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Senate Standing Committees on Environment and Communications
Via: Committee Secretary
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Parliament House
Canberra ACT 2600

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Wednesday 18 November 2020

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

Dear Committee Members,

The Nature Conservation Society of South Australia (NCSSA) appreciates the opportunity to comment on the proposed *Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020*. Since 1962, the NCSSA has been a strong advocate for the protection of native vegetation and biodiversity in South Australia, with particular attention being paid to nationally and state listed threatened plants, animals and ecological communities and the management of protected areas.

The NCSSA urges the Committee to recommend **this Bill not be passed**. This is because:

- The process for this reform has been extremely poor. Particularly, an inquiry with a six-day period for accepting submissions (including a weekend) is a rushed, 'box ticking' exercise that does not allow for proper scrutiny, and is therefore inadequate for the important task of reforming Australia's national environmental law.
- This Bill is a 'rehash' of the 2014 'one-stop-shop' for devolving environmental approvals to the States and Territories. Devolving such decision-making power was rejected by the Senate at that time. A prime reason for this is that States and Territories are not resourced for, nor charged with the remit of, ensuring the adequate protection of Matters of National Environmental Significance as identified in the EPBC Act.

Further, State and Territories are often the 'sponsors' of large projects, and therefore are more likely to be vulnerable to political pressures to approve them even where they will have an unacceptable impact on our environment, such as on listed threatened species that Australia has committed to protecting through the Convention on Biological Diversity. It is therefore essential that the Commonwealth retain approval powers.

- Rather than pass this Bill, a complete package of reforms should be developed, informed by the Final Report of the 10-year independent review of the EPBC Act which has recently concluded. The NCSSA understands this Final Report has been provided to the Federal Environment Minister but is yet to be made public.

The Final Report should be made public and debated before the development of a complete package of reforms. Based on the Interim Report, this package would likely include provision for an independent regulator to oversee compliance and enforcement as well as a full suite of strong, legally enforceable National Environmental Standards.

The NCSSA is one of the 30,000 Australians who made a submission to the 10-yearly review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). We called for:

1. New Commonwealth environmental laws that truly protect and restore our natural environment, strengthen our democracy and support community involvement,
2. The Commonwealth to expand the Matters of National Environmental Significance, particularly through protection for the National Reserve System,
3. The use and evaluation of tools that avoid cumulative impact and the adoption a broader interpretation of 'biodiversity conservation' than is supported by narrowly confining considerations to 'significant impact' on current Matters of National Environmental Significance,
4. A requirement for adequate resourcing to be made available to administer the Act, including mandatory funding for threatened species and ecological community recovery,
5. Establishment of a set of national environmental accounts, and
6. Improvement of threat abatement planning and implementation.

None of these desired changes are reflected in this Bill.

The NCSSA wishes to remind the Committee of the continuing decline of Australia's biodiversity, which the Australian Government's own 2016 State of the Environment report described as follows:

'The outlook for Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures.'¹

The NCSSA works directly on a number of threatened and declining species in South Australia, including the woodland birds of the Mount Lofty Ranges and plants such as orchids and grasses, which we wish to bring back from the edge of extinction. These species require strong protection in law and resources for implementing recovery actions if we are to reverse current trends. The Commonwealth must therefore maintain a leadership role in environmental protection and biodiversity conservation, including by retaining the power to grant approvals under the EPBC Act.

The NCSSA therefore encourages the Committee to recommend this Bill be rejected, and then to ensure adequate time is taken to consider what is truly needed to rebuild and restore our unique places and wildlife.

If you would like to clarify or discuss this submission please contact me on 0400 277 423 or via email at julia.peacock@ncssa.asn.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Julia Peacock". The signature is written in a cursive, flowing style.

Julia Peacock
Nature Advocate

¹ <https://soe.environment.gov.au/theme/biodiversity>