



Committee Secretary
Senate Standing Committees on Environment and Communications
P.O. Box 6100
Parliament House
Canberra, ACT 2601

Email address ec.sen@aph.gov.au

Dear Sir/Madam

**RE: Comments on the Environment Protection and Biodiversity Conservation
Amendment Bill 2013**

I have been directed by the State Council of the Wildlife Preservation Society of Queensland (Wildlife Queensland) to forward a submission for consideration with regard to the Environment Protection and Biodiversity Conservation Amendment Bill 2013

Wildlife Queensland is one of the most respected wildlife-focused conservation groups in Queensland. With over 5000 supporters spread across numerous branches throughout Queensland, Wildlife Queensland is a strong voice for our wildlife and its habitat.

Wildlife Queensland is apolitical. Our aims include;

- **Preserve** the flora and fauna of Australia by all lawful means
- **Educate** the community in an understanding of the principles of conservation and preservation of the natural environment
- **Discourage** by all legal means, the possible destruction, exploitation and unnecessary development of any part of the natural environment.
- **Encourage** rational land use and proper land planning of existing and future development, and the use of the natural environment and its management.

Wildlife Queensland welcomes the opportunity to make comment and assist the Senate Standing Committee on Environment and Communications with this enquiry. Wildlife Queensland appreciates the necessity to achieve a balance among conservation of our biodiversity, provision for ecological sustainable industries and meeting community needs. However it is well recognised that this balance is not being achieved and it is well established that our biodiversity is in decline. It is Wildlife Queensland's perspective that the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is essential and at times serves the community extremely well minimising environmental harm. In a recent submission, addressing the retention of approval bilaterals, to this Senate Committee, Wildlife Queensland advocated that the powers of the EPBC Act be enhanced and indicated the need for an independent umpire apart from States and Territories to assess proposed developments that impact on matters of national environmental significance. The Gillard Government is to be commended for this Bill that if passed will afford protection to Australia's water resources from certain mining activity. Wildlife Queensland would encourage the Government to take even bolder steps and further broaden their powers under the EPBC Act. Unfortunately the environment and its biodiversity do not recognise State or Territories borders and a whole of nation approach should be taken. The reasons for this view include, but are not necessarily limited to, the following:

Wildlife Queensland: Support for the EPBC Amendment Bill 2013.

- The various State and Territory environmental legislation is varied and standards are not as rigorous as they should be to minimise environmental harm
- Enforcement and compliance efforts vary considerably
- The Commonwealth has legal obligations under international law
- States and Territories can not provide the national leadership required
- In certain circumstances the States and Territories benefit from proposed developments or even in some cases are the actual proponents of the development and unquestionably 'conflict of interest' surfaces.

Wildlife Queensland recognises shortfalls in the current EPBC Act and broadening the matters of national environmental significance is certainly a step in the right direction.

Unquestionably Wildlife Queensland strongly supports the inclusion of an additional matter of national environmental significance (MNES) in the EPBC Act to protect Australian water resources from the impacts of certain mining activities. This is intended to be achieved by a 'water trigger'. However Wildlife Queensland is of the opinion that for this to be truly effective further amendments are required.

Currently this is limited to coal and coal seam gas industries but mining of other resources also can have a negative impact on water resources. The Bill should apply to any form of mining and associated industry that has the potential to impact negatively on our water resources.

Wildlife Queensland appreciates the difficulty in applying legislation retrospectively however the current exemptions are for too broad in our opinion. Exemptions should not apply to any unapproved mining projects or to approved projects where works have not commenced. Furthermore existing bilateral assessment agreements relating to controlled activities that have the potential to impact significantly on water resources should be varied in order to comply with the 'water trigger' requirements.

Currently the EPBC Act does not restrict the Commonwealth from entering into approval bilaterals with States and Territories. Wildlife Queensland would encourage the Government to clearly demonstrate its care for the environment and amend this Bill to reflect the Bill sponsored by the independent member Tony Windsor MP and the broader ranging Bill by Senator Larissa Waters which would prohibit the devolution of approvals bilaterals to the States and Territories.

There is also an opportunity to address another gap in the EPBC Act. In the act MNES are only triggered if there is significant impact. Significant impact is not defined and it should be. Recently in Queensland certain flying fox species listed as vulnerable may have been put at risk but it was deemed the proposed action was not significant. This is an opportunity to rectify this situation.

Yours faithfully

Des Boyland, Policies and Campaigns Manager

12th April 2013.