

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XFDK-T

Name

Anonymous

State or Territory

Queensland

Areas of Interest

The objects of the Act; Threatened species; Indigenous Australians; Matters of National Environmental Significance; 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?

The existing penalties within the Act are sufficient, however more enforcement is required, e.g. on-the-ground resources and power for regulating officers to hold people accountable.

Perhaps fresh water bodies, including their water quality should be considered Matters of National Environmental Significance, due to their ecological and water security importance.

The EPBC Act currently sits outside State/Territory and local assessment and referral triggers. The EPBC Act should have better integration with State/Territory and local assessments/legislation to enable streamlining of the assessment processes, e.g. threatened species and communities (MNES) should have particular triggers included in State/Territory legislation to identify any issues before damage is done, e.g. Ant plants.

Climate change and disaster related impacts should form part of the assessment process, becoming an additional trigger.

There should be greater recognition and acknowledgment of Traditional Owners within the revised Act, e.g. processes to leverage their knowledge and ensuring their interests are represented throughout the assessment.

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?

There is sufficient reference to the ESD throughout the current Act, however the ESD could be better defined.

There is a risk of watering down the EPBC Act if the ESD becomes a core component, creating more loop holes for applicants.

Perhaps consideration on the overarching costs of services or benefits provided by the environment could be included, e.g. air and water quality. This needs to be done at a national level.

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

The current objectives are suitable, however it is recommended that climate change and impacts of disasters should to be included.

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

The criteria for threatened species & ecological communities (critically endangered, endangered and vulnerable) differ from State/Territory and international (e.g. IUCN) criteria. From a conservation point of view there would be great benefit in having consistent terminology.

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The GBR, listed as a Matter of National Environmental Significance is strongly supported.

The States and Territories approach to climate change is currently inconsistent. It is recommended that standardised outcomes relevant to climate change (e.g. sea level rise) are developed. Issues should be assessed based on scientific evidence and research, as opposed to political agendas.

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?

The focus of the Act should remain on biodiversity conservation, followed by assessment, approval and enforcement.

Landholder areas could be addressed under a structured mechanism and formally recorded on a database, e.g. the Queensland Government's Nature Refuge program. This should be

communicated to local governments for their records.

Threatened Species Recovery should include ecosystems not just species. A mechanism for the Federal Government to trigger recovery of threatened ecosystems and species should be developed. This needs to include standardisation of assessment and response. Decision making power on whether a recovery plan is made, adopted and implemented, should be expanded to include the relevant authority. The process for developing recovery plans needs to be more accountable and transparent, with greater emphasis on the ecosystem as opposed to the landholder

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?

The Discussion Paper recognises that the health of the Australian environment and its biodiversity has declined over time, this has occurred whilst the Australian economy as a whole has continued to grow.

The high level concerns should focus on: 1. Biodiversity and habitat protection; 2. Consideration of climate change and disaster related impacts.

National environmental standards should align with international environmental best practice standards.

Better integration for businesses and developers with assessment to create effective processes. This process should be streamlined, without compromising the EPBC objectives.

The economic costs to Local Governments include permit fees and administration.

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

New technologies, e.g. drones, could assist with enforcement, access, surveillance and provide more accurate mapping.

Increasing biosecurity threats, requiring more stringent quarantine measures, e.g. postage system.

Increase in natural disasters and impacts, e.g. fires.

Consideration of impacts associated with climate change.

Expansion of the listed MNES, e.g. there may be a need to include insects.

Focus on ecosystems not just species.

Increased pressure on genetic banks, to ensure good coverage of species, e.g. Corals.

A better understanding of the interrelationships between ecosystem, fauna and flora.

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

The focus of the Act should be on preventative measures to protect the environment from detrimental outcomes.

It is acknowledged that Australia is already experiencing impacts from climate change and this could be addressed within the Act.

Both environmental and heritage outcomes should be regulated, with standardised processes and procedures to be adopted by State and Local Government.

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?

States/Territories should continue to have primary responsibility for land use planning and environmental management.

Reporting should utilise existing reporting platforms, e.g. State of Environment Reports.

Achievable outcomes should consider the overall health of ecosystem, decreased habitat fragmentation, decreased deforestation, increased numbers in vulnerable flora and fauna. This could be facilitated by aerial mapping and targeted on-ground surveys.

The Commonwealth should have a stronger supporting role in delivering the outcomes e.g. through enforcement.

Utilise independent experts and panels to assess if the outcomes are being achieved. This will allow greater oversight to increase objectivity.

QUESTION 10: Should there be a greater role for national environmental standards in achieving the outcomes the EPBC Act seeks to achieve? In our federated system should they be prescribed through:

- **Non-binding policy and strategies?**
- **Expansion of targeted standards, similar to the approach to site contamination under the National Environment Protection Council, or water quality in the Great Barrier Reef catchments?**
- **The development of broad environment standards with the Commonwealth taking a monitoring and assurance role? Does the information exist to do this?**

National environmental standards would be welcomed, these would need to be consistent with existing legislation and be communicated effectively to the wider public. However, the standards

and reporting mechanisms should not create an administrative burden on on-ground resources.

Develop a Commonwealth policy that stands up to international scrutiny. This should have regard to both National and International agreements and policies.

Monitoring, report cards and assurances should not divert resources from on-ground operations.

Utilise local entities with regards to monitoring and assurances, however additional resources will be required.

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

Protection and natural regeneration should be the focus of the Act, however there should be some allowances for restoration work in appropriate areas.

Incentives for proactive environmental protection can work effectively but shouldn't divert large amounts of money from the core aspects of the Act.

Incentives should be considered on a geographical basis to prevent multiple groups (each with their own administrative and operational costs) in one area obtaining grant funds at the expense of other areas in need.

Recognition of private groups undertaking proactive environmental protection and restoration. E.g. through accreditation.

Audit and review of restoration practices (on-going monitoring).

Indigenous land management practices could be incorporated through consultation with Traditional Owners on a local basis. Identified practices should take into account the latest science and proven techniques.

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?

The EPBC should continue to focus on national significance MNES, which should then be aligned and incorporated into State legislation.

Indigenous culturally sensitive places should be considered within the Act through consultation with Traditional Owners.

Heritage sites should be assessed from both a place and value based perspective.

QUESTION 13: Should the EPBC Act require the use of strategic assessments to replace case-by-case assessments? Who should lead or participate in strategic assessments?

A strategic assessment would streamline processes, provided adequate rules, guidelines and factsheets are provided. There will always be a need for case-by-case assessment for unique projects, however reducing the number would make the Act easier to apply and fairer.

It is recommended that the Act uses simplified language and approaches as suggested in the Discussion Paper.

The Commonwealth should lead by providing State/Territory's with rules, guidelines and factsheets. Under the bilateral agreement States/Territories would then be best placed to undertake the strategic assessments.

It is recommended that there is better integration of assessment processes. Who should lead assessment should depend on the nature of the development. The EPBC Act currently sits outside State and Local assessment and referral triggers. The EPBC Act should have better integration with State and Local assessments/legislation to enable streamlining of assessment processes e.g. threatened species and communities (MNES) should have particular triggers included in state legislation to identify issues before damage is done e.g. Ant plants.

QUESTION 14: Should the matters of national significance be refined to remove duplication of responsibilities between different levels of government? Should states be delegated to deliver EPBC Act outcomes subject to national standards?

Yes as detailed in Question 13.

States should be delegated to deliver the Act outcomes subject to national standards if adequate resources are made available. E.g. Wet Tropics and Great Barrier Reef Marine Park.

Standards should apply to philanthropic groups.

QUESTION 15: Should low-risk projects receive automatic approval or be exempt in some way?

- **How could data help support this approach?**
- **Should a national environmental database be developed?**
- **Should all data from environmental impact assessments be made publicly available?**

Low-risk projects under a predefined quantifiable limit referred by other levels of government (e.g. local government) should be accepted development (self-assessable). A register should be kept and publically available. This should be audited for review to monitor impact and outcomes of multiple projects

As much data as possible from environmental impact assessment should be made publically available providing it doesn't breach data and privacy legislation e.g. culturally sensitive information.

QUESTION 16: Should the Commonwealth's regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections?

Incorporating landscape-scale planning into the existing species-specific protection would be complimentary, e.g. Cassowary habitat management in one location may differ to another location.

The assessment process should consider ecosystem scale and elements integral to the ecosystem.

QUESTION 17: Should the EPBC Act be amended to enable broader accreditation of state and territory, local and other processes?

Whilst traditional rules-based regulation can be cumbersome, it is prescriptive and ensures permits are assessed fairly.

The seriousness of breaching the Act will be compromised if the Commonwealth is not the primary regulator. However, it is recognised that the State/Territories have an important role in assisting with the assessment process.

It is recommended that there is a standardised framework and criteria across all levels of government.

Consider using philanthropic/accredited groups to deliver outcomes.

Regular monitoring and auditing of outcomes.

Offer incentives to groups that meet accreditations (national/international standards), monitoring and auditing outcomes e.g. funding.

QUESTION 18: Are there adequate incentives to give the community confidence in self-regulation?

Other levels of governments should be leveraged or incentivised to regulate on behalf of the Commonwealth.

Easier access to transparent accreditation to achieve national standards.

Accreditation of environmental professionals would be beneficial.

International standard of accreditation to increase objectivity.

Develop a national database of auditors.

QUESTION 19: How should the EPBC Act support the engagement of Indigenous Australians in environment and heritage management?

- **How can we best engage with Indigenous Australians to best understand their needs and potential contributions?**
- **What mechanisms should be added to the Act to support the role of Indigenous Australians?**

There should be greater recognition and acknowledgment of Traditional Owners within the revised Act, e.g. processes to leverage their knowledge and ensuring their interests are represented throughout the assessment.

Engagement requests should be directed to the relevant Traditional Owners and take into account location specific requirements.

QUESTION 20: How should community involvement in decision-making under the EPBC Act be improved? For example, should community representation in environmental advisory and decision making bodies be increased?

Community consultation should shape the principles outlined in the Act, which applications are assessed against.

Communities should have input into the national standards framework.

The level of community involvement should reflect the level of the development/assessment. It is recommended that criteria is developed to determine the level of community involvement.

Scientific research and evidence should be prioritised.

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?

The reforms should build on the existing governance arrangements, focusing on increased transparency and referral to independent specialist parties as required, e.g. complex, politely sensitive applications. This would ensure applications are reviewed objectively and completed in a timely and cost efficient manner, whilst balancing the risks associated with one person (the Commonwealth Minister for the Environment) being the primary decision maker.

The EPBC Act currently sits outside State and Local assessment and referral triggers. The EPBC Act should have better integration with State and Local assessments/legislation to enable streamlining of assessment processes e.g. threatened species and communities (MNES) should have particular triggers included in State legislation to identify issues before damage is done e.g. Ant plants.

QUESTION 22: What innovative approaches could the review consider that could efficiently and effectively deliver the intended outcomes of the EPBC Act? What safeguards would be needed?

It is recommended that a review of international best practise and proven techniques is undertaken.

Genetic banks, e.g. seeds, corals biobanks.

Consider the interrelationship between MNES.

Consider ecosystems and the role they play in the environment.

Consider funding from philanthropic groups e.g. set national accreditation standards for delivery.

National standard of education on the environment. Incorporate this into the national education curriculum (across all levels of education – primary to tertiary).

Safeguards could include ensuring applicants have a proven track record before being granted approvals for large-scale projects.

Whilst safeguards are needed, there will always be a need for effective enforcement.

QUESTION 23: Should the Commonwealth establish new environmental markets? Should the Commonwealth implement a trust fund for environmental outcomes?

New environmental markets should be established, e.g. it is recommended that the Emission Trading Scheme is re-established with a realistic carbon price. Additional markets, such as biodiversity markets (reef credits, cassowary credits) should also be explored.

Trust fund should be set up with contributions by private sector/philanthropic group/individuals through services/advice or financial. E.g. provide and implement an accredited recovery plan on threatened species.

QUESTION 24: What do you see are the key opportunities to improve the current system of environmental offsetting under the EPBC Act?

It is recommended that there is greater transparency to improve social trust in the system.

Auditing and review of current and new systems.

Offsetting needs to be relevant to the environment being damaged, e.g. the removal of a mangrove community should be offset by establishing new mangroves within the same locality.

QUESTION 25: How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?

- **Could public sector financing be used to increase these investments?**
- **What are the benefits, costs or risk with the Commonwealth developing a public investment vehicle to coordinate EPBC Act offset funds?**

The Commonwealth should allocate local government funds, which have been generated from the private sector and philanthropic investment, in line with priority conservation/biodiversity areas.

Local governments are best placed for coordinating tangible, on-ground projects, given they have stringent administration, reporting and auditing requirements.

A public investment vehicle to coordinate offset funds would generate jobs and have tangible environmental benefits. Suitable criteria will need to be developed and have transparency and accountability, e.g. public register of projects and funds flow.

QUESTION 26: Do you have suggested improvements to the above principles? How should they be applied during the review and in future reform?

The proposed principles are sufficient, however 'Principal 1: Effective Protection of Australia's Environment' should remain the priority, with the other principles being value-add. Principle 1 should include setting a framework/standards and consider recovery, restoration and resilience.

Principle 2: Making decisions simpler – It is suggested to remove “unnecessary regulatory burdens” and change to duplicate assessments.

Principle 6: Integrated Planning – specifically integrate State and Local assessments.

The principles should inform the assessment criteria which applications are assessed against.

QUESTION 32: Is there anything else of importance to you that you would like the review to consider?

Whilst the Dissuasion Paper was a useful tool guiding the submission process, some of the questions were very leading and it is recommended that future questions are presented in a more impartial manner.