

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XQQV-W

Name

Anonymous

State or Territory

New South Wales

Areas of Interest

Threatened species; International obligations; Indigenous Australians; Matters of National Environmental Significance; Climate change; Nuclear;

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.



Professor Graeme Samuel AC
EPBC Act Review Secretariat
Via email: epbcreview@environment.gov.au

April 16, 2020

RE: Submission regarding the Discussion Paper in to the Independent Review of the EPBC Act

Dear Professor Samuel AC,

Thank you for the opportunity to participate in the review of the *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act). 350.org Australia is a registered charity, and our charitable purpose is to inform and educate the general public about climate change and its impact on the natural environment, and encourage research into climate change. We are building a grassroots movement to stand up to the fossil fuel industry, and support a just transition from coal, oil and gas to a renewable-energy future for all.

Below are answers in response to the questions raised in the Discussion Paper, and on changes that should be made to the EPBC Act beyond the scope addressed by the Discussion Paper.

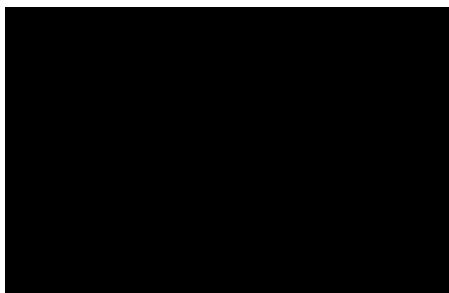
- **Question 4 regards Matters of National Environmental Significance (MNES).** MNES should be maintained in their current form and expanded to include a new trigger regarding projects that have significant greenhouse gas emissions. Climate change has been listed as a key threatening process to biodiversity for nearly 20 years and yet our regulatory system has failed to appropriately assess the greenhouse gas emissions of projects. This new trigger should include assessment of scope 1, 2 and 3 emissions, and provide the opportunity to reject projects with climate impacts that are not in keeping with Australia meeting the goals of the Paris Agreement to limit warming to below 1.5 degrees Celsius. The new trigger would also allow regulators to impose strict conditions and limits on projects to reduce their greenhouse gas impacts.
- In response to **Question 6**, the implementation of the EPBC Act and the continued rise in species on the threatened species list demonstrates that the Act does not provide sufficient protection for Matters of National Environmental Significance. The extinction of the Bramble Cay melomys is a prime example of this failure. The *State of the Environment Report* (2016) makes it very clear that most jurisdictions in Australia recognise that the “...status of threatened species to be poor and the trend to be declining¹.”

¹ State of the Environment 2016 Report to the Australian Government, ‘Overview’, at <https://soe.environment.gov.au/theme/overview>

- **Questions 14, 17 and 24** regard the use of **biodiversity offsets** and the role of different levels of government. The use of **bilateral agreements** which allow certain industries and activities to be exempt from the EPBC Act undermines the usefulness of, and the communities faith, in the Act. The accreditation of offset schemes for coal mining projects and native forest logging are two examples of where this occurs to the detriment of our environment, climate and communities. The Act must not permit the biodiversity offsetting of impacts on critical habitat, endangered or critically endangered species and ecological communities under any circumstances. Offsets should not be available for future mine remediation due to lack of evidence of its success.
- **Question 18 refers to self-regulation.** Self-regulation should be avoided under the EPBC Act given the significance of the environmental and social values that are at risk from cumulative non-compliance. Self regulation regimes do not have adequate scope to address cumulative impacts, and self regulation would require a very significant investment in monitoring and enforcement which is reliant upon large allocation of resources year on year, which is unlikely. For the community to have any faith in the Government's commitment to the EPBC Act the role of self-compliance must not be expanded.
- The recognition of **Land Rights for Aboriginal and Torres Strait Islander peoples** is not adequately reflected in the current EPBC Act. Genuine Free, Prior and Informed Consent and self-determination for Traditional Owners regarding proposals and projects (particularly mining projects) on their land should be an essential component of a revised EPBC Act.
- 350 Australia recommends that the revised EPBC Act maintains and strengthens the prohibition on domestic **nuclear power**, enrichment and reprocessing.

Thank you for the opportunity to provide comment on this important Discussion Paper. Please contact Lucy Manne, CEO, 350 Australia on lucy@350.org.au if you require any further information regarding our submission.

Yours sincerely,



350 Australia