

October 2006

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Committee
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SUBMISSION

ENVIRONMENT & HERITAGE LEGISLATION AMENDMENT BILL (NO.1) 2006

1 The National Parks Australia Council (NPAC), formerly the Australian National Parks Council, is constituted of Member Groups across Australia with a prime interest in national parks and nature conservation.

2 The Council, at its Annual Meeting over the weekend of 28/29 October 2006, noted the extensive Environment & Heritage Legislation Amendment Bill introduced into Parliament on 12th October 2006, and resolved to take advantage of the opportunity to comment, albeit at very short notice, to the Senate Committee considering this Bill.

3 The NPAC supports the Objectives of the EPBC Act 1999, and considers any moves to improve the robustness and effective implementation of these objectives is to be welcomed. Furthermore, a review of legislation from time to time is considered appropriate. However, NPAC also considers that such a review should be transparent, and open for informed discussion prior to introduction of proposed legislative changes. This is particularly important with legislation such as the EPBC Act, which is complex, interacts with other legislation, has significant State as well as Commonwealth implications, and has potential to profoundly influence the integrity and protection of our natural heritage into the future. Accordingly, the NPAC suggests the Committee consider deferral of the Bill rather than fine tuning through

individual amendments, so that the issues can be properly addressed, and to allow for further consultation with the wider community.

4 NPAC notes with considerable concern the infrequent reference to improving environmental outcomes in the Explanatory Memorandum. Rather there is constant reference to improving the processes, simplifying the procedures and speeding up the timeframes. NPAC welcomes moves to close loopholes in order to enable the objectives of the Act to be more effectively implemented but notes with alarm that the Bill also includes relaxations and introduces new constraints likely to substantially undermine good environmental outcomes.

5 The importance of sustaining a healthy environment as a basis for the long term well being of society and a viable economy is absolutely essential. The Commonwealth has a responsibility, and the opportunity here, to provide real leadership and support for collaborative action with other levels of state, regional and local decision making.

In introducing the Amendment Bill, Mr Hunt explained *“the aim of the Bill is to continue to strengthen environment and heritage protection while streamlining some of the provisions of the EPBC Act and providing greater capacity and flexibility for more strategic approaches to be employed.”*

This statement as read sounds very promising. Unfortunately looking through the detailed proposals, the *streamlining* and *greater capacity and flexibility for more strategic approaches* involve a serious weakening of the Act. Furthermore, the realities and inherent risks of climate change are now more clearly articulated than ever but the legislation fails to be framed so as to allow for strategic responses to address these.

6 NPAC as an organization has a particular focus on the protection of natural areas, and the conservation of ecological communities and species. The Council also recognises that environmental protection is about much more than individual icons. Secure protected areas – national parks and reserves – provide a cornerstone of conservation but nature does not stop at artificial fenced boundaries. Robust legislation that takes into account the role of the private sector along with a strategic and ecologically informed approach to planning and management, terrestrial and marine, is required.

7 The EPBC Act should set the lead and framework for this; an Act where ecological issues should prevail in the public interest fulfilling a crucial role in safeguarding our heritage for the future.

Australia has lost many species over the past 200 years and continues to lose its nature; extinction debt bites under the pressure of modified and shrinking habitat, reduction of refugia and the pressure of invasive species. Migratory animals in particular are vulnerable with long distance movement patterns at risk of collapse. These concerns were aired even before the added urgency of unexpectedly rapid climate change risks were raised.

It is of great concern therefore that a number of the Amendment Bill provisions, by extending Ministerial discretion including in the setting of 'themes' for a new annual listing process, diminish ecological rigor. In addition the proposed deletion of Administrative Appeals Tribunal review and reduction of opportunities for individuals and bona fide conservation organizations to contribute to the nomination process diminish public accountability and transparency.

8 NPAC welcomes the opportunity to speak to the Committee. While broadly supporting the identified points and comments of the Australian Network of Environmental Defenders Offices (ANEDO) the delegation will be providing further comment on specific matters with examples drawn from the experience of community based organizations such as those represented by the Council.

Ms Christine Goonrey, President of the National Parks Association of the ACT, will lead the NPAC delegation.

Yours sincerely,

Anne E Reeves, OAM
Hon. President
National Parks Australia Council