

To: Senate Inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021*

I am writing with earnest regard and concern for the protection of the Australian Environment and on behalf of my family, friends, fellow Australians, the children growing up right now and those who are yet to come.

Living in the Blue Mountains and being a bushwalker is only part of the reason I am writing to this Senate Enquiry. Caring for the environment, connecting to the diversity of Australia's flora and fauna, the intricacies of ecosystems, to even a small part of that, does not stop at a town, city, national park, region, a state or even a national border. Connection and care to 'Nature' happens every day in views from a window, backyards, gardens, parks, schools, reserves, national parks, the beach, on walks, cycles, drives, daily commutes, holidays, books, nature documentaries, internet searches and all the rest.

I have come across people from all walks of life and ages, from within Australia and beyond our borders, people who care immensely about Australian 'Nature' and as you would know there are so many people who are not even aware of this enquiry or have the time or confidence to make a submission. Their views still matter, and I believe the views I express are shared by many fellow Australians.

As you would know, Australia is home to some of the world's most amazing and unique species, with the second-largest number of plants and animals found nowhere else in the world. As caretakers of this country and planet we are already failing miserably. In Australia, more than 1,800 'Australian' plants and animals were formally listed as threatened with extinction before last summer's bushfires and this is believed to be an underestimate.

Living in the Blue Mountains Community in 2000 when the Greater Blue Mountains was granted World Heritage Status was hopeful and exciting. Family, friends, neighbours and the local school community I worked with feel fortunate to live within a place of such awesome beauty.

Actions are often undertaken by local volunteers, conservation and community groups, the Blue Mountains City Council (BMCC) and The National Parks and Wildlife Service to protect the wildlife and plants that are the fabric of this beautiful World Heritage Area. It is most often a struggle due to the constant threats bushland areas.

In NSW there are almost 1000 threatened species and over 100 threatened ecological communities. As you would know, the 2019-20 bushfires across Australia have been devastating, the extent, duration, timing and ferocity is unprecedented. Over 80% of the Blue Mountains National Park has been impacted with 63% partly or fully burnt. In the Greater Blue Mountains World Heritage Area of over one million hectares (eight reserves including the Blue Mountains National Park), over 68% has been fully or partly burnt and over 122 million mammals, birds and reptiles have been impacted.

Before these fires The Greater Blue Mountains World Heritage Area supported about one-fifth of NSW's threatened species. The threatened species that have been recorded in the World Heritage Area, since European settlement, include at least: 28 mammal, 33 bird, 4 reptile, 7 frog, one dragonfly, one snail, 100 plants and a few fungus species. Most certainly there would have been more listed. Our biodiversity is at risk and it is imperative that we work to restore and protect it.

This dire situation is repeated across Australia, with fire, drought and flood exceeding extremes and frequency from Climate Change, this combined with excessive land clearing, prevalence of feral

animals and weeds, short sighted economic projects replacing any long term environmental planning, if that existed in the first place (e.g. underground longwall coal mining beneath endangered swamps)

***The Commonwealth Environment Protection and Biodiversity Conservation Act 1999*** (EPBC Act) has failed to protect and conserve in the past and in the present. There are just too many species and ecological communities affected to discuss in this submission. Beautiful and diverse as they are, from the iconic to lesser known ecosystems, the list of often irreversible damage to them continues to grow and the plants and wildlife cannot defend or speak up for themselves. It is up to us.

The opportunity to create and enact a renewed, invigorated and stringent Environment Protection and Biodiversity Conservation Act is at hand. It is of the utmost importance that this parliament does so. Although these matters seem complicated and events arise that change circumstances and challenge current policies, this makes it even more imperative that the outcomes in the EPBC Act are defined effectively and definitively.

It is totally unacceptable that although a review of this act was due, the current government did not even bother to wait for it to be completed. Now there exists essential reforms that have been omitted from Graeme Samuel's key findings in his report on the EPBC Act. The essential recommendation of an **independent** regulator is under a cloud and the environmental standards are weak, 'interim' and have not been publicly released nor consulted on. These standards should not be regarded on such a footing nor should we trust what will follow.

#### Schedule 1

Now is the time to ensure that legislation responds effectively to the entire 36 recommendations in the Samuel Review. Building in a provision for non-regression, by which environmental standards are unable to be weakened or removed except in circumstances of significant new scientific or cultural information will assist future proof these outcomes. The National Environmental Standards prepared in Professor Samuel's final report should be the basis for the standards that are established, these must be clearly understood and address matters of: national environmental significance, Indigenous engagement and participation, compliance and enforcement, data and information.

Amendments to this bill should include strong National Environmental Standards that genuinely protect and restore. The legislation proposes a two year review that does not compel the minister or parliament to update the standards based on its findings. An exemption exists that enables the Federal Environment Minister to override the National Environmental Standards based on the "public interest". But "public interest" isn't defined and in the past, there has been abuse of similar provisions under the EPBC Act.

The Commonwealth Government must remain steadfast and active in partnership with all States and Territories regarding Environmental Protection and Biodiversity Conservation. Law Council President Pauline Wright said: 'Australia is a signatory to some 33 key treaties and protocols regarding the environment. The Commonwealth Government must remain at the helm in ensuring that Australia's obligations under those treaties and protocols are met.' Mandating the development of national environmental standards must include community participation, biodiversity offsets, regional planning restoration and recovery. National Environmental Standards should be established, then accredited by independent experts in these fields, prior, to any agreements entered into with the states and territories.

Let us employ and listen to more scientists and planners, ensure the best research is done and the highest standards are legislated and enforced to safeguard what remains of our beautiful country. Reviews of standards should be conducted by independent scientific experts and require the Minister to respond publicly to these reviews. Legislation should define the public interest test in law and

require the Minister to publicly notify their intention to use such legislation and provide a public statement of the reasons for decisions the same time a decision is made.

## Schedule 2

The proposed Environmental Assurance Commissioner (EAC) should be constituted outside of the federal Department of Agriculture, Water and the Environment as a statutory Commission, with its own staff and resources and should be able to audit both systems and projects as necessary, without limitations or political interference. The Minister should be compelled to table responses in parliament to audit reports of the Commission within a set time and face up to questions and problems

The EAC must be able to complete unscheduled audits in response to non-compliance increasing its ability to be responsive and effective. It should be mandatory that a compliance and enforcement standard should be in force before any accreditation of state and territory processes takes place and the government should establish an Independent Office of Compliance and Enforcement.

For an example of how politicised state environmental decisions can become we need look no further than the recent events between the Liberals and National Party in New South Wales over Koala Protection as koalas are threatened by extinction in New South Wales by 2050.

As Australian citizens my family, friends and I have discussed and are deeply concerned about the conservation, biodiversity and sustainability of environments across all of Australia, not just our own state. As stated above, caring about the biodiversity of Australia's flora and fauna, the intricacies of its complex ecosystems do not stop at a border. The vulnerable Yellow Footed Rock Wallabies of South Australia are as important as those that are threatened in north west New South Wales and south west Queensland.

My submission asks this Inquiry to put party lines aside and **not** pass environmental legislation and laws that are flawed with loopholes and will do very little for yet another possible twenty years or so.

Covid 19 should not be used as an excuse to rush changes to the EPBC Act or set temporary standards. Time and time again I heard, read and witnessed people returning to and rediscovering 'nature' during this pandemic. Our health is also tied to the health of our Environment.

Are we to ignore the devastation caused by these extensive and unprecedented fires, exceeding extremes and frequency? Will we ignore the droughts, floods and high temperatures yet again exceeding extremes and frequency? The combination of Climate Change with the prevalence of feral animals and weed, excessive land clearing, the depletion of waterways and the relentless short sighted economic projects is a call to action. Will we just continue to do so little about the continual damage we are causing this ancient, beautiful and fragile continent? It is clear present and future generations will not thank us for such selfishness.

Please listen to the voices of Aboriginal and Torres Strait Islanders Peoples, Scientists and Planners, Conservationists and the Australian Public. Thank you for your consideration of my submission.

Yours sincerely,

Vicki Beaton