

# Recommendations

## Recommendation 1

**2.10** The committee recommends that the objects of the Act be amended to remove the words 'to provide for' from section 3(1)(a) and 3(1)(ca).

## Recommendation 2

**2.57** The committee recommends that the appropriateness of a greenhouse trigger under the Act and the nature of any such trigger, should it be required, be carefully considered in light of the findings of the independent review and in the context of the government's overall response to climate change, in particular the CPRS.

## Recommendation 3

**2.58** The committee recommends that, having regard to the conclusions of the review of the *National Framework for the Management and Monitoring of Australia's Native Vegetation* currently underway, and in light of advice from the Threatened Species Scientific Committee, the government should consider including a land clearing trigger in the Act.

## Recommendation 4

**3.34** The committee recommends that the government give urgent consideration to increasing the resources available to the department in the areas of assessment, monitoring, complaint investigation, compliance, auditing projects approved under Part 3, and enforcement action.

## Recommendation 5

**3.37** The committee recommends that the department undertake regular evaluation of the long-term environmental outcomes of decisions made under the Act, and that the government ensure agency resources are adequate to undertake this new activity.

## Recommendation 6

**4.19** The committee recommends that the Independent Review of the EPBC Act and / or the ANAO examine the effect of existing bilateral agreements on the quality of environmental assessments of matters of national environmental significance. The committee suggests that particular regard be given to the transparency of, public engagement in, and appeal rights in relation to assessments performed under a bilateral agreement, compared to the conditions that would have existed had the assessment been performed under the EPBC Act.

## **Recommendation 7**

**4.33** The committee recommends that the government review the interaction between the EPBC Act and the Fisheries Management Act in relation to the conservation of fish species and relevant assessment processes.

## **Recommendation 8**

**5.34** The committee recommends that the process for nomination and listing of threatened species or ecological communities be amended to improve transparency, rigour and timeliness. Changes that should be considered include:

- **Either requiring publication of the Scientific Committee's proposed priority assessment list or reducing ministerial discretion to revise the priority list under section 194K; and**
- **Reducing the maximum period allowed for an assessment under section 194P(3).**

## **Recommendation 9**

**5.66** The committee recommends that government policy regarding the use of 'offsets' for habitat conservation state that the use of offsets:

- **is a last resort;**
- **must deliver a net environmental gain; and**
- **should not be accepted as a mitigating mechanism in instances where other policies or legislation (such as state vegetation protection laws) are already protecting the habitat proposed for use as an offset.**

## **Recommendation 10**

**6.76** The committee recommends that consideration be given to expanding the scope for merits review in relation to ministerial decisions under the Act, particularly in relation to:

- **whether an action is a controlled action,**
- **assessment decisions; and**
- **decisions on whether a species or ecological community is to be listed under the Act.**

**The committee recommends that the independent review examine this possibility in the first instance, and that the process of consideration should include consultation with the Administrative Appeals Tribunal.**