.**

If I may briefly address these topics.

1) In terms of both scientific and political logic it is preferable that the scheme be known as the "Atmospheric Carbon Reduction Scheme". There are a number of reasons for this. They include:

- That in the vast majority of contexts carbon is an essential element rather than a pollutant. For instance even in an act as simple as drinking a soft drink or a glass of beer the individual is drinking "carbonated water" - a peculiar act if atmospheric carbon was actually a pollutant.
- Unlike bona fide poisons there is in science, if not in politics, a long recognised and important "carbon cycle". As a professional farmer I am well aware that increasing the levels of carbon in my soil will increase its productivity and improve its ability to retain the limited soil moisture levels occasioned by drought.
- At a future time government may recognise that there is no link between increased levels of atmospheric carbon and increased global temperatures. As is increasingly widely if not universally recognised, global temperatures have declined marginally since 1998 despite a continuing increase in the level of atmospheric carbon. If "the Scheme" is more appropriately named withdrawal from it can be achieved with a good deal less political embarrassment following that recognition.

2) In terms of the terminology used to impose the requirements of "the Scheme" upon Australian citizens there are clearly concerns that in the present draft legislation is couched in terms more consistent with traditions of the Spanish Inquisition than with the democratic and legal traditions of this country.

If I may, could I please refer you to the following information circulated within the Executive Council of the NSW Farmers' Association yesterday by one of our members who is an experienced legal practitioner.

Quote:

"Six days ago the federal government unveiled its climate change legislation. Here are a few things all Executive Councillors should know about it.

The Carbon Pollution Reduction Scheme Bill (all 374 pages of it) says if you're suspected of emitting too much carbon:

- 1 your right to silence is abolished (clause 311-3)
- 2 your right not to incriminate yourself is abolished (clause 300-1)
- 3 the onus of proof is reversed. You need to prove you're innocent instead of the government proving you're guilty (clause 336-3).

Do suspected terrorists now have more rights than carbon emitters?

But wait...there's more! Your right to privacy has also been abolished. The government can pass on

private information about you to practically anyone it wants, including foreign governments (clause 48-1(r)), and the United Nations (clause 48-1(s)). (This bit is in another piece of legislation - the fantastically named Australian Climate Change Regulatory Authority Bill.)

Don't take my word for it. Read it yourself [here](#).

The legislation isn't just draconian. It's Orwellian."

End of Quote.

Although I am no lawyer I have seen as many television and other dramas where "the accused" is advised of his or her rights to "remain silent" and/or "not incriminate oneself". There is also the "presumption of innocence" that has sometimes been referred to as "*The golden thread of British justice - that a man is innocent until proven guilty*".

Whether or not the perceived need to reduce the level of atmospheric has any real relevance there is absolutely no need for the legislation aimed at achieving the reduction to be expressed in terms that unnecessarily compromise our personal liberties and democratic traditions.

Even if reducing the level of atmospheric carbon is a necessary evil it need not, and should not, be pursued in an evil manner.

I thank you for the opportunity to make this submission to the Committee.

Yours faithfully

Alix Turner