

Environment and Communications References Committee
ANSWERS TO QUESTIONS ON NOTICE
EDO NSW
Inquiry into Australia's faunal extinction crisis
20 August 2019

QUESTION 1: Hansard page 25 – Senator Fawcett (Deputy Chair)

Senator FAWCETT: The CSIRO had an EPBC proponent data project where they proposed a model that had institutions and processes and data and systems and various stakeholders. Are you familiar with it? Do you support their contention of how that model should look?

Ms Walmsley: I'm only familiar with it broadly speaking; I haven't examined it in detail. [...] I think that's certainly a good initiative, but there's room for further improvement.

Senator FAWCETT: Perhaps you could take on notice to have a look at the CSIRO proposal. I think the report that had that came out in 2018.

Ms Walmsley: Yes. EDO has a scientific expert register, so we can consult them and get some feedback on that kind of thing and get back to the committee.

ANSWER:

As part of our written submission to the Inquiry, EDO recommended a key element of reform, that an environmental data and monitoring program that links federal, state and territory data on biodiversity, strategic planning and environmental impact assessment to ensure strong biodiversity outcomes, be established. This includes a legislative requirement that the Minister for Environment establish an online data hub which would address the lack of monitoring and reporting data across jurisdictions. In addition to data held by the Commonwealth, state, territory and local governments, the online hub would include strategic environmental data held by the private sector where appropriate and project-level environmental impact assessment data.

We have considered the research referred to by Senator Fawcett in An evaluation of proponent environmental data under the EPBC Act ('CSIRO Report')¹ undertaken by the CSIRO in 2018. We note the following findings and recommendations in the CSIRO Report:

- A lack of sufficient environmental data and the absence of comprehensive, joined up environmental information across jurisdictions hinders effective policy making and environmental management in every jurisdiction.
- The value of proponent data has not been quantified or well described to date. Additionally the degree to which proponent data is captured by state/territory government is not yet well documented.
- The benefits of improved access to proponent environmental data include:
 - Better informed assessment decisions, monitoring and compliance and enforcement of conditions or environmental outcomes;

¹ Box P., Hansen B., Bradsworth, N. and Kostanski L., 2018 An evaluation of proponent environmental data under the EPBC Act. CSIRO Land and Water
<<https://publications.csiro.au/rpr/download?pid=csiro:EP185018&dsid=DS2>>

- Improved efficiency including the removal of unnecessary duplication of information;
- Exchange of information both within the Department of Environment and Energy, and with other parties.
- Issues arise over contractual arrangements and ownership of data. Regulations can require submission of certain data to government.
- To improve access to data by other agencies, institutional arrangements such as legislative and contractual arrangements need to be successfully navigated. This includes
 - regulation to require data be lodged with relevant agencies
 - Establishment of data lodgement standards and guidelines

We agree in principle with the main findings of the CSIRO Report with one qualification; whilst sharing and improved access to data are important for efficiency, greater access to data does not make bilateral approval feasible. Under a bilateral approval process, there is risk of approval against poor environmental standards and the Commonwealth government cannot appropriately discharge its obligations under international law.

EDO's recommendation to establish an online hub and public registers for national environmental reporting outcomes would address many of the concerns and recommendations made in the CSIRO Report.

QUESTION 2: Hansard page 26 – Senator Urquhart

Senator URQUHART: Your summary of recommendations is very similar to what we heard from the previous two witnesses this morning around the issue of the new bodies, the statutory environment authorities. Why two? Why couldn't one do as good a job? If you're going to establish new bodies, why not, instead of two, have one that deals with both the issues?

Ms Walmsley: [...] There are models from other countries, where other countries have established environment commissioners and environment commissions and also had EPAs, but they're very different kinds of roles. One is the strategic thinker, and the other one is the enforcer. We see a need to have both. They're related, but there is a separation between those activities.

Senator URQUHART: Which countries are good models that we could look to?

Ms Walmsley: Again, the US EPA, in terms of national leadership, is a good model for that style of body. In terms of a commission, I understand New Zealand has one. But we'll take that on notice. I think we've got a list here that we can send to you. But we have looked at institutions in other countries as well.

ANSWER:

Statutory environment bodies at a federal level in other countries include:

- United States Environmental Protection Agency²
- New Zealand Environmental Protection Agency³
- Scottish Environment Protection Agency (note, criminal prosecutions are referred to the Crown Office and Procurator Service)⁴

There are also models of where more than one body is required for regulatory and policy functions. For example, we refer the Senate Committee to the management of the National Energy Market⁵ (NEM). Responsibility for the NEM is shared between the Australian Energy Market Commission (AEMC) who provide policy advice and develop rules by which the market must operate, the Australian Energy Market Operator (AEMO) handles day to day operations of energy markets and the Australian Energy Regulator (AER) enforces the law and conducts monitoring and reporting. This model is useful in considering the purpose of a national EPA and Sustainability Commission as recommended by EDO.

² <https://www.epa.gov/>

³ <https://www.epa.govt.nz/>

⁴ <https://www.sepa.org.uk/>

⁵ <https://www.energy.gov.au/government-priorities/energy-markets/national-electricity-market-nem>