

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XF6P-H

Name

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State or Territory

Victoria

Areas of Interest

Threatened species; Environmental Impact Assessments; Great Barrier Reef; Climate change; Compliance and enforcement; Biodiversity; Conservation; Water;

Attachment provided

No

Do you give permission for your submission to be published?

Yes - with my name and/or organisation (if included)

SUBMISSION RESPONSES

QUESTION 1: Some have argued that past changes to the EPBC Act to add new matters of national environmental significance did not go far enough. Others have argued it has extended the regulatory reach of the Commonwealth too far. What do you think?

Clearly, the EPBC Act is either not going far enough in its scope, its ability to regulate and enforce matters of environmental significance, or both. It has failed to deliver on its intended purpose and is not fit for the significant environmental challenges we currently face, and which will multiply in coming years if we fail to brake severely on climate change and keep global warming to less than 1.5 degrees above pre-industrial levels.

To be perfectly honest, I don't mind if the regulatory reach of the Commonwealth has been extended by past changes to add new matters of national environmental significance to the Act. What matters is that the regulator is transparent and trustworthy, and the results actually do protect the environment and maintain and encourage biodiversity. None of this has happened under the Act. Examples:

1. Australia leads the world on mammal extinction. We have experienced three animal extinctions since 2009, including the first made extinct by climate change .
2. Since the EPBC Act came into operation, 7.7 million hectares of threatened species' habitat has been destroyed.
3. Australia is the only developed nation identified as global deforestation hotspot. The 2016 State of Environment report highlighted that the outlook for Australia's biodiversity is

“poor and worsening”.

4. Only five critical habitats have been protected in the past 20 years of the EPBC Act.
5. Our emissions continue to rise and we are failing to take sufficient action on climate change to meet our Paris targets.
6. The federal environmental department has been hit heavily by budget cuts, leading to extended delays and poor decision making under the EPBC Act.
7. The EPBC Act is prone to political interference that erodes the public’s trust in the legislation. In fact, political interference crops up in so many areas that I don't trust that any legislation will be carried out in any area. This is an appalling way to be feeling in what is supposed to be a democracy.

I think we need to scrap the current Act, learn from it, and create a strong new set of laws and regulations, and hope that we have an influx of integrity into some of the nation's leaders so that we have a reasonable chance of the new Act being applied and accountability ensured.

QUESTION 2: How could the principle of Ecologically Sustainable Development (ESD) be better reflected in the EPBC Act? For example, could the consideration of environmental, social and economic factors, which are core components of ESD, be achieved through greater inclusion of cost benefit analysis in decision making?

The principles of Ecologically Sustainable Development as outlined in Section 3A of the Act are laudable as far as they go, but they don't seem to have been applied, judging by the results we see around us. However, I am sure that greater inclusion of cost benefit analysis in decision-making would lead to a better result. Cost benefit analyses provide a clear picture of the importance of a goal, including long term.

I am writing this submission as a super-concerned "woman in the street", angered and frustrated by the deterioration of the climate and our environment, and fed up with donating money, writing emails etc. about all matters environmental, to watch everything continue to slide downhill. It has always been perfectly clear to me that we are dependent upon a healthy environment physically, emotionally, mentally and spiritually, whether we are aware of it or not - it's not called "Mother Earth" for nothing - and that the planet is finite but our populations and emissions are increasing. Something needs to change - us.

Back to greater inclusion of cost benefit analysis: it seems that what I have just outlined is not plain to most people, so they need to be shown the benefits of taking right action.

I can't help thinking that, during the last federal election, the ALP missed a huge trick. Of course people from mining areas are going to be worried about losing their jobs, so they will vote for the party which promotes coal-mining. If the ALP had shown these workers the benefits of transitioning to renewables and also assured them that they would take them by the hand and re-train workers so

that they wouldn't lose their jobs and they wouldn't have to work it all out for themselves, maybe the outcome would have been different.

QUESTION 3: Should the objects of the EPBC Act be more specific?

The EPBC Act should be more specific in each area - not just a listing of areas covered, but include triggers, so there is no interpretation of a situation required. At present they are open to all sorts of interpretation, and as such carry very little clout.

QUESTION 4: Should the matters of national environmental significance within the EPBC Act be changed? How?

Matters of national environmental significance within the EPBC Act should be expanded to:

- Guarantee the identification and protection of critical habitats for threatened species and the mandatory implementation of wildlife recovery plans and threat abatement plans.
- Provide national protections for water resources and national parks and reserves.
- Provide for the mitigation and adaptation to climate change , including a national climate trigger.
- Create a new classification for Ecosystems of National Importance that are essential for people and nature, such as critical water catchments, key biodiversity areas and climate refuge habitat.
- Implement controls on deforestation and mandate incentives for land managers who are willing to protect and restore natural ecosystems on their properties.
- Provide for emergency listings and protections for wildlife and heritage places that are subject to damaging events, such as the current bushfire crisis.
- Ensure binding national standards are set for air pollution and plastic pollution.

QUESTION 5: Which elements of the EPBC Act should be priorities for reform? For example, should future reforms focus on assessment and approval processes or on biodiversity conservation? Should the Act have proactive mechanisms to enable landholders to protect matters of national environmental significance and biodiversity, removing the need for regulation in the right circumstances?

I'm not sure that all areas couldn't be tightened up, but I believe key areas for future reforms are:

< Biodiversity conservation. Galloping climate change underpins this, so this must be addressed when dealing with biodiversity.

< Assessment and approval processes is another important area for reform. Either they are not stringent enough or not applied (I would suggest corruption may have a part to play here). Think the Murray-Darling Basin debacle; or - how could anyone approve Adani when, apart from the climate-wrecking coal aspect, it will damage the aquifers of the Great Artesian Basin? And so on.

< Compliance and enforcement ties in with the point above.

QUESTION 6: What high level concerns should the review focus on? For example, should there be greater focus on better guidance on the EPBC Act, including clear environmental standards? How effective has the EPBC Act been in achieving its statutory objectives to protect the environment and promote ecologically sustainable development and biodiversity conservation? What have been the economic costs associated with the operation and administration of the EPBC Act?

Clearly, the EPBC Act has failed dismally in achieving its objectives to protect the environment and promote ecologically sustainable development and biodiversity conservation, so effectiveness is very poor.

Other high level concerns include:

- < efficiency - the system needs to be streamlined to be more stakeholder-friendly.
- < certainty about what is required and what to expect.
- < inclusion of Indigenous Australians to share their deep knowledge of the environment, and the cultural significance of plants, animals and cultural landscapes.
- < trust and transparency. This is a recurring theme where regulatory bodies are concerned.

Shortcomings in the above areas have led to economic costs associated with the operation and administration of the EPBC Act, as stakeholders have suffered delays and uncertainty, and consequently have had to negotiate a cumbersome system which required time- and money-wasting clarification and assistance requests.

QUESTION 7: What additional future trends or supporting evidence should be drawn on to inform the review?

Key environmental, social and economic trends which need to be drawn on for the future include: Australia's population and economy will grow and there will be increasing pressure on the environment as a result. Businesses are already adapting to remain competitive, and in fact many are leading the way, setting good carbon emissions targets and generally putting the government to shame. People will need to adapt to the changes wrought by climate change - eg. heatwaves, increased risk of bushfire, flood and other natural disasters (although adaptation should not be the key focus - reducing emissions should be). There is evidence coming from a various studies to draw on to inform these decisions, and the examples of other countries who have committed to zero carbon emissions by 2050.

QUESTION 8: Should the EPBC Act regulate environmental and heritage outcomes instead of managing prescriptive processes?

The EPBC Act should set up clear and binding environmental and heritage outcomes, including trigger points in each area. Outcomes-based thinking would lead to stakeholders taking appropriate action to adhere to the outcomes, thus removing much red tape and resultant delays, and allowing everything to flow better.

QUESTION 9: Should the EPBC Act position the Commonwealth to take a stronger role in delivering environmental and heritage outcomes in our federated system? Who should articulate outcomes? Who should provide oversight of the outcomes? How do we know if outcomes are being achieved?

Effective new national environmental laws should:

- Establish new institutions to protect and manage Australia's precious wildlife
- Establish an independent National Environmental Protection Authority to administer national environmental law at arms length from government. A national EPA is essential to restoring integrity and improving transparency of environmental decision making under national law.
- Alongside an independent federal EPA, establish a National Environmental Commission to monitor trends in environmental health, set national standards and undertake bioregional planning so that we more effectively deal with the cumulative impacts on our natural environment and cultural heritage.

QUESTION 11: How can environmental protection and environmental restoration be best achieved together?

Since we are losing species and ecosystems at an alarming rate, there clearly needs to be a change of focus. Focus on restoration will underpin future protection. The web of life is designed to be in balance, so restoration will help restore balance which will, in turn, better protect the environment in the future.

Provision by the Act of incentives for proactive environmental protection is important. It is far better to use the carrot than the stick, and these incentives would result in less regulatory red tape.

Scientific monitoring, including the use of technology, will clearly tell us if efforts are successful.

Indigenous land management practices are already being successfully incorporated by organisations such as Bush Heritage, so I suggest you consult them.

QUESTION 12: Are heritage management plans and associated incentives sensible mechanisms to improve? How can the EPBC Act adequately represent Indigenous culturally important places? Should protection and management be place-based instead of values based?

Heritage management plans and associated incentives are mechanisms which may reduce the need for direct management by the Commonwealth, so the more robust they are, the better.

There seem to be rather a large number of Indigenous culturally important places, so I'm not sure how the Act can represent them all. Perhaps some sort of hierarchy could be determined by the Indigenous people and a percentage represented by the Act.

If protection and management were place-based, and the Commonwealth were able to implement paragraph 1, coupled with finding other jurisdictions which may be able to manage heritage places, then they could conserve more significant heritage places rather than just high risk places.

QUESTION 21: What is the priority for reform to governance arrangements? The decision-making structures or the transparency of decisions? Should the decision makers under the EPBC Act be supported by different governance arrangements?

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QUESTION 27: Is the EPBC Act delivering what was intended in an efficient and effective manner?

Clearly not. We are going backwards.

QUESTION 28: How well is the EPBC Act being administered?

Well, if it were being properly administered, maybe it would have delivered better outcomes.

QUESTION 29: Is the EPBC Act sufficient to address future challenges? Why?

No - it needs changing. We are surrounded by galloping climate change, which leads to drought, bushfire, floods and other natural disasters on an increasing scale. We are in the face of an extinction crisis, which has been greatly exacerbated by the bushfires this season. Biodiversity is going backwards, deforestation is increasing, habitats are disappearing, emissions are rising - we are going to hell in a handcart.

On a local level, in regional Victoria where I have lived on a small-holding for the last 36 years, the bushfire risk is much greater than it used to be, and increasing every year - the approach of summer now brings an underlying level of anxiety. Drought is commonplace and overall rainfall for our area has dropped significantly. The heatwaves over the last 2 summers have proved too much even for some native species, despite my best efforts at watering them. I now have to water large trees which I have never needed to water in the past because the water table has dropped as a result of reduced rainfall. What is particularly scary is the fact that, even 3 summers ago, it was not commonplace to have many days of temperatures in the low-mid forties. In January 2019 we basically had 3 heatwaves on the trot - several days in a row in the low-mid forties, followed by a "cool change", which meant dropping to the high thirties, then back to another heatwave. This summer I had two different thermometers which agreed with each other, so I deemed them probably accurate. We hit a record high of 47.5 in January, and a couple of weeks later they briefly hit 50.1 twice in one day. The rate at which this is happening is terrifying. We need emissions slashed NOW.