

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XQMU-R

Name

Heather Beamish

Organisation

ACF Community Tasmania South

State or Territory

Tasmania

Areas of Interest

The objects of the Act; Threatened species; International obligations; 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; 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

This submission was provided as an attachment only. The attachment is provided on the following pages of this document.

ACF Community Tasmania South

Independently organised ACF group

Dear Professor Samuel and Independent Review Panel

In response to **Question 1.** of the Independent Review, our group is ACF Community Tasmania South, an independently run group in support of the **Australian Conservation Foundation.**

Thank you in advance for considering our submission into the 2019-2010 Independent review of the **EPBC act.**

Our group was formed last year when concerned people in Hobart had a meeting to discuss our concern for the environment. There are now 135 people who are supporters and members of our group.

There was a lot of passion and love expressed for our Tasmanian environment we live in. We would like to see our environment pass on to future generations in at least the state it is now, if not better. A common point made by people was their perception of a worsening environment and their feeling of powerlessness in the face of Government and business entrenched economic positions.

Our members have varied concerns about the environment, ranging from climate change, habitat loss, feral cats, native forest logging, just to name a few. The common element is that our members think that all these environmental problems are getting worse.

As a group living in and loving Tasmania, we think we are qualified to speak of how we see our environment.

Speaking of the last ten years where the current EPBC act has been in force, we have seen:

- Fires in forests that have not seen fire before and may not regenerate.
- Logging of high value conservation areas and old growth forests
- The endangered Swift Parrot and Orange bellied parrot are closer to extinction
- The facial tumour disease in our iconic Tasmanian Devil.
- The ongoing loss of our Wombats from Mange
- Other endangered species such as the giant freshwater crayfish
- A warming of the sea off the East coast of Tasmania, causing loss of our kelp forests.
- Invasive marine species competing with native species.

We would like to have an **Environmental Act** that would be able to address these and other problems. For our submission we will address both our **ACF Community Tasmania South** views on the Act and the views of the **Australian Conservation Foundation** to which we support. Locally we have chosen **4** areas of interest related to the EPBC Act Discussion Paper. [Independent Review of the EPBC Act](#)

ACF Community Tasmania South

In our home of Tasmania, these are the issues that our ACF Community Tasmania South are concerned about:

1. Climate Change
2. Deforestation and Bushfires
3. Extinction of threatened wildlife, flora and fauna
4. Impact on Communities

Climate change

We support action on Climate Change in turning things around and preventing further degradation, not just in Tasmania, but in Australia, and the rest of the world.

Tasmania's temperature is projected to rise by approximately 2.9°C under the Intergovernmental Panel on Climate Change (IPCC)'s 'high emissions' scenario, and by approximately 1.6°C under the 'low emissions' scenario. [Predicted changes to Tasmania's climate - Tas Gov.](#)

Australia is already performing poorly on Climate Change and needs to change its approach to reach the recommendation to stay within 1.5 degrees C made by the International Panel of Climate Change. <https://climateactiontracker.org/countries/australia/>

Deforestation and Bushfires

Our State Government has abandoned the Forest Agreement reached with the previous State Labor government and the Forestry Industry and Environment Movement. **The EPBC Act** is powerless to protect Tasmania's forests. [Abandoned: Australia's forest wildlife in crisis](#)

The 2018–2019 bushfire season was the second-largest on record in Tasmania, with over 205,000 hectares burnt. There were also devastating bushfires in 2012–2013 and 2015–2016. **Many of the fires were ignited by dry lightning.** Drought conditions mean that Ecosystems normally too wet to burn are catching alight. [Special Issue - Bushfires in Tasmania](#)

This, added to the trauma of the 2019-2020 bushfires on the mainland is an indication that Climate Change is a key concern and should be a priority in Environmental Law. [Catalyst - Tassie Fires](#)

Extinction of threatened wildlife, flora and fauna, and ecosystems

In Tasmania, there are many threatened wildlife, flora, fauna, and ecosystems including:

Animals

Nearly 1 in 3 of our unique mammals is at risk of extinction! In Tasmania, many including the Swift parrot, the Orange bellied parrot, the Wedge tailed eagle, the Giant freshwater crayfish, The Spotted Hand fish, the Tasmanian devil, and Marsupials from toxoplasmosis and mange are at risk. [Tasmanian Government Threatened Species List](#)

Threatened Native Vegetation and Trees

Australia has an estimated 600,000 species of flora and fauna. Of these, about 100 are known to have gone extinct in the last 200 years. [Australia is a global top 10 Deforester](#). Currently, more than 1,770 species are listed as threatened or endangered. In Tasmania, the Miena Cider Gum is just one of the Native trees under threat.

The Derwent Catchment Project States: 'The Miena Cider Gum is listed as critically endangered under the Commonwealth threatened species legislation. The main threats to this species are drought, animal browsing, inappropriate fire regimes, habitat fragmentation, climate change and land clearing. It appears that all of these factors combined are responsible for the decline observed in the species over the last 20 years'. [The Derwent Catchment Project](#)

There are too many other threatened Native Species in Tasmania. Action needs to occur now to protect our environment. These may be viewed at the following link. [Local Government Areas: Threatened Flora Lists](#)

Kelp Forests

Increased East Coast ocean temperatures have devastated the crucial giant kelp forests, and enabled the invasion of the long-spined sea urchin and created urchin barrens. This is likely a result of man-made Climate Change.

[The waters off Tasmania's east coast are warming up to four times faster than global average](#)

Impacts on communities

Many, many Australian citizens who were not directly impacted by our recent fires also experienced extreme stress & emotional trauma at the horrific loss of fauna and fauna. We watched day after day the deaths and injuries to our beloved wildlife and the destruction of our forests - our forests which were burnt at such a high temperature that they may never recover. We watched places that have never burned, Burn. We watched people lose their homes, their livelihood, their livestock, their pets. Some also lost family members and friends. Town after town saw so much of their infrastructure and historic buildings burnt to the ground. We watched day turn to night.

We saw our biggest city, Sydney, and our national capital, Canberra, choke with smoke. We noted all those who required hospitalisation for smoke related health problems. Due to the high pollution level (the highest in the world, some days) people could not go to work or school. People were advised to stay inside.

Not giving environmental concerns top priority does not make economic sense. Research from organisations such as Climate Works Australia, points towards renewable solutions to improve both the economy and environment such as electric vehicles, solar energy, and clean food production. [Climate Works Australia](#). Furthermore, a healthier environment and economy contributes to healthy and resilient citizens.

We acknowledge that while there is no established direct link between covid-19 and climate change, the way we are altering the planet will make the spread of some diseases more likely as discussed in a recent article from the New Scientist. [We can't lose sight of the climate emergency when dealing with the covid-19 pandemic](#). In dealing with flattening the curve with the Covid-19 Pandemic, we also have a chance to flatten the curve on Climate Change!

The Independent review of the EPBC Act

We Support the position of **the Australian Conservation Foundation** which has addressed the following three questions from the Independent Review as follows:

1. What are the priority areas for reform?
2. Is the **EPBC Act** delivering what was intended in an efficient and effective manner?
3. Is the **EPBC Act** sufficient to address future challenges? Why?

1. What are the Priority areas for reform? We support the position of the Australian Conservation Foundation as stated below in answers **a), b), & c)**:

a). National leadership

The Australian Conservation Foundation states: “There is a clear and essential need for national environment laws that ensure the federal government leads on the protection and recovery of our environment and cultural heritage. In Australia it is unclear who is ultimately responsible for ensuring our environment is managed well. The current system distributes responsibility across the federation, but no one jurisdiction is charged with coordinating efforts to protect our environment’. acf.org.au

‘The **Federal government** should retain responsibility for **Matters of National Environmental Significance**, and expand national oversight to’:

- ‘Guarantee the identification and protection of critical habitats for threatened species and the mandatory implementation of wildlife recovery plans and threat abatement plans.
- Provide national protections for water resources and national parks and reserves.
- Provide for the mitigation and adaptation to climate change, including a national climate trigger.
- Create a new classification for Ecosystems of National Importance that are essential for people and nature, such as critical water catchments, key biodiversity areas and climate refuge habitat.
- Implement controls on deforestation and mandate incentives for land managers who are willing to protect and restore natural ecosystems on their properties.
- Provide for emergency listings and protections for wildlife and heritage places that are subject to damaging events, such as the current bushfire crisis.
- Ensure binding national standards are set for air pollution and plastic pollution
- A new national environment act should provide the federal government with all the powers it needs to actively protect and manage Australia’s environment. This includes:
- Ensuring the federal government retains primary regulatory responsibility for an expanded list of matters of national environmental significance.
- Giving the federal government power to set binding national standards and objectives that all states must comply with’.

acf.org.au

b). Independent and Trusted Institutions - We Support the view of the Australian Conservation Foundation as stated below:

The Australian Conservation Foundation states: ‘A key failure of the **EPBC Act** has been the current governance arrangements. Effective new national environmental laws should’:

- Establish new institutions to protect and manage Australia's precious wildlife
- **Establish an independent National Environmental Protection Authority** to administer national environmental law at arm's length from the government. A national EPA is essential to restoring integrity and improving transparency of environmental decision making under national law.
- **Alongside an independent federal EPA, establish a National Environmental Commission** to monitor trends in environmental health, set national standards and undertake bioregional planning so that we more effectively deal with the cumulative impacts on our natural environment and cultural heritage.

acf.org.au

c). Community rights and participation

The **Australian Conservation Foundation** states: 'Australia's environment impacts all of us and Australia's citizens have a right to be involved in all decisions that affect the use and health of our environment. Our national environmental laws should':

- Provide for community access to justice, including ensuring open standing and merits review for environmental decisions, and providing for third-party enforcement rights to hold regulators to account.
- Ensure the mandatory disclosure of all decision making information and open access to environmental decision data.
- Guarantee accessible and open community consultation processes for environmental decision making.

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2. Is the EPBC Act delivering what was intended in an efficient and effective manner? -

No. We support the position of the Australian Conservation Foundation below:

The **Australian Conservation Foundation** has given examples of where it sees the EPBC Act to be failing. Please see evidence below to which our **ACF Community Tasmania South group** supports:

- 'Australia leads the world on mammal extinction. We have experienced three animal extinctions since 2009, including the first made extinct by climate change' (the Bramble Cay Melomys) [Australia's faunal extinction crisis 3 April 2019](#)
- 'Since the EPBC Act came into operation, 7.7 million hectares of threatened species' habitat has been destroyed'. [ACF Fast Tracking Extinction Report](#)

- 'Australia is the only developed nation identified as a global deforestation hotspot'. [WWF Living Planet Report](#)
- 'The 2016 State of Environment report highlighted that the outlook for Australia's biodiversity is "poor and worsening' [Australia State of The Environment 2016](#)
- 'Only five critical habitats have been protected in the past 20 years of the EPBC Act'. [ACF Critical Habitat Report 2018](#)
- 'Our emissions continue to rise and we are failing to take sufficient action on climate change to meet our Paris targets'. [ACF - Australia's National Greenhouse Gas Inventory 2019](#)
- 'The federal environmental department has been hit heavily by budget cuts, leading to extended delays and poor decision making under the EPBC Act'. [Environment spending in Australia](#)

3. Is the EPBC Act sufficient to address future challenges? Why?

No. We support the views of the Australian Conservation Foundation as follows:

The Australian Conservation Foundation States: 'While there are some good elements of the **EPBC Act**, ACF is of the view that the legislation has failed to deliver on its intended purpose and is not fit for the significant environmental challenges we face'.

'A significant overhaul is needed and we do not think this can be achieved by amendments to the **EPBC Act**. Instead, a new generation of strong environment laws and institutions are required that genuinely protect our rivers, reefs, forests and wildlife, increase biodiversity and regulate pollution. A new adequately resourced legal framework would guarantee environmental decisions are transparent and that governments and vested interests could be held to account when they fail to meet their obligations'. [Acf.org.au](#)

Conclusion

The environment and wildlife facing extinction are a vital part of Tasmania Eco-Systems and are emblematic to Tasmania. Our environment is precious. We understand that actions over which Australia has no direct control contribute to global climate change, as we do, but we also understand that every nation needs to do all it can to reduce carbon emissions and to stop Climate Change from worsening. Australia is currently not meeting its commitments in line with the rest of the world. An independent National Environmental Protection Authority could change the current decision making processes. Additionally, not giving environmental concerns top priority does not make economic sense for Australia. We have a chance to flatten the curve of climate change because if we don't our planet will possibly not be able to sustain us.

Thank you for your consideration of our submission, if you wish to contact us about the contents of the submission we can be reached at ACF Community Tasmania South.

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