

# SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XY2D-M

## Name

Alex Wylie

## State or Territory

Tasmania

## Areas of Interest

The objects of the Act; Threatened species; Indigenous Australians; Environmental Impact Assessments; Climate change; Compliance and enforcement; Biodiversity; Conservation; 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 think it did not go far enough to enforce matters of national environmental significance

**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?**

Consider long term effects of resource exploitation on future generations. Also need to consider economic affects of climate change (more extreme weather events requiring greater infrastructure, damages, fires effects on economy, etc)

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

They should be enforced and not have loop holes such as the Regional Forest Agreements.

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

Greater and more thorough endangered species habitat protection. Consideration of carbon emissions economic, social and environmental impact from Climate change.

**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?**

Ensure that there are no loopholes such as the RFA. Industry should not have short cuts at the expense of the environment. It should focus on assessment and approval processes which are actually valid and accountable. Biodiversity conservation should be applied where appropriate and ensured that this cannot be removed from other acts and agreements.

**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?**

The EPBC act is ineffective in the forestry aspect for protecting endangered species habitat due to the regional forest agreements, which essentially are loopholes and make the EPBC act void. Also, the Forests Practices Authority and their Officers are intertwined with the industry and susceptible to 'mistakes' for the benefit of the industry.

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

Carbon emissions should be cut back and the trend of economic impact of the increased natural disasters from more extreme weather should be included when considering approvals of coal mines etc.

Endangered species population trends should be considered with logging of their habitat. I am aware that this is included but the RFA effectively enables forestry to log old growth habitat.

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

It should do both. Environmental and heritage outcomes are measurements of the effectiveness of managing prescriptive processes. The problem here is that some industry is intertwined with our government and expects everything to be fast tracked at the cost of the environment. The problem is not the procedures, it is the nature of the situation ! Industry should not be the priority of our government, the care and well being of communities and our habitat should be.

**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?**

YES. An independent reviewer should articulate the outcomes (WITHOUT industry or political ties, preferably with scientific background). At the moment the EPBC Act is essentially just guidelines. It needs to be more strongly enforced. Outcomes should be measured by KPIs, and in the long term by observing positive effects on trends (decreasing carbon emissions, population growth in endangered species, etc)

**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?**

Policies should be binding otherwise the industry will just do whatever they want and not be held accountable. Target standards should be expanded to include all environmental impacts. The Commonwealth should monitor the effectiveness of the act and do compliance checks.

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

Before the EPBC act focuses on restoration or incentives, it needs to be effective in preventing and decreasing the rate at which we are destroying the environment. The Act should monitor the aforementioned trends to ensure it is effective, and also monitor compliance failures. Indigenous land management should be done in liaison with indigenous communities.

**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?**

No, fines and enforcement of regulations are proper incentives. The EPBC Act should ensure that indigenous culturally important places are returned to the traditional custodians for management.

**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?**

For non-controversial applications, strategic assessments can be used. For applications where there is an inherent risk of environmental degradation, of course case-by-case assessments should be conducted. They should be conducted by an independent reviewer without industry ties.

**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?**

Yes they should be held to state and federal standards. For example, the regional forest agreement which is state based completely undermines the EPBC Act.

**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?**

They should be fast tracked but not automatically approved. A national environmental database should be included for transparency. All data from environmental impact assessments should be made publicly available for transparency.

**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?**

Both. Specific landscapes are inherently related to the species. Old growth forests provide habitat for a range of endangered species (swift parrots, masked owls, etc).

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

Only where applicable. The EPBC act needs to fulfill its current aims - that is environmental protection - before it tries to broaden. More will get through the cracks if it takes on more processes.

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

No. Some communities lack the foresight and responsibility to manage their land for the benefit of future generations.

**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?**

It should empower them and give them an authoritative role in any development processes. We need requirements of more unbiased community consultations (so not the brain washing that happened before fracking started in the NT). More accountability for failures to act with the best interest of the indigenous community. Stricter guidelines with fines and real punishments for non-compliance.

**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, INDEPENDENT community representation (community groups etc) should be OBLIGATORY included in the environmental advisory and decision making bodies.

**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?**

Decision makers under the EPBC Act should be independent from industry and government.

**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?**

Ensuring that there are not loop holes which make the EPBC act void would significantly improve its effectiveness.

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

Should include one on holding industry which degrades our environment accountable. They are not guidelines.

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

No it is a token piece of legislation which annoys industry a little bit without actually stopping them degrading our environment. It needs to be more rigorous in holding industry accountable.

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

Very poorly. As an example, the regional forestry agreement completely undermines the EPBC act and allows forestry to log the habitat of critically endangered species.

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

It is a step however we need independent reviews and to segregate industry and government. Stop industry donations to political parties would be a much bigger step in addressing future challenges.

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

Improving transparency in the application stage. Holding industry accountable which fails to comply with environmental regulations. Stop putting profit over our environment.

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

Needs to take precedence over the regional forest agreement and protect our carbon stores and endangered species habitat !

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

The rate at which we are consuming our nations resources