

11 August 2022

The Hon Tanya Plibersek MP  
Minister for the Environment and Water  
Suite RG 52  
House of Representatives  
Parliament House

**By email: [tanya.plibersek.mp@aph.gov.au](mailto:tanya.plibersek.mp@aph.gov.au)**

Dear Minister Plibersek

**Requests for reconsideration of decisions under s 78A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act Referral Nos. 2011/5860; 2012/6547; 2014/7239; 2014/7353; 2015/7451; 2016/7851; 2016/7791; 2018/8189; 2018/8335; 2019/8427; 2019/8460; 2019/8485; 2020/8669; 2020/8735; 2020/8856; 2021/8875; 2021/8999; 2021/9031; 2021/9077) – Further material**

We act for the Environment Council of Central Queensland Inc.

We refer to our letters dated 8 July 2022 including the annexures, comprising our client's requests for your reconsideration of the controlled action decisions made in respect of the 19 above-listed referred actions (the **reconsideration requests**).

The purpose of this letter is to bring to your attention further material, relevant to the reconsideration requests, that has been published since 8 July 2022.

### **State of the Environment Report 2021**

1. On 19 July 2022, you released the State of the Environment Report 2021 (**SOE Report**). The SOE Report concluded that overall, the state and trend of the environment of Australia are

poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction.

2. Among its key findings relevant to the reconsideration requests, the SOE Report highlights that:

- a. warming of the Australian climate, and associated changes in the climate system, are driven by increased concentrations of greenhouse gases in the atmosphere. Changes to the climate are inevitable, based on greenhouse gases that have already been emitted, but further changes in the second half of the 21st century will depend on the level of future global emissions;<sup>1</sup>
- b. the intensity and frequency of extreme weather-related events – including heatwaves, droughts, bushfires and floods – are changing. Ongoing increases in land and sea temperatures across Australia driven by climate change have coincided with multiple extreme weather events devastating impacts on many of Australia’s unique natural ecosystems and caused the death of many individuals of many species;<sup>2</sup>
- c. pressures on Australian biodiversity have not improved since the 2016 state of the environment report and outcomes for species and ecosystems are generally poor. Multiple pressures are interacting to amplify threats to biodiversity, and abrupt changes in ecological systems are occurring. In particular, climate change and associated extreme events, compounded by other pressures, have had a major impact on biodiversity over the past 5 years, with consequences likely to be evident for many years to come. Many species and ecosystems will require their status to be assessed or reassessed in the coming years, and urgent recovery actions will be needed to avert extinction;<sup>3</sup>
- d. climate change (affecting water temperature, salinity, acidification, circulation and ocean nutrients) remains one of the pressures with the highest impact on the Australian marine environment. Substantial and widespread degradation of Australia’s marine

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<sup>1</sup> SOE Report 2021, *Climate*, pp 7, 50.

<sup>2</sup> SOE Report 2021, *Overview*, p 16.

<sup>3</sup> SOE Report, *Biodiversity*, pp 10, 72.

environmental values is expected if the pressures identified in the SOE Report are not addressed;<sup>4</sup>

3. On 19 July 2022, during a media interview in relation to the SOE Report,<sup>5</sup> you:
- a. acknowledged that the report ‘says that overall, the state of the environment is bad [and] it’s getting worse’;
  - b. acknowledged that ‘it is obvious from the report that climate change is worsening [the Australian] environment. It’s putting pressure on the Reef. It’s putting pressure on the giant kelp forests in the Southern oceans. It’s drying up our rivers, it’s drying up our land’;
  - c. when asked whether you are worried about having to approve a project which could be contributing to climate change, stated that you will ‘approve every project according to the law, [which is your] responsibility as the Environment and Water Minister’;
  - d. acknowledged that, in relation to ‘what we know about the environment [the Commonwealth] keep[s] collecting the same information and not using it effectively’; and
  - e. acknowledged that the consequences of funding cuts to the ‘Environment Department’ by a previous government included ‘worse environmental protection’ and ‘it was an absolute break on proper consideration of development applications.’
4. Later that day, during your address to the National Press Club, you acknowledged that the ‘disturbing list’ of examples of environmental decline outlined in the SOE Report is ‘being made worse by climate change.’ You stated:<sup>6</sup>

*Global warming multiplies environmental pressure everywhere. It heats our oceans. It deepens drought. It intensifies disease. It destroys habitats. And it worsens extreme weather events, which tilt the balance of ecosystems beyond recognition.*

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<sup>4</sup> SOE Report 2021, *Marine*, p 10.

<sup>5</sup> ABC AM Program, 19 July 2022, interview by Kim Landers with Minister T Plibersek <<https://www.abc.net.au/radio-australia/programs/am/am/13970342>>.

<sup>6</sup> National Press Club address, Minister for the Environment and Water Tanya Plibersek, 2021 *State of the Environment Report*, 19 July 2022 <<https://minister.dcceew.gov.au/plibersek/speeches-and-transcripts/national-press-club-address-minister-environment-and-water-tanya-plibersek>>.

*The bushfires of 2019 and 2020 are still being felt today. Those bushfires were an ecological bomb, ripping through south-eastern Australia. They killed or displaced up to three billion animals. They burnt over 80 per cent of the Greater Blue Mountains area, almost 60 per cent of our Gondwana rainforests, and more than 40 per cent of the Stirling Range National Park. And they tipped clouds of sediment and ash into our waterways, leading to mass marine death.*

*That summer was terrifying for everyone who lived through it. And if we don't act, those awful red nights will become more common.*

5. In addition to the material enclosed with the reconsideration requests and summarised therein, our client refers to and relies upon the contents of the SOE Report as a further relevant source of substantial new information that was not considered by the decision-makers when the controlled action decisions were made.

#### **Acknowledgement of receipt of certain reconsideration requests**

6. We confirm that we have received correspondence from the Department of Climate Change, Energy, the Environment and Water in response to 16 of the 19 reconsideration requests sent on 8 July 2022, acknowledging receipt and confirming that we will be notified once the Department has completed its initial assessment of each request.
7. We have not received any acknowledgment that you have received our client's reconsideration requests relating to the following referred actions: **2015/7451**; **2018/8335**; **2021/8999**. We ask that you or your Department kindly confirm receipt of these requests.

Should you require further information in respect of the reconsideration requests or this letter, please contact Hollie Kerwin, Principal Lawyer, on 03 8341 3105 or Retta Berryman, Senior Lawyer on 03 8341 3118.



**Hollie Kerwin**

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