

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XFY2-P

Name

Anonymous

State or Territory

Queensland

Areas of Interest

Threatened species; Indigenous Australians; Heritage; Matters of National Environmental Significance; Environmental Impact Assessments; Great Barrier Reef; Cumulative impacts; Climate change; Compliance and enforcement; Decision making; Public participation in decision making; Biodiversity; Conservation; Commonwealth national parks; Nuclear; Water;

Attachment provided

No

Do you give permission for your submission to be published?

Yes - anonymously

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?

I am an individual with an interest in, but no particular expertise, in environmental protection. I am 46 and have seen places I have visited all my life change beyond recognition. Just the other day, I was driving past some land that used to be parkland at West End and is now the site of the construction of a multistorey apartment block. Wandering around on the road outside the construction zone were over a dozen very confused plovers who had come there to nest in the grasses like they do every year. It struck me that everyone assumes that wildlife can just 'go somewhere else', that it can 'just adapt' or that 'it is not as important as progress - people need somewhere to live'. THE EPBC Act is the main legislative 'voice' speaking for the Environment and wildlife of Australia that are seen at a 'development by development' or 'town or city' level to be 'not the individual council's or developer's problem', unless it is the last surviving community of that species. That is terrifying, tragic and a warning sign of things to come. My point is that as the EPBC Act is the main voice offering any protection to the natural environment in Australia it MUST be strengthened - it must have regulatory and punitive reach and MUST NOT be considered less important or secondary to the economic development of the nation. The EPBC Act must have the strength and reach to make environmental consideration part of EVERY decision and have the strength to sometimes say - in this case, we must draw a line and prefer the health and biodiversity of the environment OVER the economy. Obviously, the perfect situation is when the improvement of the environment STRENGTHENS the economy as well e.g. like ecotourism.

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?

Ecologically sustainable Development needs to consider all aspects in order to be effective - this should certainly include cost benefit analysis - but how do we tally up the cost to the wildlife? If there is no economic gain to be made from protecting parkland that used to be typical of the area or mandating the planting of vegetation crucial to the survival of the endemic and wider wildlife - how will this be factored in?

I see local development as an example of this. It is pretty common now for developers to buy up houses on large blocks (from a bygone era) and develop every 'inch' of that land - building apartments or townhouses from boundary to boundary where before there was often garden and mature trees that provided for local species of birds, insects, small marsupials etc. I understand and agree that higher density residential living is a better option than further urban sprawl, but no provision is made for the maintenance of the species in that area (with multiple developments usually occurring - rapidly transforming the amount of native flora). Even when developers are required by Council bylaws to provide a certain % of greenspace (often as a green roof or pot plants) they simply plant cheaper foreign imports (they are pretty much weeds that then spread to other gardens and ultimately to the creeks) and there is severely diminished food for local wildlife. When I moved in to my area about 7 years ago, there were huge flocks of rainbow lorikeets and sometimes sulphur crested cockatoos or galahs. In the time I have been here, more than 10 developments have occurred in just the couple of surrounding blocks and none of these have replanted native QLD trees (a couple planted Victorian Magnolias which don't grow effectively here anyway) and this is surely a factor in the reality that you only see the occasional bird - and this change has occurred in only 7 years. Who would factor that in to an ESD consideration? yes, there needs to be cost benefit analysis BUT there also needs to be a way of considering the long term benefits of maintaining the environment at more than a minimum and cost effective level. Plus the Councils need to be 'brought into line' as they are happy for developers to pay fines rather than meet existing guidelines - maybe fine the councils as well to force them to make a cost benefit analysis.

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

I think the existing objects of the EPBC Act are brilliant - but the rapid decline in biodiversity (object c) and the reintroduction of policies (e.g. land clearing in QLD) that were halted for ESD reasons, would suggest that the powers of the EPBC to enforce and regulate are insufficient.

I would suggest a change to C:

c. to promote AND ENFORCE the conservation of biodiversity

I would suggest the addition of another object - perhaps along the line of:

i. to act to protect the native flora and fauna at all levels and scales in the interests of the long-term environmental health of the nation and to slow and mitigate the impacts of Climate Change

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

I totally agree with the protection for the environment from nuclear actions and hope that this may be the basis of requiring the government to sign the current I-CAN bill before the United Nations.

I agree with the protection of areas of national environmental significance - but animals and plants don't just deserve protection in those areas, they deserve a wider approach to conserving and cherishing the flora and fauna that is unique to each area even if they are not (yet) on the 'threatened species' list. We need a change in attitude (encouraged by the EPBC having wider powers and the proactive, creative, innovative approach I mentioned earlier) so that each Australian takes part in the protection and maintenance of species in their own area - whether rural or urban.

My point is that the existing national environmental significance protections should be preserved and extended, but protection should also be extended to matters of local environmental significance.

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 don't think local areas or even states can be fully trusted to counter the self-interest of corporations and protect biodiversity and work actively towards conservation without a strong and efficient assessment process working to support and enforce change. Therefore a better assessment and approval process (yes online, but with real people putting eyes on the actual situation), better education of all concerned (most local council workers who are sent out to clear weeds end up leaving the weeds and rooting out the few native species instead because they don't actually have any knowledge of local biodiversity) AND innovative and creative well-resourced projects to not just conserve but rebuild biodiversity are essential. I can't choose between these aspects. I certainly would not support removing regulation but agree it needs to be efficient and corruption-free.

I support the Act including proactive mechanisms. I most certainly support the Act being strengthened to better protect not just areas of national interest but local, regional and landscape biodiversity. I've read that 99.7% of developments get approved by the Federal Government- there is NO WAY that this percentage of developments are so responsible to be environmentally sustainable - therefore this statistic indicates that the current act is too weak. I support the Act having more power to counter self-interest and corruption and protect the natural environment.

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?

I think the environmental standards need to be updated to reflect the much more urgent situation we are facing now in regards to rapid environmental degradation; the impact of the much more frequent disaster-level environmental impacts (I read that so much of Australia has burnt this December that some areas may not recuperate and that these bushfires are not considered carbon neutral as usual) and climate change.

Certainly you need to assess the effectiveness of the EPBC Act until now and identify and then recommend that the Federal Government remove the obstacles to this effectiveness. I cannot urge you enough, to make it really clear to our very inactive government that a proactive and widespread approach is not just 'best practise' but is urgent and necessary for the future survival of more than just humans on this fragile, ancient continent.

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

Climate Change research should definitely be included. However, we also need to recognise that even without the sweeping changes that Climate Change is bringing, the Australian ecosystems were already in crisis. WE have allowed unrestricted and irresponsible development - ALWAYS prioritising economic growth over the long term health of our environment and nation. This is not sustainable development.

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

If the existing regulation system is that hated and impactful, perhaps a new approach is needed. I would suggest that an independent body supported by strong legislation built upon the existing EPBC Act might do a better job (without political interference - such as the QLD Environment Minister's rubberstamping of the Toondah development despite his own ministry rejecting the development proposal based on environmental impact studies) of setting clear and binding national standards and ensuring these are enforced at every level. Perhaps one set of clear and unequivocal standards would educate businesses and governments alike in their responsibilities towards the natural environment, sustainable development and ultimately their children's future.

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?

If an independent body was set up with power to act federally, state and locally, they could articulate a broader range of outcomes that start with areas of national significance like our current national parks (e.g. immediate ceasing of all destruction of logging of old growth or remnant forests), but also outcomes for ecosystems and outcomes for local areas - even in cities, business and citizens should be responsible for protecting and increasing the biodiversity of the local area. There should be suburb or regional plans which are communicated widely and opportunities for people to report on violations of regulations or outcomes e.g. via an app like 'Snap, Send, Solve'. Get everyone working for an independent body and take politicians out of the loop. They shouldn't get the final decisions - because too many of them ignore the advice of experts and scientists in the interests of

political expediency. Give the Act the power to prosecute governments that fail to live up their obligations.

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?**

I don't have the expertise to comment on the specifics of this, but there should definitely be both broad environmental standards AND specific standards for specific ecosystems e.g. standards to measure the recovery of freshwater ecosystems such as the Murray-Darling Basin or to monitor and restrict water use from the Great Artesian Basin.

Policy and strategies should be binding. The dramatic decline in ecosystems and biodiversity since the commencement of the Act illustrates that governments and businesses cannot be trusted to act responsibly (Murray Darling water allocation or the water allocation from the Great Artesian Basin or Cubbie Station or the Adani mine as classic examples) therefore an independent body which acts based on scientific evidence gathered independently must be given the power to force compliance with national and local standards.

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

I support the Act including incentives for proactive environmental protection. It will also need an independent body to monitor and review the actual impact of these actions. It could also provide scientific support and financial/ administrative aid so that any group could apply to the new independent body for help tackling these proactive environmental policies.

The EPBC Act or preferably an Independent Body should also have the power to enforce restoration of areas damaged by corporate interests (particularly if they committed to that when they began) and the financial resources to step in when needed.

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 don't think there is a one-size-fits-all solution. The Act should have the flexibility to work at any level so that protection and management could be place-based, values-based, biome based perhaps. The Act should aim to garner cooperation from business, governments and individuals but also recognise that a significant change in attitudes will be required and that a 'big stick' might need to be used until this recognition that every person or corporation who lives or works or does business in

Australia has an inherent responsibility to contribute to the protection and rebuilding of the natural environment, even if this reduces their profits.

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?**

I support increased use of Indigenous knowledge and personnel to help protect the environment - their contributions should be acknowledged, protected and valued. Australians (business and people) need a re-education in how to live in a sustainable manner and Aboriginal and Torres Strait Islander people have a lot of knowledge and advice to give that would help.

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?

I would support as much innovation as possible. The Act should have the power to apply the best fit system to different parts of society or problems. Big business like international coal mining should be treated differently to small business that works and lives in the environment and has a stronger vested interest in protecting the environment.

Local solutions need to be employed as well and this is likely to involve mobilising the support of residential communities and supporting them in looking after their local urban environments. The only way we are going to get ourselves out of this climate crisis is through human ingenuity and making the EPBC as flexible as possible, but with safeguards that ensure that the key values and standards are always respected is a must.

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

Yes.

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

I would like to see a pro-active principle - one that acknowledges that oversight is needed to ensure that long term goals are met.

I would also like to see a principle about protection at all levels from the suburb to the landscape to the biome to the national level.

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

I don't think so - I think its powers have been too limited and although I don't know the full reasons (administrative, political, or other) I see too many businesses or governments acting in disregard to the principles of the EPBC. I see this when local developers laugh about council regulations and just pay the fines rather than meeting the already dimly low environmental standards. When questioned, the City council just 'shrugs' and says 'well they paid the fine'. That doesn't solve the environmental problem or yet another loss of biodiversity.

I see this when developers or council or state governments ride 'roughshod' over citizen's objectives to policy or even their own commissioned environmental studies (e.g. Toondah Harbour). I see local individuals having to work hard, without support to prevent environmentally-destructive projects that never should have been able to pass initial approvals (e.g the BCC self-approving its ridiculous plan to cut a swathe through Mt Cootha in order to build a tourist attraction which studies showed was economically unviable)

Too much has been left to the small percentage of individuals or community groups to 'fight' on their own- when most of these irresponsible developments and policies should have been prevented. These governments and businesses should know that they can't ignore environmental concerns - they should fear the repercussions. From my observations, at the moment none of these groups fear the EPBC Act or local regulations.

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

No, certainly not. An Independent Body is needed firstly to remove government corruption and politicking at the cost of the environment and secondly to be proactive and creative in slowing and reversing the ecosystem and biodiversity loss in Australia.

The Act needs to draw clear lines which cannot be ignored and prosecute those who do so.

The Act needs to force the government to deal with current crisis and mitigate and prepare for future crisis - from water use to bushfire preparation to ending logging in our National Parks (I couldn't believe that logging occurs in our National Parks because of some obscure trade agreement) to rebuilding biodiversity at every level.

The Act needs to set up an independent body which can work with existing organisations (e.g. Places you Love Alliance), reward responsible corporations, prosecute irresponsible groups and communicate the necessity of a complete attitude change to the natural environment if we intend to keep living on this land in the future. It needs to get everyone involved and motivated to bring about positive change.

Government need to be accountable. National and state plans based on EPBC values and principles need to be put in place, financed and enforced.

Governments should not be able to reverse decisions made to protect the environment e.g. the resumption of land clearing in QLD. The EPBC Act should have the power to mandate nation-wide moratoriums e.g. on logging of old growth forests. It should be able to set minimum standards e.g. the % of water that can be taken from a river system and then work with the stakeholders to do BETTER than the minimum standards.

The EPBC Act should be set up to be proactive as well as reactive.

QUESTION 30: What are the priority areas for reform?

1. Set up an independent body so that politics does not play a role in sustainability decisions. This independent body needs the expertise and financial support to be able to monitor and assess

proactive and reactive recovery programs put in place and to take punitive measures against governments or businesses who destroy ecosystems and biodiversity without acceptance of responsibility for ensuring the recovery of these natural systems.

2. Increase the powers and the scope of the EPBC Act
3. Keep the existing protection for areas of National Significance, but also have a program which recognises the necessity for biodiversity in EVERY area of Australia.
4. Harness existing groups and do much more education and community-outreach and support programs
5. Reform the administration so that regulatory and punitive measures are swift, fair and respected. Open up better lines of communication and allow individuals or businesses to report transgressions or problems to an Independent Body that has the manpower and finances to act.
6. Educate businesses in their responsibilities and take punitive measures against businesses who act in an unsustainable manner
7. Set benchmarks and minimum standards that governments cannot breach - particularly in relation to old growth forests, water use and pollution, regulations on developments and general biodiversity (e.g. a minimum of 20% of each bioregion needs to be protected and maintained)
8. Support Australia's rural communities and farmers to act sustainably and recognise that this is only possible when they are not struggling under debt or impacts of natural disasters.
9. Continue to respect and utilise the expertise of Aboriginal and Torres Strait Islanders.

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

1. Set up an independent body so that politics does not play a role in sustainability decisions. This independent body needs the expertise and financial support to be able to monitor and assess proactive and reactive recovery programs put in place and to take punitive measures against governments or businesses who destroy ecosystems and biodiversity without acceptance of responsibility for ensuring the recovery of these natural systems.
2. Increase the powers and the scope of the EPBC Act
3. Keep the existing protection for areas of National Significance, but also have a program which recognises the necessity for biodiversity in EVERY area of Australia.
4. Harness existing groups and do much more education and community-outreach and support programs
5. Reform the administration so that regulatory and punitive measures are swift, fair and respected. Open up better lines of communication and allow individuals or businesses to report transgressions or problems to an Independent Body that has the manpower and finances to act.
6. Educate businesses in their responsibilities and take punitive measures against businesses who act in an unsustainable manner
7. Set benchmarks and minimum standards that governments cannot breach - particularly in relation to old growth forests, water use and pollution, regulations on developments and general biodiversity (e.g. a minimum of 20% of each bioregion needs to be protected and maintained)
8. Support Australia's rural communities and farmers to act sustainably and recognise that this is only possible when they are not struggling under debt or impacts of natural disasters.
9. Continue to respect and utilise the expertise of Aboriginal and Torres Strait Islanders.

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

It feels like the EPBC is the only safeguard the only Australian environment has against irresponsible governance and the prioritisation of profit. Please, in this review, recommend all aspects that could strengthen this protection and do everything you can to communicate the reality that the need for more sustainable environmental practises at every level of Australian society, government and business is not just a good outcome, but the only outcome that will ensure a future for Australia. Please take politics out of the scenario and give the power to science.