



Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020

The Ecological Consultants Association of Victoria (ECA Vic, we) wish to make a submission regarding the *Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020*.

The ECA Vic is the industry representative peak body for practicing ecological consultants, with a current membership of over 130 paid members and over 550 subscribers. Our members are skilled ecologists, most of whom have built their career working to observe, protect and enhance biodiversity across Victoria. Our consultant members and subscribers typically work with biodiversity in three ways:

- Mitigating impacts resulting from construction/development, including preparing impact assessments and construction management plans;
- Developing management plans for conservation reserves and offset sites to maintain and improve biodiversity values; and/or
- Monitoring biodiversity values such as vegetation/habitat condition and species population sizes and distributions.

Investigations by ECA Vic of our members and supporters has demonstrated that the EPBC Act typically is the only legislative instrument that provides sufficient leverage to present the possibility of achieving good conservation outcomes; and this often is let down by poor compliance, monitoring and auditing. Furthermore, the Commonwealth does not provide consistent responses to administering the EPBC Act, observed via a mixed response to EPBC referrals, often to the detriment of the local environment.

Additionally, there are few examples of prosecutions or enforcement of the Act. For example, one respondent's experience: I reported a developer who was destroying grassland in rural Victoria. DoEE and DELWP investigated, but no prosecutions. Similarly, I saw a corporate agricultural entity deliberately destroy three nationally-listed wetlands in the rural Victoria - again no DoEE prosecution.

While ecological consultants have seen poor decisions and poor levels of compliance and enforcement under this Act, it also is acknowledged as being the main legislative trigger to which developers have to pay attention and respond. Ecological consultants have been able to work with our clients, using the framework of the EPBC Act, to ensure a more ecologically considered development plan is produced where threatened species and vegetation communities are present.

While we are yet to see the release of the final report of the Samuel Review of the EPBC Act, we are concerned to hear that hasty decisions to streamline the approvals process by devolving responsibility to the States or other jurisdictions has been drafted. We support a Senate Inquiry into the proposed Bill: *Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020*. But we are concerned that the timeline for the Senate Inquiry is extremely short. As the committee is expected to conduct hearings and report in only two weeks, it can only be seen as being a box ticking exercise, and does not enable proper scrutiny or accountability.

A process such as this should not be rushed through, especially prior to the release of the final report of the Samuel Review of the EPBC Act. The Government should publicly release the Final Report of the EPBC review before any further discussion is undertaken.

Any EPBC Act legislation amendments should only be considered upon completion of the EPBC Act review and public release of the Final Report of findings. It is clear that our biodiversity is under immense pressure to development, as demonstrated by our extremely high extinction rates and numbers of State and Nationally Listed threatened species. Allowing approvals, particularly for major projects, without due consideration of their impacts will have devastating effects on the populations of threatened species and ecological communities remaining.

Any EPBC Act legislation amendments should include an independent regulator and strong national environmental standards, be compiled as a package to go to Parliament. Any new national environmental standards should be made available for public scrutiny before being put to Parliament.

We urge the Government to:

- delay the Senate Inquiry hearings and report until the Final Report of the Samuels Review of the EPBC Act is publicly released
- then bring forward a full package of reforms to be considered by Parliament together, including:
 - a full suite of strong legally enforceable National Environmental Standards;
 - an independent regulator for compliance and enforcement; and
 - robust accountability and transparency requirements for government decision making.

To do otherwise is to disregard the peril that our biodiversity is in, choosing business over our community and its environmental wellbeing.