

# SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XY8M-3

## Name

Angela Rossen

## State or Territory

Western Australia

## Areas of Interest

The objects of the Act; Threatened species; International obligations; 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; Wildlife trade; Commonwealth national parks; Nuclear; Water;

## Attachment provided

Yes

## 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?**

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**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?**

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

please see my attached document

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

please see my attached document

**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?**

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**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?**

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

please see my attached document

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

please see my attached document

**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?**

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**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?**

please see my attached document

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

please see my attached document

**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?**

please see my attached document

**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?**

please see my attached document

**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?**

please see my attached document

**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?**

please see my attached document

**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?**

please see my attached document

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

please see my attached document

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

please see my attached document

**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?**

Indigenous Australian traditional knowledge should be included in environmental management and ranger programs should be fully funded to ensure that indigenous communities are part of the management solution through delivery of environmental services.

**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?**

Yes community should be part of the decision making process in such a way as to represent community values for both the particular community and the broader community.

**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?**

We need to set up an independent Federal Environment Protection Agency to act as watch-dog over government, and ensure our laws are properly enforced. This watchdog has to have powers. It must not be bullied as the EPA in WA has been by the state government and wealthy For Profit extractive industries with disproportionate influence over government. People and environment must be the first consideration before profit. The Revised Act must have the power to oversee compliance and enforcement and of its environmental protection rules.

**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?**

Please see my attached document

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

Please see my attached document

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

Please see my attached document

**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?**

Please see my attached document

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

People and the environment must be prioritised over profit.

Corporate entities must not be permitted to intimidate government and communities in the decision making process.

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

No the Act as it stands is manifestly inadequate.

Please see my attached document

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

Not well at all. It is a piecemeal threadbare arrangement that can be over ridden and ignored at will by politicians having discretionary powers to ignore scientific recommendations and community considerations.

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

No as it stands it is insufficient to address future challenges. The very fact that it doesn't even mention climate change shows it is completely out of date and wilfully ignoring the greatest threat we face as a species.

It is a piecemeal threadbare arrangement that can be over ridden and ignored at will by politicians having discretionary powers to ignore scientific recommendations and community considerations. There is no overarching authority that oversees the management of the environment. This has to be changed. Please see my attached document.

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

Please see my attached document

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

Please see my attached document

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

Once we have destroyed the very natural systems on which we rely we will not be able to get them back.

We have just this one chance right now to create a framework with which to really protect nature. There is not a moment to loose.

**ATTACHMENT**

**Additional information was provided as an attachment to this submission. The attachment is provided on the following pages of this document.**

Regarding the 2020 EPBC Act Review  
Submitted 16/4/2020

Dear Professor Samuel and the Independent Review Panel,

Please accept this as my submission for the 2019/2020 Independent review of the EPBC Act. I am concerned that the current EPBC Act clearly does not work as it was intended and has allowed successive state and federal administrations to preside in an ad hoc way over environmental destruction. The current EPBC Act needs to be completely redesigned. It is chilling that senior policy makers regard this review as a way to cut so called "green tape". This is not a time to relax environmental protections. This is the time to be putting into place protections that can be relied on to protect the natural world. Once we have destroyed the natural systems on which we rely there will be no way of putting them together again. This is the time to conserve, remediate and protect to all future generations.



I am a Mother, one day I will be a grandmother. I am an Artist who paints nature, especially the ocean. I have grown up in nature, swimming in the ocean, walking in the woodlands, photographing and drawing wildflowers on the escarpment, painting the plants and animals of the near shore marine environment. My life and work is in nature. I know that the destiny of our species is completely dependent on the health of the natural world. If we continue to damage the natural world, where will we get our food, shelter, water and air to breathe? I work with scientists from three different research institutions, educational institutions, local government and community groups to engage children and their communities with the natural world.

I am worried that the rate of environmental damage that is permitted will mean that my grandchildren, your grandchildren and all future generations will inherit an environment that is a

mere shadow of that in which we grew up. That Koalas and other endemic Australian species are hurtling towards extinction is devastating, particularly knowing that it does not need to be so.



I have snorkelled the southwest coast of Western Australia for my entire life. I have photographed the marine and animal communities of this lovely temperate zone. I am devastated to see the unmitigated effects of human impacts on the marine plant and dependant animal communities. On land I have been involved in arguing the case for preservation of precious remanent wetlands, rangelands, waterways and woodlands. How is it that people like me must stand up to an uncaring administration hell bent on destruction for the sake of transient profit? There is plenty of evidence in the literature that good mental health depends on having access to nature. This is not the prerogative of the wealthy, it is the birthright of every Australian.



*I would like to make the following proposals for the improved effective reworked EPBC Act*

- After Covid 19 and the terrible bushfires of the 2019/20 summer, Australia cannot return to business as usual. The same laws and policies that have failed wildlife over decades and done little to address the climate crisis can't be relied on to help us recover after the bushfires. The new EPBC Act must ensure that planning and environmental decision making does not disproportionately privilege the requirements of commercial entities who stand to gain by destruction of the natural environment.
- Australia needs to create a new National Environment Act that enshrines Federal Government leadership over nature protections, contains real safeguards against extinction, including ending the destruction of endangered species habitat, and sets out clear rights of

appeal and consultation for communities. This act cannot permit discretionary powers of ministers to override scientific recommendations and community concerns.

- As it stands the EPBC Act is manifestly inadequate to protect the environment of our country. Australia has the greatest number of species extinctions globally, a clear indication of the failings of the current act. Australia needs to develop and implement recovery plans for threatened species, which the Act has clearly failed to do in its 20 years. It is a matter of shame that Australia is the country with the greatest number of extinctions in the world.
- Australia needs to establish an independent National Environment Commission to ensure we develop a fit-for-purpose, coordinated national (state and federal) system of environmental protections and policy responses necessary to support restoration of our environment to health and ensure regulatory resilience to future impacts, publicly report every year on the impact of conservation action and funding, and show clearly whether natural values are recovering.
- In its present form the EPBC Act makes no reference to climate change. Climate change is the single greatest threat that we face. We need to build resilience into the shared natural places that are set aside as refugia for wildlife. Consideration for the challenges climate change presents should be the fundamental starting point for all environmental management going forward.
- We need to set up an independent Federal Environment Protection Agency to act as watchdog over government, and ensure our laws are properly enforced. This watchdog has to have powers. It must not be bullied as the EPA in WA has been by the state government and wealthy *For Profit* extractive industries with disproportionate influence over government. People and environment must be the first consideration before profit. The Revised Act must have the power to oversee compliance and enforcement and of its environmental protection rules.
- The new EPBC Act must ensure that sufficient state and federal funding is put in place for people and resources to study, monitor and conserve natural places so that intact systems are protected and damaged systems can be remediated. For too long the government has systematically underfunded the NRMs and thrown the bulk of the remediation work onto volunteers. This is not sustainable. The new EPBC Act must be able to oversee effective management of our natural environment for all future generations.
- The new EPBC Act must enshrine a central role for community, with guaranteed rights and participation in planning and decision-making.

Thank you for your consideration of my submission, if you wish to contact me about the contents of my submission my contact details are below.

Yours sincerely  
Angela Rossen

Mobile [REDACTED]

<https://vimeo.com/angelarossen>