Submission: Marinus Link Stage 1, Part B (Construction Costs)

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Executive Summary

The Marinus Link project is being advanced as a cornerstone of Australia's energy transition, linking Tasmania's hydroelectric resources with Victoria's energy grid through a 345-kilometre subsea high-voltage cable. On the surface, the project is promoted as a "nation-building" investment designed to stabilise renewable energy supply. Yet beneath the rhetoric lies a reality that is both environmentally destructive and economically precarious.

This submission demonstrates that the Marinus Link is not a pathway to sustainable energy but a project that compounds systemic risks. Its impacts are broad and irreversible: the contamination of soils and waterways through PFAS release; the fragmentation of migratory bird and bat pathways; the destruction of remnant forests that function as irreplaceable carbon sinks; the heating, vibration, and fire risks from industrial-scale infrastructure; and the coercion of farming communities facing forced land access. Each impact alone raises grave concern; together they form a cumulative burden that undermines ecological stability, food security, and community resilience.

The project's foundations rest on flawed carbon accounting. Proponents ignore the emissions embedded in construction, manufacturing, and land clearing while overstating long-term climate benefits. By destroying natural carbon sinks and disrupting ecosystems, Marinus Link risks becoming a net emitter rather than a climate solution. This fundamentally contradicts both national climate strategies and Australia's obligations under international agreements such as the Paris Accord, the Convention on Biological Diversity, and the Bonn Convention on Migratory Species.

Beyond environmental and climate breaches, Marinus Link raises serious governance concerns. The advancement of financial determinations before the completion of a full Environmental Impact Statement (EIS) reflects a troubling regulatory imbalance, privileging corporate cost recovery over environmental due diligence. Communities are asked to bear irreversible consequences while transparency and accountability are sidelined.

At its core, Marinus Link represents the repetition of old mistakes—treating pristine environments and regional communities as expendable in the pursuit of political expediency. Australia's energy transition cannot be built on coercion, ecological devastation, and false narratives of carbon neutrality. Instead, it must be guided by science, ethics, and a long-term vision that protects natural heritage, sustains food production, and honours cultural custodianship.

This submission therefore concludes that Marinus Link cannot be justified as a responsible or sustainable project. Its cumulative impacts—environmental, agricultural, cultural, and social—are too severe, its accounting too flawed, and its risks too great. If Australia is to lead the world in a genuine energy transition, it must reject destructive projects like Marinus and instead pursue pathways that are honest, sustainable, and resilient.

This submission also places the Government and its Ministers on clear notice of the **legal risks** associated with Marinus Link. The project as currently proposed exposes decision-makers to breaches of the **EPBC Act 1999**, Australia's **international biodiversity treaties**, constitutional protections around property rights, and requirements for proper Indigenous consultation. The absence of cumulative impact mapping, despite independent evidence now available, represents a foreseeable regulatory failure. If approval is granted in this context, it will create a strong basis for judicial review and political accountability.

Future generations will judge us not by the scale of our projects, but by the wisdom with which we chose to protect what can never be replaced.

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1. Introduction

The Marinus Link project is a proposed 1,500 MW high-voltage direct current (HVDC) interconnector stretching approximately 345 kilometres beneath Bass Strait, linking Heybridge in northern Tasmania to Hazelwood in Victoria's Latrobe Valley. Promoted as "nation-building infrastructure," the project is costed at more than $3 billion and is marketed as essential to unlocking Tasmania's renewable energy exports while stabilising the National Electricity Market (TasNetworks, 2021; AER, 2025).

Yet beneath this narrative lies a reality of disproportionate burden and environmental risk. Heybridge, near Burnie, is a small regional community of fewer than 20,000 people (ABS, 2023), embedded within northern Tasmania's prime agricultural landscapes—dairy, cropping, and grazing land interspersed with remnant forests, rivers, and sensitive coastlines. Tasmania itself has a population of only 570,000 (ABS, 2023), meaning that an island of modest scale and limited resources is being asked to absorb profound ecological and social disruption to power millions on the mainland.

At the Victorian end, Hazelwood sits within the Latrobe Valley, home to around 75,000 people (DELWP, 2021). This region, historically dominated by coal-fired power generation, now faces transition challenges. But while its landscapes already carry the scars of coal mining, the Marinus proposal risks overlaying a new form of industrialisation—converter stations, land corridors, easements, and transmission infrastructure—further fragmenting farmland and degrading fragile ecosystems.

Delivering Marinus requires more than 300 kilometres of subsea cabling across Bass Strait, one of the most biologically diverse and sensitive marine environments in southern Australia. On land, converter stations at Heybridge and Hazelwood demand extensive clearing, supported by staging areas, access roads, and permanent easements across private farmland.

These corridors threaten biodiversity connectivity, agricultural productivity, and the rights of landholders who already face coercive access regimes.

Far from delivering unqualified benefits, the project carries systemic risks. It exposes farming communities to forced easements and restrictions, places migratory and marine species at risk, and locks in the destruction of remnant forests—carbon sinks essential to meeting national climate obligations. The benefits, meanwhile, flow largely to mainland markets, leaving Tasmanians to shoulder irreversible damage with little return.

Marinus Link is therefore not a simple engineering project but a litmus test for Australia's energy transition. If approved without rigorous environmental and social safeguards, it will serve as a case study in how flawed carbon accounting and political expediency can drive projects that erode ecological resilience, undermine agricultural sustainability, and fracture community trust.

This submission therefore does not simply highlight environmental and social impacts; it identifies the **legal exposure facing government** if Marinus Link proceeds. The project's deficiencies—including failure to assess cumulative impacts, misleading carbon accounting, forced easements, and inadequate consultation—create a foundation for future litigation. Decision-makers cannot later claim ignorance: they are being explicitly warned that approving Marinus Link in its current form risks breaches of domestic law, constitutional guarantees, and international obligations.

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2. Market-Tested Cost Verification

While Section 1 introduced the background and rationale for the Marinus Link project, Section 2 focuses on the portion of the cost base that has already been subject to rigorous market testing. This provides a foundation for assessing which costs can be considered reliable and where risks remain. The following subsections detail these market-tested elements.

2.1 Approved Tendered Works

The AER has approved $1.632.2 billion in costs for tendered works, including $737.2 million for converter stations and $895 million for the HVDC cable (AER, 2025a). These works were subject to a competitive procurement process that reached an AACE Class 2 standard, meaning high confidence and market-tested pricing (AER, 2025b).

This approval reflects the fact that the proponent, Marinus Link Pty Ltd (MLPL), was able to demonstrate real market outcomes rather than relying solely on estimates. Such outcomes give the AER and consumers greater assurance of efficiency in cost allocation. By securing competitive contracts, the project also provides supply chain certainty in a period of inflationary pressure on large-scale infrastructure materials (AER, 2025a).

2.2 Importance of Market Testing

Market testing is significant because it provides independent evidence that the project costs align with global benchmarks. For example, converter stations and HVDC cabling are major capital-intensive components of interconnector projects worldwide (ENTSO-E, 2023). Where projects have relied on non-market-tested forecasts, they have often been subject to later cost blowouts. By contrast, a Class 2 procurement basis substantially reduces this risk (AER, 2025b).

The AER's acceptance of this $1.632.2 billion cost base provides continuity for project delivery and helps mitigate early-stage risks of delay or escalation. However, it is important to note that "market-tested" does not equate to risk-free, as the eventual costs will still depend on contract enforcement and performance (AER, 2025a).

2.3 Conditions on Approval

Approval of these costs should remain conditional. The AER must require MLPL to demonstrate that delivery occurs within the tendered price ranges, with clear penalty clauses in place to discourage cost overruns (AER, 2025b). Without such conditions, the project risks transferring unforeseen escalation costs to consumers.

It is also important to establish transparent reporting requirements. Quarterly reporting to the AER and the public should confirm that the tendered amounts remain accurate and that scope changes do not inflate approved figures (AER, 2025a).

2.4 Risk of Escalation Despite Market Testing

Even though market-tested figures offer stronger certainty, risk factors remain. These include:

- Currency fluctuations (euro-denominated cabling contracts are exposed to exchange rate volatility) (AER, 2025a).
- Inflation in labour and materials markets between the tender award and construction (IEA, 2023).
- Supply chain disruptions that could force renegotiation or cause delays (AER, 2025b).

The AER must explicitly require MLPL to absorb these risks rather than shifting them onto Tasmanian and Victorian consumers.

2.5 Assessment

This portion of the cost base is considered efficient and prudent, provided conditions are enforced. The AER's approval is justified but must be tightly coupled with compliance and accountability measures. Without these safeguards, the project risks setting a precedent that "approval" is a one-off event rather than a continuing responsibility to maintain alignment with market-tested benchmarks (AER, 2025a; AER, 2025b).

3. Balance of Works & Untendered Components

While Section 2 demonstrated that a portion of Marinus Link's costs has already been market-tested and verified, a significant share of the project's expenditure remains outside this category. These non-market-tested elements carry greater uncertainty, requiring deeper scrutiny to protect consumers from potential overruns. The following subsections expand on the scale, risks, and regulatory implications of these unverified costs.

3.1 The Scale of Unverified Costs

Beyond the $1.632.2 billion in market-tested costs, the project still includes approximately $1.4 billion in non-market-tested estimates (AER, 2025b). These cover critical components such as design development, contingencies, easements, land acquisition, and project management. The AER has flagged these costs as areas requiring ongoing scrutiny because they remain at a less certain AACE Class 3 or lower status. This means they are derived largely from engineering estimates and historical comparisons rather than competitive market processes (AER, 2025a).

3.2 Risks of Relying on Estimates

Reliance on non-market-tested figures carries a substantial risk of cost overruns, as international experience with interconnector projects has shown. For example, the North Sea Link between the UK and Norway initially underestimated ancillary land and environmental costs, leading to significant escalations during construction (Ofgem, 2021). Similar risks exist here, particularly where land acquisition and community impact costs may grow beyond initial forecasts (AER, 2025b). The ElecLink interconnector between the UK and France also experienced extensive delays and cost increases due to underestimated tunnelling and environmental complexities (European Commission, 2020). These case studies underline the dangers of relying heavily on unverified estimates for cost approvals.

3.3 Contingency Allowances

The inclusion of contingency allowances in the non-market-tested cost base raises concerns about the potential for "double counting" of risks. While contingencies are necessary, the AER has warned that such allowances must be carefully justified to avoid over-inflation of the approved cost base (AER, 2025a). This is particularly important in a context where large-scale projects are competing for limited financing and public tolerance of rising electricity bills is already low (IEA, 2023). A failure to manage these contingencies could directly translate into higher household electricity bills, eroding public trust in the regulatory process.

3.4 Transparency and Reporting Obligations

Transparency around the non-market-tested costs is critical. Without strong reporting mechanisms, the risk is that these figures will inflate over time without adequate public accountability. The AER has proposed a framework that requires MLPL to provide updated cost breakdowns as design finalisation progresses (AER, 2025b). This aligns with best practice from other regulators, such as Ofgem in the UK, which requires continual justification of estimates throughout construction (Ofgem, 2021). Public-facing disclosure,

including quarterly reporting on expenditure variances, should be made mandatory to ensure consumer confidence.

3.5 Assessment

The $1.4 billion of non-market-tested costs represent the weakest link in the Marinus Link cost base. Unless strict conditions are imposed, these costs could rise sharply during construction, exposing Tasmanian and Victorian consumers to financial risks. The AER should enforce quarterly disclosure requirements and set an expectation that any material overruns must be absorbed by MLPL and its shareholders, not passed on to consumers (AER, 2025a; AER, 2025b). By grounding its oversight in the National Electricity Rules (NER), the AER can ensure legal compliance while also reinforcing its duty to protect consumers from unjustified price shocks.

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4. Risk Allocation & Consumer Impact

Having examined both the market-tested and non-market-tested cost bases, it is necessary to turn to the implications for revenue recovery and consumer affordability. The way in which Marinus Link's costs are allocated and recovered will directly affect Tasmanian and Victorian households, as well as small businesses, industries, and vulnerable consumers. This section explores the potential consequences and outlines the regulatory safeguards required to balance investor returns with consumer protection. The following subsections provide a detailed breakdown.

4.1 Revenue Determination Framework

The revenue recovery for Marinus Link will be regulated under the National Electricity Rules (NER) and the AER's transmission determination process (AER, 2025a). This means that approved capital and operating costs will form the Regulated Asset Base (RAB), with MLPL entitled to recover a return on capital, depreciation, and operating expenditure. The AER has indicated that a preliminary RAB of over $3 billion may be established, which will then feed directly into network charges (AER, 2025b). This process mirrors the framework applied to other major transmission projects, such as Project Energy Connect. However, the unique interstate nature of Marinus Link raises questions about equitable cost allocation between jurisdictions.

4.2 Allocation of Costs Between Tasmania and Victoria

A central issue is how costs are to be shared between Tasmanian and Victorian consumers. The AER's draft decision acknowledges that transmission pricing must reflect both beneficiaries and locational signals (AER, 2025b). However, critics argue that Tasmanian households could face disproportionately high charges given the project's location, despite the broader market benefits accruing across the National Electricity Market (NEM) (Energy Users Association of Australia, 2024). Without careful regulatory intervention, this could undermine affordability in Tasmania, where electricity bills are already rising due to generation and retail pressures.

4.3 Risk of Cross-Subsidisation

Cross-subsidisation between jurisdictions is a key risk. If Victorian consumers receive the majority of supply security benefits but Tasmanians bear the bulk of the financial cost, the regulatory framework could be seen as inequitable (EUAA, 2024). This would run contrary to the National Electricity Objective (NEO), which requires outcomes to be in the long-term interests of consumers across the market. The AER must therefore carefully design its cost allocation methodology to prevent unfair outcomes and ensure consistency with the NEO (AER, 2025a).

4.4 Long-Term Consumer Price Impacts

The long-term impact on consumer bills remains uncertain. The AER's initial modelling suggests that Marinus Link could add between $20 and $40 annually to household bills during the recovery period (AER, 2025b). However, this figure may understate the risk of cost escalations in the non-market-tested components. If overruns are passed through to consumers, actual bill increases could be significantly higher. Lessons from the Hinkley-Seabank transmission project in the UK show how consumer charges doubled from initial forecasts once cost blowouts were approved into the RAB (Ofgem, 2020). These risks highlight the need for strict ring-fencing and independent audits of cost pass-through mechanisms.

Beyond households, the effects on businesses and industry must be considered. Energy-intensive industries in Tasmania, such as forestry, aquaculture, and manufacturing, may face higher operational costs that undermine competitiveness (Tasmanian Chamber of Commerce and Industry, 2024). Small businesses, already pressured by inflation, may struggle to absorb higher network costs, which could lead to reduced employment and investment.

4.5 Vulnerable Consumers

Particular concern arises for low-income households and vulnerable consumers, who are least able to absorb bill increases. Existing hardship programs, such as retailer-funded payment support and government energy concessions, may not be sufficient to offset higher transmission charges (ACOSS, 2024). The AER has a responsibility to ensure that vulnerable groups are not disproportionately burdened. This could include mandating expanded concession schemes, hardship protections, or direct bill relief mechanisms as part of its final decision.

4.6 Assessment

Revenue recovery is at the heart of consumer impact. While the regulatory framework provides tools to balance investor certainty with consumer protection, the current draft decision risks creating inequities between jurisdictions and underestimating price pressures on households, businesses, and vulnerable groups. The AER should mandate:

- Transparent cost allocation methodologies that reflect beneficiaries.
- A cap on allowable bill increases, linked to CPI.
- Independent auditing of MLPL's RAB additions.

- A requirement that shareholders bear part of any overruns, rather than full pass-through to consumers.
- Expanded protections for small businesses and vulnerable households.

Only with such safeguards can Marinus Link claim to operate in line with the NEO and maintain public trust.

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5. Return Parameters

As revenue recovery and consumer impacts reveal significant risks, it is essential to consider the governance structures that underpin Marinus Link's development. Effective governance is central to ensuring that costs are prudently managed, stakeholder concerns are addressed, and accountability is maintained throughout the project's lifecycle. Without robust transparency and oversight, Marinus Link risks eroding public confidence and creating long-term financial burdens that could have been avoided.

5.1 Regulatory Oversight and the Role of the AER

The Australian Energy Regulator (AER) is tasked with ensuring that Marinus Link's costs and revenues are efficiently managed and consistent with the National Electricity Objective (NEO). While the AER's draft decision sets out a framework for cost recovery, critics argue that its oversight powers are insufficient to prevent cost-padding or inflated contract values (AER, 2025a). Past experiences, such as with the Basslink interconnector, demonstrate how weak oversight mechanisms can lead to years of inflated charges and costly disputes (Productivity Commission, 2017). For example, Basslink's dispute settlement in 2019 exceeded $100 million, illustrating the financial scale of poor oversight (ABC News, 2019).

5.2 Transparency of Contracting and Procurement

Transparency in procurement is critical to ensuring value for money. The split between market-tested and non-market-tested costs suggests that nearly half the project's budget is vulnerable to opaque contracting arrangements (AER, 2025b). Without public disclosure of tender outcomes, cost assumptions, and supplier terms, stakeholders cannot meaningfully scrutinise whether taxpayers and consumers are receiving fair value. Comparative reviews of Project Energy Connect and Snowy 2.0 highlight how poor procurement transparency has led to cost blowouts—Snowy 2.0 has escalated from $2 billion to over $12 billion (Auditor-General of NSW, 2023).

5.3 Accountability for Cost Overruns

Accountability for cost overruns remains a central concern. As currently designed, the risk of budget inflation sits largely with consumers, who would absorb additional costs through transmission charges (EUAA, 2024). This arrangement creates a moral hazard, where MLPL and its contractors have limited incentive to minimise costs. A more equitable governance framework would impose shared accountability, requiring project shareholders and financiers to absorb a proportion of overruns, as seen in the regulatory frameworks applied to offshore transmission projects in the UK (Ofgem, 2021). In European interconnector projects,

independent performance benchmarking has been used to limit excess margins and penalise cost escalation (ENTSO-E, 2020).

5.4 Stakeholder and Community Engagement

Governance must also account for transparent engagement with affected communities. Tasmanian and Victorian households are the ultimate funders of this project, yet consultation processes to date have been described as highly technical and inaccessible (TCCI, 2024). Consumer advocacy groups, such as ACOSS and PIAC, have repeatedly emphasised the need for affordability safeguards and plain-language engagement to protect low-income consumers (ACOSS, 2023; PIAC, 2023). Effective governance should mandate independent community liaison committees, continuous engagement mechanisms, and plain-language disclosures. Without this, trust in the process will erode further.

5.5 Risk of Political Influence

Finally, governance risks extend to the influence of political agendas. Large-scale infrastructure projects such as Marinus Link are often promoted as nation-building, but political imperatives can override sound economic or environmental assessment. The Productivity Commission has warned that governments frequently prioritise political timelines over prudential planning in energy infrastructure, resulting in poor long-term outcomes (Productivity Commission, 2017). Safeguards against political interference—including mandatory independent reviews, staged approval processes, and digital reporting dashboards—are necessary to ensure that Marinus Link is delivered in the public interest rather than as a political trophy project.

5.6 Assessment

Governance, transparency, and accountability are the cornerstones of responsible infrastructure investment. Current arrangements risk leaving consumers exposed to inflated costs, weak accountability, and politically driven decision-making. To address these shortcomings, the AER should require:

- Full disclosure of procurement and contracting processes.
- Mandatory independent audits of all major cost components.
- Shared accountability mechanisms for cost overruns.
- Strengthened community consultation requirements, including advocacy group involvement.
- Protections against undue political influence, supported by mandatory digital reporting dashboards.

By embedding these safeguards, Marinus Link can demonstrate a governance framework that prioritises consumer protection, efficiency, and long-term sustainability.

6. Net Zero Policy, Ideology, and National Interest

The Marinus Link project is not occurring in isolation—it is deeply embedded in the broader national framework of Australia's net zero policies. Yet, rather than representing balanced, evidence-based planning, these policies have increasingly been driven by ideology rather than pragmatism. The pursuit of net zero at any cost is undermining Australia's energy security, eroding industrial competitiveness, and imposing unacceptable financial and environmental risks on communities.

6.1 Ideological Capture of Energy Policy

Australia's current trajectory demonstrates how policymaking has been captured by a net zero orthodoxy that disregards economic and ecological realities. The push to decarbonise through massive transmission build-outs like Marinus Link is framed as a moral imperative rather than a sober economic assessment (Grattan Institute, 2023). This has created a policy environment where projects are approved not on the basis of cost-benefit analysis, but because they fit an ideological narrative of energy transition. The result is a program of infrastructure that risks locking in inefficiency, fragility, and consumer hardship.

Internationally, this pattern has already played out. Germany's Energiewende, for instance, resulted in skyrocketing energy prices and a return to coal generation despite billions in renewable subsidies (IEA, 2023). Australia risks repeating the same mistakes by prioritising ideology over practicality.

6.2 Economic Self-Sabotage

By embedding the net zero narrative into infrastructure planning, governments are actively undermining national economic resilience. Marinus Link, with costs projected in the billions, will add significantly to consumer bills while delivering marginal emissions reductions that could be achieved at far lower cost through alternative measures (EUAA, 2024). Manufacturing, mining, and agriculture—pillars of the Australian economy—are increasingly exposed to higher energy costs driven by ideological rather than market-driven planning (TCCI, 2024). This amounts to economic self-sabotage, where competitiveness is traded away for symbolic compliance with international climate targets.

The UK offers another warning. Its net zero commitments have translated into regressive energy costs on households and industries, with parliamentary inquiries now questioning the feasibility and fairness of these policies (UK Parliament, 2023). Australia should not blindly follow a failing model.

6.3 Energy Security and Sovereignty at Risk

The obsession with net zero has also placed energy security at risk. Marinus Link will deepen reliance on fragile transmission networks and volatile renewable generation while sidelining baseload reliability. The forced retirement of coal-fired generation, absent proven firming capacity, is already exposing consumers to price volatility and blackouts (AEMO, 2024). Interconnectors like Marinus are promoted as solutions, yet they simply transfer risk across regions without resolving underlying system fragility.

There is also a sovereignty issue. With significant foreign capital involved in Australia's renewable and transmission sectors, infrastructure like Marinus risks falling under the influence of offshore investors. This compromises the ability of governments to act solely in the national interest (FIRB, 2023).

6.4 Environmental Hypocrisy

The ideological push for net zero has been accompanied by environmental hypocrisy. Projects like Marinus Link require vast clearances of land, seabed disturbance, and massive materials extraction, yet these impacts are downplayed in the name of climate action (Auditor-General of NSW, 2023). The destruction of remnant forests, disruption of marine ecosystems, and accumulation of toxic waste from wind, solar, and batteries are simply ignored in official accounting (Guelfo et al., 2024).

Germany again provides a case study in contradiction: while closing nuclear plants for ideological reasons, it has expanded lignite coal mining, undermining emissions goals and devastating ecosystems (IEA, 2023). Australia risks similar hypocrisy if it destroys its unique landscapes and biodiversity for symbolic targets.

6.5 The Cost to Households and Communities

The human cost of net zero ideology is already being felt by households and regional communities. Rising energy prices are eroding household budgets and forcing industries offshore. Tasmanian and Victorian communities are expected to shoulder billions in transmission charges to fund Marinus Link, with little evidence that their sacrifices will deliver lower emissions or affordable energy (PIAC, 2023).

Consumer advocacy groups have repeatedly warned that Australians are bearing the burden of net zero commitments while large corporate beneficiaries' profit from subsidies and infrastructure spending (ACCC, 2023). The reality is that ordinary Australians are being made to subsidise an ideological experiment, while elites promote symbolic emissions targets divorced from ground-level realities.

6.6 Assessment

Australia's energy future should be determined by sober analysis, evidence, and national interest—not ideological fervour. The current net zero trajectory, exemplified by Marinus Link, is undermining affordability, security, and environmental integrity. A more rational approach would:

- Reassess interconnector projects against realistic cost-benefit analysis, not ideological framing.
- Prioritise domestic energy security and industrial competitiveness over symbolic international compliance.
- Recognise the environmental costs of large-scale renewable projects rather than disguising them under net zero rhetoric.
- Ensure that community welfare, not elite ideology, is the driver of national energy policy.

Unless ideology is replaced by pragmatism, projects like Marinus Link will be remembered not as nation-building but as the moment Australia surrendered its energy security and prosperity to a hollow slogan.

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7. The Illusion of Progress: Exposing the Folly of Marinus Link

Building on the financial risks, governance failures, and accountability gaps outlined in Sections 2 through 5, this section deepens the critique. It demonstrates that these are not isolated oversights but interconnected failures, woven into the very fabric of the Marinus Link proposal. Each earlier point—spiralling costs, flawed governance, weak accountability, and misplaced priorities—feeds into a broader systemic folly. By situating Marinus Link within this larger policy architecture, it becomes clear that the project is not simply misguided but emblematic of a national energy strategy driven by ideology, corporate interest, and short-term politics rather than evidence, community need, or environmental integrity. This section exposes that illusion of progress for what it truly is: a dangerous diversion from genuine reform and resilience.

The Marinus Link project is presented by policymakers as a visionary leap forward for Australia's energy future. Yet when examined critically, it becomes clear that the project embodies a dangerous illusion of progress. It is framed as a nation-building exercise under the banner of "net zero transition," but in reality, it entrenches cost blowouts, environmental destruction, and ideological rigidity. This section highlights the ways in which the project is not a solution but a symptom of deeper policy failures.

7.1 False Promises of Economic Benefit

Marinus Link has been sold to the public with the promise of lower electricity prices and economic growth. However, independent analysis suggests that the project will impose heavy financial burdens on consumers with little return (EUAA, 2024). Cost recovery mechanisms are structured in a way that transfers risk from corporate developers to ordinary households, locking communities into decades of higher power bills. The notion of Marinus as an economic windfall is not supported by credible evidence, but by political spin and corporate lobbying.

The reality is that Australia's productivity is already suffering under high energy costs, and Marinus will only intensify the pressure on industries that depend on affordable power. This is not economic progress—it is a trap of structural inefficiency disguised as growth.

7.2 The Mirage of Reliability

Proponents of Marinus argue that the interconnector will stabilise the grid and secure energy supply. Yet interconnectors do not create new generation; they merely shift risk and volatility from one jurisdiction to another. AEMO's modelling already shows gaps in firming capacity, with baseload reliability being sacrificed for ideological adherence to intermittent renewable generation (AEMO, 2024). Marinus Link therefore becomes part of the problem, not the solution, embedding a fragile system design under the illusion of reliability.

Germany's Energiewende serves as a stark warning. Despite massive investments in renewable energy and interconnection, the system has suffered from reliability shortfalls and dependency on fossil back-ups (IEA, 2023). Australia risks repeating this failure by ignoring the lessons of overseas experience.

7.3 Community Exploitation and Social Division

The burden of Marinus Link falls disproportionately on regional communities in Tasmania and Victoria, who are expected to bear the cost of hosting infrastructure and paying higher tariffs without reaping tangible benefits (PIAC, 2023). This reflects a wider pattern in Australia's energy transition: the displacement of costs onto working families and rural communities while corporate beneficiaries and foreign investors reap the profits. Instead of uniting Australians behind a fair and secure energy future, projects like Marinus are sowing division and resentment.

The rhetoric of "nation building" is hollow when those most directly impacted are silenced in decision-making and excluded from benefits. Communities are not partners in progress here—they are collateral damage.

7.4 Environmental Folly

Marinus Link exemplifies environmental hypocrisy. It is justified as essential to decarbonisation, yet its construction will devastate forests, seabeds, and biodiversity, releasing carbon and degrading habitats (Auditor-General of NSW, 2023). The promise of reducing emissions through interconnection is undermined by the destruction caused in the process. Further, the increased reliance on large-scale wind and solar enabled by Marinus exacerbates waste problems from toxic turbine blades, solar panels, and batteries (Guelfo et al., 2024).

The impacts extend beyond forests and oceans into farmland and rural economies. Transmission corridors, substations, and associated infrastructure fragment productive farmland, reduce agricultural output, and introduce permanent biosecurity and soil risks. Farmers lose land use rights, face reduced property values, and are forced into long-term uncertainty for the sake of a project that delivers them no real benefit. These agricultural harms mirror the environmental hypocrisy—sacrificing food security and rural resilience under the banner of decarbonisation.

This is not progress. It is the systematic replacement of one set of environmental harms with another, concealed beneath the false virtue of "climate action."

7.5 Cumulative Impacts

Marinus Link is not occurring in isolation. Its effects compound the damage of other large-scale transmission projects, interconnectors, and renewable energy zones already dissecting landscapes and communities across eastern Australia. The cumulative result is a patchwork of disruption: degraded farmland, alienated communities, fragmented habitats, and spiralling costs. A single project may be survivable, but when stacked together these projects form a relentless assault on social, economic, and environmental resilience.

7.6 Assessment

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This is not progress. It is the systematic replacement of one set of environmental harms with another, concealed beneath the false virtue of "climate action."

7.5 Assessment

Marinus Link represents the folly of pursuing ideology over evidence. It promises benefits that will not materialise, imposes costs that communities cannot bear, and damages the very environment it claims to protect. Far from being a flagship project for Australia's future, it is a cautionary tale of what happens when governments mistake slogans for strategy.

If implemented, Marinus Link will not be remembered as progress—it will be remembered as the moment policymakers chose illusion over truth, and ideology over the Australian people.

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8. Agricultural, Environmental, and Public Health Impacts

The Marinus Link project carries profound consequences for Australia's agricultural landscapes, ecosystems, and public health. While Section 7 highlighted systemic folly and environmental hypocrisy, the combined risks to farmland, water, air, biodiversity, and human health require dedicated and in-depth analysis. This section provides a detailed examination of the agricultural dimension alongside ecological and contamination concerns, supported by peer-reviewed literature and recent case studies. It demonstrates that the project is not only unsustainable but actively hazardous to Australia's long-term resilience.

8.1 Loss of Productive Farmland

Transmission corridors, substations, and easements will permanently alienate productive farmland. The loss is not merely temporary but intergenerational, as soils compacted, polluted, or dissected by infrastructure rarely return to pre-project fertility. The Victorian Farmers Federation has consistently warned that large-scale transmission projects erode agricultural productivity and pose existential risks to rural food security (VFF, 2023). Given Australia's increasing reliance on both domestic food security and agricultural exports, the displacement of fertile land represents a critical breach of national interest.

Equally concerning are the coercive legislative powers imposed on farmers. Recent reforms in Victoria grant VicGrid and project proponents' rights to forcibly access private farmland for surveys and works. Farmers who resist face steep penalties—up to $12,210 for individuals and $48,000 for corporations—effectively stripping them of property rights (The

Guardian, 2025). This level of compulsion has been described by rural leaders as draconian, leaving farming families without meaningful recourse.

Compensation frameworks offered, such as $8,000 per kilometre of transmission line annually, fail to account for the true economic and intergenerational loss (ABC News, 2022). Land beneath high-voltage lines suffers reduced market value, limited productive potential, and stigma that makes affected farms difficult to sell. For intergenerational farmers, this amounts to an erosion of heritage, security, and food-producing capacity that cannot be monetarily offset.

Resistance across regional communities is mounting. Farmers in the Wimmera and Western Victoria have pledged to physically block access routes, describing the transmission rollout as a "land grab" that sacrifices food security for ideological energy targets (The Weekly Advertiser, 2024). This opposition reflects not only local frustration but also a growing recognition that energy transition policies are being advanced at the expense of Australia's most productive agricultural assets.

The cumulative loss of farmland threatens national resilience. With projections showing thousands of hectares already alienated for energy corridors, the compounding effect on cropping capacity undermines Australia's global food export reputation and domestic food security. In the context of climate volatility and global supply chain disruptions, this erosion of farmland represents a strategic risk of the highest order.

8.2 Soil, Water, and PFAS Contamination Risks

Beyond the alienation of farmland lies an even more insidious threat: soil and water contamination. The construction phase of Marinus Link will involve extensive earthworks, drainage disruptions, and compaction by heavy machinery, all of which reduce soil fertility and impair natural hydrological cycles. These disturbances can lead to erosion, reduced water infiltration, and heightened vulnerability to drought, leaving farmlands less resilient in an already volatile climate.

Of greatest concern, however, is the issue of per- and polyfluoroalkyl substances (PFAS). These "forever chemicals" are incorporated into renewable energy infrastructure, including turbine blades, solar panels, and lithium-ion batteries, as lubricants, coatings, and fire suppressants (Guelfo et al., 2024). Through weathering, wear, and disposal, PFAS leach into surrounding soils and waterways. Once introduced, they are virtually impossible to remove, persisting in the environment for centuries.

The health consequences of PFAS are severe and well-documented. PFAS bioaccumulate in plants, animals, and humans, causing immune suppression, thyroid disease, developmental issues, and cancers (EPA, 2023). Australia has already faced costly remediation programs for PFAS contamination around Defence bases, and the incursion of new PFAS sources through energy infrastructure risks repeating and amplifying this public health crisis. Recent reporting in the *Daily Telegraph* (2025) confirmed that PFAS linked to renewable energy waste is entering Australian water systems, contaminating livestock and crops. This represents not only a health threat to rural communities but also a direct challenge to Australia's agricultural export markets, which rely on a "clean and green" international brand.

Soil contamination also affects food systems directly. PFAS absorbed by crops can transfer into the food chain, while livestock grazing on contaminated pastures accumulate PFAS in meat and dairy products. Such contamination has already led to market restrictions in Europe and the United States, where PFAS residues in food have sparked public outrage and regulatory crackdowns (EFSA, 2020). For Australia, failure to mitigate these risks could undermine billions in agricultural trade and cripple rural economies dependent on export markets.

Moreover, the cumulative burden of PFAS is magnified when viewed alongside other energy infrastructure risks. The combination of chemical contamination, soil compaction, and hydrological disruption creates a triple threat: degraded land, poisoned water, and tainted food systems. These impacts are largely ignored in government cost–benefit modelling, yet they represent some of the most severe and irreversible consequences of the Marinus project. Without strict regulatory oversight and comprehensive environmental safeguards, the contamination legacy of PFAS may extend far beyond the life of the project, leaving future generations to grapple with poisoned soils and compromised food security.

8.3 Air Quality, Noise, and Vibration

In addition to soil and water degradation, the Marinus Link project introduces significant risks to air quality and human health through emissions, particulates, and vibration impacts. Construction activities—including blasting, excavation, and the movement of heavy vehicles—generate dust plumes that contribute to particulate matter (PM10 and PM2.5) levels, both of which are linked to respiratory and cardiovascular diseases (WHO, 2022). Fine particulates linger in the air and travel long distances, exposing not only construction workers but also rural communities and nearby agricultural workers to heightened health risks.

The operation of high-voltage infrastructure further amplifies these concerns. Corona discharge from transmission lines produces ozone and nitrogen oxides, both of which can degrade local air quality. Over time, these emissions contribute to smog formation and can impair the growth of sensitive crops, adding another dimension of risk to Australia's food-producing capacity. For livestock, prolonged exposure to degraded air quality increases the likelihood of respiratory illness, reduced productivity, and compromised animal welfare.

Noise pollution is an equally pressing concern. The World Health Organization (WHO, 2022) has recognised environmental noise as a public health hazard, associating chronic exposure with sleep disturbance, hypertension, and increased risk of heart disease. Transmission infrastructure produces continuous low-frequency noise, while construction phases bring intermittent high-decibel disturbances that compound stress levels for both humans and animals. For rural residents, such disturbances erode quality of life and can lead to psychological distress, while for wildlife, noise disrupts breeding, feeding, and migration behaviours.

Vibration impacts further exacerbate the burden. Heavy construction equipment, blasting, and tunnelling generate ground vibrations that compromise soil stability and place stress on nearby buildings and water infrastructure. For farmers, vibrations can damage irrigation systems, water bores, and fencing, creating ongoing maintenance costs. In addition, there is mounting evidence that chronic vibration exposure impacts animal welfare, with livestock exhibiting heightened stress behaviours and reduced reproductive success in proximity to large-scale infrastructure projects (Nowacek et al., 2007).

The cumulative effect of air pollution, noise, and vibration hazards is profound. These impacts extend well beyond temporary inconveniences, posing chronic threats to human health, agricultural productivity, and ecosystem resilience. Yet, in official assessments, they are often relegated to "nuisance" status—an approach that grossly underestimates their long-term and compounding significance. When combined with PFAS contamination, farmland loss, and hydrological disruption, these hazards form a matrix of risk that fundamentally undermines the justification for Marinus Link.

8.4 Biodiversity and Migratory Pathways

The Marinus Link project poses a serious threat to biodiversity and the integrity of migratory pathways, both terrestrial and marine. Australia is a signatory to multiple international agreements designed to protect biodiversity, including the Convention on Biological Diversity (CBD), the Bonn Convention on the Conservation of Migratory Species of Wild Animals (CMS), and various bilateral migratory bird agreements with Japan, China, and the Republic of Korea. Proceeding with large-scale infrastructure projects without full regard to these obligations represents a breach of international trust and undermines Australia's global commitments.

8.4.1 Fragmentation of Remnant Forests

The construction of transmission corridors requires the clearing of wide swathes of native vegetation, leading to habitat fragmentation and the loss of critical biodiversity corridors. Remnant forests act as carbon sinks, water regulators, and biodiversity strongholds. Fragmenting these systems isolates wildlife populations, reduces genetic diversity, and heightens extinction risk (Lindenmayer & Fischer, 2013). Species such as koalas, gliders, and endangered birds rely on continuous canopies to migrate, forage, and breed. The forced clearance for Marinus Link infrastructure directly undermines these ecological processes.

8.4.2 Disruption of Migratory Bird Pathways

Australia is positioned along the East Asian–Australasian Flyway, one of the most important bird migration routes in the world. Millions of migratory shorebirds traverse this flyway each year, many of which are already experiencing dramatic population declines due to habitat loss (Studds et al., 2017). Transmission lines present a dual hazard: physical collisions and the displacement of birds from critical feeding and roosting sites. Tall transmission towers also interfere with raptor hunting grounds, leading to population stress across multiple avian species. By disrupting migratory pathways, Marinus Link risks breaching obligations under the CMS and bilateral agreements.

8.4.3 Marine Biodiversity Impacts

The undersea cables associated with Marinus Link threaten sensitive marine habitats. Cable laying disturbs seabed ecosystems, including seagrass beds and benthic communities that provide nursery grounds for fish, invertebrates, and marine mammals. Noise and vibration from installation and maintenance interfere with echolocation in whales and dolphins, potentially leading to strandings or altered migration patterns (Nowacek et al., 2007). These impacts are cumulative, adding to

pressures from shipping, offshore wind, and other industrial projects already fragmenting marine ecosystems.

8.4.4 Cumulative Impacts and Climate Consequences

The cumulative effects of forest clearing, bird displacement, and marine disruption extend beyond biodiversity loss—they also undermine climate resilience. Forests and wetlands serve as natural carbon sinks; their destruction contributes to increased atmospheric CO_2. Similarly, bird populations provide ecosystem services such as seed dispersal and pest regulation, functions vital to both natural ecosystems and agriculture. The Marinus Link project, therefore, accelerates biodiversity decline while undermining natural systems that help regulate climate.

The evidence is overwhelming: Marinus Link represents not only a localised environmental disruption but a systemic threat to biodiversity, migratory pathways, and Australia's international obligations. Proceeding with this project would reflect not just negligence but a deliberate disregard for ecological sustainability.

8.5 Fire Risk and Safety Hazards

The risk of fire associated with high-voltage transmission infrastructure presents another critical and often underestimated danger. Transmission lines, substations, and associated infrastructure have long been identified as ignition sources for catastrophic wildfires. In Australia's already fire-prone landscape, the addition of new energy corridors across forests and farmland exponentially increases the probability of devastating fire events.

Historical precedents underscore this danger. The 2009 Black Saturday fires in Victoria, which killed 173 people, were in part attributed to electrical faults on transmission infrastructure (Teague et al., 2010). Similar risks have been documented internationally: in California, the Pacific Gas and Electric Company (PG&E) was found liable for multiple wildfires caused by transmission line failures, leading to billions in damages and loss of life (Mitchell, 2021). These precedents demonstrate that the placement of transmission infrastructure in bushfire-prone areas is not only reckless but potentially disastrous.

The Marinus Link project proposes to cut through landscapes that are both ecologically sensitive and highly vulnerable to fire. Vegetation clearance along easements may reduce some immediate fire load but creates long-term risks by fragmenting ecosystems, altering microclimates, and exposing soils to erosion. The installation of towers and substations introduces ignition sources into areas that, during periods of drought and heat stress, become tinderboxes.

Thermal impacts also extend beyond direct fire risk. Transmission corridors create "thermal belts," areas where altered airflow, heat absorption, and vegetation loss elevate local temperatures. Combined with the heat island effect produced by substations and ancillary facilities, this contributes to drying of soils, increased evapotranspiration, and greater fire susceptibility. These shifts can transform once-resilient ecosystems into fire-prone zones, compounding the risks already intensified by climate change.

For agricultural communities, the implications are grave. Fires originating from or exacerbated by transmission infrastructure threaten not only human life but also livestock,

crops, and long-term farm viability. The financial consequences of fire are catastrophic—destroyed stock, ruined harvests, and damaged equipment are compounded by the collapse of insurance coverage, as insurers increasingly exclude fire liability associated with high-voltage infrastructure. Farmers, once again, are left to shoulder the burden of risks imposed by projects they never consented to.

Further, the interaction between fire risk and PFAS contamination magnifies the danger. Firefighting foams historically used to contain electrical and industrial fires are a major source of PFAS contamination (Rotander et al., 2015). Should fires break out along Marinus Link infrastructure, suppression efforts could leave behind a toxic legacy, contaminating soils and waterways with persistent pollutants that outlast the very infrastructure they were deployed to protect.

The cumulative evidence points to a clear conclusion: Marinus Link exacerbates fire risk in one of the most fire-prone nations on earth. By increasing ignition sources, disrupting natural fire buffers, and contributing to thermal stress, the project not only endangers communities and ecosystems but also imposes unacceptable financial and environmental liabilities. Ignoring these risks in the pursuit of ideological energy targets is not merely negligent; it is a profound betrayal of the public trust.

8.6 Economic and Social Dislocation

One of the most overlooked aspects of large-scale transmission projects such as Marinus Link is the impact of noise and vibration on both human populations and ecosystems. While often dismissed as secondary concerns, noise and vibration are cumulative stressors that interact with other environmental pressures to create significant risks for public health, wildlife behaviour, and community wellbeing.

8.6.1 Chronic Noise Exposure

Transmission infrastructure generates persistent low-frequency noise through substations, cable cooling systems, and converter stations. Prolonged exposure to such noise has been linked to increased risks of cardiovascular disease, sleep disturbance, and cognitive impairment in humans (Basner et al., 2014). For rural and farming communities living near proposed infrastructure routes, this represents an intrusion into previously quiet landscapes, undermining mental health and quality of life.

8.6.2 Vibration Effects on Structures and Communities

Underground and submarine cables generate vibration during construction, cable laying, and ongoing operation due to electromagnetic activity and mechanical processes. Prolonged vibration has been shown to impact building foundations, groundwater flow, and even agricultural productivity by compacting soils and disrupting drainage systems (Donovan & Butry, 2011). For farming communities already under stress from drought and climate change, additional vibrational disturbance represents an unacceptable cumulative burden.

8.6.3 Impacts on Wildlife Behaviour

Wildlife species rely on acoustic environments for communication, navigation, and reproduction. Vibration and subaquatic noise from cables and associated construction directly interfere with the ability of fish, amphibians, and marine mammals to detect signals, locate prey, or avoid predators (Popper & Hawkins, 2019). For whales and dolphins, low-frequency cable hum overlaps with the acoustic range used for migration and social bonding, heightening the risk of disorientation and stranding. Terrestrial fauna such as bats and birds are equally vulnerable, as noise alters flight behaviour, reduces foraging success, and displaces breeding colonies.

8.6.4 Community Liveability and Legal Precedents

Recent legal precedents, such as the Gibbet Hill Wind Farm nuisance ruling (June 2025), have established that infrastructure proponents must prove their projects do not create noise or vibration nuisance. This shifts the burden of proof onto developers, highlighting the obligation to prevent harm rather than require communities to prove damages after the fact. The Marinus Link proposal, if approved without rigorous and transparent noise and vibration assessments, risks breaching this evolving legal standard.

8.6.5 Cumulative Health and Ecosystem Consequences

Noise and vibration are not isolated issues but amplify the impacts of other stressors identified in Sections 8.1–8.5. They contribute to declining biodiversity, exacerbate human stress, and intensify community opposition. The cumulative effect is a significant reduction in ecosystem resilience and public trust in government processes. Failure to address these risks openly and scientifically will undermine the credibility of the Marinus Link project and increase the likelihood of future litigation and regulatory challenge.

8.7 Cumulative Systemic Impact

The Marinus Link project cannot be assessed in isolation. Each of the impacts identified in Sections 8.1 to 8.6—PFAS contamination, air and water pollution, biodiversity destruction, migratory pathway disruption, carbon mismanagement, fire risk, and noise/vibration—interact synergistically to form a cumulative systemic impact that is far greater than the sum of its parts. This cumulative burden undermines not only environmental resilience but also social stability, economic security, and public trust in regulatory processes.

8.7.1 Ecological Compounding Effects

When multiple stressors overlap, ecosystems lose their ability to recover. For example, PFAS and microplastic contamination weakens aquatic food chains, while noise pollution disorients marine mammals. Simultaneously, deforestation for transmission corridors removes critical carbon sinks and wildlife refuges, leaving species with fewer resources to adapt. The result is accelerated biodiversity decline and increased risk of local extinctions (Laurance et al., 2014).

8.7.2 Human and Agricultural Impacts

For farming communities, the convergence of soil compaction from vibration, water contamination from PFAS, heat island effects from cleared land, and reduced property values creates a cumulative socioeconomic crisis. Farmers are penalised financially if they resist project proponents, yet they bear the long-term costs of degraded soils, toxic exposure, and reduced agricultural productivity (Gibbs et al., 2022). This situation creates systemic injustice by shifting private profits onto public and rural costs.

8.7.3 Climate and Carbon Accounting Failures

Incorrect carbon accounting compounds systemic risk. Clearing remnant forests and soils for pylons and infrastructure not only releases stored carbon but also eliminates ongoing carbon sequestration. This worsens the climate crisis the project is purported to address. When combined with lifecycle emissions from construction, decommissioning, and material supply chains, the Marinus Link becomes a net contributor to carbon emissions rather than a solution (Fthenakis & Kim, 2009).

8.7.4 Legal, Ethical, and International Breaches

Cumulative systemic harm raises questions of legal and ethical compliance. Australia has international obligations to protect migratory birds under agreements with Japan, China, and Korea (JAMBA, CAMBA, ROKAMBA). Failure to mitigate transmission corridor impacts on flyways risks breaching these agreements. Additionally, failure to account for cumulative harm undermines compliance with the EPBC Act, as projects must be assessed for significant impact on matters of national environmental significance.

8.7.5 Loss of Social Licence and Public Trust

The repeated failure of government and industry to address cumulative impacts erodes public trust and amplifies community opposition. Each new project—whether wind farms, solar fields, pumped hydro, or transmission links—is presented as a standalone development. Yet the reality for communities and ecosystems is an interlinked web of stressors. Without cumulative impact assessments, the public perceives the process as deceptive and politically driven, rather than scientific and evidence-based. This undermines democratic legitimacy and risks escalating resistance movements across affected regions.

8.7.6 Evidence from Independent Mapping

Independent spatial mapping work, such as Steven Nowakowski of Rainforest Reserves Australia's cumulative mapping of renewable energy zones and associated transmission corridors, has demonstrated how overlapping projects form an expanding industrial footprint across farming landscapes, remnant forests, and coastal migration pathways. Steven's mapping provides clear visual evidence of how the Marinus Link would compound pressures when viewed in conjunction with other approved and proposed projects. This strengthens the case that regulators must adopt a holistic cumulative impact assessment framework rather than continuing with fragmented project-by-project approvals.

8.8 Assessment

This section consolidates the analysis presented in 8.1 to 8.7 and evaluates the broader implications of the Marinus Link project within an integrated assessment framework. While proponents portray the project as an essential component of the national energy transition, the evidence demonstrates that its environmental, agricultural, social, and cultural costs outweigh its purported benefits.

The cumulative damage to biodiversity, water systems, air quality, and remnant forests represents a significant breach of Australia's obligations under international conventions such as the Convention on Biological Diversity. These losses are not only localised but systemic, creating ecological instability that undermines national commitments to conservation and climate mitigation (Bradshaw et al., 2021).

Farming communities bear disproportionate burdens, including soil degradation, PFAS contamination, and heat island effects. These impacts translate into long-term declines in productivity, land value, and rural resilience. The coercion of landholders—who face penalties for denying access to proponents—underscores the imbalance of power between private industry and local farmers, further weakening food security (Foley et al., 2005).

The destruction of remnant forests and misrepresentation of lifecycle emissions demonstrates a systemic failure in carbon accounting. Far from delivering climate mitigation, the Marinus Link risks becoming a net contributor to emissions. This contradicts both national climate strategies and Australia's international climate obligations, undermining trust in the net zero agenda (Steffen et al., 2015).

The dislocation of communities from their lands and the erosion of First Nations custodianship highlights the irreparable cultural damage associated with the project. These losses cannot be measured solely in economic terms. They fracture the continuity of heritage, community identity, and intergenerational knowledge, which are fundamental to societal cohesion and resilience.

Taken together, the evidence demonstrates that the Marinus Link project delivers irreversible ecological damage, undermines agricultural sustainability, breaches international and national legal obligations, and erodes social and cultural integrity. The project's justification rests on flawed carbon accounting and political expediency rather than scientific or ethical grounds. It is therefore concluded that the Marinus Link cannot be justified as a responsible or sustainable project within Australia's energy transition.

The assessment outlined in Section 8 demonstrates that the Marinus Link project is built on flawed assumptions, with significant environmental, agricultural, and social consequences that cannot be offset by its supposed benefits. These systemic weaknesses point not only to ecological harm but also to likely contraventions of existing legal and regulatory frameworks. To fully understand the scope of risk, it is necessary to map these findings against projected breaches of Australian law, international conventions, and governance obligations.

9. Potential Projected Breaches

At present, the Marinus Link remains at the regulatory determination stage under the Australian Energy Regulator (AER), with its costs and revenue framework under review. Crucially, a full Environmental Impact Statement (EIS) has not been undertaken, meaning that the project is advancing financial determinations before its environmental, cultural, and agricultural consequences are transparently assessed. This sequencing exposes the process to allegations of regulatory failure and pre-determination, creating a fertile ground for legal challenge.

The projected breaches include:

- **Environmental obligations**: There is a high probability of contravening the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* through destruction of remnant forests, disruption of threatened species' habitats, and fragmentation of critical ecological corridors. These obligations extend beyond site-specific impacts to include cumulative effects across Tasmania and mainland Australia. Courts have found that failure to assess cumulative impacts can amount to non-compliance under the EPBC Act (Boer & Wiffen, 2006).
- **International conventions**: Marinus Link risks breaching the *Convention on Biological Diversity* and the *Bonn Convention on Migratory Species*. Fragmentation of habitats, obstruction of bird and bat migratory pathways, and disruption of marine corridors directly contradict Australia's obligations. Independent UN reviews have already noted Australia's lagging compliance with migratory species protections (CMS Secretariat, 2020). This project amplifies that non-compliance risk at a national scale.
- **Agricultural protections and property rights**: Farmers along transmission corridors face coercion through easement enforcement, with reports of fines exceeding tens of thousands of dollars for obstructing developer access (ABC News, 2024). Such measures may conflict with constitutional protections around property rights and raise questions of "constructive acquisition" without fair compensation. This could breach both state law and the Commonwealth Constitution's s.51(xxxi) requirement for just terms.
- **Climate obligations**: Lifecycle carbon accounting for Marinus Link is misleading, as it omits emissions associated with construction, land clearing, chemical leaching (including PFAS contamination), and eventual decommissioning. Academic studies demonstrate that these omissions can understate emissions by more than 30% (Lenzen et al., 2022). If approved on this basis, Australia risks breaching its Nationally Determined Contributions (NDCs) under the Paris Agreement and undermining its credibility in international climate negotiations.
- **Social and cultural protections**: The project presents a foreseeable risk of breaching Indigenous heritage obligations, particularly if consultation remains inadequate or symbolic. Federal Court precedents have established that rushed or tokenistic consultation can invalidate approvals (Tehan & Palmer, 2019). Given the scale of disturbance, there is a high likelihood that First Nations custodianship and sacred sites will be compromised.
- **Governance integrity**: By allowing financial determinations to proceed before completion of an EIS, regulators are creating a process imbalance where cost recovery is locked in without demonstrating environmental or social due diligence. This

sequencing undermines the statutory objects of the EPBC Act, compromises the credibility of the AER, and may create actionable grounds for judicial review.

In short, Marinus Link is not simply a high-risk energy project: it represents a convergence of environmental, agricultural, cultural, and governance failures that make it legally vulnerable and ethically indefensible.

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10. Recommendations

This section brings together the findings of the submission and translates them into clear, actionable recommendations. These recommendations are divided into two categories: **financial and regulatory oversight** (10.1) and **environmental and legal safeguards** (10.2). Together, they provide a framework for ensuring accountability, protecting communities, and aligning regulatory decisions with Australia's national and international obligations.

10.1 Financial and Regulatory Oversight

Financial and regulatory safeguards must be strengthened to prevent cost blowouts, shield consumers from undue risk, and ensure transparency in decision-making. The following recommendations are designed to secure accountability at every stage of the Marinus Link process.

10.1.1 Condition approval of Class 2 costs on strict contractual enforcement

The AER's draft decision currently supports approval of $1.6322 billion in Class 2 "market-tested" costs (AER, 2025). However, these approvals must be contingent upon binding contractual enforcement mechanisms. Without robust safeguards, proponents could inflate or reallocate expenditures post-approval, exposing consumers to uncontrolled escalation. Regulatory conditions must require detailed cost breakdowns, supplier contracts, and verification by independent auditors before disbursements are made.

10.1.2 Defer approval of untendered Class 3 costs until independent verification is provided

The AER noted that Class 3 costs remain untendered and carry heightened risk (AER, 2025). Immediate approval of such costs would create a precedent where speculative projections are underwritten by consumers. Independent verification of procurement processes and competitive tendering must be mandated to ensure value for money. Otherwise, consumers risk subsidising inefficiencies and contractor mark-ups.

10.1.3 Endorse the 30:70 allocation under the Capital Expenditure Sharing Scheme (CESS), but with tighter consumer safeguards

The AER's draft decision favours a 30:70 allocation, meaning consumers bear 70% of any overruns while proponents retain 30% (AER, 2025). While this provides some incentive for efficiency, it still exposes households to the majority of risks. Strengthening this scheme with explicit caps on consumer exposure to unforeseen

escalations would better balance accountability. Without caps, households could face bill increases well beyond the promised $30 annual saving.

10.1.4 Require public release of the full business case before the supplementary draft decision

Transparency remains limited, with only headline costs and anticipated benefits released. Full disclosure of the business case—including sensitivity analyses, carbon accounting methodologies, and risk modelling—must be made public. Without this, communities and stakeholders cannot meaningfully engage in the consultation process, undermining procedural fairness.

10.1.5 Maintain strict oversight of delivery timelines and claimed household bill savings

The project is promoted on the basis that Tasmanian households will save approximately $30 per year on bills (AER, 2025). However, without clear oversight, these claims risk becoming hollow promises. Historical experience with large-scale infrastructure projects demonstrates a tendency for cost blowouts and delayed benefits (Infrastructure Australia, 2021). Ongoing monitoring and independent verification of delivery milestones and consumer savings are essential to preserve trust and accountability.

10.2 Environmental and Legal Safeguards

In addition to financial oversight, robust environmental and legal safeguards are essential to ensure that the Marinus Link does not compromise Australia's ecological integrity, breach international obligations, or erode community rights. These recommendations provide mechanisms for protecting biodiversity, landholders, and cultural heritage while upholding legislative standards.

10.2.1 Require completion of a full Environmental Impact Statement (EIS) before final approvals

Proceeding with regulatory and financial determinations in the absence of an EIS represents a failure of due diligence. The EIS must assess impacts on threatened species, migratory pathways, PFAS contamination risks, fire hazards, and the destruction of remnant forests. Approval should be contingent on the EIS being completed, peer-reviewed, and independently verified.

10.2.2 Enforce compliance with the EPBC Act and international conventions

The project risks breaching the Environment Protection and Biodiversity Conservation Act 1999, the Convention on Biological Diversity (1992), and the Bonn Convention on Migratory Species (1979). Specific safeguards must be mandated to prevent obstruction of migratory flight paths, fragmentation of habitats, and cumulative biodiversity loss. Independent monitoring should be required, with penalties for non-compliance.

10.2.3 Protect agricultural land and landholder rights

Farmers currently face coercion, including penalties if they deny proponents access to their properties. These practices undermine property rights and long-term food security. Regulatory safeguards must prohibit forced access arrangements without fair negotiation, provide compensation for disruptions, and protect agricultural land from permanent alienation or degradation.

10.2.4 Strengthen accountability in lifecycle carbon accounting

The project is promoted as a climate solution but misrepresents its true emissions profile. Destruction of carbon sinks (remnant forests and soils), industrial construction, and decommissioning costs risk turning the project into a net carbon emitter. Mandatory lifecycle accounting, subject to independent audit, must be enforced to prevent false climate claims and ensure compliance with Australia's Paris Agreement obligations.

10.2.5 Mandate cultural heritage protections and Indigenous custodianship

First Nations custodianship of land and waters must be respected, with consultation processes meeting the standards of free, prior, and informed consent. Safeguards must ensure that cultural landscapes, burial sites, and traditional knowledge are protected from disturbance. Any failure in this regard would constitute not only a breach of heritage protections but also a violation of Australia's international human rights commitments.

10.2.6 Require cumulative impact assessment across interconnected projects

The Marinus Link cannot be assessed in isolation. Transmission lines, wind farms, solar installations, and offshore developments form a linked infrastructure system with compounded ecological and social impacts. Regulatory approval must therefore be contingent upon a cumulative impact assessment, considering interactions across multiple projects rather than approving each in isolation.

Together, the financial and regulatory oversight measures (10.1) and the environmental and legal safeguards (10.2) provide a framework that balances accountability, transparency, and sustainability. Without these conditions, the Marinus Link risks becoming a project that secures cost recovery for proponents while externalising irreversible harms onto the environment, farming communities, and future generations. By enforcing strict contractual controls, requiring comprehensive environmental assessment, and embedding safeguards for biodiversity, landholders, and cultural heritage, regulators can ensure that decisions are guided by evidence, equity, and responsibility rather than expediency. The adoption of these recommendations is therefore essential to uphold Australia's legal obligations, protect community integrity, and restore trust in the energy transition process.

Beyond the financial and environmental safeguards identified above, it is essential to recognise that the Marinus Link project presents not only policy failures but also **foreseeable legal consequences**. If government proceeds without addressing these deficiencies, it risks breaching domestic law, international obligations, and constitutional protections. The

following section sets out the key **precedents, breaches, and litigation risks** that place decision-makers on direct notice of their accountability.

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11. Precedents, Breaches and Litigation Risks

The Marinus Link proposal, *if approved in its current form*, would expose the Commonwealth, the States, and their Ministers to a high probability of legal challenge. These risks are grounded not in speculation but in established statutory obligations and judicial precedents.

11.1 Failure to Assess Cumulative Impacts

- The **Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)** requires assessment of significant impacts, including *cumulative impacts* across past, present, and foreseeable projects.
- Federal Court authority confirms that failure to assess cumulative impacts can invalidate approvals (*Boer & Wiffen, 2006*).
- Despite this, no cumulative mapping has been undertaken by government. Independent mapping by Rainforest Reserves now demonstrates the scale of ecological overlap. Proceeding without cumulative assessment risks unlawful approval.

11.2 Breach of International Biodiversity Obligations

- Australia is bound by the **Convention on Biological Diversity (1992)**, the **Bonn Convention on Migratory Species (1979)**, and bilateral agreements with Japan, China, and Korea (JAMBA, CAMBA, ROKAMBA).
- Transmission corridors fragment habitats and obstruct migratory flight paths, directly breaching these obligations.
- The CMS Secretariat (2020) has already flagged Australia's compliance as deficient. Marinus Link amplifies that risk.

11.3 Constitutional Risks – Property Rights

- Farmers face coercive easements and penalties for resisting access. These powers may constitute a **constructive acquisition of property**.
- Section 51(xxxi) of the Constitution requires "just terms" for any acquisition. The High Court has consistently ruled that deprivation without just compensation is unconstitutional.

11.4 Misrepresentation of Carbon Accounting

- Lifecycle emissions are materially understated by omitting land clearing, construction, PFAS contamination, and decommissioning impacts.
- Independent research (Lenzen et al., 2022) shows such omissions can understate emissions by 30% or more.
- Approving Marinus Link on this basis risks breach of Australia's **Paris Agreement commitments** and undermines Nationally Determined Contributions.

11.5 Inadequate First Nations Consultation

- Federal Court precedents (*Tehan & Palmer, 2019*) confirm that rushed or tokenistic Indigenous consultation can invalidate approvals.
- The project's scale, combined with risks to cultural landscapes, creates foreseeable breaches of heritage protections and international human rights obligations.

11.6 Governance Failure and Regulatory Capture

- Proceeding with financial determinations before a full Environmental Impact Statement (EIS) contravenes the statutory objects of the EPBC Act and undermines the credibility of the Australian Energy Regulator.
- Past disputes (e.g. Basslink, Productivity Commission 2017) illustrate how weak oversight creates prolonged legal and financial liability.

11.7 Assessment

The Marinus Link proposal therefore creates **foreseeable litigation risk** on multiple fronts:

- Breach of the EPBC Act through failure to assess cumulative impacts.
- Breach of international conventions protecting biodiversity and migratory species.
- Breach of **s.51(xxxi) of the Constitution** through constructive acquisition without just terms.
- Breach of Australia's Paris Agreement obligations through misleading carbon accounting.
- Breach of Indigenous heritage and consultation obligations under domestic and international law.
- Governance failures exposing regulators and Ministers to judicial review.

Approval in the face of these risks would not only undermine public trust but also expose government decision-makers, including responsible Ministers, to legal challenge and political accountability.

To consolidate these risks and precedents, the following table provides a summary of the key legal obligations, projected breaches, authoritative precedents, and the corresponding exposure faced by government decision-makers. This summary makes clear that approval of Marinus Link in its current form would not only be environmentally and socially destructive but also legally indefensible.

11A. Litigation Risk Summary

Law / Obligation Breach Identified Precedent / Authority Risk Exposure

11A. Litigation Risk Summary (Precedents and Breaches)

Law / Obligation	Breach Identified	Key Authority / Precedent	Risk Exposure
EPBC Act 1999 (Cth)	No assessmennt of cumulative impacts* from Marinus + releated projects	*B*oer & Wiffen (2006) – cumulatible in must be assesd.	Judicial review; approval may inalid.
International Conventions (CBD 1992; Bonn CMS 1979; Bonn CMS 1979) *Paris Agreem.* (*CABDIA,*	Habitat fragmentation = migratoristc acquisition* without just terms	*Newcrest Mining v* Cth (1997); JT International *v* Cth (2012).	Treaty breaches; or UN/NGO uncontriste – reputational damage.
Paris Agreement (2015)	Tokenistic or indequate First Nations consultation	Lenzen et al. (2022) – up to 30% undercontent unlawful.	Federal coutroause – potential UN human rights comllaints.
Indigenous Heritage / Human Rights	Tokenistic or inadequate First Nations consultation.	Productivity Commission (2017); Basslink dispute.	Judicial review; process may breach statutory duty and fairness.

Note on Applicability:
The breaches and risks identified in Section 11 and summarised in the Litigation Risk Table above do not apply at present, as Marinus Link has not yet been approved. These risks would arise **if government proceeded to grant approval in its current form**, without addressing the deficiencies outlined in this submission. This distinction is critical: the warnings provided here place decision-makers on record notice that approval on the current trajectory would expose them to foreseeable legal challenge and accountability.

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12. Conclusion

As detailed in Section 11, if government proceeds to approve Marinus Link in its current form, it will do so in the knowledge of foreseeable legal breaches and litigation risks. This submission places decision-makers on direct notice of that exposure."

Approving this project in its current form would not only cause irreversible ecological, agricultural, and cultural harm but also create a strong foundation for litigation under the EPBC Act, the Constitution, and international law. Decision-makers cannot later claim ignorance: they have been shown that this project is unlawful, unsustainable, and indefensible.

The Marinus Link project has been marketed as "nation-building infrastructure," but the evidence laid out in this submission exposes a far darker reality. What is being proposed is not a responsible transition pathway, but an industrial incursion into some of Australia's most pristine and ecologically significant environments. Northern Tasmania, with its agricultural heartlands, remnant forests, and delicate coastal systems, is being positioned as a sacrifice zone for the energy demands of the mainland. The Latrobe Valley, already scarred by generations of coal extraction, is poised to become the landing ground for another cycle of exploitation—this time under the banner of "renewables."

The cumulative impact of this project is devastating. From PFAS contamination in soil and water, to the fragmentation of migratory bird pathways, to the heating and vibration effects of industrial-scale transmission infrastructure, Marinus represents not just a local disturbance but a systemic destabilisation of ecological, agricultural, and community resilience. These impacts are permanent. Once remnant forests are cleared, once farmland is disrupted, once cultural landscapes are severed, there is no recovery.

Equally damning is the lie of carbon accounting that underpins the project. The destruction of carbon sinks, the energy-intensive manufacture of subsea cables and converter stations, and the vast construction footprint all contribute to emissions that dwarf any purported savings. Instead of mitigating climate change, Marinus Link risks locking in a cycle of increased emissions, ecological instability, and dependence on flawed "net zero" ideology.

This submission has demonstrated that Marinus Link breaches, or is projected to breach, multiple legal and policy frameworks: from the Environment Protection and Biodiversity Conservation Act to international conventions on migratory species, to Australia's Paris Agreement commitments. It undermines property rights, food security, and the custodianship of First Nations peoples. It exposes small regional communities to coercion, loss of land value, and cultural erasure.

In sum, Marinus Link cannot be justified as a responsible or sustainable component of Australia's energy transition. It is not the future of clean energy but a repetition of past mistakes, cloaked in the rhetoric of climate policy. The cumulative damage is too great, the science too clear, and the risks too profound.

For these reasons, this submission concludes that the Marinus Link project must not proceed in its current form. Australia cannot afford another reckless experiment that sacrifices its environment, its farmers, and its cultural heritage to a false narrative of carbon neutrality. If the energy transition is to succeed, it must be built on truth, science, and sustainability—not expediency, coercion, and irreversible harm.

Finally, it must be stated clearly: **approving Marinus Link will not only cause irreversible harm but also expose government and Ministers to foreseeable legal challenge**. By disregarding cumulative impacts, biodiversity protections, property rights, and cultural custodianship, the Government invites litigation under the EPBC Act, the Constitution, and international conventions. This submission places decision-makers on record notice of those risks. If they proceed regardless, they do so with full knowledge that their actions may be unlawful and subject to judicial and political consequences.

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