

In the Public Interest

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Dr Wendy Craik.

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re the proposed "short-term targeted review to reduce red-tape and find practical ways to help farmers meet the requirements of (the EPBC Act)" and some seemingly related matters.

Dear ma'am,

Well, to be blunt, I would say, only with all due respect of course, right here-at the very outset, that I think that, I can certainly see, just exactly how, all this, is likely to be going.

I mean, notwithstanding the way that these sorts of things have been presented, in media releases, and the associated parlance in the very popularists' press, and suchlike and so forth, quite contrary, to the initially touted notions, of an only "independent review", "exploring ways to improve farmers' interaction with the EPBC Act", commissioned by  
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the government of the day, on closer inspection, I dare say that, the whole exercise, might well be, more characterised as, practically, a closed forum, to be conducted by an appointee of the incumbent coalition of Parties political, with such restricted and narrowly focused Terms of Reference (TOR), that would seem to only mandate, a particularly biased type of result-or set of outcomes, that would not at all then, be in keeping with, the true common law principles and objectives, of what was-once anyhow-commonly seen as, Ecologically Sustainable Development (ESD).

You see, ma'am, that, in my view, "red-tape (as it were)", really has become, a bit of a problem, which even, judicial review processes, appear to only be at odds, to figure out, and not the least of all, because of, the persistent inclination, to see it only as, something that would have negative impacts upon, the financial interests of proponents, not to mention purely economic growth and development, whereas, that kind of approach, would only subvert, the triple-bottom-line approach, of modern day impact assessment, attributed to ESD - or which ESD is so oft attributed to, in such a way, that is indicative of, a truly skewed modern trend, wherein more recently developed

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policies, of so-called "sustainability (and this that or the other)", may be seen to be designed, to only undermine, the very said more robust and comprehensively wholesome underlying purposes - or spirit (if you like) - of true ESD.

Oh, there certainly has been, arguments to and fro, put about in the said popularists' press anyhow, by this or that usually somehow Party-politically aligned commentator, but, for what it might be worth, in my view, whilst it wasn't the easiest thing to activate itself, and often got, sort of detoured, off into a mere desktop-review of sorts - or the like, it was, at least conceivable, that, the federal environmental impact-system, that was superseded by the very EPBC Act, could have been, discretionably applied, in practically any case of a significant proposal, whereas e.g. the process of the EPBC Act, would only be enlivened, wherein the proponent, admits that, some kind

of remnant population, of a species that has already been declared as endangered-or the like, has been detected, within the boundaries of the site of a proposal. ...

Additionally, seemingly more and more so, at the state level, things, are written down, as "code assessable (as they say)", or even practically written off-and handed back (as it were) to the very proponent (to be supposedly privately executed)-as purportedly "self-assessable". ...

So, well, the result of all this, seems to be that, whilst, e.g. all the while, things, that do go on, to an impact assessment process, of any sort, are apparently only increasingly being caught up in, orchestrated so-called public consultations-i.e. largely dominated (by hook or by crook) by the corporate players and their more sychophantically aligned associates (not to mention outright Party-political al-

lies), at the same time, the bulk of so-called environmental assessments are being conducted, out of the public eye - or (as I alluded to above) occasionally (for now anyhow) even 'in house' altogether, which, on the whole, and especially if one considers the very exclusion of appeal rights - of the Everyman etc. - that has gone along with all of that, well, it must be said, kind of like, stealthily, has only resulted in, some not inconsiderable, subverting of, the very public participation requirements, of ESD.

Now, in my submission, it may well be possible, to even mount an argument - or write up a sort of historical text (or book) if you like, to the effect of that, there appears to have been, a corporates' push, over time, aimed at having Parties - political whittle back regu-

lations - not to mention (i.e. contrary to the very separation of powers) improperly influence the purported administration of same - in order to the farcical subversion of the overarching legislative framework (i.e. tied up e.g. in international conventions - and the common law of the very day then) for ESD, whilst, attempting to harness "public opinion (as it were)" - or in the very said popularists' press anyhow, into the kind of mindless support, of like objectives, with misinformation, disinformation, and hype generally, designed for the catchery of "Red Tape", in the face of the ever burgeoning book of environmental ~~re~~ regulations etc. - not to mention a corporate sector seemingly ever ready to litigate at just about each and every turn thereof, and that's, to say nothing, as to, firstly, the Party-political infiltration of, and, in more

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recent times (i.e. but all with the purse strings of the very public purse still firmly in hand) kind of corporat takeover of, the once more grass roots social movements, in support of the environment and social justice etc., and, please, just don't get me started, on the now seemingly ever extending (not to mention - not nearly so privately-added otherwise to) so-called "Decade of Landcare" - seed funding - that was so generously extended to... (well, the wider community, really... but anyhow, in part, at any rate) the farming sector (and landholders generally then) in reaction to their objections to - realising their "(if you like) mutual obligations" or anyway more succinct stipulations (to properly look after their land - in the nation's best interests etc.) with the advent of the said overarching framework for ESD (see what I

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mean...), uh, oh, and, all of that, I dare say then, is of grave concern, indeed, to say the very least, when, or if one would only venture to consider, what's apparently, really going on, out on the very ground, in the regions around the country. ...

You see, in my experience, thanks in part, to things like, the infamous Franklin Dam-case, not to mention the increasingly "presidential style" approach to -only- Party based-politics in the media-or said popularists' press, and a fair swag of corporate influence generally too-or I dare say, the reported-or would-be-'public opinion (so to say)', has been, kind of, focused down, onto, well, this or that purportedly-or so unquestionably would-be then-iconic case-~~ie~~ which in hindsight seems



to turn out to have been only  
not much more than some kind  
of fait accompli - or predetermined  
one way or another anyhow at the  
end of the day - or you know al-  
ready well rehearsed overall (by  
the very corporate sector Big Wigs  
and their political Party allies), in-  
volving, maybe, a bit of banter - in  
the very judicial arena to boot -  
purporting to be about, this or  
that native species - brought to the  
fore by this or that offshoot of the  
said practically institutionalised  
modern day would-be environmental  
movement, or otherwise - or more of  
that is nowadays - a raft of proposed  
beneficial impacts, touted as e.g.  
practically the re-employment of an  
entire region's blue-collar-workforce,  
and then some maybe, whilst providing  
enough of an injection into the lo-  
cal economy so as to maybe even  
boost somewhat the nation's "GDP" -  
or what-have-you - or whatever etc.,  
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oh, and let's not forget the modern day warcry, for so-called renewable energy and/or "carbon offsets" and the like, whilst the intricacies of the great climate change-debate, are rolled out, ad infinitum, in the said media, whereas, the real culprits, of e.g. exponential population growth, unjust-and unjustified-en-closures of the commons, not to mention widespread dissassociation (even at the judicial level it might seem) - in the so-called "digital era" that is-with (or from) the very realities-of our human existence (so to speak), seem to have been omitted, in the very would-be so public discourse, and that's, to say nothing, as to, like I say, what's actually going on, out on the very ground-of the thin crust that our said very own ecological existence so much depends upon, for, while it's no great secret,

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that titles to land - and indeed over what was once public - or "Crown Land" - have (by hook or by crook) been concentrated into the hands of an overly privileged few, on the basis of, some vague argument, purported to be about the so-called "Tragedy of the Commons (which even its original author was later humbly brought to admit - or so I seem to hear - was baseless)", well, the truth of it all, in hindsight, seems to be that, to the very day, it's largely still open slather out there, I mean, the nonsensical arguments remain, oh, you know, to the effect of that, the resilience of the land, is always so unyielding, and its potential benefits, so endless, that, nothing much more than, yet more, governmentally subsidised.

machinery, not to mention this or that chemical application, is all that's required, along with - a bit of groupthink and - some so-called-human ingenuity, of course, to unlock a practically perpetual bounty - or at least cover up (for now anyhow) the environmental degradation one might (if only one knew where - or how - to look) already find - and justify opening up vast new lands - or somewhat virgin country - for agricultural development (firstly anyhow), but meanwhile, we're not really maintaining, constant natural capital, across-the-board, if at all, moreover, while the - of it so extra-parliamentary - Parties political system of the day seems only so fatally locked into a mindset - or (as they say) groupthink - of fostering practically any old economic activity at

almost any environmental and/or social costs, most probably, all, that we're going to leave, to future generations, is insurmountable debts - i.e. both economic and environmental, and this, apparent push, what is more - to the very point, to remove so-called "Red Tape", might, on the one hand, appear only designed, to ensure, all of that, or that is, to ultimately be against ESD itself.

Red Tape, you see, is abounding, almost everywhere, in the modern day, as the pains of the old original "Acts Shortening Acts" have long been forgotten, and regular parliamentary processes, to review the very effectiveness of the statute law, have largely been abandoned, and replaced with only, the Party political fervour, to have the legislator, literally pump out, voluminous reactionary policies, I mean, just look at the convoluted

permutations of the current (purportedly enacted) social security-law, second, these days, maybe, to only the tax-laws, and how about, the way that, said agricultural chemicals (if such can really be described that way-but anyhow), are proposed to be regulated, for, the federal authority-in point-has never really had any teeth-to speak of, and, at best, it's left to only, the nuisance control-powers, of local councils, who-judging by the spraydrift experienced around these here parts-from time to time-over time-at any rate-really lack the spine to truly represent the very public interest they purport to serve-in such regards anyhow, so, you know, farmers-and the like-have (in comparison) got it all pretty easy overall, or I dare say, whilst, like I say, this ostensibly private report of yours, indeed appears, to

have had its very parameters, all set in advance, for only the one broader Party political outcome, i.e. to allow a free hand to would-be proponents of an unprecedented scheme of agricultural works, long before they have even shown their hand - much anyhow - or that is while all and sundry hold off from having the private sector engage publicly with the existing regulatory framework in order to properly justify their proposals in an integrated way that might only be in keeping with the true ESPO policy, and, just what, did those, more grass roots campaigners, once call, that... ah, yes, "fast-tracking (or something like that)", I dare say.

So, well, I certainly would have liked to expand on, some of these points - and maybe added one or two others - in order to providing a more comprehensive and robust submission,

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but — well, to put it bluntly, I've long been, of only meagre means, myself, not to mention, deprived (ie quite unlawfully in my opinion) of, the sorts of opportunities that, the Everyman might have ordinarily expected, to be extended to, <sup>for</sup> the exercise of Free Speech, in such a purportedly so modern (not to mention, free, fair, and democratic) society, and I can only hope then, that, this material, serves to go, some way towards, better informing, your inquiry, even if only to be seen as a comment upon the apparently unreasonable fettering thereof, by way of the very setting of the said TOR.

Good luck ma'am.

Yours sincerely

