



*Zali Steggall MP*

FEDERAL MEMBER FOR WARRINGAH

The Hon. Sussan Ley MP  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Dear Minister,

I write to you regarding the Government's response to the findings of the Interim Report (the Report) on the Review of the *Environmental Protection and Biodiversity Conservation Act (1999)*.

The Report has identified how the law has failed to adequately protect the environment, biodiversity and our collective heritage. I am pleased the Government has signalled its intention to reform the law to address this.

I am supportive of some measures highlighted in your response to the Report, that will improve protection, including:

- The development of new national Environmental Standards which will provide measurable goals and requirements for the EPBC Act's performance
- The modernisation of the protection of indigenous cultural heritage; and
- The exploration of market-based solutions which could leverage public-private capital and ingenuity to drive habitat restoration and outcomes

However, the Government's announcement in respect to several issues is concerning.

Firstly, it is of great concern that the Government is rushing to devolve approvals and decision making to the States. Under the current system, specific projects must be signed off by both State and Commonwealth Ministers. The justification for changing this is that removing the Commonwealth approval process and creating 'single touch approvals' will speed up approval times, which have in recent years, blown out to over 116 days above what the EPBC Act requires.<sup>i</sup>

Whilst there is a duplication argument - that federal and state laws and regulations overlap and so efficiencies are needed, - it must be acknowledged that a large proportion of the current delays come as result of staffing cuts to the Department for Agriculture, Water and the Environment.<sup>ii</sup>

The State Governments have approved controversial projects resulting in environmental and heritage destruction. A recent example is the destruction of aboriginal heritage sites by mining companies under Western Australian law.<sup>iii</sup>

Speeding up approvals must be sensitive to the acceleration in recent decades of environmental and heritage destruction. Strong safeguards are needed to prevent further destruction.

It is of great concern that the Government has ruled out establishing an 'independent cop on the beat' to oversee the compliance and enforcement functions of the Act. The recent Auditor General report into approvals under the Act highlighted that the Department of Agriculture, Environment and Water, currently tasked with this role, is not as efficient or effective as it could be.<sup>iv</sup>

The Report also made clear that restoring trust in the environmental law is essential and that stakeholders trust could be restored with an independent regulator. Why it is that the Government has ruled this out so quickly given the States themselves are supportive of this recommendation<sup>v</sup>?

Finally, there is strong community concern about the announcement of hurried legislative changes without establishing strong Environmental Standards. A slower, more deliberative reform process would prevent unnecessary environmental damage.

The Report also highlights areas of significant opportunity for reform. The Government is urged to consider other findings such as:

- The need for the Act to have an overarching objective like Ecologically Sustainable Development
- Streamlined and accessible data for the decision-makers, proponents and the public
- The need for requiring projects to consider the effectiveness of their actions to avoid or mitigate impacts on nationally protected matter under specified climate change scenarios and disclose full emissions profiles
- That the Reviewer is not yet convinced that extended standing should be curtailed

Our heritage and environment are part of what makes us Australian, supports us in our economic endeavours and keeps us healthy and grounded. It is imperative for all Australia that reform of this Act is done right.

Kind Regards,



**Zali Steggall OAM MP**  
**Federal Member for Warringah**

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<sup>i</sup> <https://www.anao.gov.au/work/performance-audit/referrals-assessments-and-approvals-controlled-actions-under-the-epbc-act>

<sup>ii</sup> <https://www.theguardian.com/australia-news/2017/dec/13/environment-funding-slashed-by-third-since-coalition-took-office>

<sup>iii</sup> <https://www.abc.net.au/news/2020-06-11/juukan-gorge-aboriginal-heritage-site-just-one-of-many-destroyed/12337562>

<sup>iv</sup> <https://www.anao.gov.au/work/performance-audit/referrals-assessments-and-approvals-controlled-actions-under-the-epbc-act>

<sup>v</sup> <https://www.smh.com.au/environment/conservation/federal-government-should-back-a-green-cop-nsw-s-matt-kean-says-20200723-p55ev1.html>