

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XZ2W-8

Name

ALAN YUILLE

State or Territory

New South Wales

Areas of Interest

The objects of the Act; Threatened species; Indigenous Australians; Heritage; Great Barrier Reef; Cumulative impacts; Climate change; Compliance and enforcement; Decision making; Public participation in decision making; Biodiversity; Conservation; 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 27: Is the EPBC Act delivering what was intended in an efficient and effective manner?

No.

We have a terrible rate of extinction of known animals and plant species. There are still species and communities un recorded .

Short term economic development is still given priority over long term good management

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

No.

The present act does not address climate change.

The present act does not emphasise the Precautionary Principle above vested interests' short term profits .

QUESTION 30: What are the priority areas for reform?

see attached submission

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

see my attached submission

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

Establishing Independent body(ies) to review administration of the Act. Set up an independent Environment Protection Authority to ensure that present and future governments, Federal, State, and Local observe the laws and regulations

ATTACHMENT

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

SUBMISSION TO THE ENVIRONMENT PROTECTION and BIODIVERSITY CONSERVATION ACT REVIEW PANEL, 2020. From Alan Yuille

Dear Professor Samuel, and the Independent Review Panel,
I wish to make my submission to the independent review of the E.P.B.C. Act.

WE NEED AN ACT WHICH LEGALLY BINDS GOVERNMENT TO PROTECT THE ENVIRONMENT

I believe the present Act fails to legally oblige government, at all levels, Federal, State and Local, to protect Australian natural and cultural environment, especially in matters of National significance.

The present Act is not effective.

LAWS TO REDUCE RATES OF EXTINCTION

Australia has a very high rate of extinction of native fauna. Federal laws should enforce actions to prevent extinctions. Vertebrate and invertebrate species, and their communities risk extinction before being recorded.

The impact of feral animals and plants must be recorded then reduced.

LAWS TO PROTECT SITES OF SCIENTIFIC OR CULTURAL IMPORTANCE

Sites of national or global scientific interest must be protected as soon as recorded rather than allowing commercial interests to destroy or devalue them. For example, the Minister has not yet used her powers to protect the 3.8 billion years old stromatolite site in Pilbara near Marble Bar.

CLIMATE CHANGE MUST BE ACKNOWLEDGED, ACTIVITIES EXACERBATING GREEN HOUSE GAS ACCUMULATION MUST BE PROHIBITED.

A NEW ACT MUST ADDRESS THE ISSUES OF CLIMATE CHANGE, AND THE EFFECT OF CLIMATE CHANGE ON SPECIES, HABITATS AND COMMUNITIES.

The dying of the Great Barrier Reef is becoming a National Tragedy, yet the Federal Government is doing little to stop development of coal mines which exacerbate climate change, and global and ocean warming. Governments, State and Federal are allowing port development which will increase siltation and smothering of corals.

The Catastrophic bushfires of this last summer, 2019/2020, will be largely due to climate change, poor Land Use Planning and also to a loss of indigenous knowledge of management of the Australian landscape. Climate change, to which we are major contributors, will make such fires much more frequent. Violent storms and flooding are also likely to increase.

THE ACT MUST ENFORCE THE PRECAUTIONARY PRINCIPLE

The importance of the Precautionary Principle must be recognised then enforced. This should be the basis of any renewed act. At the moment short term economic gains and vested interests would appear to hold sway, for example decisions about the Queensland Adani coal mine, and the continued destruction and death of so much of the Great Barrier Reef (Damien Cave in New York Times, April 6, 2020).

In NSW further Coal extraction has recently been approved under water catchment areas despite scientific evidence of the threats to these catchment areas. Land clearing has increased 13 fold since 2016, due to weakening of land clearing laws and enforcement (Sydney Morning Herald, Saturday 28 March, News page 3).

Strong laws, binding the National Government, will allow or oblige ministers to make decisions that may be opposed by vested interest groups such as mining, gas, oil, logging and unsustainable agriculture, including unsustainable water use, and unsustainable fishing and destruction of oceanic systems.

NEED FOR TRANSPARANCY IN DECISION MAKING and COMMUNITY INVOLVEMENT.

The community needs to be more involved in decision making. Presently vested interests including property developers, miners, have disproportionate access to government while the community remains uninformed of proposals until too much energy and resources have gone into the planning and approval process. The expression of “**Commercial in Confidence**” means the community is being treated as a mushroom.

SET UP AN INDEPENDENT ENVIRONMENT COMMISSION

An Independent Environment Commission should be set up to scrutinise Government decision making and ensure the communities wishes and needs are headed. THE COMMISSION SHOULD BE AT “ARMS LENGTH” FROM GOVERNMENT, to be less influenced by short term politics.

NEED TO LEARN FROM INDIGENOUS WISDOM, EXPERIENCE AND RESPECT INDIGENOUS CULTURE

ABORIGINAL CULTURE MUST BE RECOGNISED AND PRESERVED BY STRONG LEGISLATION

Aboriginal cultural sites are still endangered all over the country. Aboriginal communities lived sustainably in Australia for up to 60,000 years. Cultural sites record the way people lived, appropriate customs and values. They are should give the wider community strategies for long term sustainable land use.

All cultural sites should be recorded and evaluated by Land Councils, Universities prior to any development of these sites.

We are gradually learning about Aboriginal management of country through fire, learning appropriate burning, or not burning, regimes for different landscape communities. Bill Gamage, Bruce Pascoe, Tex Skuthorpe and other writers are gradually informing the

community about Aboriginal sustainable life styles, the role of Art in their cultures and an increasing recognition of the resilience and value of this ancient culture which provides a model for an emotionally rich survival in an often, harsh environment.

MY PERSONAL INVOLVEMENT WITH NATURAL AND CULTURAL ENVIRONMENT.

My interest and passion for the environment goes back to childhood. I grew up at Newport, in the Sydney Northern Beaches. I loved swimming, surfing, sailing and walking in the bush, on beaches and rock platforms.

I now live mostly at Elvina Bay, on Pittwater's Western Foreshores on the edge of Kuringai National Park, where we have a very diverse range of habitats, wild life, and there is much evidence of past Aboriginal living, and art work.

I also spend a lot of time at South West Rocks where we are involved in Bush Regeneration and attempting to set up a Permaculture garden.

MY EDUCATION

I studied Architecture at U.N.S.W., graduating in 1971, I then studied planning, obtaining a Graduate Diploma in Housing and Neighbourhood Planning, U.N.S.W., 1973.

I spent 1973 to 1977, working and studying Landscape architecture in London, then returned to Australia enrolling for a Master of Environmental Studies at Macquarie University, graduating 1984. My research thesis was on **The Biological and Sociological Aspects of Management of Sydney Beaches.**

Most people preferred beaches that seemed to be in a natural condition. They did not want urban amenities , nor active sports happening on the sand. They preferred to relax and contemplate Nature. Unfortunately many Sydney Councils are now hiring out the beaches to commercial sporting interests.

From 1983 until 1986 I was studying for the Landscape Technician Higher Certificate at North Sydney Institute of T.A.F.E., Ryde Campus, graduating in 1987. There I began teaching Environmental Studies and Management, design, conservation, in 1985. Finding I enjoyed teaching I completed my Graduate Diploma of Education in 1987.

I taught at Ryde until the end of 1996, then returned in 2000 to assist teaching a group of Aboriginal students who were looking at placement within the National Parks system.

I learned a lot from my Aboriginal students, especially that our society has not valued their knowledge enough, and we have imposed short term decisions over their traditionally sustainable behaviours. I hope that they also may have learned something useful from me.

CURRENT ACTIVITIES

Now retired, I spend many hours as a bush regenerator. Most of this is on the N.S.W. Mid North Coast, with South West Rocks Dune Care. I also work in Kuringai National Park around Elvina, Lovett and Morning Bays.

Everywhere we work are feral plants and animals, introduced since colonisation. Some weeds, such as Lantana, Bitou Bush, (*Chrysanthemoides monilifera*) were introduced with the belief of economic benefit, soil enrichment with Lantana, coastal dune rehabilitation post sand mining with Bitou. Rabbits, foxes, feral cats, rats and mice, all cause problems with our wild life.

Over the last 25 years South West Rocks Dune Care (SWRDC) with a large group of volunteers from the local community and from Sydney and elsewhere, has managed to almost eradicate the invasive Bitou Bush from about 17 km of coast, South from the mouth of the Macleay River then 2 km South of Smoky Cape Lighthouse.

Most of the land is within Hat Head National Park, some is Crown Land, some is under care of Kempsey Council, and some is Aboriginal land. The landscape varies from Coastal Barrier Dunes, to sub-tropical and littoral rainforests, open woodlands and wetlands.

South West Rocks Dune Care was awarded first place for Coast Care in the National Land Care awards in 2012, partly due to the success in regeneration and partly due to the large number of people from within the local community and volunteers coming from other places to work for a week in the area.

Dune Care monthly Sunday work bees are an important part of the local community calendar. Volunteer groups from outside the area come and usually stay one week each month, enriching and being enriched by the local community

While we are proud of our achievements in the National Park and on some public lands, we are very concerned about the degradation of nearby lands, waterways and the ocean.

ENVIRONMENTAL DEGRADATION IN THE MID NORTH COAST OF N.S.W.

HISTORIC DESTRUCTION SINCE COLONISATION.

Destruction of the rain forests and ecosystems of the region including the Manning, Hastings and Macleay River Valleys has long been documented (ie Baal Bellborra, The End of the Dancing, by Geoffrey Blomfield, 1981). Blomfield records the destruction of the Aboriginal communities, some massacres, in early days of colonisation. Blomfield also describes how low lying riverine areas, rain forests and Eucalypt forests have been replaced by dairy and now beef cattle pastures. The rivers are much changed from the descriptions from early explorers recorded by Blomfield. Judith Wright also documents aboriginal massacres in essays in her book, Born of the Conquerors..

CONTINUING DEGRADATION OF COASTLINE

Now coastal land including hind dunes, some wetlands, floodplains and old growth forests are being degraded by suburban development, all along the coast. Suburban development not only lays waste most of the natural habitats and systems on the sites but also is a source of weeds and invasion by feral animals, especially dogs and cats, preying and disturbing

local wild life, adding nutrients from droppings and urine, further impacting plant communities. South West Rocks provides a good example of existing and proposed erosive development.

Here residential subdivision of part of the flood plain of the listed I.C.O.L. Saltwater Lagoon was recently approved by the N.S.W. Land and Environment Court.(July 2019). This was despite strong opposition to the development within the local community, from the Aboriginal community, from N.P.W.S., from scientific reports of habitat destruction for the Green and Golden Bell Frog, for Koalas and the threat of eutrophication of the lagoon.

The development proposals had been twice rejected by the Independent Planning Panel, the proponents then petitioned the Land and Environment Court. The Court found in favour of the development proposals.

It would appear that Kempsey Councillors favoured the development for financial reasons, such as development contributions, rates and local jobs , despite having rejected the D.A. on environmental issues. Kempsey Council severely culled the number of people who could present to the L.E.C., and judging by questions asked by the Commissioner, Council may not have presented the Court with all the scientific and community objections to the Development Application.

I do not believe that the assessment process was transparent. I am concerned that the Precautionary Principle was not followed in approving this subdivision.

WE NEED CLEAR LAWS, REGULATIONS AND GUIDELINES AT FEDERAL LEVELS TO PROTECT HABITAT, SPECIES AND COMMUNITIES. THE PRECAUTIONARY PRINCIPLE SHOULD ALWAYS BE RESPECTED.

Clear guidelines encourage State and Local Government to resist pressure from local businesses, real estate development and land speculation, Respect of the Precautionary Principle would limit development destroying habitat, communities

Clear guidelines on transparency in decision making should discourage minority vested interests from distorting the assessment process as the community would be able to see the processes of planning approval.

Strong, clear Federal legislation should guide states and other authorities to maintain natural systems that protect from violent perturbations. Mangroves and wetlands can buffer sea surges in cyclones. Forests prevent or reduce soil erosion, land slip as well as providing habitat, and forest communities survive due to essential pollinators, commensal organisms, pathogen predators, and evolved balances.

I would like to thank the panel for the opportunity to state my hopes and concerns for a stronger Environmental policy at Federal and all governmental levels.

Should you want to contact me, my mobile phone number is [REDACTED] my email address is [REDACTED]. My mail address is [REDACTED] t, N.S.W. 2105.

Alan Yuille