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Joint Environmental NGO Letter of Support for Reform  
*Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

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The Hon Mr Peter Garrett AM MP  
Minister for the Environment, Heritage and the Arts  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

23 May 2008

Dear Minister

### **Reform of the EPBC Act**

We write to jointly express our strong support for substantive reform of the *Environment Protection and Biodiversity Act 1999* (Cth) (**EPBC Act**) in furtherance of the Government's electoral commitments, and in pursuit of opportunities that may be highlighted through the statutory independent review process under the Act.

As you will be aware, the "Australia State of the Environment 2006" report reached the sobering conclusion that "...*biodiversity continues to be in serious decline in many parts of Australia.*" We believe that improving the EPBC Act this year presents a unique opportunity to arrest this decline and to implement measures that will protect Australia's irreplaceable ecosystems and wildlife for generations to come.

While each of our organisations will make more detailed submissions in the course of the statutory review and other processes, we wish to take the opportunity at this stage to convey our joint support for a significant strengthening of the EPBC Act. In particular, we are supportive of broad reform around the following four key issues:

#### **1. Scope and application of the EPBC Act**

- Utilise current opportunities for Federal-State reform to broaden the range of matters that are regarded as having national environmental significance ("NES"), thereby meeting community expectations about an appropriate role for the Commonwealth in protecting the environment.
- Repeal industry specific exclusions, such as forestry operations under Regional Forestry Agreements, that are failing to protect biodiversity in our high value forest regions.

## **2. Assessment and approval regime**

- Effectively regulate actions that may impact upon matters of NES through robust assessment and approval processes that draw upon independent scientific advice and comprehensively assess the direct, indirect and cumulative impacts on all aspects of the environment.
- Utilise current opportunities for Federal-State reform to substantially improve assessment processes and repeal the potential for EPBC Act approvals to be delegated.

## **3. Public participation**

- Enhance the scope for meaningful public participation in EPBC Act processes by increasing public consultation periods and reinstating and expanding the right to appeal the merits of key decisions.
- Acknowledge the valuable contribution to EPBC Act interpretation and enforcement made by civil society by removing the significant barriers posed by the risk of orders for security for costs or for costs following the event.

## **4. Resources and enforcement**

- Devote a level of resources to implementation and enforcement of the EPBC Act commensurate with the consequences for the nation of allowing environmental degradation to continue on its current path.
- Utilise these resources to expedite a range of critical actions including assessment, listing and threat recovery processes and to enforce compliance with the Act generally (including conditions attached to approvals).

As foreshadowed, our organisations will be making more detailed submissions in relation to these issues in due course.

In the meantime, we would be pleased to discuss them further with you or your Department.

Yours sincerely



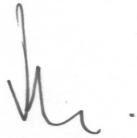
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