

Graeme Armstrong

Inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999*

Please consider the following items I consider to be inadequacies in the functioning of the EPBC. The following observations are specifically in relation to Paradise Dam in Qld.

I feel the Minister should not be able to disregard the advice of the threatened species advisory committee (TSAC) beyond the 90 days specified in the Act. During the approval process of Paradise Dam the TSAC gave their advice to the Minister that lungfish should be listed as threatened. The Minister failed to acknowledge this advice for over 6 months beyond the allowable time. The Minister should not be able to approve projects when a species or habitat is under consideration for listing. Certainly the Minister should not be able to grant approval for a project when in receipt of the advice of the TSAC, especially when this would have significant impact on the approval of the project.

The use of bond conditions under the Act have not been used enough. When the EIS and a project proponent admit there are unknown consequences of their actions it seems sensible to make a bond condition on the approval. The consequences of Paradise Dam were admitted as unknown by the EIS, yet no bond conditions were set for the fishway which did not work. Therefore the proponent has damaged the environment with no consequences.

Audit reports should be acted upon seriously. The audit report for Paradise dam has not been acted upon. Despite the finding that the fishway did not work there is no consequence for the proponent. The audit report also failed to investigate several aspects under the department's jurisdiction. The translocation of *Cycas megacarpa* was not investigated to determine if this has been successful. Nor was there any investigation as to the success of habitat replacement for the Black Breasted Button Quail. The latter case is particularly irksome as the proponent, Burnett Water Pty Ltd, ignored the Qld. Dept. Environment advice that the quail was only found in the riparian zone and not in the forest above this. This means the quail was in the impoundment zone and not beyond this and there was no need to resume Mt. Blandy as a pretend mitigation measure.

The EPBC has been allowed to be manipulated by both the Minister, state governments and proponents bringing all of the above into disrepute with the public. I find this a very serious issue for the orderly functioning of our democracy and would like to see the department use the Act in the way it is clearly intentioned.

Graeme Armstrong