

RESPONSE TO THE INTERIM REPORT SURVEY

Note: Responses were automatically limited to 255 characters unless otherwise indicated

Name

Morris Group

Do you give permission for your submission to be published?

Yes - with my name and organisation

NATIONAL LEVEL PROTECTION AND CONSERVATION OF THE ENVIRONMENT AND ICONIC PLACES

Legally enforceable National Environmental Standards should be the foundation for effective regulation. The Standards should focus on outcomes for matters of national environmental significance, and the fundamentally important processes for sound and efficient decision-making. Standards will provide certainty—in terms of the environmental outcomes the community can expect from the law, and the legal obligations of proponents.

Strongly agree

Standards that are clear and set out to protect and restore the biodiversity of our environment are important reforms for the EPBC Act.

The goal of the EPBC Act should be to deliver ecologically sustainable development. The Act should require that National Environmental Standards are set and decisions are made in a way that ensures it is achieved. The Act should support a focus on protecting (avoiding impact), conserving (minimising impact) and restoring the environment.

Strongly agree

The addition of restoring the environment and the limitations of offsets is important here.

A greater focus on adaptive planning is required to deliver environmental outcomes. Regional plans should be developed that support the management of cumulative threats and set clear rules to manage competing land uses at the right scale.

Strongly agree

No resource or landscape can be managed in a piecemeal manner. All reviews must take into account the cumulative impact on the whole ecosystem/region/watershed.

Strategic national plans should be developed for big-ticket, nationally pervasive issues such as the management of feral animals or adaptation of the environment to climate change. These plans should guide the national response and enable action and investment by all parties to be effectively targeted and efficient.

Strongly agree

Climate mitigation should be included as well as adaptation.

INDIGENOUS CULTURE AND HERITAGE

The National Environmental Standards should include specific requirements relating to best practice Indigenous engagement, to enable Indigenous views and knowledge to be incorporated into regulatory processes.

Strongly agree

There should be an indigenous decision making position as well as an advisory role. There should also be a permanent voting seat for an indigenous person at the EPBC regulator.

The national level settings for Indigenous cultural heritage protection need comprehensive review. This should explicitly consider the role of the EPBC Act in providing protections. It should also consider how comprehensive national level protections are given effect, including how they interact with the development assessment and approval process of the Act.

Strongly agree

Once destroyed, these heritage sites are lost forever, it is of utmost importance that they be protected under indigenous leadership.

Indigenous knowledge and western science should be considered on an equal footing in the provision of formal advice to the Environment Minister. The proposed Science and Information Committee should be responsible for ensuring advice incorporates the culturally appropriate use of Indigenous knowledge.

Strongly agree

A strong indigenous voice with decision making power is key.

Where aligned with their aspirations, transition to Traditional Owners having more responsibility for decision-making in jointly managed parks. For this to be successful in the long term there is a need to build capacity and capability, so that joint-boards can make decisions that effectively manage risks and discharge responsibilities.

Strongly agree

Improved outcomes for Indigenous Australians will be achieved by enabling co-design and policy implementation.

Strongly agree

Decisions about indigenous land cannot be properly made without full and fair representation of indigenous people.

The role of the Indigenous Advisory Committee should be substantially recast as the Indigenous Knowledge and Engagement Committee, whose role is to provide leadership in the co-design of reforms and advise the Environment Minister on the development and application of the National Environmental Standard for Indigenous engagement.

Strongly agree

LEGISLATIVE COMPLEXITY

In the short-term, legislative amendments to the EPBC Act are required to address known inconsistencies, gaps, and conflicts in the Act.

Agree

The protection and restoration of the environment must be prioritised first.

In the longer-term, a comprehensive redrafting of the Act (or related Acts) is required. This should be done following the development of the key reforms proposed by this Review. This sequencing will ensure that legislation is developed in a way that supports the desired approach, rather than inadvertently hindering it.

Strongly agree

Redrafting could include consideration of dividing the Act—such as creating separate pieces of legislation for its key functional areas.

Agree

As long as the key goals of the protection and restoration of the environment are kept with an independent regulator, this could be advisable.

EFFICIENCY - REMOVING DUPLICATION

Devolve decisions to other jurisdictions, where they demonstrate National Environmental Standards can be met.

Strongly disagree

Federal oversight to ensure the cumulative impacts of development are taken into consideration is still needed.

To base devolution on sound accreditation, quality assurance and compliance, escalation (including step-in capability) and regular review.

Not applicable

Assessment pathways should be rationalised and implemented with clear guidance, modern systems and appropriate cost recovery. Small investments can dramatically reduce cost and uncertainty and improve decision-making.

Agree

These, and other reform directions proposed (National Environmental Standards, regional plans, information and data, modern regulatory systems) create opportunities for significant streamlining and efficiency, including where low risk actions will not require approval.

Agree

Streamline provisions for permitting of wildlife trade and interactions with other environmental frameworks.

Agree

TRUST IN THE EPBC ACT

Improve community participation in decision-making processes, and the transparency of both the information used and the reasons for decisions.

Strongly agree

Transparency in decision making is key to rebuilding trust in the EPBC process

Provide confidence that decision-makers have access to the best available environmental, cultural, social and economic information.

Strongly agree

Amend the settings for legal review. While retaining extended standing, provide for limited merits review for development approvals. Legal challenges should be limited to matters of outcome, not process, to reduce litigation that does not have a material impact on the outcome.

Disagree

DATA, INFORMATION AND SYSTEMS

A national 'supply chain' of information is required so that the right information is delivered at the right time to those who need it. This supply chain should be an easily accessible 'single source of truth' on which the public, proponents and governments can rely.

Strongly agree

A national online biodiversity database is a good idea.

To deliver an efficient supply chain, a clear strategy is needed so that each investment made contributes to building and improving the system over time.

Agree

A custodian for the national environmental information supply chain is needed. The Commonwealth should clearly assign responsibility for national level leadership and coordination. Adequate resources should be provided to develop the systems and capability that is needed to deliver the evidence base for Australia's national system of environmental management.

Strongly agree

It is key that this be properly resourced.

A National Environmental Standard for information and data should set clear requirements for the provision of data and information in a way that facilitates transparency and sharing. The standard should apply to all sources of data and information, including information collected by proponents.

Strongly agree

All of this information should be publicly available free of cost online.

To apply granular standards to decision-making, Government needs the capability to model the environment, including the probability of outcomes from proposals. To do this well, investment is required to improve knowledge of how ecosystems operate and develop the capability to model them. This requires a complete overhaul of existing systems to enable improved information to be captured and incorporated into decision-making.

Strongly agree

Whole of ecosystem modelling will be a useful tool for climate impacts and mitigation as well.

MONITORING, EVALUATION AND REPORTING

A coherent framework to monitor and evaluate the effectiveness of the EPBC Act in achieving its outcomes and the efficiency of its implementation should be developed. The framework must be backed by a commitment to its implementation.

Strongly agree

This will achieve better outcomes for the environment.

A revamp of national SoE reporting should incorporate trend analysis and address future outlooks to provide the foundation for national leadership on the environment.

Strongly agree

This will allow us to see cumulative impacts and climate impacts.

National environmental economic accounts will be a useful tool for tracking Australia's progress to achieve ecologically sustainable development (ESD). Efforts to finalise the development of these accounts should be accelerated, so they can be a core input to SoE reporting.

Strongly agree

These should also include Natural Capital Accounting to value biodiversity outcomes and ecosystem services.

RESTORATION

The EPBC Act should require offsets to be considered only when options to avoid and then mitigate impacts have been actively considered, and demonstrably exhausted.

Strongly agree

Offsets have been shown to have severe limitations in their implementation

The EPBC Act should require offsets, where they are applied, to deliver protection and restoration that genuinely offsets the impacts of the development, avoiding a net loss of habitat.

Strongly agree

The offsets should be required to be delivered in collaboration with environmental NGOs experienced in restoration.

The EPBC Act should incentivise investment in restoration, by requiring decision-makers to accept robust restoration offsets, and create the market mechanisms to underpin the supply of restoration offsets.

Strongly agree

There are opportunities for government to explore policy mechanisms to accelerate environmental restoration including those to leverage the carbon market, which already delivers restoration, to deliver improved biodiversity in suitable habitat types.

Strongly agree

There are opportunities for government to explore policy mechanisms to accelerate environmental restoration including those to co-invest with the philanthropic and private sectors, including funding innovation to bring down the cost of environmental restoration, growing the habitat available to support healthy systems.

Strongly agree

There should be genuine collaboration with the private and philanthropic sector and this should not be seen as an opportunity to offload responsibility to the private sector.

COMPLIANCE, ENFORCEMENT AND ASSURANCE

Establish a modern, independent regulator responsible for monitoring, compliance, enforcement and assurance to be a strong cop on the beat.

Strongly agree

This is key to establishing trust in the EPBC process and should be the number one priority of the review.

Increase the transparency of activities.

Strongly agree

Effectively draw on Standards, simplified law, and better systems to increase compliance and simplify enforcement and assurance.

Strongly agree

Shift focus toward assurance of devolved decision-making and monitoring, compliance and enforcement of national strategic plans, regional plans, offsets and regeneration.

Disagree

Devolution risks a weakening of standards for the environment.

Provide the regulator with a full suite of modern regulatory monitoring, compliance, enforcement and assurance tools and adequate funding.

Strongly agree

Without this, the regulator is effectively toothless.

PROPOSED REFORM PATHWAY

Do you broadly agree with the phased approach proposed by the Review?

Strongly agree

BROADER VIEWS (no character limit)

What has been missed?

The review so far should be commended for its thoroughness.

How could the proposed reform directions be improved?

Integrity of process - there are strong concerns that a Bill seeking devolution of powers to States is running ahead of the EPBC process. And, that if the devolution of powers to States does go ahead, it eventuate only with the assurance of an independent compliance mechanism.

Are there fundamental shortcomings that would require the Reviewer to rethink?

