

SUBMISSION TO THE NSW GOVERNMENT'S BIODIVERSITY LEGISLATION REVIEW

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Comments on the terms of reference

Any review is bounded and directed by its terms of reference and I find the first two terms of reference set for this review troubling, namely that legislation should:

1. facilitate the conservation of biological diversity, and
2. support sustainable development.

In the early 1990's there was a national strategy for setting the framework for ecologically sustainable development (ESD) in Australia. The definition of ESD used for that strategy was:

'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased'.

We now see, in these terms of reference, the term “sustainable development”. “Ecologically” has been dropped and the legislation is now required to do no more than *facilitate* the conservation of biological diversity, while it is also required to *support* sustainable development. Biological diversity is a component of, but not synonymous with, ecological integrity. It seems that “development” is once again seen as separate from ecological systems and their diversity and integrity; that it can stand alone, fracturing the concept that all human endeavour is part of an ecological system with consequences for those systems and hence for the well-being of the planet. Not only that but that biological diversity can be separated from the integrity of ecosystems as a whole. This is more than semantic.....the words we choose and the way we use them reflect our underlying view of the world, and the views reflected here are ones of separation, not an integrated whole. In the terms of reference for this review, biological diversity and sustainable development both have equal standing and the implication of one for the other, and of both for ecological integrity, are omitted. The preamble at the beginning of the issues document cannot put back together what the terms of reference, separates.

There is no discussion in the Issues Paper for the Review, as to what is meant by “sustainable development”. It is actually a meaningless term without some definition and I am dismayed to see such meaningless terms being used to guide a review of legislation. Indeed, asking what is meant by “sustainable development” is asking an entirely pertinent question given that this review has been commissioned by a government that is approving fossil fuel extraction, a “development” which is known to be leading to climatic conditions which do not sustain life as we know it.

As Fritjof Capra writes in an article in “Resurgence & Ecologist”: *“Since its introduction in the early 1980’s, the concept of sustainability has often been distorted, co-opted and even trivialized by being used without the ecological context that gives it its proper meaning.”* Capra goes on to write what sustainability really means: *“What is sustained in a sustainable community is not economic growth or some competitive advantage, but the entire web of life on which our long-term survival depends. In other words, a sustainable community is designed in such a way that its ways of life, businesses, economy, physical structures and technologies do not interfere with nature’s inherent ability to sustain life.”* In this definition, the integrity of the web of life is a paramount consideration, not just an add-on, something we try to facilitate.

The definition of ESD used in the National Strategy for ESD also specifically mentions our total quality of life as being important. The whole question of ESD and quality of life has been hijacked by one element of our society and translated into monetary terms, successfully neutering any challenge to further growth and development. This element of our society tells the narrative that our quality of life is dependent on our economy and that further growth and development are essential to our economy. In this narrative, the “ecologically” part of ESD is intentionally omitted. This narrative is a myth and dangerous to our well-being. I suspect though, it is a narrative driving the use of “sustainable development” in these review guidelines. I have included as an attachment to this submission, a pamphlet called “Uncivilization: the Dark Mountain Manifesto” which can be accessed on the website: www.dark-mountain.net. This is the most eloquent statement that I have read on the falsity of the views on which our current civilization is based and which I believe should be compulsory reading for everyone. Until we decouple our well-being from growth and development (as we traditionally know them), we are on a path of self-destruction.

Individuals within our society are under increasing pressure in monetary terms. We are becoming less and less co-operative as a society, with fewer services being provided by government, and are being left more and more to compete as individuals. This must put increasing pressure on our environment as individuals struggle to survive. Farmers, for example, want to clear more land in order to increase their enterprises and incomes. Clearing more land not only threatens our biodiversity but has consequences for other ecological processes. Among these are increased CO₂ emissions which clearly make clearing of little sense when other government programs aim to increase Australia’s area of trees to help mitigate climate change.

It is just plain nonsense, bordering on the farcical, to think that we can put individuals under greater economic pressure, have further traditional growth and development, reduce red tape *and* maintain biological diversity and ecological integrity. It is even more absurd to expect legislation to support two conflicting goals, without any recognition and discussion of the inherent conflicts, nor guidance as to priorities. We need to accept that we are part of an ecological whole and that there are limits to what we can do if the consequences of our actions are not going to come back to threaten us or future generations. This is the framework in which legislation needs to be set. Until it is, we are only pretending to solve problems and continuing to turn a “blind eye” to the many and varied processes that continue to threaten our well-being.

I hope with this submission, to have drawn attention to one of the main processes that threatens us – our inability to acknowledge, let alone discuss, the conflicts inherent in “development” and ecological sustainability. Even in a review as critical as this one, the issue has been avoided with the seeming assumption that there is no conflict between the two. It is the “elephant in the room”.

Capra, F. (2014) Pedagogy of Sustainability. *In* Resurgence and Ecologist. No. 283: p28.

Attachment: Uncivilization: The Dark Mountain Manifesto. (2009). Published by the Dark Mountain Project.