

Response ID ANON-K57V-XYVB-P

Submitted to **EPBC Act Review: Make a submission on the discussion paper**

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1. About you

1 What is your name?

First name:

Rupert

Last name:

Woods

2 Are you making this submission as an individual or on behalf of an organisation?

Organisation

Organisation name (if applicable):

Wildlife Health Australia Inc.

What is the scope of your organisation? :

National

3 What sector best represents you or your organisation?

What sector best represents your organisation? :

Environment

If Other, please specify::

4 Which State or Territory are you from?

Which State or Territory are you from?:

New South Wales

5 Do you identify as Aboriginal or Torres Strait Islander?

No

6 What are your key areas of interest in the EPBC Act?

Threatened species, International obligations, Matters of National Environmental Significance, Cumulative impacts, Climate change, Compliance and enforcement, Decision making, Biodiversity, Conservation, Wildlife trade

Other:

Impacts of wildlife health and disease

7 Can the EPBC Act Review Secretariat contact you about your submission?

Yes

If Yes, please enter your email :

rwoods@wildlifehealthaustralia.com.au

2. About the EPBC Act

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?

have argued that past changes to the EPBC Act of adding 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?:

We agree with arguments that the EPBC Act is not yet adequate to protect Australia's biodiversity, and must be retained and strengthened.

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?

How could the principle of Ecologically Sustainable Development (ESD) be better reflected in the EPBC Act?:

All parts of the EPBC Act should align completely with the concept of ESD.

3 Should the objects of the EPBC Act be more specific?

Should the objects of the EPBC Act be more specific?:

Yes. The objects are broad, inexact and therefore open to different interpretations and misuse.

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

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

Provisions must remain to add MNES whenever required.

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?

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?:

Reforms should:

1. focus on strengthening the Act to halt and reverse Australia's extinction crisis, ensure the protection of our nation's remaining biodiversity
2. be guided by evidence-based recommendations from peer reviewed publications
3. include stronger statements and action regarding enforcement and sanctions.

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?

What high level concerns should the review focus on? For example, should there be greater focus on better guidance on 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?:

Concerns:

1. that state and federal legislation, actions and processes are not adequate to halt declines of threatened species towards extinction
2. existing funding streams for implementing Recovery Plans, and funding to prevent threatened fauna loss in general is inadequate.

Effectiveness:

Though there have been some successes, the Act is not yet adequate to protect Australia's biodiversity now and into the future.

Economic costs:

The economic costs associated with the operation and administration of the Act are minuscule compared with the potential and real economic value of species, environment and systems services protected.

3. What the future looks like

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

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

1. Increasing impacts of climate change and associated major extinction threats
2. a trend towards decreasing government action.

4.A. The role of the EPBC Act

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

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

The Act needs to continue to regulate both outcomes and specific prescriptive processes.

4.B. Better environment and heritage outcomes

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?

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. The Act should position the Commonwealth to take a stronger role in delivering environmental and heritage outcomes in our federated system.

Outcomes should be articulated by the Australian government who should also provide oversight including the setting of performance indicators, milestones and outputs.

10 Should there be a greater role for national environmental standards in achieving the outcomes the EPBC Act seeks to achieve?

Should there be a greater role for national environmental standards in achieving the outcomes the EPBC Act aims to deliver?:

Yes, prescribed through development of specific (rather than broad), binding environmental standards with the Commonwealth taking responsibility for monitoring and assurance.

The information needs to be found or gaps identified and research support provided to generate the required information on which to base then.

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

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

Yes, the Act should have a greater focus on restoration and include incentives for proactive environmental protection.

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?

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 comment

4.C. More efficient and effective regulation and administration

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?

Should the EPBC Act require the use of strategic assessments to replace case-by-case assessments? Who should lead or participate in strategic assessments?:

Facility to deploy strategic assessments needs to be retained, however, the preference is for case-by-case assessments as strategic assessment proceeds. The strategic assessment process can be lengthy and protracted.

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?

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. However, states should not be delegated to deliver Act outcomes subject to national standards. State-level protections and assessment processes are weak, ineffective, and are failing to halt threatened species declines and external monitoring and assessment is required.

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?

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?:

No, low-risk projects should not automatically receive or be exempt.

A national environmental database would be useful, and yes: data from EIA should be made publicly available.

16 Should the Commonwealth's regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections?

Should the Commonwealth's regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections? :

No. Landscape-level management, though laudable, in many cases will not prevent loss of individual species.

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

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

No.

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

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

Self-regulation should not be part of the Act or any related policies and processes as it represents a clear conflict of interest.

4.D. Indigenous Australians' knowledge and experience

19 How should the EPBC Act support the engagement of Indigenous Australians in environment and heritage management?

How should the EPBC Act support the engagement of Indigenous Australians in environment and heritage management?:

Yes. However it needs to be recognised that some practises may not be in the best interests of preservation of biodiversity. Evidence-based decision-making is required.

4.E. Community inclusion, trust and transparency

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?

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?:

Community representation can be increased, however, decision-making should be evidence-based.

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?

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-making during assessment of proposed projects would be improved by a requirement that in addition to the environmental information submitted by proponents, the Commonwealth should actively triangulate with other peer reviewed sources and independent experts in the relevant field.

4.F. Innovative approaches

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?

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?:

No comment

23 Should the Commonwealth establish new environmental markets? Should the Commonwealth implement a trust fund for environmental outcomes?

Should the Commonwealth establish new environmental markets? Should the Commonwealth implement a trust fund for environmental outcomes? :

Decisions and approvals should remain at federal level, not state level, as state-level legislation and processes are demonstrably less effective at protecting biodiversity conservation.

24 What do you see are the key opportunities to improve the current system of environmental offsetting under the EPBC Act?

What do you see are the key opportunities to improve the current system of environmental offsetting under the EPBC Act?:

No comment

25 How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?

How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?:

Regardless of the mechanism chosen, the process would need to be open and transparent with good governance.

5. Principles to guide future reform

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

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

Reference to providing support for investment, new jobs, development, regulatory burdens and economy need to be removed. The Act is about protecting biodiversity not economy and business development.

6. General questions

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

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

No.

28 How well is the EPBC Act being administered?

How well is the EPBC Act being administered?:

Very well by some very committed but vastly under resourced staff.

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

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

In its current form no. Though have been some wins, unfortunately the overwhelming evidence is of continued and in fact increased extinction rate under the Act. Greater emphasis needs to be placed on the value of biodiversity with stronger regulations, disincentives for development, and penalties. The independence of the process and powers of the Commonwealth need to be increased.

30 What are the priority areas for reform?

What are the priority areas for reform?:

Strengthening of the Act, the effectiveness of enforcement, and transparency of decision-making.

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

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

The Act needs to be strengthened to better protect biodiversity.

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

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

The Act is our nation's principal piece of legislation to protect our endemic and threatened biodiversity. In going forward, it is not appropriate to prioritise business and other interests at the cost of losing our biodiversity and natural heritage.

As well as considerations such as genetic diversity, status and genetics, the health of populations also now needs to be considered in future thinking and assessment of the value of species and populations at risk.

Disease impacts on wildlife populations, sometimes leading to mass mortalities, species declines and even extinction (for example the key threatening processes chytridiomycosis and Tasmanian devil facial tumour disease). All evidence suggests that the risks posed by diseases to Australia's native wildlife will become greater with changing land use, climate change and as societal attitudes bring wildlife, livestock and people into closer contact. The ability to identify and value healthy, disease free populations of even very common species as part of the assessment of a particular species value and preservation must now be taken seriously and be included in future improvements to the Act.

Though not directly related to the review, as an important enabler of the outcomes of the Act, our approach to key threatening processes also requires overhaul. Significant resources and assistance needs to be provided to assist the few committed and dedicated individuals employed by the Australian government who work so tirelessly to try to ensure that good processes, governance and the plans and their actions are implemented. Without heavy future and sustained long term investment in this area one of our chief enablers for the outcomes of the Act will remain largely ineffective.

7. Add an attachment

Add attachment

Add attachment:

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8. Publication permission

33 Do you give permission for your submission to be published?

Yes - with my name and/or organisation (if included)