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Submission on the State Sustainability Strategy: Consultation Draft

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Introductory comments

The Government is to be congratulated as the first State government to acknowledge the importance of sustainability and to initiate a 'comprehensive sustainability strategy at a State level' to achieve that outcome.

While this initiative is welcome we are concerned that the actions and decisions of the Government to date have been a 'business as usual'. The promoting and facilitating of the expansion of industries that don't meet even the most basic sustainability criteria, such as the expansion on the Burrup Peninsula, are at odds with a purported commitment to sustainability.

General comment to the State Sustainability Strategy: Consultation Draft

Lack of urgency

The Strategy has a particular emphasis that the achievement of sustainability will be a long one. While we acknowledge there is much work to be done to achieving sustainability in WA and this work will take many decades, there is a danger in not expressing the urgency of establishing a strategy as soon as possible. Comments such as 'these changes will take time' and 'legislative reform to better support sustainability may take many years' can be interpreted as a lack of resolve on behalf of the Government.

We suggest that a more realistic acknowledgement of the lack of sustainability in past and current practises in WA and a sense of urgency to correct this should underpin this strategy.

Reality check

We recognise that the Policy Unit has to undertake a delicate balancing act in order to steer these proposals through Cabinet. There is a risk however that in an attempt to please everybody, the strategy that emerges will avoid making any the hard recommendations and will concentrate on outlining 'soft' proposals.

We believe it is important in framing the State Sustainability Strategy that there is a more frank description of current lack of sustainability and of the level of environmental degradation, rather than casting introductory comments only in the light of international initiatives (as important as these are). For example salinity and loss of biodiversity are not 'threats' they are historic and current phenomena that are impacting on our ecosystems and increasing.

It is unfortunate that at the same time this draft is being circulated, the State Government is:

- Allowing industry to build a new coal-fired power station in Collie
- Promoting a massive expansion of heavy industry in the Murujuga cultural precinct of the Burrup Peninsula
- Promoting an expansion of the Ord River irrigated area, replacing 30,000 ha of native woodland with a sugar or cotton monoculture.
- Promoting unsustainable suburban sprawl across the South-west coastal strip
- Pursuing a questionable 'Sustainability assessment' in order to grant heavy industry access to the Barrow Island nature reserve
- Risking greenhouse gas emissions between 130-150% of 1990 levels through unrestrained growth

In other words, the State Government itself must be seen as one of the most entrenched drivers of unsustainable practices in WA. The kind of popular cultural shift demanded by many of the proposals in the Consultation Draft will not be possible if certain Government agencies are still ploughing along with opposing agendas.

Sustainability in Western Australia

The Consultation Draft has provided a useful framework for considering how integrated sustainability assessment might work in future. We wish to make a comment on two issues which require caution.

Case study 1 – Portman Mining

In 2002, the EPA recommended against mining at Windarling Peak near Southern Cross, on grounds of geoheritage and the presence of declared rare flora species. It is the first time to our knowledge that the EPA has actually recommended against a mining proposal on environmental grounds.

The proponent has since waged a lobbying campaign based on sustainability – that employment and economic considerations must be considered and balanced against environmental ones to produce a sustainable outcome.

It will be ironic if Minister Edwards decides that on sustainability grounds the region should be disfigured by mining to provide around eight years worth of resource to Portman.

There is a risk that well-intended efforts to introduce social and economic considerations into environmental approvals processes will undermine the tenuous environmental protection regime that currently exists. Any attempts to combine financial, social and environmental considerations in sustainability assessment will need to carefully manage the fact that at present, economic factors frequently trump the others.

Case study 2 – Gorgon ESE Review

The current assessment process for the Gorgon Project, slated for the A Class nature reserve of Barrow Island, provides an excellent case study for how concepts of sustainable development can be corrupted. The proponent is seeking ‘in-principle approval’ through an Environmental, Social and Economic (ESE) Review. Significantly, the process is being managed by the Department of Mineral and Petroleum Resources, which is charged with the promotion of just this kind of development.

The notion of “in-principle” approval is borrowed from the Keating Review of the Project Development Approvals System, a concept which is yet to be endorsed by Cabinet. In submissions to this Review, the conservation movement expressed disquiet that this form of pre-emptive environmental approval undermined the whole basis for the system of environmental impact assessment which has developed in Australia. This system, for all its flaws, still provides for statutory appeal rights, binding timelines, advertised public comment opportunities and judicial review of administrative decisions. We are extremely concerned that by adopting the ESE review, the proponents are in fact endorsing a process of pre-emptive environmental approval under the guise of a sustainability assessment. What will be the Government’s legal position if, having granted in-principle approvals based on sketchy and incomplete information, the EPA or other decision making body later decides to oppose the application?

In any event it is unlikely that the EPA will need to undertake a formal assessment, and will probably only provide ‘advice on referral information’ on peripheral matters not covered in the ESE review.

The upshot of this process is the near-certain approval of a massive petrochemical estate inside an internationally significant nature reserve.

We offer these lengthy case studies not in anticipation of quick solutions from the Sustainability Policy Unit, but to underline how, even now, the language and intentions of ecologically sustainable development are being co-opted in order to justify business as usual.

Mining and Sustainability

Given the central place in which the mining industry holds itself in the Western Australian economy, the draft strategy has surprisingly little to say about the future of mining. Brief mention is made of the MMSD (Minerals Mining and Sustainable Development) initiative, which is under attack from NGOs around the world, from Indigenous advocacy organisations to Friends of the Earth. Significantly, elements within the mining industry itself take issue with the International Council on Mining and Metals, which gave birth to the MMSD strategy, in trying to reposition itself as sustainable. The following extract from the Association of Mining and Exploration Companies (AMEC) 2002 yearbook is worth quoting in full:

“Perhaps one of the biggest [mistakes] is by the mining industry in trying to convince its critics that mining is sustainable. Everyone involved with the mining industry wants to believe this to be true, and if enough miners and their lobbyists say it often enough, they might even start to believe it themselves. Sadly, mining is not sustainable, and deep down every miner, like every grade three child, knows that it isn’t.

Mining is an extractive industry, it’s as simple as that. Dig it up and it’s gone for good. To pretend otherwise, and to argue that other uses can be found for the minesites after the ore has been worked out is fatuous. Yes, other people might come along and use the mining town, or the open pit as a lake, but the business of mining is over, and the miners have moved on to the next orebody. For the mining industry, and especially its emerging “global” spokesmen, to try and argue the other way, that mining is some form of sustainable economic pursuit, is a nonsense.

The real point about mining, and the truth rather than the untruth of claiming sustainability, is that mining is an essential industry. It would be far better to argue the truth of mining providing essential materials, than the untruth of sustainability.”

In contrast to this refreshingly blunt assessment from within the mining industry itself, the Consultation Draft’s brief piece on “Sustainable Mining and Petroleum Production” reads like old-fashioned PR fluff, failing to address the issues of inevitable resource depletion, permanent environmental disfigurement and the shocking impacts of mining on Aboriginal society and cultural heritage.

We recommend the Policy Unit considers reframing the debate in terms of how best to support communities with a high degree of reliance on unsustainable industries such as mining, rather than buying into the argument that extracting non-renewable resources is somehow sustainable.

Institutional reform

The Sustainability Policy Unit appears to be working well at this stage but implementation/coordination will require a dedicated unit (A State Sustainability Commission?). We suggest a properly funded statutory authority with the budget and institutional clout necessary to achieve outcomes across a broad range of portfolios.

Positive aspects of the consultation draft

- Case studies were an excellent idea, including using current ESD university students to collect examples of best practice across the community.
- Coverage of issues was good, with an appropriately broad selection of topics and intention to see each issue within a holistic context.
- Highlight on need for legislative review

- Attention to cultural patterns and storytelling; notions of sense of place important
- Many positive suggestions raised; a genuine attempt to work ‘in parallel’ without waiting for a single magic bullet solution

Improvable aspects

- The document risks degenerating into a series of vague ‘motherhood statements’ without exposing the deep issues of the current unsustainable lifestyle in WA
- Biodiversity is not given sufficient weight either in its value, decline and future prospects
- Sustainability indicators – no commitment to a strong framework of relevant indicators of consumption, pollution etc. Ecological footprinting must be central to public awareness
- Too many (unfunded) carrots and not enough sticks. Reliance on ‘voluntary’ schemes is failing elsewhere in the world, and ‘command and control’ regulation can not be so lightly dismissed.
- There is no indication of commitment of Government resources, in fact there seems to be a reliance on seeking Commonwealth funds alone for some actions.
- Little on social impact, lack of principles of wealth equality. There is virtually nothing on reducing consumption/reducing our footprint.
- Climate change - one of the most serious issues we face goes virtually unremarked in the strategy.
- Bioprospecting – not addressed
- Section on waste does not develop a coherent framework for eliminating waste to zero and moving away from waste ‘management’ toward fully integrated recycling or elimination of waste streams altogether.
- ‘Storytelling’ in the context of regional social sustainability has been overemphasised – there are solid institutional and economic reasons why many regional communities are being drained of population and vitality (fly-in fly-out and 12 hour shifts among them), and developing a ‘sense of place’ alone will not counteract these forces.
- Clear policy needs to be developed to reverse the pattern of political and population centralisation in Perth at the expense of regional
- Surprisingly little emphasis on consumption patterns, since we are among the highest per-capita consumers of energy, water and products on earth.

Applying the precautionary approach

Wherever there is a risk of a development degrading or diminishing environmental values, and there is a lack of knowledge, insufficient knowledge, or uncertainty about the potential impacts and management of the impacts, such as on coastal environments, the Precautionary Principle (approach) should be used as a tool to underpin decision-making. According to Deville and Harding (1997), in deciding whether or not to apply the Precautionary Principle in a given situation, the critical considerations are:

A. Identifying the threats to the environment from the proposal (including cumulative impacts) There are three classes to consider – threats that are known, threats that cannot be determined or quantified because of lack of knowledge, and

threats that we are not aware may exist because we may not yet be aware that what we do not know may be important in the long term (epistemological threats).

B. Identifying the seriousness of threats. This should consider all aspects of the threats to determine their significance, including spatial scale, magnitude of impacts, value of the threatened environment, temporal scale of possible impacts, interconnectedness of the impacts of the activity, cumulative impacts in the regional (ecosystem type) area and manageability, including knowledge specific to and essential for the environmental management of the coastal area.

C. Establishing whether the threats are reversible or irreversible and over what time frames, allowing for major climatic changes and perturbations that have the potential to impede rehabilitation of the coastal area.

D. Examining the likelihood of the threats occurring (estimates of risk) and certainty about the threats to the environment; and finally

E. Where there is reasonable scientific certainty and a high degree of confidence about the threats, establishing the most appropriate preventative measures that should be applied.

A proposal involving a high degree of threat to an area of high environmental significance with low level of knowledge of how to manage the potential impacts would be unlikely to be found environmentally acceptable.

Significant threats to the environment, even when supported by a high degree of scientific certainty, would also be likely to militate against a proposal being found to be environmentally acceptable.

Adapted from:

EPA Position Statement No 4

Deville, A. & Harding, R., (1997) Applying the Precautionary Principle: The Federations Press, 79 pp.

Summary

The overriding feeling on reading the strategy is that many of the most intractable issues have been barely canvassed in this document, and while an enormous number of positive suggestions have been made, we are somehow still skirting around the big issues for fear of offending people. While this was probably an inevitable outcome of a process which needs to gain agreement right across Government, it is nonetheless a challenge for us all to change the political culture to a degree where this hesitation is no longer necessary.

In closing, we appreciate the opportunity to comment (the extended submission deadline was a good idea) and we look forward to participating and the process moves toward implementation.