

Carolyn Robins

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The Secretary
Senate Standing Committee on Environment, Communications and the Arts
PO Box 6100 Parliament House
CANBERRA ACT 2600
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RE: Inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999*

Dear Sir/Madam,

I read with interest that the Senate is conducting an inquiry on the operation of the EPBC Act and would like to comment on the matters as listed in the Terms of Reference as follows:

- a. the findings of the National Audit Office Audit 38 Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999;

All Australians have an obligation under the Act to know the law – including, relevant EPBC conditions. However, in cases where contractors are not notified I think both the contractor and the proponent has to be prosecuted. THIS MUST NOT BE A LOOPHOLE.

- b. lessons learnt from the first 10 years of operation of the EPBC Act in relation to the protection of critical habitats of threatened species and ecological communities, and potential for measures to improve their recovery;

Lesson 1 : EPBC conditions must be monitored and audited before the damage is done – ONCE A SPECIES IS GONE IT IS TOO LATE TO ACT.

Lesson 2 : The priority of the EPBC Act must be the protection of species of concern. In other words projects considered as 'very important' must not override the protection of species. For example, even though the Queensland Government has convinced the Brisbane voters that the water grid must be completed at all costs – they must not be allowed to SEND ANY SPECIES TO EXTINCTION or allow ANY SPECIES TO BECOME MORE ENDANGERED – including unlisted species and localised genetic diversity loss.

Lesson 3 : It doesn't work to have THE FOX IN CHARGE OF THE HEN HOUSE. The current Bilateral Agreement, where for example, the Queensland State Government is able to assess its own projects and projects where the proponent is intrinsically the State Government (for example the Traveston Cross Dam and the State owned corporation, QWI PL) is completely wrong. In these cases the EPBC Assessment must be undertaken by an independent, Federally appointed panel of experts, that accepts public submissions and can call witnesses and not the DIRTY ROTTEN FOX.

Would it work to have the accused in a murder trial, run his own prosecution, determines his sentence and also control the jail?

- c. the cumulative impacts of EPBC Act approvals on threatened species and ecological communities, for example on Cumberland Plain Woodland, Cassowary habitat, Grassy White Box Woodlands and the Paradise Dam;

I have a concern with the EPBC Act being a 'straw man' that can be pushed over easily. I see it in some cases as being hollow legislation with no real on the ground effect. It is not good enough for there to be conditions of approval – someone must police these conditions and the legislation must have the power to 'stop works' if the conditions are not met.

An example of this is the Paradise Dam in SEQ. It is acknowledged that the dam is jeopardising the survival, and increasing the chance of extinction, of the Old lungfish. At a previous Senate Inquiry, Dr Jean Joss, the international expert of this species said that the Burnett was dead for the lungfish. Even the audit process said the fish ladder failed to work since the dam was built. But the EPBC Audit said that due to the dam never reaching levels of 60% the dam-managers are exempt from the conditions – NOWHERE IN THE CONDITIONS DOES IT SAY IT IS OK TO DRIVE ANIMALS TO EXTINCTION IS TIMES OF LOW RAIN FALL.

As an aside, it hasn't been times of low rain fall in the catchment of the Burnett River system since the dam was built – just a dam built in the wrong place and also on top of that mismanaged. Even a year after the Audit – lungfish are still prevented from migrating up and down stream in order to reproduce. THIS GENETICALLY DISTINCT SPECIES (as apposed to those currently in the Mary River) ARE MOVING CLOSER TO EXTINCTION BY THE DAY AND THE EPBC ACT IS HELPING FOR THIS TO HAPPEN.

- d. the effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate;

The EPBC Act must have the capacity to MONITOR IN REAL TIME. The Audit Process is not diligent enough – for example as mentioned above – the JOKE OF THE PARADISE DAM AUDIT where even the proponents admit they failed but they are forgiven – and not even given a slap on the wrists – but a pat on the backs for trying their hardest. Yet in other cases, where private individuals are concerned, the Act has even jailed people for breaking conditions. WHY ARE SERIOUS BREACHES BY STATE GOVERNMENT PROPONENTS OVER-LOOKED BUT NON-STATE PROPONENTS CRUCIFIED? There must be consistency.

- e. the effectiveness of Regional Forest Agreements, in protecting forest species and forest habitats where the EPBC Act does not directly apply;

I have no knowledge of these Agreements.

- f. the impacts of other environmental programmes, eg EnviroFund, GreenCorps, Caring for our Country, Environmental Stewardship Programme and Landcare in dealing with the decline and extinction of certain flora and fauna;

These are all good at engaging the community but there needs to be effective guidance. How this will progress into the future remains unclear, primarily due to changes in policy and also the loss of current staff as a result of the transition from NHT to CfoC (see next point).

- g. the impact of programme changes and cuts in funding on the decline or extinction of flora and fauna

I am disgusted that the 'new' Federal Government chose to path of a serious 'REDUCTION' of the money available to environmental NGOs etc through their scrapping

of the NHT funding source. The immediate consequences of their actions were to jeopardise many of the successful programs, some long term, which were actually helping to reduce the decline and extinction of fauna and flora. Not just programs that looked good on paper and consist of endless reviews – as the current government seems to favour.

An example of this was the SeaNet Australia program. This was a very successful program of the NGO OceanWatch Australia (funded by NHT) that used experienced liaison officers to assist commercial fishers to become more sustainable and reduce their impact on threatened and endangered species. The positive effect of the program was well recognised and globally considered as one of the 'success stories in conservation practices'. Yet they were forced to disband due to not being notified they would not receive transitional funding before the new funding source came on line.

I concede they have introduced the 'Caring for our Country' funding-bucket. But this announcement came too late to save organisations such as SeaNet. The liaison officers cannot live on air alone while the new funding source becomes available as there is a considerable gap between end of NHT funding and start of CFYC funding.

Thank you for considering my comments on how I see the current operation of the EPBC Act.

Regards
Carolyn Robins