

# SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XFP7-J

## Name

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## Organisation

Climate Action Now Wingecarribee (Australia)

## State or Territory

New South Wales

## Areas of interest

The objects of the Act; Threatened species; Heritage; Matters of National Environmental Significance; Environmental Impact Assessments; Cumulative impacts; Climate change; Compliance and enforcement; Decision making; Public participation in decision making; Biodiversity; Conservation

## Attachment provided?

Not Answered

## Do you give permission for your submission to be published?

Yes – with my name and organisation

## 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 EPBC Act must be flexible and able to add new matters of national environmental significance.

Evidence/Discussion: In the light of recent catastrophic bushfires across significant areas of Queensland, New South Wales and Victoria, over a significantly long period, which appear to be due to extreme heat and dryness of wide swathes of countryside, and directly related to the changing climate due to the increasing greenhouse gases in the atmosphere, the EPBC Act must add CLIMATE CHANGE as a core concern. It is clear that long sustained droughts, extreme heat and violent storms are having negative impacts on entire Endangered Ecological Communities, as well as individual threatened species of animals and plant. The Act should also be assisting and facilitating national co-ordination in recognising and in work preventing/mitigating/adaptation to climate change, as the APBC Act draws together all the states and territories; climate change will cross all borders.

The recovery period after the bushfires is an aspect needing much future study and will need substantial funding. The impacts of these fires on Threatened Species, and the challenges involved in

managing the necessary human interventions necessary to provide food, water, medical care and shelter also need to come under the Act, also as part of co-ordinating efforts across State borders. However many efforts may be at Shire level and this means that funding for on-ground works and support for Wildlife carers, Landcare/Bushcare volunteers and similar groups needs to be freed up at the higher levels of Government

The Act may also need to be able to speed up its processes such as changing the status of certain plants and animals from vulnerable to endangered etc in situations where core habitat is damaged or destroyed.

Therefore I believe that the EPBC Act must be flexible and able to add new matters of national environmental significance.

**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?**

I particularly endorse paragraph b of your Box 2 on Ecologically sustainable development. This use of the precautionary principle is absolutely valid when lives are at risk. There is such a lack of adequate studies in many areas, it is valid to require, with urgency, greater research funding from all sources, but in the meantime, the collection of baseline data is essential. We cannot protect what we don't know about.

We all know that ecological collapse can happen overnight, and again, the example of recent catastrophic fires will no doubt provide us with many sad examples of this. At the same time, we also know that animals and plants can be surprisingly resilient, and it behoves serious studies be emplaced as soon as possible to detect the movement of animals, the ways that they have to protect themselves and also how living things will cope or change with continued drought, or possibly substantial rain events causing new problems such as water pollution.

I agree that the conservation of biological diversity and ecological integrity must be a fundamental consideration in decision-making. The current dismissal of the existence of some insignificant-seeming small creature by our politicians when considering the glory of a new coal mine, expressway, housing development etc illustrates that there needs to be substantially increased education for decision-makers and at all levels of society. The principle of inter-generational equity means that this generation has no right to dismiss the needs and rights of generations to come, which includes their right to a fully functioning environment, with all that entails regarding the long-term survival of the entirety of living things.

The costs to individual land owners who have to maintain an intact ecosystem or fragment of ecological value on their property must be recognised. A payment equivalent to the cost of lost production should be paid, perhaps off set by any ecosystem service such as a healthy spring or contribution to integrated plant management. Obviously, the payment to farmers can be no more than the percentage loss to current production by setting aside some area outside that production.

Assistance by way of grants for things such as fencing off stock, weed and pest animal control should be easily obtainable. It is only fair that society as a whole contribute to individual efforts to preserve the environment.

However, the idea of cost/benefit analysis being applied to the principles of Ecologically Sustainable Development is not valid. While we may know the costs involved, the benefits are unquantifiable. We cannot ascribe a monetary value to healthy air, soil and water, and biodiversity.

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

The objects are fine as they stand. The objects should not be specific but broad and flexible. They do need to be better known and understood by all land managers.

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

broadened.

Add:

Specific protection of water resources, including aquifers and the Great Artesian Basin to be protected from all impacts, including but not limited to coal seam gas development and coal and other mining development. This should also include wetlands, swamps and springs - meaning limits on bottled water extraction as well. Also RIVERS - trigger events need to include large algal blooms and fish kills.

Protection of specific fertile soils such as 'Robertson Red Soil' for example. This would be to prevent urban sprawl into productive farmland. Also to prevent 'topsoil mining' seen in the development of land for housing.

Post bushfire protection of forests. Conventional logging of recovering and damaged areas in native / old growth forests should not go ahead until proper evaluation of how the forest has been affected and what is being found amongst the recovery. Fire can reveal significant Aboriginal relics in particular, and possibly cultural remnants of early European settlement as well.

### **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?**

DURING THE LIFE OF THE EPBC ACT, THE HEALTH OF THE AUSTRALIAN ENVIRONMENT AND ITS BIODIVERSITY HAS CONTINUED TO DECLINE. Therefore it is obvious, that the operation of the Act has been insufficient to protect and conserve the environment. It is necessary to strengthen the Act in all areas that protect the environment.

One of the failings is due to lack of funding and staff. Reports are put together and then not read or their findings implemented. Individuals and businesses find that they can take actions contrary to

the Act which, if discovered, lead to minor fines; the cost of going against the Act is seen as just the cost of doing business.

Enforcement is necessary, but also education and support. Landholders and land managers at all levels and workers employed in all and any area involved in caring for or extracting natural resources from the environment, are in need of clear information about what are the requirements in their area, they should not have to look for information about what constraints they are supposed to work under. Furthermore, it should be a requirement of being licensed to drive earthmoving equipment that licensees complete a course explaining the requirements of the Act, and where and how to access information to assist compliance. The Chemical Handling Certificate should be required for anyone purchasing large quantities of herbicide and pesticides. Businesses and farmers must be required to have a basic understanding of the Act

As suggested above, in answer 2: The costs to individual land owners who have to maintain an intact ecosystem or fragment of ecological value on their property must be recognised. A payment equivalent to the cost of lost production should be paid, perhaps off set by any ecosystem service such as a healthy spring or contribution to integrated plant management. Self-regulation is not adequate in any circumstances, unless done by someone with suitable qualifications.

Regulations are always needed. While individual landholders are doing magnificent work, and should be given recognition, private ownership means that land changes hands, and deleterious actions may be taken that undoes good work very quickly. Also, with many landholders buying land for lifestyle activities - horses, motorcycles, shooting for example - or with sincerity but no knowledge, it will continue to be necessary to place emphasis on the importance of complying with the Act. Self-regulation can only lead to tragic errors.

**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?**

Yes, there needs to be greater focus on better guidance on the EPBC Act and clear environmental standards. The Priority must be biodiversity conservation and support of proactive work on ground because assessment processes are too slow.

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

Changes brought by Climate Change can only lead to increased threats to the environment. Ranges of plants will change - the tree line will creep up in the Snowy Mountains for example, and the animals dependent of the trees will be affected. Even without catastrophic events, animals and plants already at the edge of their range, such as arboreal creatures on high points, will be pushed closer to extinction. Likewise, the increasing temperature of water in swamps and rivers/creeks is already affecting some macroinvertebrates. There are many more examples which must be

considered.

Increasing urban sprawl is also bringing changes: habitat destruction and fragmentation continues to affect many plants and animals. Closer association between urban and bushland areas leads to pressures ranging from demands for hazard reduction burning, to the introduction of weeds and feral animals.

On the other hand, people are demanding more opportunities to visit and enjoy natural areas, and this should give some leeway to planners to protect areas of bushland and corridors that join remnants.

At the Council level in particular, strength and support needs to be given to allow the local decision makers to reject applications for new residential and business zones (currently Council decisions to reject such developments are often overturned at State Government level - for example, Wingecarribee Shire Council's refusal to permit a 1500 residence development called Coomungie/Chelsea Gardens was overturned by NSW Planning Department).

In many areas, residents and ratepayers have to strongly oppose developments that they are convinced will damage their localities but unless they are very knowledgeable and committed for long periods, their voices are not heard. Therefore, it would be worthwhile for the Act to have some elements that allow ordinary people to access advice and help when they are trying to protect local areas that have significant value for biodiversity. Example being Koala colonies near Campbelltown NSW

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

It should do both. Most importantly it needs to manage the prescriptive processes, otherwise how can it sure that there will be any environmental and heritage outcomes.

Regarding the role of the Act, it may be reasonable to remove nuclear actions, but the water trigger, as well as new land clearing and climate change triggers must stay

The constant crying about 'Green Tape' actually means that the Act is doing something. Business in particular would prefer to act without consideration for anything but profit and convenience, and this is why we need a strong Act.

I do not have faith in State Based management alone. With elections there can be a complete swing towards or away from respect for environment and natural resources, or a change of emphasis such as can be seen in National Park management which can move from being all about preservation to being a tourism and business resource, and extra grazing land for cattle, depending on the party in power. The Act is necessary to maintain the standards over time, and act as a moderating influence.

**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?**

Yes, the EPBC Act needs to be the overarching umbrella that brings together all the various Environmental and Heritage Acts, Offices, etc so that there is better expression of the concepts and goals of caring for matters of Environmental and Heritage significance. It should not be impossible to work out a set of principles to be considered that covers the widest range of places of significance. As with so many other things, I suspect much of the work is already done and in developing such principles the EPBC Act can be informed by similar work done from the United Nations down. It should not be impossible at the same time to leave a clause open for local concerns to be added.

The determination that a place is of significant environmental or heritage significance is the weak link. Nothing can be done to protect an area's significance until it has passed through substantial assessment processes. Much of these are arcane and difficult for anyone less than the highly expert, and it is not easy for communities to identify the ways to bring these things to attention for protection at any level.

As an example I will use the Causeway across the Wingecarribee River at Bong Bong in NSW. This is the oldest example of such a crossing in Australia, and it was constructed around 1821. There is a committee of local people trying to achieve a listing of the place, which includes archaeological remains of a number of buildings, as a Site of State Significance. To do this it has been necessary to have a number of expensive consultations done, a process which is still being undertaken. That the causeway and 'common' has been preserved at all is almost a matter of luck and due to the actions of a very small group of people with historical interests.

I think that an EPBC Act that takes a stronger role in assisting identification as well as articulating and overseeing outcomes would be a great help. Lacking that role for the EPBC Act means a fragmentation of efforts across a range of bodies, not all of which have any interest or expertise. Communication between State Government and Council level is also difficult without some bridges being available for them, and the EPBC Act's requirements can provide that central reporting and clearing house.

### **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 environmental standards with the Commonwealth taking a monitoring and assurance role? Does the information exist to do this?**

National Environmental Standards would be worthwhile. They must be broadened so that it is accepted and expected that there will be input via the EPBC Act, even if only at advisory level. Keeping standards uniform across the States would also assist the processes where State borders are crossed, and also when scientists and other people with expertise move from one State to another.

It could be worthwhile to run a broad accreditation process so that the various consultants in Environment and Heritage and Government and Council employees in Environment and Heritage and Natural Resources etc. are working from the same standards. It is frustrating to have, say, an ecologist advising about the care of an EEC being over-riden in his advice by a horticulturalist from the Parks & Gardens Section.

I prefer suggestion 3 as set out under Environmental standards: The Commonwealth could prescribe broad national environmental standards that seek to deliver the objects of the EPBC A, to guide state and territory regulators, with the Commonwealth taking a monitoring and assurance role ... this oversight role must be as strong as possible

Standards must be set at a high level, as there is a tendency in many situations, to do only enough to meet criteria. For example, as a Green Army leader, I found this happening when we had a project that required planting of 6000 trees, shrubs and grasses. The project manager, a private job search agency, was keen to have us meet the criteria for planting but had no interest in providing hours to the project to allow watering to take place throughout the summer.

As better understanding of particular environmental needs develops, standards should be raised.

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

The EPBC Act must support restoration but its main role would remain being protective of what we have. Restoration after disaster (current fires), let alone after poor land management practices or mining etc. cannot return the environment to levels the same as an untouched one. Given the wide tracts of land that need restoration work, the restoration focus for the EPBC may need to be in seed funding, training for volunteers, education for communities and funding of ground level projects alongside Councils and other land managers.

We certainly need a new National Heritage Fund, particularly if you are looking to groups that are essentially volunteers such as Landcare. However, I would prefer to see a lot more money put into full-time, qualified workers to carry out programs. Leaving so much environmental work to volunteers, working with limited knowledge and resources, and very limited time (say 3 hours per month for most) sets up programs that are vulnerable to errors and failure. (I speak as a Landcare volunteer of 20 years. Volunteers are aging; the younger ones get jobs and move away, and the older ones end up minding their grandchildren - I am not joking.) I am not saying no volunteers, but that projects need to be run professionally. I also advise against programs such as the Green Army which took uninterested and unskilled youngsters and tried to turn them into effective bush regenerators. The Conservation Volunteers are slightly better, at least they want to do the work. But

any such program needs leadership from people who are skilled not only bush regeneration but also in teaching and organising others. Most volunteers, and co-erced volunteers do not, and can not be expected to have, the level of knowledge and commitment required for the amount of complex work needed to restore functioning ecosystems.

Yes, it does need to include incentives for proactive environmental protection. Every Council should have enough funding to run a Bushcare team, that is trained Bush Regenerators, and a volunteer program that works alongside them. Some, such as the Wingecarribee Shire, have already set up a Levy on rates that funds an excellent Bushcare program but this is limited to Council managed land.

National Parks in all States have become under funded and lost their on-ground Field Workers who are best able to carry out restoration work. National Parks are blamed for being havens for pests and weeds and inadequacies in hazard reduction but if there are no workers employed, these jobs cannot be done. I'm sorry to say that this is really all about money, but the work of restoration has to be done and it is costly. Therefore a PROACTIVE program of incentives must include generous and accessible opportunities for monetary assistance.

As mentioned above, farmers need to be compensated for lost production from land that is set aside for conservation, as well as being assisted for costs such as fencing for these areas, and water troughs to keep stock out of rivers and wet areas.

Consultation with Indigenous land managers and Firesticks groups should be open and respectful. There is a great amount of interest among many land managers in becoming more informed about Indigenous fire management, and opportunities to learn from Indigenous people about caring for the land should be promoted. Opportunities for interaction and education need to be funded. Nothing is possible without money.

Success is always going to be ahead of us. Measuring and monitoring progress is necessary to see what changes are occurring; this is done with current projects. We can count what is left, and build on the numbers. We have the baseline information in myriads of reports and plans of management: they need to be pulled out from the bottom shelf and collated . This is also where we find the information about what work has previously been done and what was successful previously.

However, restoration is difficult. We cannot replant a 300 year old hollow bearing tree, it has to grow from a seedling. Individual farmers and long-term residents should also be consulted to find out what used to be there. For example, old people may remember the problem of quolls in the hen-house, what happened to them, where are they hiding, are they locally extinct?

**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?**

I am sure there is always room for improvement. Through my involvement with the Bong Bong Common Management Committee (Wingecarribee Shire Council) I know that getting the proper



studies done for heritage listing and conservation management planning seems to be very expensive and time consuming. A grant system to help access the funds to pay heritage consultants and archaeologists would help. Obviously it is helpful for any places to be listed and to have management plans, but these have to be practical too.

I do not understand why there should be a division between place-based and values-based protection and management. Some places may not appear to be significant - the flattened fields of the Bong Bong Common fall into this category, but there are relics, and there is the history of the place. Beautiful old buildings, once home to someone famous, may be easier to preserve because they stand out, but then they need a lot more maintenance. There are also significant sites of industrial archaeology. The village of Joadja is privately owned and there are many ruins, some of which are dangerous to explore. Likewise the Yerranderie silver mine, Kiandra in the Snowy Mountains etc.

For old and private buildings and other sites, Insurance is an area that needs investigation, and an overall policy within the EPBC Act. Insurance for specialised places, open to the public, is very difficult. It might be better for the Government itself to run a contingency fund to cover such places.

Making sure that a place can still be accessed by the community often competes with private ownership when money is saved by turning a grand old building into a wedding or conference centre.

Meanwhile, much Indigenous heritage is hidden in the land itself. Apart from obvious cultural places where there may be art or carvings, the lie of the land, the shape of a hill matters. Only by consultation with the Aboriginal elders of a locality can you ascertain the value of a cultural landscape, and unfortunately, we know that this knowledge and sacredness is difficult to define and defend. The tragic story of Hindmarsh Island in South Australia should not be repeated, but protection is limited when knowledge is secret.

### **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?**

It is necessary to simplify the assessment process, for both environment and heritage. Duplication in the process at various levels of government leads to unnecessary expense for proponents and for Government.

Proponents should be able to put forward information about a site and its needs, without having to provide information beyond the basic, and then have a qualified person employed in the job to come in and decide firstly, whether there is significance (why/why not) and then organise the necessary further studies. Proponents could provide a simple history of the site, and photographs, and any other obtainable documents. There is far too much requirement for proponents doing self-assessment to provide a massive amount of evidence. Time and monetary constraints limit individuals and small groups as they strive to obtain a multiplicity of documents.

In my opinion, having been part of a committee that has had to obtain everything from Interpretation Studies to Aboriginal site assessments, to flora and fauna assessments, many of these are just laid out by the consultants on a template which they fill in according to the information already gathered by previous consultants or supplied by the people briefing them. There needs to be some assessment of the consultants themselves, as inadequate documents are helpful to no one

I fully agree with the last part of the discussion paper for this question: The Act should be amended to simplify language and approaches ... and also to unify and streamline key processes under the act.

**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 it would be better to remove duplication of responsibilities between different levels of Government. At the moment one is often confused regarding which regulator is in charge, and what standards are to be met. If States are delegated to deliver EPBC Act outcomes, it should be more efficient and easier to comply with. However, there will need to be some oversight of what level of attention individual states are able to give to this, and they will need appropriate funding and guidance with regard to keeping to national standards.

**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?**

All projects need some oversight, but there does not need to be the same level of scrutiny for everything.

A lot of work is already being done by local Councils which employ Heritage officers and Bushcare teams to guide and assist volunteers efforts, and these areas within local government could be strengthened with funding for qualified employees in those fields. Landcare work is generally assisted and guided through the Local Land Services who fund a Landcare Co-ordinator. These existing workers are trusted and well accepted within communities. Low risk projects coming through these agencies could be automatically approved, but they should still be registered projects as in years to come, further work might be done, or an assessment program needed. For example, in Wingecarribee, we have some very old community planting work and it would be good to have knowledge of the range of plants that went in so that their success rate could be assessed now. This data would inform further projects as to what have proved to be hardy plants in that situation.

The collection of data is valuable but it needs to be easily entered and easily accessed. The Green Army data was entered in Monitoring, evaluation, reporting and Improvement Tool (MERIT) but the

data from that would not be helpful. A centralised data bank would be useful but there are now so many different processes being used for data collection that change would be difficult for many. Perhaps a centralised set of databases?

Information from environmental impact assessments needs to be publicly available for long term assessment, monitoring and reporting purposes as well as forming a basis for follow up work at some time in the future. It is unfortunate that much data from older projects is only in paper form, hidden in long lost reports. Historically, this data is very valuable and should be digitised for public access.

**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?**

Habitat management is absolutely the basis for the recovery of threatened species, so I believe that EPBC Act should focus on habitat at a landscape-scale. At the same time, to promote community interest and support, projects benefit from an iconic species that is being saved, such as koalas in many places, and platypus on the Wingecarribee River. We know that if the habitat is improved for the threatened species, it is improved for all the living things that live there. This also benefits isolated trees (as paddock stepping stones), corridors linking parcels of bushland, and still is OK for specific plantings of trees that suit Glossy Black Cockatoos for example, which can be integrated into the larger habitat area.

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

As I indicated above, I think that most projects benefit from good oversight, and I showed how this can be successful at a local council level where they have the means to employ suitably qualified people in Environment and Heritage areas. Likewise, for private property owners and farmers, oversight and assistance from the officers employed in Local Land Services may be all that is needed. This means that bodies such as Councils need funds to employ people in those categories as many ratepayers still object to spending outside of Roads, Rates and Rubbish. The same applies with the Landcare Coordinators under the Local Land Services, who are currently funded under a grant program.

It can only be helpful for the EPBC Act to implement a 'general duties' level of duties that can apply to all actions that can impact environment and heritage. To ensure that these baselines are understood and managed, qualifications at TAFE level for bush regenerators should be expected. Chemcert needs to be a requirement of all people buying and using pesticides, herbicides. People employed in land clearing such as drivers of earth moving equipment also need to be trained in plant identification

Ecological consultants, environmental advisers and similar must also be subject to scrutiny of their qualifications. I have seen a few very inadequate flora and fauna reviews go by and, due to the general ignorance of land managers, they can get wrong information into baseline data.

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

As above, I believe that a level of qualification for most bushcare workers should be applied, and that it should be extended to earthworks and land clearing operators such as heavy equipment drivers, to assist them in identifying areas that are significant. I also consider that Chemcert should be a requirement for anyone purchasing large quantities of pesticide and herbicide. The feral pest training available through local Land services also needs to be mandatory.

It is ridiculous to rely on any sort of self-regulation, without making education mandatory for self-assessment. The workshop and field day models for education, eg paddock plants; weed Id; fauna walks can be very attractive and quite low-cost to present. The problem is getting people to attend them. Tax deductibility of training costs could be an incentive, but timing such gatherings with larger social activities such as the picnic races or agricultural field days that many farmers will attend could also be useful. A certificate that acknowledges that the attendee is now qualified to assess whatever should also be valued, if you have to have one to self-regulate in the first place.

### **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?**

Australians are learning the hard way that our approach to this country inevitably leads to disasters such as the desertification of western lands , and extinction of plant and animal species, not to mention bushfires.

We know that Indigenous people lived in balance with the land, and had a completely different view of what the land was and did. It is probably not possible to return to the level of harmony that existed before European arrival, but we can learn what there is that Aboriginal people are willing to share.

It is necessary to treat Indigenous knowledge with respect, including what may appear to be religious belief. Sacredness means that managers and administrators need to proceed with caution and accept that not all will be revealed in terms that seem scientific. Where possible we need to access Indigenous knowledge and advice, and the Act should give seeking guidance and authority from elders and Land Councils a high status in planning and carrying out projects. Employment of Indigenous people as advisers and as rangers on the ground should be a priority.

The Act should include provisions that make receiving and listening to information from Indigenous Knowledge Holders a criteria in planning and carrying out projects.

**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?**

There needs to be a definition of community representation. Who are the people who can best represent communities and are they informed enough about environment and biodiversity to understand and contribute meaningfully to an Act that often is aimed at preventing actions that a community might see as beneficial.

At the moment, many advisory and decision-making bodies are top heavy with people from Government areas, representatives of interest groups and experts. Having sat on such committees myself, I found that as a community representative, one does not have the technical knowledge to fully understand issues. A lone community representative has little effect. Yet many people in communities are passionate about their local landscape values. Others are worried about jobs, or just want to see effective use of resources. This level of community involvement is better seen in the development of groups that (often) oppose environmentally damaging actions like coal and other mining and the cutting of forests. It might be more useful to invite community representatives from action groups and business interests to attend occasional meetings where they can give their views and be listened to and questioned about their community needs on a case by case basis.

**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?**

There is a great need for flexibility and willingness to recognise new and emerging threats. Some examples include the arrival of Myrtle Rust, which has not been dealt with 'on the ground' . Even though it is spreading, I am not aware of public information being readily available to help people recognise the fungus, or carry out basic hygiene procedures when moving from place to place. The introduction of phytophthora into otherwise pristine areas is another example.

The Act also needs to be ahead of State Government when changes are made that shift responsibility for relevant areas. The shifting of responsibility for care of Crown Lands to local Councils is an example where increased responsibility for land management has been placed without extra funding for staff to take on practical care - lengths of blackberry covered river banks for example. The treatment of Travelling Stock Routes in NSW are another example of lands which have become havens for birds and native grasses being dumped without satisfactory funding for planning and management.

The Act needs to pull the many agencies and interest groups together more closely. Co-ordinated actions across wide areas and over State Borders are needed in areas such as weed control and feral animal control. Recognition of synergies between agencies, shared goals and also advantages of scale when working together show that an overarching organisation needs to be in place so that actions are co-ordinated.

Education of land managers and the general public about the values of environmental services

should be done to increase the appreciation for protection of heritage and the environment. At the same time there also needs to be strong enforcement provisions and a willingness to prosecute individuals and businesses which work to undermine the common heritage and environmental values of the Act. When people can choose to 'act first and ask forgiveness later' as happens with clearing habitat or killing vulnerable species, and even with carelessness such as leaving yabby traps to catch platypus, it is necessary that the general population hears that there are punishments attached to these actions.

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

It is appropriate to pay or otherwise recompense owners of quality environmental habitat and those who protect the services that give all of us clean air, clean water, biodiversity and other ecosystem services. As I have stated above, farmers who lose productivity due to preserving parts of their land for conservation can be paid the equivalent amount to that lost productivity.

Rather than calling protected places 'offsets' , it would seem preferable to recognise the protection and land management activities that are invested and pay owners appropriately for the services. The creation of offsets seems to presuppose a trade that allows destruction of a place of similar value, and I believe that it is no longer acceptable to trade like for like in this fashion. It has already been shown that there have been better quality areas destroyed than those preserved, in some cases, while offset tree planting is not always well-maintained with the young trees struggling and being unlikely to reach maturity, let alone ever become the 300 year old hollow bearing trees they replace.

Making a pot of money available so that work can be carried out, or high value land and assets be placed away from exploitation makes sense. However, the Grant model, where money goes to the best written submission is not always the best method of evaluation of an area. Bodies such as the NSW Local Land Services would appear to be well placed to carry out on ground assessments and recommend works and funding.

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

Offsetting does not seem effective and the whole concept needs overhauling.

**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 risks with the Commonwealth developing a public investment vehicle to coordinate EPBC Act offset funds?**

Organisations such as Bush Heritage appear to be effective when private land comes onto the market and is purchased for conservation purposes. Any extra access to financing for private land conservation is worthwhile, but such land also needs to be protected into the future. The long term

plan needs to be that these places are absorbed as National Parks and Reserves once they are restored.

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

Strengthen and streamline the aspect of Making decision simpler. Simplifying is the wrong approach, as we are dealing with very complex processes. It would be better to have more education for landholders about the environmental / heritage values of their properties. When properties are sold there needs to be a requirement for an environmental audit so that new owners are aware of any significant features on their land such as hollow-bearing trees, or an Aboriginal midden etc. that needs protection, and how such things are to be protected. Likewise, landowners need to be able to access information about costly weed infestations and any other threats to the land. This might make buying and selling more difficult, but in the long run would be fairer than having a proposed endeavour halted in the late planning stage.

While regulatory burdens (Green Tape) may be onerous and cause delays in some private business activities, it remains important. Better that there be delays than have irreplaceable losses and long term damage done. Therefore, while regulations may need review and some streamlining, they remain of major importance in protecting and managing environment and heritage. These are not unnecessary burdens, and there are plenty of examples where a lack of regulation, and indeed flouting of regulations, has led to the undermining of the major purpose of the Act, ie effective protection of Australia's environment.

Furthermore, there needs to be much more stringent enforcement processes. Too many farmers and businesses are quite happy to 'ask forgiveness later'. This means that there must be funding for enforcement officers and education for land owners.

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

The Act needs to be better understood across agencies and land owners. There are plenty of people in positions of authority, such as Shire Councillors, who have no idea about how this Act should affect decision-making.

Therefore a major effort needs to be undertaken to create better understanding for all Australians of why Environment and Heritage matters. The current misinformation about 'Greenies' preventing hazard reduction burning is an example as people have built into Endangered Ecological Communities (eg the Mt Gibraltar forest between Bowral and Mittagong is an EEC surrounded closely by housing).

Whose job is it to bring understanding to park and reserved area neighbours? and how is this to be done? who pays? Again, an ideal time for assessment is when properties change hands. This needs clarification.

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

Massive structure makes one question whether there is duplication but also gaps in the administrative structure. Most people interact at a low level with one or two aspects eg, the national Landcare Program without real understanding of how this fits with other parts of the structure. Is there too much competition for too little funding and expertise across the board. Is it possible to create a structure (through the webpage perhaps) that allows broader interactions.

Since this is under review, and the web page and other aspects are also undergoing change, is there much point in commenting on how the EPBC Act has been administered?

At a State Level, for me the Office of Environment and Heritage in NSW, has been a first point of contact, but it has now been subsumed into Dept Primary Industries and Environment. These changes seem to lead to a lot of confusion and loss of history.

When major changes are made, it is particularly important to keep an accessible archive of the various studies and reports that have previously been published.

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

It can be if given the power and resources to do so.

**QUESTION 30: What are the priority areas for reform? - What are the priority areas for reform?**

Developing awareness of new challenges. Climate change is affecting everything from mangroves to kelp beds, to the GBR. Current and recent bushfires have pushed important species to and beyond extinction. With the bushfires there has been a tremendous upsurge in people who are feeding wildlife and making shelters etc - but there is no one to provide oversight and guidance outside the wildlife caring groups - which now also are in need of extra funding and workers. There needs to be a readiness for these events, so that proactive decisions can be made to have support services to guide these emergency actions.

One example is the lack of substantial knowledge of many plants and animals such as insects has highlighted the need for qualified taxonomists - once more funding to pay staff and funding for the necessary university level training. The same can be said for archaeologists and similar consultants to carry out Heritage studies. When we don't have knowledge about what is there, how can it be protected and preserved?

**QUESTION 31: What changes are needed to the EPBC Act? Why? - What changes are needed to the EPBC Act? Why?**

Strengthen it.

Broaden the research areas, and provide staff to carry out studies and training for more people to



work in these areas. Why? because knowledge is the basis for protection.

Resist calls to open up areas of land for exploitation without full consideration of the environment and heritage that may be affected. So-called Green Tape exists to protect all of us, and should not be abandoned because powerful commercial interests find it inconvenient. Why? This is the core business of the EPBC Act

Increase the enforcement powers so that people who cause significant damage to places of environmental and heritage value are prosecuted and punished. Why? because there will be attempts to damage places of value, and then say 'sorry'. If damage occurs such as destruction of a heritage building, the individual or business must be seen to have acted in a criminal fashion, and they will not be allowed to profit from their actions.

Use the precautionary principle in risk management to prevent damage and destruction of our environment and heritage. Why: when there is a likelihood that damage is possible, that should be enough to halt actions until it is clearly established one way or another

Encourage and enhance interactions with Indigenous people. Treat their knowledge with respect and invite them to participate in decision-making. Also employ more Indigenous Rangers and advisers. Why? because Aboriginal people have long knowledge of managing the land in Australia. They are recognised experts in aspects of the land including medicinal and food value of plants, and management of native animals

Ensure that existing knowledge gleaned from studies and reports etc, is preserved and available for public access. Why? because currently a lot of well studied information seems to become lost or inaccessible, especially at times when Government departments are reshuffled. Also funding for digitisation and archivists/librarians is necessary to make sure of accessibility.

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

It is important for the Act to have some flexibility so it is best able to deal with new and emerging threats to the environment and heritage values of Australia. It should not be possible for a creature to become extinct while studies are carried out for example, but the necessary emergency powers need to be available to ensure that action can be taken at short notice.