



Australian Native Plants Society Canberra Region Inc

P O Box 217 Civic Square ACT 2608
ABN 17 717 346 075

nativeplantscbr.com.au

SUBMISSION on REVIEW of the EPBC ACT

April 2020

1) The Australian Native Plants Society – Canberra Region (ANPS)

The ANPS was established in 1962. ANPS is a non-profit, voluntary community organisation dedicated to the growing, conservation, preservation, promotion and appreciation of Australian native plants. ANPS has over 270 members, including many working in a professional capacity in many spheres related to native plants (e.g. ecology, botany, horticulture and entomology) as well as other closely related scientific disciplines. ANPS also has a large number of members that actively participate in society activities.

The ANPS constitution prominently advocates activity in conservation through the promotion of the conservation of Australian plants and their habitats, and observing and support for laws related to the preservation of Australian native plants. The ANPS strongly supports the need for strong, appropriately resourced and enforceable Commonwealth environmental legislation.

2) Documents reviewed

The document utilised in preparation of this submission are listed under “References” at the end of this submission.

We have also drawn on members’ experiences with the EPBC Act for some comments provided.

3) The ANPS submits:

ANPS is (through membership of the Conservation Council ACT Region) also affiliated with the Places we Love Alliance. The Alliance is 57 leading environmental groups from across Australia with a membership of some 1.5 million people. Its objectives are to protect the laws that protect the places and wildlife we love, and its vision is for a new generation of biodiversity protections. ANPS views reflect those of the 5 main principles established by Places we Love Alliance with regard to the review of the EPBC Act, which are:

- *National leadership*
- *A central role for communities in decision making*
- *Independent and trusted institutions*
- *Delivering strong environmental outcomes*
- *Ensuring resilience in the face of climate change (PwL 2020)*

National leadership

The EPBC Act 1999 was well received when introduced in 2000. It appeared to offer some hope of much greater cooperation between the States and Federal government to manage the environment for

the benefit of the nation. While starting well, with some gusto and a well-resourced workforce, it soon became obvious that political ideology(s), rather than the protection of the environmental health of the nation, appeared to have implications on how the EPBC Act was resourced and implemented. Unfortunately, the failure of appropriate levels of Federal oversight of environmental issues, weakened State environmental laws over recent years and the growing impacts of climate change, has left the natural values and assets of our nation under great level(s) of threat. It would appear the EPBC Act was not necessarily a failure in itself, it just happened to be in the way of political ideologies, and this was reflected in the levels of resourcing by government of departmental activity and workforce. It is probable that the EPBC Act was not given the opportunity to work as well as it might have done.

Since the time of the last EPBC review, there has been an apparent absence of any real concern for the environment in all 3 levels of government. ANPS is not sure that environmental communication between Federal, State and local governments are effective, and in some cases even wonder whether State and local governments recognise their responsibilities under the Federal legislation. All levels of government need to have clear and concise roles in environmental management. Importantly, local governments are the primary interface with the community. Some of our members experience with local government indicate an ignorance about their role in conservation and Threatened Species management.

It is more than obvious that the environmental estate and assets of Australia, no matter in which state or territory they are situated, are of national importance. As such, there should be more national oversight and cooperation with the States to manage declared conservation reserves, any threats to the environment (including cumulative impacts) by development activities, any environmental restoration projects.

The Federal legislation should incorporate the development of a National Conservation Plan, as no one jurisdiction is charged with coordinating efforts to protect our environment.

The Commonwealth must manage any proposals for land clearing in all states and territories, as the cumulative damage and constant loss of habitat is threatening whole ecosystems and their inhabitant species.

One issue is the multiple regulatory regimes. It is very confusing, and not very cost effective for environmental assessment purposes (e.g. having multiple listings of threatened ecosystems/species). Nationally consistent methods of assessment, monitoring and reporting will improve efficiency and lessen costs.

Australia must continue to honour all international environmental responsibilities.

The new legislation should ensure National leadership that will deliver:

- accountability of all levels of government for the improvement of environmental indicators;
- development of national goals through a National Conservation Plan, standards and reporting;
- continued protection for specific National Environmental Matters;
- co-ordination of multiple jurisdictions and regulatory regimes.

A central role for communities in decision making

There is very significant level of environmental knowledge held within the community, and the Australian community is entitled to contribute to environmental decision-making. However, while offered opportunities to comment on all manner of legislative change, it appears that despite any relevant community and scientific advice provided, it is often ignored.

The general move away from listening to community/scientific advice, and a plethora of ideological decisions and/or bad or corrupt planning, catering to vested interests, and communities being ignored by decision makers has made many in the community wary and mistrusting of government at any level. This needs to be addressed, and community engagement in environmental decision-making will assist in restoring trust in our planning system.

Any new legislation must ensure Australian communities have:

- opportunity to be involved in local, regional and national planning;
- timely access to information to help them participate in decision-making;
- participation in decision-making before decisions are made;
- ability to question and challenge decisions, ensure outcomes are enforced and hold decision makers to account, including through broad standing provisions, merits review and third-party enforcement rights.

Independent and trusted institutions

It is a role of government to be transparent and disclose all environmental information related to any application so appropriate responses can be provided from the community.

At the present time, the minister or a representative makes the final decision and, in the overwhelming majority of cases, grants approval. It is the ANPS view that National oversight of conservation and the environment requires the provision of independent advice and that approvals should be made by an independent body to take the decision out of the political arena.

Australia must have new national environmental institutions that:

- can contribute to independent governance;
- provide independent and transparent advice to Ministers;
- provide clear criteria for how decisions are made;
- can ensure publicly available and timely and reporting on decision processes and outcomes;
- ensure the collection and reporting of accurate environmental data;
- ensure environmental protection is based on smart regulation to deliver streamlined, strategic and effective outcomes for the environment, government, business and communities.

Delivering strong environmental outcomes

Any future national environmental legislation must be implemented across the States and Territories, including local government, especially in regard to (re)connecting landscapes and recovery of threatened species. State and Territory laws should conform in all respects to the Federal law.

We must build on Federal, State and local protection, and the legal framework must seriously tackle climate change, invasive species, habitat loss and pollution. This must include habitat and ecosystem connectivity, and restoring corridors where there is a need to do so.

Provision of adequate human and financial resourcing of independent advice bodies and for the effective implementation of environmental laws.

National environment laws must fully reflect our international environmental obligations.

Ensuring resilience in the face of climate change

Climate change is a significant threat to Australia’s environment. More frequent and ongoing threatening processes may be the “new normal” as a result of climate change. Examples from the recent past are 1) the accentuated drought effects on the significant collapse of the ecosystem of the Darling River, the mismanagement of which created an environmental catastrophe for the river system; 2) the scale and intensity of the bushfire events of the 2019-20 season; 3) yet another major bleaching of the Great Barrier Reef.

Climate change must be taken into account in the decision- making process, with our national laws addressing the challenge of climate change and ensure we can mitigate, adapt to and be resilient under its impacts.

Australia needs national legislative control on greenhouse gas emissions and land-clearing, protection of existing carbon stocks and reduced land-based greenhouse gas emissions.

4) References

“*Independent review of the EPBC Act*”. Dept Agriculture, Water & Environment (no date). Obtained on the Internet April 2020.

<https://epbcactreview.environment.gov.au/resources/discussion-paper>

Dept AWE 2020. Dept Agriculture, Water & Environment homepage.

<https://www.environment.gov.au/epbc/about>

PwL 2020. Places we Love Alliance website. Obtained on the Internet April 2020.

<http://www.placesyoulove.org/get-involved/actions/>