

Green values vie with need for growth

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The Australian Financial Review | 16 Sep 2006

Juggling environmental, economic and heritage values requires the wisdom of Solomon.

The Great Barrier Reef is one of Australia's greatest natural assets.

For those not swayed by the beauty of a seemingly endless chain of reefs, islands and coral cays, there's the 2 million visitors every year, generating some \$2 billion in tourism revenue.

But beneath the water, in the rock under the coral, fish and molluscs, lies something that some believe to be just as valuable: 15 billion tonnes of oil shale, which could be mined and processed into billions of barrels of oil.

Thanks to pressure from conservationists dating back to the 1960s, the vast oil shale reserves of the Great Barrier Reef remain free from mining.

The protection - or, depending on your point of view, underutilisation - of the reef is one of the Australian environmental movement's greatest achievements.

It stands alongside victories such as the protection of north Queensland's Daintree rainforest, the blocking of dam projects on Tasmania's wild rivers and the abandonment of the Jabiluka mine in Kakadu National Park.

But Don Henry, the Australian Conservation Foundation's executive director, says such wins are still too rare.

"We're still in the age when development interests largely win," he says.

The decision whether to allow major industrial projects requires an impossible balancing act, as economic benefits are weighed up against environmental values.

Drilling for oil in the Great Barrier Reef could go a long way to addressing Australia's declining oil reserves.

Western Australia's \$11 billion Gorgon gas project is under threat as a result of the risk it poses

to the endangered flatback turtle.

And Queensland Premier Peter Beattie's plan to build massive dams to solve the water crisis in the state's south-east could run into trouble if it puts the rare lungfish in danger.

It's a challenge of which Henry is well aware.

"On the one hand you might be saying 'this is worth x million dollars' and on the other hand you're saying 'what value do we put on, say, a healthy Barrier Reef,'" he says.

"So we're dealing with a tangible and an intangible."

Over the past few decades, a huge body of environmental law has developed to grapple with these issues.

Don Anton, an environmental law specialist at the Australian National University, says that rather than setting out specific rules about which projects can and cannot proceed, these laws simply establish a decision-making process.

"It's designed to slow things down, to force people to take a hard look at the potential ramifications for the environment of a decision," he says.

But as hard as the law tries to set out a rigorous process, the final decision inevitably comes down to the opinion of one person.

At the federal level, that means Environment Minister Ian Campbell. And Henry says it is right that the ultimate decision should rest at this level.

"Ultimately, they're political decisions and probably they should be," he says.

"Our democracy is set up so that those decisions, that difficult weighing of values, is usually done in the political process, which is usually accountable to the people."

Campbell's balancing act is spelt out in the key piece of legislation in the area, the Environmental Protection and Biodiversity Conservation Act. It sets out the first principle of "ecologically sustainable development": "decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations".

In other words, something's got to give.

It's a similar story in cultural heritage.

Earlier this month, Campbell declared he would not allow a heritage listing of Aboriginal rock art to jeopardise Woodside Petroleum's proposed \$5 billion liquefied natural gas plant in Western Australia's Burrup Peninsula.

Explaining his position, he remarked: "No one in their right mind would propose saving every single last bit of heritage on the peninsula unless they wanted to close down the economic development of Australia."

Both sides of the debate stress that economic and environmental interests can increasingly find common ground.

The director of environmental and social policy at mining industry peak body the Minerals Council of Australia, Melanie Stutsel, says it needs to be accepted that mining is a temporary use of land, given the capacity to rehabilitate an area once a resource has been extracted.

Technological advances also mean mining can increasingly leave a far smaller "footprint" on the land, she says, citing aerial exploration using gravity-based monitoring equipment.

But the equation is often far more complicated than economics versus the environment.

Earlier this year, Campbell found himself in the middle of a political storm after he used his powers to reject a proposed \$220 million wind farm in Victoria.

That battle pitched one set of environmental values against others. While Campbell said he was simply moving to protect the endangered orange bellied parrot, his critics said he was actually moving to block a major renewable energy project - the green movement's favoured solution to global warming.

If anything, environmentalists accuse the Howard government of neglecting its responsibilities under the EPBC Act.

A study by the Australia Institute found that of the 1900-odd developments referred to the government in the six years to July 2006, 76 per cent were referred to the minister for a decision.

And how many of those 462 proposals were blocked? Four.

Actually, it could be three: last month, Campbell announced he would review his veto over the Bald Hills wind farm after its developer agreed to drop legal action against the decision.

But Stutsel says such analysis ignores the fact that even when a project is given the green light, it's often with conditions attached.

And to ensure the certainty of projects, mining companies have a policy of referring almost everything to the government, even where there is little chance of a problem.

"Our industry strategy is to over-refer," she says.

Still, the rubbery nature of the principals that guide the minister's decision under the EPBC Act make legal appeals very difficult.

"If the decision is fairly debatable, within reason, you won't succeed in challenging the decision because of the discretion allowed to the decision maker," says Anton.

The EPBC Act provides a mechanism for the federal government to overrule developments approved by the states - the jurisdiction normally responsible for land use decisions.

The fact that the commonwealth has any say at all owes much to what is perhaps Australia's best known environmental battle: the Franklin dam dispute.

In 1978, the Tasmanian government announced plans to build a hydro-electric dam on the Franklin River, sparking a prolonged battle with conservationists.

That pressure led the state Labor government to abandon the Franklin project in 1980 and propose an alternate dam on the nearby Gordon river.

But the big breakthrough came in 1982 when the United Nations Educational, Scientific and Cultural Organisation proscribed the Tasmanian Wilderness World Heritage Area, which encompassed both the Franklin and Gordon Rivers.

The following year, soon after winning office in Canberra, the Hawke government passed the World Heritage Properties Conservation Act, which enabled it to override the Tasmanian government and block the dam.

When the Tasmanian government appealed, the High Court, in a 4-3 decision, ruled in favour of the commonwealth.

In a landmark decision, the four judges ruled that through its constitutional power of external affairs matters, the commonwealth was entitled to uphold the Tasmanian dams' world heritage listing by blocking the proposal.

Ever since, the commonwealth has used international treaties to stick its fingers into the states' affairs.

And with the federal government generating a new World Heritage listing every year, Stutsel says it's likely some mining activities will have to shut down in the future, given the industry's commitment to not operate in World Heritage areas. But the environmental movement's biggest wins haven't always relied on the intervention of governments or courts.

Though located on Aboriginal land surrounded by Kakadu National Park, the Jabiluka uranium mine managed to pass the federal government's environmental tests. But that's as far as it got. Amid mounting pressure from environmental groups and deterred by falling global uranium prices, Rio Tinto, the owner of the Jabiluka lease, announced in 2001 that it would drop the project.

Henry says he hopes it's a sign of things to come.

"Good corporate behaviour is rewarded these days whereas corporate behaviour that could be damaging the environment has a serious impact, whether it's your licence to operate from governments or your licence to operate from the community," he says.

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