

# SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XZ5G-U

## Name

Andrew O'Dea

## State or Territory

Victoria

## Areas of Interest

Threatened species; Matters of National Environmental Significance; Environmental Impact Assessments; Great Barrier Reef; Cumulative impacts; Climate change; Compliance and enforcement; Decision making; Biodiversity; Conservation; Commonwealth national parks; Water;

## Attachment provided

No

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

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

## SUBMISSION RESPONSES

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

I work as an engineer in design and manufacturing. I have worked in the renewable energy sector and in the defense sector. I have never witnessed a project or proposal conducted with absolute care for the environment. Always, profit is number 1. The renewables projects I have worked on have aimed to reduce environmental impact and were run with reasonable consideration for the environment, but environmental damage always occurred and environmental regulations were not always followed. Defense projects I have been involved in also considered environmental damage as dictated by the law and since the projects were government sponsors, short-cuts were avoided. However, as the significance of these projects was considered high, exemptions were often given.

The global population is now approaching 8 billion people. I have seen very few examples of corporations acting to conserve the natural environment. Particularly regarding development companies, the view is that development in place of environmental conservation is more important to the population. This can always be traced back to greed and profit and rarely fits with the view of the community.

I have to donate to non-profit environmental organizations to ensure even the federal government follow existing acts of parliament. It is clear that who ever thinks the current outdated regulations extend too far is thinking only of their back pocket, including some of our politicians. Two recent examples are the Adani Coal mine and the deep water drilling of the Bight for oil - even after BP's

deep water horizon oil spill.

Individuals and corporations have proven that they cannot be trusted to act according to the future sustainability of this planet. Stringent environmental laws must be implemented and enforced to control 'development', resource extraction and primary industry.

**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 is a misnomer. Developments are rarely sustainable. Even if local impacts are considered, there is still resource extraction, oil consumption, and waste associated with all developments. The measure should be level of destruction.

Regarding the idea of triple bottom line (environmental, social and economic factors): I have seen this paid lip service on all projects I have been involved in, but the social and environmental factors are only placeholders to claim that a triple bottom line assessment has been made. Often they are adjusted to suit the economic factor. I do not see any way for the environment to be considered unless it is given a dollar value - such as via a carbon trading scheme; or, by governmental restrictions.

I have never seen a cost benefit analysis that is long term or broad enough to consider environmental impacts. What is the cost benefit analysis of a Great Barrier Reef catamaran operator stopping his tours? He uses thousands of litres of diesel every day, and brings vast numbers of people to those natural areas. He also may make people aware of what it is we wish to protect. A simple financial tool is not the tool to use for limiting environmental destruction.

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

Generalities are much easier for creative lawyers to skirt around. Our environmental concerns are much much more specific and important than they have been, due to the increased pressure brought on by the increasing population and decreasing resources, arable land and natural habitat. Anything that can be made more specific should be more specific.

Updates regarding specific elements of climate change and specific measures and controls to help reduce climate change inducing behavior should be included.

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

Control of the federal government over matters of national significance should be expanded and strengthened to allow consistent nation wide control and protections.

Federal government should ensure protection of water resources; critical water catchments; areas of significant biodiversity; and wildlife protections and recovery schemes. Deforestation is a major driver of biodiversity and wildlife destruction, as well as in reduction of arable land, and requires major improvement and control at the federal level.

Controls over waste and pollution should be bolstered and controlled at a federal level.

**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?**

Large scale land clearing continues in Australia, and along with clear-fell logging of natural bush land, is number one on my list of obvious failures to control environmental degradation. This has been reported by the government as a key driver for moving numerous species onto the endangered list.

I remember traveling into a world heritage area in the south west tasmanian wilderness, to find a logging coop just after the world heritage old growth rainforest sign. The state government had managed to annex a section of the world heritage area forest for logging for paper pulp. This was a clear failure of environmental regulation.

Expansion of our population into natural areas needs to be heavily regulated or as always, we will use it all up and there will be no sustainable areas of natural habitat left. A trip through France or Germany or England shows what happens to wild areas if population is left to consume all of the useful land.

**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?**

It seems that the EPBC has been mostly unsuitable at providing protections for the environment and useful guidance to people for and against protecting the environment in the name of profit or commercial development. We have only seen an overall increase in significant environmental degradation, and where improvements have been made, they have had to be fought for with sometime lengthy legal procedures.

It is a critical time to develop a completely revised act focused on giving clear and firm guidance on the environmental concerns of today, learning from the obvious failures of the existing act to protect the environment and to provide guidance to interested parties.

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

I trust that there is sufficient current information forecasting future trends that if the commonwealth provides proper funding for investigations, sufficient current information will be included.

Obviously current scientific data is to be included regarding current forecasts for climate change damage and effects.

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

Should the EPBC Act do what it is supposed to do? Yes, it should regulate environmental outcomes rather than providing a process to be followed.

There is evidence from many environmental groups, commonwealth reports and project developers that clearly show the act is a hindrance to projects, provides little guidance, and can be modified to suit certain interests, if enough time is willing to be wasted.

**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?**

The commonwealth must take a much stronger role in delivering outcomes, or protecting the environment, if we are to have much left of it in the next 20 years. Australia is a hot spot for deforestation - up with Borneo - and species extinction. At least a well funded Environmental Protection Agency and preferably an additional independent institution is needed to oversee and enforce regulations.

At present the only people doing any work on this are an underfunded and merged Department of Energy and Environment (why are these two side by side, with conflicting interests), some park rangers, and non-profit groups. Laughable considering the current state of the environment.

**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?**

The commonwealth should greatly increase their monitoring and assurance role. Currently there is little to no monitoring of effective implementation of controls. Industry does not provide suitable resources or commitment to properly follow environmental standards, and it is left to the individual and non-profit groups to do any monitoring. This can be seen by the number of submissions from interest groups regarding degradation of environment and monitoring of flora and fauna populations. Governmental resources should be increased and expanded to take care of this work outside of mostly volunteer groups.

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

Restoration of damaged ecosystems is an easy solution to our problems. We have the capacity to quickly recover lost ground through relatively low cost rehabilitation work. The act should focus as much as possible on restoration as an easy way to minimize environmental losses as well as losses to arable farm land.

Any proactive environmental protection should be incentivized. I come from a farming background and know that farmers mostly degrade the environment, but most of them don't want to damage the environment and are prepared to protect the environment if incentivized. There is an organisation called 'Tree Project' that was growing trees on mass for free, for land holders to plant. This could sort of thing could easily be leveraged on.

If the Commonwealth expanded government involvement in restoration, metrics could easily be monitored to gauge success.

**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 do not know about heritage management plans so will not comment.

I do not understand how a values based system of indigenous place protection operates so will also not comment.

**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?**

no comment

**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?**

no comment

**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?**

no automatic approval process should be in place where there is a suitable body dedicated to administering the act.

**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 fragmentation is a key driver of species loss. Landscape scale management would automatically ensure species specific protections.

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

no comment

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

no comment

**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?

Good luck with that. How much knowledge has been lost so far? Vast amounts I'd say. What ever can be captured would need to be captured by a well funded independent group.

**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?**

no comment

**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?**

no comment

**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?**

no comment

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

no comment

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

no comment

**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?

no comment

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

no comment

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

From accounts of conservation groups and of developers, the act has not been delivering. The act has not allowed proper conservation of the environment, and has wasted time of developers in moving through what seems like an arduous process.

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

Reports indicate that there is no clear administering body for the act and that responsibility for its administration is frequently moved about, to suit either the administrator or the interested party. It sounds like it is being administered poorly due to lack of clear guidance, direction and of a dedicated body.

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

Even if the act was a suitable control, which it is clearly not, it would be outdated with the current climate change crisis. The act is not sufficient to address conservation challenges alone. It is certainly not sufficient to address climate change challenges and in particular those relating to impacts on farming and food production.

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

no comment

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

no comment

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

Sorry i got to this so late and was not more complete in my response.