

16 April, 2020

Submission to the Environment Protection, Biodiversity & Conservation Act 1999 Review

Dear Professor Samuel and Independent Review Panel,

The Lane Cove Bushland and Conservation Society welcomes the opportunity to forward our Submission to the 2019-2020 statutory review of The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC).

The LCBCS asks that the time for the community to make Submissions must be extended by three months due to the severe disruption to communication and life brought about by Carona Virus. We ask that a response to this request be given as early as possible.

The Lane Cove Bushland and Conservation Society has been advocating for the environment for the last 49 years, working to preserve the natural bush and wetlands of the Lane Cove area and to advance ecologically sustainable development for the urban and natural environment state wide. The LCBCS is an independent, respected community group in our local Council area, having representatives on Council Advisory Committees, while both supporting and challenging authorities on plans that impact on the environment.

The LCBCS Submission to the Independent Review of the EPBC Act 1999 will address our concerns and detail where we see that the EPBC Act fails to protect the natural environment, including areas of national environmental significance, and detail our Recommendations at the end of our Submission.

The Society calls for the Government to:

- deliver new, much stronger, national nature laws that actually work and most importantly, an independent watchdog to enforce them. **It is clear that our weak, national environment laws do not currently work to protect the environment** and, together with government inaction, has made Australia a world leader in extinction and deforestation.
- to end habitat destruction and deforestation of old-growth forests and critical habitat for endangered animals, to end extinction and to protect our vital waterways and catchments. We need **a new Australian Environment Act** that commits the Australian Government to this.
- to end the unsustainable use and management of natural resources, including changes to the aquatic environment and water flows and that contribute to intensifying fires, drought and climate change.
- to end exemptions for logging operations from federal environmental laws (under The RFAs negotiated between state and federal governments).

- to develop and make recovery plans mandatory for all species listed as threatened to try to prevent extinction
- to deal with the escalating problem of climate change in the new National Environment Act

The Australian Government [Department of Agriculture, Water and the Environment](#) itself acknowledges that Australia's biodiversity is currently in decline with more than 1,700 species and ecological communities known to be threatened and at risk of extinction.

Stronger new national laws are needed to protect our unique Australian species. 70% of our species are endemic, and we have in total, half a million (approx. 8%) of the world's species. Biodiversity Conservation is so important for our human and natural environment as biodiversity ensures essential processes such as sequestering carbon, cycling nutrients, purifying water, regulating ocean and atmospheric temperature, turning waste into energy, suppressing pests and diseases, and pollinating crops. So many Australian species also support our industries, including agriculture, fisheries and tourism (CSIRO).

An example of the failure of national environment laws is the increasing destruction of Koala habitat, with calls for this iconic species to be listed as endangered: habitats in NSW and QLD have been destroyed at a faster rate since Koalas were declared vulnerable in 2012 than before. It is so alarming that in NSW, koala habitat destruction increased by around 32 per cent from an average annual loss of 11,153 hectares (2004 to 2012), to 14,695ha (2012 – 2017).

The failure of the EPBC Act is further demonstrated by the fact that the environment department was found to have failed to investigate or prosecute those responsible for habitat destruction, according to WWF Aust. conservation scientist Dr Martin Taylor (SMH, 13/4/20). Unsurprisingly, this failure helps facilitate destruction and why the rate of destruction is increasing.

Fewer than 40% of Australia's threatened species have recovery plans in place to try to prevent extinction. The Society calls for a return of mandatory recovery plans. We disagree with the change to the law in 2006 to put registering a recovery plan at the discretion of the minister when recovery plans used to be mandatory for all species listed as threatened (Guardian, 20/3/19).

The Society calls for an end to exemptions for logging operations (under the RFAs negotiated between state and federal governments) from federal environmental laws, an overhaul of those laws, and the establishment of new assessment and regulatory bodies. The EPBC Act is heavily compromised by the RFA exemption clauses, with scientists from the National University stating "RFA's do not adequately protect biodiversity, threatened species, or threatened ecosystems" (Guardian, 30/3/19).

RECOMMENDATIONS

The Lane Cove Bushland & Conservation Society calls for:

- a new Australian Environment Act that enshrines Federal government leadership over nature protections and elevates environmental protection and biodiversity conservation as the primary aim of the Act, and contains real safeguards against extinction.
- duties on decision makers to exercise their powers to achieve the Act's aims.
- two new statutory environmental authorities – (a) a National Environment or Sustainability Commission and (b) a National Environment Protection Authority (EPA) to:

- (a) to ensure we develop a fit-for-purpose, coordinated national (state and federal) system of environmental protections and policy responses necessary to support restoration of our environment to health and ensure regulatory resilience to future impacts, publicly report every year and
- (b) ensure our laws are properly enforced.
- new triggers for federal protection including: the National Reserve System (terrestrial and marine protected areas), Ecosystems of National Importance, Vulnerable ecological communities (alongside other listed species, populations, ecological communities and critical habitat), Significant land-clearing activities, Significant greenhouse gas emissions, Significant water resources (beyond coal and gas project impacts).
 - a dual focus on protection and recovery of threatened species and ecological communities, with protection made mandatory.
 - a National Ecosystems Assessment to holistically identify important natural assets, their status and the 'ecosystem services' that nature provides to human society.
 - a national environmental data and monitoring program that links federal, state and territory data on biodiversity, strategic planning and environmental impact assessment.
 - greater emphasis on indigenous leadership, land management and biodiversity stewardship, including formal recognition of Indigenous Protected Areas.
 - a suite of international conservation protections to ensure Australian governments, companies, citizens and supply chains protect and support global biodiversity.
 - ensure guaranteed rights and participation in planning and decision-making for the community

The Society forwards our Submission for your consideration and would appreciate the Departments feedback - we can be contacted at: 9427 1125 Ron Gornall Vice President / or 0410 041279 President. Email: lanecove_bushland@yahoo.com

Shauna Forrest (President),
on behalf of the Lane Cove Bushland & Conservation Society.

References :

CSIRO, <https://www.csiro.au/en/Research/Collections/TenThingsAboutCollections>

Dept. Agriculture, Water & the Environment <https://www.environment.gov.au/biodiversity/threatened/species>

EDO <https://www.edo.org.au/publication/next-generation-biodiversity-laws/>

Guardian Australia, 30/3/19 <https://www.theguardian.com/environment/2019/mar/30/record-numbers-of-australias-wildlife-species-face-imminent-extinction>

Guardian Australia 20/3/19 <https://www.theguardian.com/environment/2019/mar/20/no-clue-environment-department-doesnt-know-if-threatened-species-plans-implemented>

SMH, 13/4/20 <https://www.smh.com.au/environment/conservation/destruction-of-habitat-sped-up-after-koalas-were-listed-as-vulnerable-20200412-p54j6p.html?fbclid=IwAR1LERMKM49Dop5-S1IkN2kgjNrEfY51YqQLJ7S3l4EEt3xmogSoh7lU1FM>

https://environment.au.citizenspace.com/epbc-review/epbc-act-review-submission-discussion-paper/consultation/confirm_submit

Closes 17 Apr 2020

Your response has been submitted

Your response ID is ANON-K57V-XYC1-J. Please have this ID available if you need to [contact us about your response.](#)

Thank you for your submission.