

Sue Gould

16 August 2008

Attention:- The Secretary.
Senate Standing Committee on Environment, Communications and the Arts
Department of the Senate
PO Box 6100
Parliament House,
CANBERRA ACT 2600

Submission into the operation of the EPBC Act 1999

Thank you for considering my submission to the inquiry into the operation of the Environment Protection and Biodiversity Conservation Act.

I note that the stated objectives of the EPBC Act are to:

- provide for the protection of the environment, especially matters of national environmental significance
- conserve Australian biodiversity
- provide a streamlined national environmental assessment and approvals process
- enhance the protection and management of important natural and cultural places
- control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife
- promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources

I fully endorse the objectives of the Act but wish to raise a number of matters relating to the operation of the Act that I believe prevent these objective from being achieved.

I note particularly that the objectives state "promote **ecologically sustainable** development". My understanding of this is that as a society we recognise and accept the need to place some boundaries around economic development to ensure that future generations are guaranteed a healthy environment in which they too can expect to be the recipients of the ecosystem services that current generations benefit from. Necessary services, such as provision of clean water, climate amelioration and a range of ecosystem services on which our society depends.

Achieving ecological sustainability requires doing things differently. Business as usual will not deliver ecological sustainability. While I acknowledge that improvements have been made in a number of areas, to a large degree we are not doing things differently. According to the 2006

SoE report on biodiversity, "the major pressures on biodiversity that have been operating for decades are still strong and will continue to drive decline in biodiversity across large areas of the continent, together with new and emerging pressures".

I also acknowledge that the current Commonwealth government is not responsible for the cumulative failures of other governments, local, state and federal, to ensure that development is ecologically sustainable. But the EPBC Act is potentially an important instrument, the last line of defence against those cumulative failures.

Given this it makes no sense to contribute to the failures of local and state governments by granting exemptions from the EPBC Act. For example, on the west coast of Cape York Peninsula large bauxite mining leases and minerals exploration leases cover large areas of the entire landscape. Existing mine leases cover an area of 840,000 hectares. This mining activity is long term and in the absence of government intervention will virtually remove a widespread and important ecosystem from the region. Existing bauxite mining leases together with minerals exploration leases cover 82% of tall *Eucalyptus tetradonta* woodlands on Cape York Peninsula, an area of 745,000 hectares. These tall woodlands only occur on the bauxite plateaus and are recognised as the maximum structural development of *Eucalyptus tetradonta* throughout northern Australia. The threat that bauxite mining poses to this ecosystem has been recognised in a report prepared for the Queensland EPA, "The Natural Heritage Significance of Cape York Peninsula" (Mackey et al., 2001).

Yet in spite of statements from state and federal governments about commitment to ecologically sustainable development, and in spite of the recognised threats, there is no process in place to ensure that the planned intensive industrial development of western Cape York Peninsula will be ecologically sustainable. In the absence of such a planning framework, development will not be sustainable by any definition. Experience from land-clearing in temperate Australia has clearly demonstrated that you cannot remove such large areas of vegetation, or over 80 % of an ecosystem and still conserve biodiversity. In fact the thresholds for biodiversity loss are much lower than this. A large extinction debt has been incurred in temperate Australia by the over clearing that has occurred. Species whose populations have been fragmented by habitat loss are disappearing from the landscape.

The only instrument that might offer some hope for protecting significant natural values within the large area of the bauxite mining leases is the EPBC Act. Yet I am advised in relation to a matter that I recently raised with the Department of Environment, Water, Heritage and the Arts, that bauxite mining activities on leases ML 6024 and ML 7024 (which cover an area of 255,000 hectares) are exempt from the EPBC Act. A quick search of these lease areas using the

departments own website indicates that development of these leases will affect a number of matters of national environmental significance including:- 25 threatened species, 38 migratory species, 5 Australian Heritage Sites, 5 Nationally Important Wetlands, 1 threatened ecological community (DEWHA Database report). That is without even doing any field work! What instrument exists to protect these values? Indeed what instrument exists to ensure that species and communities in this region that are not currently threatened do not become threatened in the future?

No doubt there are other exemptions too. Regional Forestry Agreements for example should be reviewed in the light of improved understanding of the likely impacts of climate change, the rapid rate of climate change and of the absolutely valuable role of native forests in providing ecological resilience to climate change through providing habitat, providing ecosystem services and sequestering carbon (Mackey et al., 2008).

As things stand it would appear that the Commonwealth is only committed to the objectives of the Act insofar as they do not interfere with economic development. In other words, all we can look forward to is business as usual. What confidence can the public have in the Commonwealth's commitment to the objectives of the Act when all levels of government refuse to impose any environmental conditions on extremely destructive activities that affect a large area of a region that is considered to be globally significant for its natural heritage, cultural heritage and biodiversity?

I submit to the committee, that if the objectives of the EPBC Act are to be taken seriously, there should be NO EXEMPTIONS. Please conduct a review of all EPBC Act exemptions that have been granted so that protecting healthy environments and conserving biodiversity is something we do, not just something we say.

A general and serious problem with the way that the Act operates is that activities that are known to have caused species and ecological communities to become threatened in other areas are permitted in areas that still have healthy populations. Furthermore, the process for listing species and ecological communities lags far behind scientific knowledge of impacts. Many species that are known to have suffered range contractions and population declines are not considered to be of concern because they are not listed. The Act is therefore not an instrument for protecting the environment or conserving biodiversity as it is not proactive in preventing species / communities from becoming threatened in the first place. It appears to be simply an instrument for legalising cumulative impacts on biodiversity.

As I noted earlier, the current Commonwealth government is not responsible for the cumulative failures of previous governments, but it is responsible for what happens henceforth. Please ensure that the Act operates in a way that is true to its objectives by:-

- developing measures to ensure that species and communities that are not currently threatened do not become matters of national environment significance in the future.
- revoking* all exemptions to the Act;
- improving the *process for listing* threatened species and ecological communities;
- listing the *processes* that are recognised to have caused species and ecological communities to become threatened;
- listing the *integrity of ecosystem services* as a matter of national environmental significance - not just species, communities and places.

Thank you for your consideration of my submission.

Yours sincerely,

Sue Gould

MACKEY, B. G., KEITH, H., BERRY, S. L. & LINDENMAYER, D. B. (2008) Green Carbon: The role of natural forests in carbon storage. Part 1, A green carbon account of Australia's south-eastern Eucalypt forest, and policy implications. Canberra, ANU E Press.

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