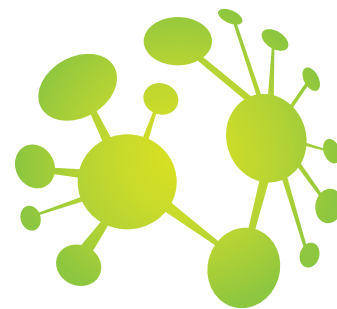


TOTAL ENVIRONMENT NEWS



2012 / ISSUE 3

for the future

The green backlash



2012 ends with some good news and evidence of a community fight back against the dumping of green policy and law. That's not to say there aren't hard weeks and months ahead – but the environment movement can find a way. There was a similar situation in the Reagan years with anti-environmental policies, which led to a resurgence of the

movement as those policies showed the community why environment protection is so important.

First off, the stunning reversal by the Prime Minister on so-called green tape. Contrary to the rushed agreement with COAG and the business lobby mid-year – the more the federal government looked at the proposal the less appealing and viable it became. The plan to remove federal environmental law in favour of inadequate and royalty-infused state decision making failed on the grounds of environment protection, legal consistency for business and community support. Business led by the miners thought it had captured the agenda but a concerted campaign by environment groups won out. The anti-green tape scheme was nothing short of greed and political opportunism. And as each week passed the federal environment minister Tony Burke illustrated why the states could not be trusted as he tackled several on protection of national environmental assets subject to threat from major development.

With a federal election in 2013 the Gillard government

would not want to alienate green voters; and certainly the anti-carbon tax agenda of the Opposition has run out of puff. Will the Coalition have any credible environmental policies?

In New South Wales the planning act is being rewritten. While the O'Farrell government surfed in at the last election with a promise to return planning back to the community (the ALP had wrecked the Environment Planning and Assessment Act at the behest of developers) – some disturbing changes were rushed through parliament – even before the end of the public consultation on the new law. This of course brought the new process into potentially serious disrepute.

The community fought back. TEC is proud to be a member of the Better Planning Network (BPN) which was initiated on the north shore of Sydney but has now spread its wings wide. Each week the BPN reports new members joining. In the last month it has risen from 85 groups to 120 to 145 and now 155 at last count. Surely a sign of a fight back when the developers thought they had the ear of government to fast track development decisions and rot the new legislation. The government's decisions on hunting and cattle grazing in national parks and failure to protect any land from mining and gas extraction, as well as dumping green energy schemes, had also shown an aggressive anti-environmental stance.

Now the O'Farrell government is telling us that they will renew their green agenda in 2013. We shall wait and see.

Jeff Angel, Executive Director

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HABITAT CRISIS IS NO JOKE

*TEC has exposed illegal clearing in NSW so why is the government reluctant to prosecute? **Dave Burgess**, TEC's natural areas campaigner, reports.*

Even as the dust settles on public consultation about proposed changes to the Native Vegetation Regulation and Private Native Forestry Code of Practice, evidence is emerging that parts of western NSW are still hotspots for illegal land clearing, and that compliance officers are unable to act.

Investigations by TEC have revealed that thousands of hectares of endangered native vegetation had been illegally cleared in Croppa Creek northeast of Moree. The alert was raised by local farmers who were appalled at what they saw as a blatant breach of the Native Vegetation Act and were shocked at the apparent reluctance to prosecute by the Office of Environment and Heritage (OEH).

The clearing at Croppa Creek was for wheat paddocks in an area of endangered Brigalow and Myall woodland and identified koala habitat. After an initial stop work order was overturned local OEH officers pointed to a lack of resources, loopholes in the Act, restrictions to field investigations and a lack of political will as reasons not to take enforcement action at a site where there had been serious and flagrant breaches of the law.

TEC raised the alarm and soon after there were further inspections by federal and state environment officials.

“thousands of hectares of endangered native vegetation have been illegally cleared”

Nevertheless proposed changes to the Native Vegetation Regulation will further weaken laws designed to prevent broadscale land clearing in NSW. These laws were introduced at a time when NSW carried the unenviable record of being one of the world's worst offenders when it came to land clearing. Under the changes the clearing of 'invasive native species' would once again be able to be carried out without a permit along with activities such as 'ecological thinning'. Many environmental and offset requirements have been dropped and laws that were once enforceable will be reduced to voluntary adherence to a code of practice. In short compliance will become an even bigger joke.

The NSW Farmers Association has also been pressuring for all prosecutions of illegal land clearing under the Act to be dropped while the review is underway. Some farming lobbyists are demanding the Native Vegetation Act be abolished. Both positions must be resisted by government, and in fact the laws should be strengthened.

It is very clear this is not a time to weaken native vegetation laws in NSW.

* Check out TEC's Living Landscapes' video and facebook page – www.tec.org.au/land-issues

Energy Reform Jump

*Gold plating has been the primary cause of energy price rises, says **Mark Byrne**, TEC's energy market advocate – but that might be about to change*

After the Prime Minister intervened in the electricity price debacle in July, this month's COAG meeting was expected to feature a brawl between the states and territories and the Commonwealth.

Ms Gillard had challenged the states to come up with serious proposals for reform in order to avoid 'the heavy hand of regulation' from the Commonwealth. In the leadup to COAG there was some predictable but largely irrelevant posturing in the media about government ownership of networks in NSW and Queensland, whether the AER sits under the ACCC or is independent – and of course the carbon price.

The way the meeting turned out, the states and territories appear to have signed up without much obvious dissent to a reform agenda that is largely driven by the outcomes of the AEMC's Power of Choice review and Martin Ferguson's priorities.

Overall, the reforms are sensible, if overdue, and in line with the TEC's long-running campaign for more 'demand side participation' in the national market. They include a greater focus on time of use pricing and the rollout of smart meters; a new mechanism for 'demand aggregators' to participate in the market to reduce peak demand; more powers and funding for the AER; and a renewed push for the national implementation of legislation that would standardize energy customer protections.

From TEC's perspective there were some things missing from the announcement, though, including progress on the National Energy Savings Initiative (which would expand on the successful NSW and Victorian energy efficiency schemes and reap cheap and easy rewards for consumers) as well as a target for networks to reduce peak demand, which is responsible for a quarter of all new costs. Both would also reduce polluting energy generation.

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TEC celebrates 40 years



In a verdant garden decked out with candles, fresh honeycomb and gourmet pink lemonade, over 200 people, including politicians and activists, joined long time supporters to celebrate TEC's 40 years of dynamic advocacy, last month.



As the James Valentine Quartet pumped out soothing jazz, guests relaxed in the grounds of the historic Lions Gate Lodge at the Sydney Botanical Gardens. Organic champagne and snacks kept the conversations flowing, and the honey tasting table manned by veteran beekeeper Rod Yates provided a charming talking point for the friendly crowd.

In two short speeches young activists Tim Silverwood and Holly Creenaune, thanked TEC for the wonderful support it has given fledgling environmentalists, community groups and sustainable businesses over the years. In his address to the assembled, TEC's long-time executive director, Jeff Angel, particularly acknowledged the organisation's dedicated supporters and volunteers.

Apart from TEC stalwarts too numerous to mention (including Alice Beauchamp, Geoff and Jean Murphy, Anne Fein, Jill Pain, Cameron Wilkinson and Margaret Baker-Crooks), other guests of particular note included John Robertson, Leader of the NSW Opposition and Luke Foley Shadow Environment Minister; Green MLCs Cate Faerhmann, Jan

Barnham, David Shoebridge; Freddy Sharpe, CEO, Climate Friendly; Mike Kennedy, CEO, Humane Society International Australia; Rupert Posner, CEO, Good Environmental Choice; and Don White, Chair, NCC.

The proceedings were injected with much suspense and hilarity when Sydney auctioneer Anne Phillips kindly presided over the auction of artworks donated by some of Australia's wittiest cartoonists, two original Shaun Tan illustrations, and a superb print from photo media artist Anne Zahalka. Our thanks to all who partook in the spirited bidding. Congratulations to the lucky winner of Intrepid Travel's adventure holiday for two.

The occasion was also used to launch TEC's fresh new look, the first major rebranding effort in the organisation's long history. A booklet was produced which outlined TEC's legion eco-victories, as well Jeff Angel's recommendations for the challenging years ahead. A reinvigorated vision for TEC was echoed by the new tag-line: TEC – For The Future. If you haven't already received a booklet, just give us a call.

It was such a balmy summer's evening the last guests were still sipping champagne at ten pm. Please let us know if you'd like to attend more events of this nature, as we'd love to throw many more fundraising parties in the years to come. It's also a lovely way for our supporters to meet each other.

TEC would like to thank our generous sponsors: Focus Press, Tamberlaine Wines, Harkham Estate, Intrepid Travel, IKEA, Reverse Garbage, Koala Beer, Fleetwood Macchiato, Soda Stream, and Elizabeth's Boutique catering.

Thanks also to the Royal Botanic Gardens for its free gift, 'a vintage view mounted print', which is extended to any of our supporters who spend \$25 or more in the Gardens shop before end of January 2013, on showing a copy of this newsletter.

And of course to the campaigners and staff members who work so hard for TEC even when the sun is not out and the champagne is not flowing!

AUSSIE'S THIRST FOR A SOLUTION

*Cash for Containers is one issue that unites many Australians, and now it's got it's own app, reports **Lisa Wriley, TEC's waste campaigner***

I'm often astonished by the range of people I receive support from for the CDS campaign. Over the last two and a half years I've been spurred on by children, parents, grandparents, ocean lovers, artists, gardeners, dog walkers, cyclists, river carers and sea bird and other animal rescuers, as well as teachers, mechanics, event managers, farmers, sportsground managers, café owners, lifeguards, health professionals and IT specialists – anyone really!

I find many others are also curious and confused about the issue. "Why don't we have a refund system (like South Australia)?" is one of the most common questions I am asked at community events. Or people who have heard something about it say hopefully "Are we going to get a refund now?" My standard reply is "we will get it when we convince the politicians to stand up to the beverage industry."

Why do so many people care about where their drink bottles and cans end up? It's not one of the big dramatic environmental issues but there is a real feeling that if we can't get this simple thing sorted, how can we ever hope to achieve sustainability in Australia?

Every day I am struck anew by the desire to do something. I pick up litter all the time, not just on Clean Up Australia

Day. I service an unapproved bin at my local bus stop just to stem the tide of litter. I help my son's school collect and recycle aluminium cans for about \$1/kilogram return. I know I am one of many people around Australia doing these things.

The challenge for our campaign over the coming months is to make the wide support for this issue more visible in the lead up to the May 2013 Environment Ministers meeting. The politicians need to see what I see: Australians want CDS. So we've made it possible for interested groups to

order small campaign banners by mid October to hang in public places over the summer.

On a more high tech level, there is a new app called Container

Savers, which aims to build a map of drink container litter in Australia. You can also participate through the Container Savers facebook page or emailing digital photos of local litter to liz@storyfire.com.au.

These are just two of the Ten Tools to assist you in taking action for Cash for Containers which are available on the Boomerang Alliance website. And of course we all need to keep writing letters!

www.boomerangalliance.org.au

“our politicians need to see that most Australians want CDS”



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Most curious of all, though, was COAG's approach to increasing consumer input into electricity market decisions. It proposed establishing a Consumer Challenge Panel (along the lines of the UK regulator Ofgem) to provide specialised input into these decisions on the part of consumers. But if it is like the Ofgem panel, it will be appointed by the government rather than actually representing consumer groups.

The COAG communiqué also talked about advancing moves to set up a national advocacy body to represent consumers. This sounds good, except that consumer groups including have been working all year with government support on the business plan for a body to be called Energy Consumers Australia.

This body was ready to roll next year, but its establishment was not supported by COAG, and it is not clear why. Instead it merely decided to keep working on the proposal, while recognising the need to take 'immediate steps... to improve consumer representation in the energy market.' But no person or organization or person is charged with making this happen, and there is no timeline.

TEC calls on governments to get serious about listening to consumers in reforming the national electricity market. After all, they are the ones in whose interests these reforms are supposed to be happening; and we can achieve social and environmental goals at the same time.

Snowy Flushing Flows

Progress has been made, but the iconic river is not safe yet, says TEC's water campaigner, Leigh Martin

The ongoing campaign to restore the iconic Snowy River has reached a significant landmark. Ten years having passed since the first return of environmental flows in August 2002. Since then flows have been increased from less than 1% of pre-Jindabyne Dam levels to around 15%. Importantly there have been major flushing flows delivered to simulate spring snow-melt conditions and scour sediment from river channels.

While there has been substantial progress in improving the health of the river, much remains to be done and constant vigilance is needed to prevent backsliding on key commitments. Environmental flows are lagging years behind schedule,

with the current 15% level well short of the legislated 2012 target of 21%. There has been no progress on restoring flows to the upper Snowy and other montane rivers.

The Snowy continues to be cut off from its tributary, the Mowamba River by the Mowamba Weir diversion. This

“Environmental flows are lagging years behind schedule”

diversion needs to be decommissioned to provide the Snowy with a natural, montane headwater.

Disturbingly the NSW Government has failed to re-appoint the Snowy

Scientific Committee whose first three-year term expired in May last year. The Committee has a vital role in providing independent scientific advice on the environmental health of the Snowy River and the program to restore flows. The State Government has also cut the Snowy Flow Response Monitoring and Modelling Program which provides vital information to guide timing and volumes of environmental releases.

The major gains made over the last 10 years to restoring the Snowy could not have been achieved without sustained pressure from environment and community groups. The campaign will continue until the job of saving this iconic river is completed.

BREAKFAST POLITICS

At TEC's most recent Green Capital breakfast forum, 3 senior members of the NSW Liberal government revealed they are not conservative but reformist, and green! Murray Hogarth, Green Capital's Senior Adviser, took these notes.

Green Capital wanted to address that fact that business sustainability advocates often struggle to gain traction on the conservative side of politics in Australia and the US, especially in contrast with the UK and Europe. Our event, *Where to now for a green economy?* showed that a conversation can happen. NSW Treasurer Mike Baird opened proceedings and stayed to observe a lively panel discussion that included two of his Coalition Government colleagues, Environment Minister Robyn Parker and Parliamentary Secretary for Renewable Energy Rob Stokes.

Mike Baird expressed disappointment that politics is getting in the way of advancing the green economy. He cited former NSW Liberal Premier Nick Greiner, now the Government's infrastructure supremo, as being a

philosophical supporter of ESD (ecologically sustainable development) - adding "I think that is right". He revealed that his staff have raised Triple Bottom Line accounting and he has asked for case studies to "look at how we apply it, and how it works in government". He pointed to big numbers for greener economic

“the economy is being transformed regardless of what various commentators might say”

development, concluding: "When you look at the opportunities contained in that, what State Treasurer wouldn't be interested in pursuing that?"

The Environment Minister, Robyn Parker, recently returned from the IUCN's global conference in South

Korea, a key international nature conservation event that will be coming to Sydney in 2014. She said the NSW Government should be seen as 'reformist' rather than 'conservative' - because it is advancing a green economy, low-carbon and resource efficient, it is socially progressive, and focused on getting to the Triple

Bottom Line. She identified good environmental regulation as stimulating the economy, as part of the opportunity to create sustainable business. She also said she was keen to keep some of the previous government's programs such as energy

efficiency.

Rob Stokes agreed that "conservative is not a word that we would apply to ourselves". He expressed some regret that "someone who professes to be concerned about green issues is seen

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A Busy Year

(Extracts From TEC's 2011-12 Annual Report)

The last year has seen 2 national campaigns begin to climax; and with the election of conservative state governments – our efforts to protect past advances. A major characteristic of TEC is its longevity as we enter our 40th year; and commitment to persistent campaigning. The issues we tackle are the difficult (sometimes called 'ugly') ones and aimed at systemic change. Our long corporate memory and skilled campaigners help maintain a focus on the strategic changes needed to make Australia environmentally sustainable.

Electricity gets hot

Finally as electricity prices became a hot political issue - the message has got through about energy efficiency and problems in the National Electricity Market (NEM).

TEC actively participated in the national policy debate about demand management including key submissions to the "Power of Choice" review and the Senate Inquiry into prices; and social media opeds. We made a significant contribution to proposals to augment consumer advocacy in the NEM.

We completed our NEM 10yr Report Card – the first comprehensive evaluation of the market – setting a benchmark for the regulators and politicians.

Also we held a forum to advance community-based renewable energy networks which resulted in a joint position

to government and additional recognition in the NSW Renewable Energy Action Plan.

TEC completed the Environmental Trust funded project compiling case studies of energy efficiency in lower grade office buildings; along with two forums in Sydney and Parramatta.

Carbon price not so hot

Australia finally got a carbon price along with billions for clean energy. It's a start and now the environment movement needs to defend it. The good news is that the fear mongering about its impact on the economy has fallen flat and it's no longer a big political issue. TEC has engaged in the public debate to defend the carbon price.

The long march to improve recycling

The historic container deposits battle continues. A national decision is still on the agenda as the Boomerang Alliance of now 22 groups campaigns around Australia to combat beverage industry misinformation. As the lead organisation TEC is working hard to bring the effort to a successful conclusion.

Now that an e-waste recycling scheme has been launched, the next product for attention is tyres. After failing to achieve a regulatory approach, governments have been examining a voluntary or co-regulatory scheme. Not surprisingly it lacked targets (binding or otherwise). However after lobbying by TEC, this has been rectified.

Finally we joined with representatives from industry and government to assess the prospects for waste to energy. TEC remains very cautious about this activity as a part of the waste management hierarchy.

Green economy push must continue

We have embarked on new programs to push along the green economy debate. Our 'Buying Better' project has just completed examination of the most material environmental impacts from four products – paper, small IT, meat and dairy and laundry. We expect our results to inject a new vision into labelling and life cycle views of products.

Green Capital organised the following events: 'Media, Marketing and the Green Message', 'National Electricity Market – has it worked?'; 'Paper Wars – why is green procurement 101 still such a battlefield?'

Protecting rivers and the bush

Finally the Snowy River received a 'spring flush' from the snow melt after sufficient water saving measures had been achieved pursuant to the inter-governmental agreement. However, there's still more to do to reach the promised 24%.

A major preoccupation during the year was the NSW Strategic Land Use Plan originally promised to provide an approach to avoid damage from mining to high value agricultural and conservation

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as a Greens voter", 'green' being a pejorative term. He said ESD is the goal, but added "it's not one that we are capable of achieving at the moment, but it needs to be embedded in the planning system". He stressed the importance of energy efficiency as 'the largest source of energy we have'; of adaptation as a necessary climate change response; of devolving government services to the regions; and of letting the market deliver the smart grid. He conceded that "the timelines of our political and climate systems may not be terribly well calibrated", but he noted that "the underlying reality is that the economy is being transformed regardless of what various commentators might say".

Panel chair for the breakfast event, leading businesswomen and sustainability advocate Sam Mostyn, said that the State Government was advanced in its sustainability thinking to an extent that "may have surprised us a little". Another of the panelists, Centre for Policy Development executive director Miriam Lyons, also welcomed the Ministers' level of engagement, describing it as "refreshing to hear them talking about the nature of the problem".

In a closing address, Ben Waters, GE's director of ecomagination for Australia and New Zealand, said: 'Let's keep the green economy conversation going regardless of who is in government. It's just too important to do otherwise.'

Total Environment Centre, executive director Jeff Angel was described by Treasurer Baird as a fantastic advocate for the environment, intelligent and a 'good bloke'. His only question mark was "Jeff's choice of suits?" which led Rob Stokes, a natty dresser himself, to intervene: "What the Treasurer said about Jeff's suit is appalling, particularly if you consider the Treasurer's tie!" Jeff wrapped up with his own question mark: was dubbing the key guests 'conservatives' in his opening remarks more provocative than his suit?

areas. A strong alliance of environmentalists and farmers has developed. We also released our review of mining and land use – ‘NSW: fossil or balanced future?’ showing the long history of distortion of land use planning by mining interests. Unfortunately the decision by the NSW government delivered no guaranteed protection (even the acquifer interference law is optional) – and controversy about the rapid expansion of coal and gas mining will continue.

Our other major battle has been to preserve the laws that prevent broadscale

land clearing. The O’Farrell administration (and other new conservative governments) have launched reviews of the protection laws and key rural lobby groups want to effectively dismantle them. TEC established its Living Landscapes campaign including use of social media to combat the threat.

Planning for a sustainable future

There’s nothing more important than the planning law that sets down the rules for determining the thousands of development applications each year as well as environmental assessment. A wholesale review is underway in NSW and

TEC is represented on the ministerial stakeholder committee. In addition we have produced major reports with the Nature Conservation Council and Environment Defenders Office in an effort to inject environmentally sustainable development and genuine public participation. We have also undertaken work on cumulative impact assessment, for example in relation to air pollution; developed a Public Participation Charter; and supported local action.

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