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Australia) Bill 2024 and related bills to ensure proposals are fit for purpose: reversing extinction by protecting habitat, protecting ecosystems from climate change and ensuring decision making are based on scientific evidence from a board of experts and elected CEO.

1. Climate change

Currently, the EPBC act fails to explicitly or comprehensively address the threat of climate change on extinction and ecosystem degradation. The EPBC Act requires urgent amendment to protect nature and people from climate change. To do this, there needs to be an explicit requirement for the EPA to assess the likely climate risk of a project including downstream emissions, and whether the project is consistent with national legislated targets. This should occur even when the project does not have other impacts on a protected matter. For example, a project's direct and downstream carbon emissions will contribute to the ocean heatwaves that will bleach the Great Barrier Reef even when they are not within the GBR's catchment. The example illustrates why the EPBC Act should be linked with Australia's climate targets under the Climate Change Act 2022, and the newly reformed Safeguard Mechanism. In addition, loopholes need to be closed and ensure that strengthened legislation will flow through to any projects assessed under other accredited arrangements or schemes.

2. Reverse deforestation and habitat destruction

Our government has committed to ending deforestation by 2030 and yet the current EPBC is failing to address deforestation. For example, through current loopholes and exemption for native forest logging (under Regional Forest Agreements, Div 4 of Part 4 of the Act), 'continuous use' exemption (section 43B) allows land clearing of forests and bushland for agriculture even within areas with known habitat of critically endangered species. Currently, sites with known habitat for the critically endangered swift parrots are being logged in the Tarkine forest of Tasmania. Key amendments are needed to end deforestation including:

- a new provision to mandate referral and assessment of planned deforestation in threatened or migratory species habitat, a threatened ecological community, in the Great Barrier Reef catchment and require assessment and decisions to consider the cumulative impacts of native vegetation clearing on each threatened species impacted
- No exemption for native forest logging (in Regional Forest Agreements)
- Repeal the 'continuous use' exemption used to facilitate land clearing for agriculture without scrutiny even within areas impacted threatened species
- Clearly define what is 'unacceptable impacts' for each Matter of National Environmental Significance, eg Listed Threatened Species, World Heritage property, National Heritage property and Ramsar wetlands

- Clearly define what is significant damage that is unacceptable to habitat critical to the survival of listed threatened species

3. The new EPA needs to have integrity and accountability without influence from vested interests

- This requires an independent board of qualified members to lead the EPA, elect the CEO and that they remain accountable to carry out their functions with strong duties clearly defined. These strong duties can then direct the new EPA and its CEO to make truly 'nature positive' decisions and take strong enforcement action.
- The public should have the right to appeal the merits of decisions on the referral, assessments and approvals of new projects or developments

Thank you for considering the issues and concerns within this submission. This is a critical opportunity for Australia to reverse the decades of environmental damage under the EPBC Act and protect our unique, endemic species and ecosystems.

Dear Committee

Re: Changes to Nature Positive (Environmental Protection Australia) Bill 2024

I am a concerned citizen in the Grayndler electorate and am writing to urge the Federal Government to amend the proposed federal nature law reforms to address three critical issues: the new Environment Protection Australia (EPA), climate change, and ending extinctions.

For years there has been a community call for a total overhaul of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Until now under this law:

- Australia's Environment Ministers have approved 740 coal and gas mines
- Through deforestation Australia now has one of the worst extinction rates on Earth

1. EPA

Under proposed reforms to the EPBC laws, the Federal Government intends to introduce a new federal environment regulator, Environment Protection Australia (EPA). The new EPA will have the power to assess and approve projects, and will be responsible for enforcing our environment laws. Disappointingly, it has some serious flaws.

We need integrity and accountability built into the new EPA – to protect this new agency from vested interests and ensure that it will be the fearless regulator Nature needs. And we the community, need to have access to justice to properly enforce our environment laws.

That means that what is needed for the EPA is:

- An independent board of qualified members to lead the EPA, elect the CEO, ensure they remain accountable and carry out their functions consistently with strong duties and purposes on the EPA;
- Strong duties that direct the new EPA and its CEO to make the best decisions for our environment and take strong enforcement action. This includes duties to
 - halt and reverse the decline of listed threatened species,
 - protect and improve the state of the environment from the harmful effects of pollution, destruction and waste through assessment, enforcement, monitoring, reporting and standard setting;
 - a duty to promote environmental justice;
 - a duty to act consistently with the human right to a healthy environment for all.
- A definition for 'Nature Positive' that sets a clear baseline of 'measured against a 2020 baseline', to meet the international standard set in the Global Biodiversity Framework.
- The ability for third parties to seek civil penalties from the Court against entities that breach the EPBC Act

- Providing the public with a right to appeal the merits of decisions on the referral, assessment and approval of new projects or developments (by either the EPA or the Minister).

2. Climate Change

For the EPBC Act to protect nature and people from climate change it requires urgent amendment to:

- Explicitly require assessment of actual climate risk, with the EPA empowered to reject projects due to their likely climate impacts. This should include a mechanism (a new, climate ‘matter of national environmental significance’, or climate ‘trigger’) that ensures a high-emissions project is scrutinised under the EPBC Act even if it has no other impacts on a protected matter.
- Ensure the environmental assessment of all projects includes all expected emissions, including downstream emissions, and that decision makers are mandatorily required take account of climate change, including the cumulative climate impacts of a project. The impacts of downstream emissions must be weighted equally to other (direct) impacts in the assessments.
- Explicitly require decision-makers, when assessing the likely impacts of a project, to assume that the project *will go ahead* (and not permit the decision-maker to negate its impact by referring to other emissions sources that might replace or substitute the emissions if it didn’t go ahead)
- Ensure that strengthened legislative measures will flow through to any projects assessed under other ‘accredited arrangements’ (including the NOPSEMA regime) to avoid loopholes or gaps.
- Properly link the Safeguard Mechanism and *Climate Change Act 2022* to the EPBC Act, so that a project cannot not be approved under the EPBC Act if it is likely to result in a breach of statutory emissions targets and thresholds.

3. Deforestation and destruction of habitat

Key amendments are essential to ending deforestation and habitat destruction as follows:

- A new provision that compels referral and assessment of planned deforestation greater than 20ha in threatened or migratory species habitat, a threatened ecological community, or in the Great Barrier Reef catchment, and require the assessment and approval decisions to consider the cumulative impacts of a native vegetation clearing on each threatened species impacted
- Repeal the exemption for native forest logging (in Regional Forest Agreements), to ensure all native forest logging is assessed for its harm to threatened species
- Repeal the continuation of use exemption, which is exploited to facilitate land clearing for agriculture without scrutiny, even where it occurs within areas impacting on threatened species. This will also benefit other species such as those impacted by shark nets.
- Definitions of unacceptable impacts should be specified for each Matter of National Environmental Significance - such as Listed Threatened Species and Communities,

Migratory Species, World Heritage property, National Heritage property, and Ramsar Wetlands. This should include defining significant damage to habitat critical to the survival of listed threatened species as unacceptable.

- The EPA and the Minister should be prohibited from approving unacceptable impacts.

Yours sincerely