



BELLINGER RIVER BRANCH
Cowper FEC and Oxley SEC

Matter	Motion
Concerning	Environmental Laws
Policy area	Sustainable Communities
Moved by	Andrew Woodward
Seconded	
Date	14 November 2017
Version	1
Note	
Alignment with platform/policy	Proposal to add to platform

This branch calls on the Australian Labor Party to safeguard our unique natural heritage and environment on behalf of future Australians by creating new environment laws, and founding an independent, fully resourced, public agency for the environment, within the first term of Government.

This reform builds on Labor's rich history of environmental protection.

Our current laws are failing to protect our natural assets, and create complexity and uncertainty. We need to update and enhance our environmental management to create opportunity and deal with today's and future threats such as climate change.

The ALP must commit to working with First Nations people and the wider Australian community on the development and implementation of the Australian Environment Act, which will define matters of national environmental significance and enshrine federal leadership in proactive and systemic protection of our environment.

New independent and well-resourced institutions will embed principles of democratic accountability and intergenerational justice. These institutions will develop and implement a National Environment Plan and will enforce the law.

If passed, the decision of the branch is advised to:

Our Leader: Bill.Shorten.MP@aph.gov.au

Deputy Leader: Tanya.Plibersek.MP@aph.gov.au

Shadow Environment Minister: Tony.Burke.MP@aph.gov.au

National Secretary: Noah.Carroll@cbr.alp.org.au

Assistant National Secretary: paul.erickson@cbr.alp.org.au

National Policy Forum Secretariat: policy.forum@alp.org.au

LEAN: envirolaws@lean.net.au

Attached: Background paper.

BACKGROUND

The Labor Environment Action Network (LEAN) is running a campaign across the country calling on Labor to deliver ground-breaking reform, resetting how we care for the environmental health of our country. LEAN is calling for new laws and institutions that are strong enough to defend our unique environment in the 21st century.

AUSTRALIA IS KNOWN AS THE LUCKY COUNTRY....

With starkly stunning, diverse landscapes and unique native animals that we hold dear to our hearts. However, we have a problem - a big problem. The health of our beloved natural environment is going backwards. Tree clearing is excessive, our waterways are polluted and many of our native animal species are endangered or under serious threat, including the iconic koala.

LABOR'S ENVIRONMENTAL LEGACY

This is where Labor, the party of environmental protection, comes in. It is our responsibility to look after our country and the natural resources on which we rely. We have a proud history of protecting the environment: the Daintree, the Franklin River, Kakadu, Tasmania's forests, NSW wilderness, Cape York, Australia's marine parks.

Labor has a history of being at the forefront of systemic thinking about environmental management as happened during the times of Whitlam and Hawke. It is now time for us to step up once again and deliver big-thinking environmental management to protect our natural assets while allowing our economy to thrive. It's core Labor business.

THE PROBLEM

Currently our environment laws are not up to the task of protecting our country. Business dislikes them too – development approvals are slow and expectations are unclear. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was written 20 years ago by the Howard Government. It was considered weak and inadequate at the time of adoption, with Julia Gillard describing it as a “hastily cobbled together legislative nightmare.”

The environmental health of Australia has continued on a downward trend since this Act was introduced – extinctions continue, plastic swamps our waterways, health is undermined by air pollution and clearing of bush occurs at rates that rival Brazil and Indonesia. Most alarming of all is that the Act doesn't even mention climate change.

LEAN believes that it is Labor's historic job to fix this. It is time to be superheroes of the legislative kind. LEAN believes that by taking an over-arching systematic approach to our laws, we will better protect our biodiversity and ecosystems, as well as streamline and simplify the process for development approvals.

SO WHY DON'T THE CURRENT LAWS WORK?

Federal environment laws do two things:

1. Create the processes for assessment and approval of development proposals - everything from urban developments to mines to tourism infrastructure.
2. Set goals and processes for the proactive management of the health of the Australian environment – looking after our rivers, our bushland, our oceans.

Within the current Federal environment regime, most of the focus is on the first of these. Most of the environmental decline occurs because of the failure of the second. Our current laws do not provide a framework for accountable, active environmental protection and management. The focus is on conditions for project approval or refusal. Our current laws are too species-focused which neither protects nor sustains our natural systems. We need an approach that considers the whole landscape. They are nothing like ready for the natural heritage challenges that climate change will bring. They are often too complex, slow and costly. This locks out local communities and innovative businesses, instead favouring those with deep pockets.

No level of Government has clear responsibility for halting Australia's environmental decline. The Federal Government must be given this task and the resources for delivering it.

SO WHAT NEEDS TO BE DONE?

There are three key design priorities for improving the laws.

1. Federal leadership and responsibility for pro-active environment protection. We need to set up plans and approaches to manage each of our amazing natural assets. States will work with the Commonwealth to deliver these.
2. Clear and robust terms for Federal development approvals – to give business certainty and speed up the process.
3. Principles of democratic accountability and protection of rights for community involvement in environmental matters. In the 70s and 80s when Labor was at the forefront of environmental thinking internationally this was a key piece of our approach. It has been eroded over time.

WHAT ELSE? SOME TEETH

The most perfect laws in the world mean nothing without the ability to deliver them. We need new strong institutions that are independent, well-resourced and empowered to deliver this bold new approach.

An environment agency that is science-fuelled and politically empowered, could be tasked with ensuring the ambition of pro-active protection. It would be like the Reserve Bank for Environmental Management – highly skilled, well-resourced and independent. It would be a body the Australian public could trust.

It would also act as a tough, independent watchdog, ensuring compliance with the laws. Too often our laws are ignored as the chance of being called to account is small.

Labor understands the importance of environmental health to the functioning of the economy. If we fail proactively to protect natural assets there will be long-term costs to the economy well beyond project-by-project considerations.

It is time for a new generation of environmental laws and institutions. Laws fit for the 21st Century. Labor committed to this at the last election. It is in the Platform too. It is time for us to embrace and progress this task. This should be a core reform of the next Federal Labor Government.

ENDS