

# COVER SHEET FOR SUBMISSIONS

## OVERVIEW

The independent review of the *Environment Protection and Conservation Act 1999* (EPBC Act) welcomes your submissions in response to the discussion paper.

## SUBMISSIONS INSTRUCTIONS

Submissions are due by **5pm (AEST) Friday 17 April 2020**. Please contact the EPBC Act Review Secretariat regarding late submissions.

**All submissions that include this cover sheet will be considered by the review. You are required to answer Question 1, all other questions are optional.**

Submissions should be sent to:

Email: [epbcreview@environment.gov.au](mailto:epbcreview@environment.gov.au)

Post: GPO Box 787  
Canberra ACT 2601  
Australia

## PUBLISHING SUBMISSIONS AND PRIVACY (REQUIRED)

Unless you indicate that your contribution is confidential, or the review considers that your contribution is offensive, potentially defamatory or includes irrelevant or personal information, your contribution will be published on the review website along with your name or organisation. Your submission may be referred to, or quoted from in review reports.

Before making a submission, please read the information on how your privacy will be protected and how the information that you provide will be treated. The Department of Environment and Energy's Privacy Policy ([www.environment.gov.au/privacy-policy](http://www.environment.gov.au/privacy-policy)) contains information about how to access or correct your personal information or make a complaint about a breach of the Australian Privacy Principles.

The review is committed to treating confidential information responsibly and in accordance with the law. In some circumstances, the review may be legally required to produce confidential information. Any request made under the Freedom of Information Act 1982 for access to a submission marked confidential will be determined in accordance with that Act. Please read the [Submissions Guidelines](#) on the review website for more information on how your submission will be handled.

**1. Do you give permission for your submission to be published? (Required)**

**Yes – with my name and organisation (if applicable)**

**Yes – anonymously**

**No – please keep my submission confidential**

ABOUT YOU (OPTIONAL)

First name

KATE

Last name

ECCLES

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

Individual

Organisation

Organisation name:

THE MOSMAN PARKS + BUSHLAND ASSOCIATION INC

3. If an organisation, what is its scope?

Local

State

National

International

4. What sector best represents you or your organisation?

Agriculture

Environment

Legal Services

Transport

Academia and  
Research

Financial and  
Professional Services

Manufacturing

Other

Please describe:

Construction

Forestry and Fishing

Mining

Education

Government

Scientific and  
Technical Services

Electricity, Gas,  
Water and Waste  
Services

Health Care and Social  
Services

Tourism

5. Where are you from?

ACT

NSW

NT

QLD

TAS

VIC

SA

WA

Outside Australia

**6. Do you identify as Aboriginal or Torres Strait Islander?**

We collect this information so that we can observe levels of engagement with Aboriginal and Torres Strait Islander people and organisations during the review, and to assess whether we need to alter our processes to encourage greater engagement.

The Reviewer of the EPBC Act, the Expert Panel and staff from the Department of the Environment and Energy working on the review will be permitted access to this information. Information about individual participants' Indigenous origin status will not be disclosed or published for any reason. However, we may publish the final total numbers or proportions of Indigenous engagement in the review.

You can seek access to our records of this information, and ask us to correct the information we hold about you, at any time. For more information, see the Privacy Policy of the Department of the Environment and Energy ([www.environment.gov.au/privacy-policy](http://www.environment.gov.au/privacy-policy)).

Yes

No

Prefer not to disclose

**7. What are your key areas of interest in the EPBC Act?**

- |  |  |  |                        |
|--|--|--|------------------------|
| <input checked="" type="checkbox"/> The objects of the Act | <input checked="" type="checkbox"/> Threatened species                             | International obligations                        | Indigenous Australians |
| <input checked="" type="checkbox"/> Heritage               | <input checked="" type="checkbox"/> Matters of National Environmental Significance | Environmental Impact Assessments                 | Great Barrier Reef     |
| Cumulative impacts   | <input checked="" type="checkbox"/> Climate Change                                 | Compliance and enforcement                       | Decision making        |
| Public participation in decision making                    | <input checked="" type="checkbox"/> Biodiversity                                   | <input checked="" type="checkbox"/> Conservation | Wildlife trade         |
| Commonwealth National parks                                | Nuclear  | Water  |                        |

*They're all important!*

**8. Can the EPBC Act Review Secretariat contact you about your submission?**

Yes

If Yes, please enter your email: *mosmanparks@gmail.com*



[epbcreview@environment.gov.au](mailto:epbcreview@environment.gov.au)

<https://epbcreview.environment.gov.au/get-involved#make-a-submission>

## INDEPENDENT REVIEW OF THE EPBC ACT - DISCUSSION PAPER

The Mosman Parks & Bushland Association was founded in 1964 when bushland at Bradleys Head was threatened with destruction. Our objectives remain the protection and preservation of parks, bushland and open space in Mosman for the benefit of present and future generations of residents and visitors. Our advocacy is principally with local government, but with the NSW and Commonwealth governments when appropriate. Many association members are actively involved in volunteer bush regeneration projects in the Mosman Local Government area and in the Sydney Harbour National Park with NPWS. The Association conducts a Nesting Box Project for which it received a grant from the NSW government.

### **General Comments:**

There is great disappointment within the Association at the tenor of the Discussion Paper. This is an act which is supposed to Protect the Environment and Conserve Biodiversity. The Paper seems to be proposing that Agriculture, Development, Forestry and Mining are being hampered in their operations by the requirements of the Act and that the Act must make it easier for them by cutting "green tape".

This is putting the discussion the wrong way round, surely. There is nothing amiss with education and simplifying the application processes, but the actual protections and conservation should not be diminished.

The Act should be written so that the objectives of protecting the environment and conserving biodiversity can be achieved, not "got around".

What is so disheartening for an organisation such as ours, is to see hours of volunteer labour and our cooperative relationship with our local government, undermined at higher levels of government where advocates for short term economic profit seem to overrule the principles of intergenerational equity which should produce the long term benefits brought by true environmental protection.

What use are our volunteered hours? What use is our advocacy when our laws at a landscape level don't support what we try to achieve locally?

### **So what's wrong?**

Australia is losing species and habitat for species at an alarming rate. What we are not doing deliberately by land clearing, forestry and development, bushfires are finishing off for us. The Barrier Reef is suffering one bleaching event after another. Trust funds don't seem to be able to prevent the water becoming warmer or oceans becoming acidified.

### **What do we want?**

We want to hand on to future generations, an environment that is **at least** as good as the one we enjoy. We should aim for better.

## How to achieve it?

### Climate Change

We would like to hope that a reviewed EPBC Act could achieve much more, but the single issue totally lacking from the Act as it stands is Climate Change. Recognition of Climate Change must be included in the Objects of the Act. Anthropogenic climate change is a Key threatening Process and it must be a trigger in the assessment of any proposal. The ability to meet our Paris targets will be very doubtful while approvals are given to developments with high greenhouse gas emissions.

### The Objects of the Act

These should be stronger. As suggested in our preamble, the fundamental objective of the Act is the preservation and conservation of Australia's environment and this should form the basis for all decisions.

We like the EDO's suggestion of creating a **new overarching object**.

The EDO's suggested wording: *The primary aim of this Act is to conserve and protect Australia's environment, its natural heritage and biological diversity including genes, species and ecosystems, its land and waters and the life supporting functions they provide.*

The question asked in the Discussion Paper as to whether a cost benefit analysis could be applied to the principle of ecologically sustainable development makes a nonsense of what should be the Act's fundamental objective. How can one place a \$ value on the environment?

Other objects suggested by the EDO include

- National leadership to achieve ecologically sustainable development
- Prevention of extinction or further endangerment of Australian plants, animals and their habitats
- Fair and efficient decision making, government accountability and transparency, and community participation
- Recognition of Aboriginal and Torres Strait Islander peoples' knowledge of Country
- Fulfilling Australia's international environmental obligations.

### **Matters of National Environmental Significance and Triggers in decision making to support them** (Questions 1 and 4 in the Discussion Paper)

To the nine existing Matters of National Environmental Significance defined in the Act, the EDO has suggested expanding and/or strengthening the list to include:

- Ecosystems of National Importance
- The National Reserve System
- Vulnerable ecological communities (added to threatened species and ecological communities)
- Significant land-clearing activities
- Significant greenhouse gas emissions
- Significant water resources (expanded)

The MPBA supports this expansion.

3.

**National v. State legislation – removal of duplication between different levels of government** (Question 14 in the Discussion Paper)

Our organisation would not support any diminution in the strength of environmental laws that transition to the states might bring. The Commonwealth government needs to maintain leadership in creating strong environmental laws and regulations. (Question 23 in the Discussion Paper)

We were particularly upset by NSW's biodiversity legislation of 2016 which has resulted in massively increased clearing of native vegetation. Biodiversity offsetting standards which were part of the same legislation became much weaker allowing a development to buy into an education or research fund instead of supporting critical habitat of the same type and of equal value. A species can be researched right into extinction!

To avoid the risk of extinction, no offsetting should occur that would impact critical habitat, endangered species and ecological communities. Offsetting should be as a last resort only and should meet strict like for like biodiversity principals and should remain in perpetuity.

**Outcomes** (Question 10 and 21 and 22)

National plans and National goals, Bioregional plans, environment and species mapping, community engagement, adequate funding will all be necessary if the Act is to be effective. Independent advisory bodies should make planning assessments, scientific and heritage assessments.

Achieving outcomes should be part of the Act. Suggested environmental outcomes could include the prevention of extinctions, recovery of threatened species, achieving emissions targets.

Outcomes should be monitored and reported regularly and publicly.

**A Heritage issue of particular Sydney and local interest**

The Mosman Parks & Bushland Association was part of the community action that led to the creation of the Sydney Harbour Federation Trust, its planning and its extension until 2033. Now that the future of the Harbour Trust is under review, the association is anxious to see the life of the Trust extended in perpetuity and adequately funded, so that its heritage values are maintained for the benefit of present and future generations. The Trust's sites have differing aspects of heritage that combine to tell compelling stories about Aboriginal habitation, the struggling colony of NSW, then its growth into statehood and finally as part of Australia. Cockatoo Island is a World Heritage site, other Harbour Trust sites receive Commonwealth protection under the EPBC Act. It is greatly to be wished that the value of these sites is not diminished by returning them to NSW.

**In Summary**

Environment laws should be stronger if they are to protect the environment, conserve biodiversity and prevent extinctions. Outcomes should be measured by an independent protection authority. This will need funding and impartial advice from experts. This is not about ideology. It is simply a matter of the Act living up to its name.



Kate Eccles

President, Mosman Parks & Bushland Association

17<sup>th</sup> April, 2020