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Name of organisation: Australian Institute of landscape Architects

What best describes your organisation focus: Built environment

Do you identify as Aboriginal or Torres Strait Islander: No

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Our ID key for the response submission was: ANON-K57V-XZEG-B.

Questions from response form shown in bold and our response shown in plain text. Primary Author Martin O'Dea and edited by Claire Martin. Note these have been copied back off the submitted responses, which had no formatting options.

1. Some have argued that past changes to the EPBC Act to add new matters of national environmental significance did not go far enough. Others have argued it has extended the regulatory reach of the Commonwealth too far. What do you think?

Yes, agree. The new EPBC Act needs to cover more matters of national significance. In particular it needs to cover the following:

- Greenhouse gas emissions including scope 3
- Land clearing, particularly old growth bushland and forests – see also above item on GHG emissions.
- Impacts on our scarce water resources. In particular the impacts of fracking, coal mining and agricultural practices.
- Impacts on not just endangered and threatened, but vulnerable ecological communities and species
- Nationally significant ecosystems and environments
- Benefits of Ecosystem services to be embedded into assessments, thinking and action

2. How could the principle of Ecologically Sustainable Development (ESD) be better reflected in the EPBC Act? For example, could the consideration of environmental, social and economic factors, which are core components of ESD, be achieved through greater inclusion of cost benefit analysis in decision making?

The question is how do you value or cost the environment. The answer is probably not try and prepare cost-benefits until you can really assess the true cost of the environment.

At the moment ecosystem services have no dollar value. No one has costed what it means to have clean air, fresh water, or pollinated food crops. In terms of climate, a recent study published in Nature places the social cost of carbon for example at approx. US\$417 tonne or \$600 AUD [1].

[1] <https://www.nature.com/articles/s41558-018-0282-y>

The true cost could be far greater than this when the bill eventually has to be paid. At the moment the cost is a mere \$13-16tonne through the Emissions reduction fund. There is no incentive in \$13 a tonne. At \$600 a tonne, that will place a real value on natural ecosystems for carbon capture, similarly regenerative agriculture and potentially make coal, gas and oil all totally unviable.

Deloitte Access Economics 2017 report *“At what price? The economic, social and icon value of the Great Barrier Reef”* placed the value of the Great Barrier Reef at \$56 Billion, 64,000 jobs and \$6.4Billion to the annual economy. How do we price other type of environments?

[2] <https://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-economics-great-barrier-reef-230617.pdf>

The national treasure that is the Great Barrier Reef is the canary in the coal mine in terms of climate change. It has suffered its third bleaching event in five years. Coral reefs are highly susceptible when exposed to a very limited number of days above a certain temperature. It is highly likely there will be more bleaching events to come.

When the reef collapses, so does the reef ecosystem, and all the organisms that rely on the reef for part of their lifecycle. This will have a cascading effect on us as well, much like the catastrophic bushfires for 2019-2020. If there is no reef to see, there are far fewer tourists. This will cascade down into less visitor bed nights, less food and beverage purchased and so on and so forth. This has impact has been most evident in the south coast of NSW following the bushfires.

The value of the Great Barrier Reef to Australia has been very well covered in Deloitte Access Economics 2017 report *“At what price? The economic, social and icon value of the Great Barrier Reef”* This report demonstrated not only the brand value of the GBR but its huge economic and employment value to Australia. The point of this is that the environment and ecosystem services have value. However at the moment, ecosystems aren't valued because they are very hard to cost. So they lose out to development that has a more easily defined dollar value.

VALUES SHOULD INCLUDE:

- Prevention of harm (avoidance costs): Taking preventative actions against likely harm to the environment and human health.
- Precautionary principle: Taking precautionary actions against harm that would be serious or irreversible where scientific uncertainty remains about the likelihood of that harm; and engaging transparently with the risks of potential alternatives.
- Intra-generational equity: The present generation has an obligation to ensure that environmental costs, benefits and outcomes are borne equitably across society.

- Intergenerational equity: The present generation has an obligation of future generations• Biodiversity principle: Ensuring that biodiversity and ecological integrity are a fundamental considerations.
- Environmental values principle: Ensuring that the true value of environmental assets is accounted for in decision-making – including intrinsic values, cultural values and the value of present and future ecosystem services provided to humans by nature.
- Polluter pays principle: Those responsible for generating waste or causing environmental degradation should bear the costs of safely removing or disposing of that waste, or repairing that degradation.

3. Should the objects of the EPBC Act be more specific?

Yes.

The primary aim of this Act is to conserve and protect Australia’s environment, its natural heritage and biological diversity including genes, species and ecosystems, its land and waters, and the life-supporting functions they provide. [3]

[3] This is consistent with recommendations of the Report of the Independent review of the EPBC Act 1999 (2009) (Hawke Review), at 1.49-1.50:

This should be supported by secondary objectives. We support the following objectives provided by the Environmental Defenders office.

- a) to provide national leadership and partnership on the environment and sustainability, and to achieve ecologically sustainable development;
- (b) to recover and prevent the extinction or further endangerment of Australian plants, animals and their habitats, and to increase the resilience of native species and ecosystems to key threatening processes;
- (c) to ensure fair and efficient decision-making; government accountability; early and ongoing community participation in decisions that affect the environment and future generations; and improved public transparency, understanding and oversight of such decisions and their outcomes;
- (d) to recognise Aboriginal and Torres Strait Islander peoples’ knowledge of Country, and stewardship of its landscapes, ecosystems, plants and animals; to foster the involvement of these First Australians in land management; and expand the ongoing and consensual, and credited use of traditional ecological knowledge across Australia’s landscapes;
- (e) to fulfil Australia’s international environmental obligations and responsibilities; in particular, to take all appropriate steps necessary to achieve the purposes of the following international agreements (among others):
 - the World Heritage Convention;²²
 - the Convention on Biological Diversity;
 - the Ramsar Convention on Wetlands of International Importance;

- the Bonn Convention on the Conservation of Migratory Species of Wild Animals
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- the United Nations Declaration on the Rights of Indigenous Peoples;
- the United Nations Framework Convention on Climate Change (as applicable to emissions reduction and carbon management under the Act); and
- special bilateral or multilateral conservation agreements (including agreements with Japan, China and the Republic of Korea to protect migratory birds in danger of extinction).

(f) to recognise and promote the intrinsic importance of the environment and the value of ecosystem services to human society, individual health and wellbeing.

4. Should the matters of national environmental significance within the EPBC Act be changed?

How?

Yes. See also answers to Question 1

Meeting our 2015 United Nations Paris Agreement – Scope 3 emissions must be included in the EPBC act.

The Paris Agreement was a landmark commitment by more than 190 signatories, including Australia, to limit global warming to “well below” 2 degrees Celsius, above pre-industrial levels and as close to 1.5 degrees as possible. It committed the world’s governments, including Australia, to zero net emissions by 2050. [3] Australia is a signatory to the Paris Agreement, yet we have no federal roadmap to meet this national agreement.

[3] Intergovernmental Panel on Climate Change (IPCC) Special Report, Global Warming of 1.5°C.

<https://www.ipcc.ch/sr15/>

Global overheating from anthropogenic greenhouse gasses poses an existential threat to the Australian environment. The science is very clear. We need to reduce our greenhouse gas emissions to net zero by 2050 to avoid catastrophic damage. Yet the world is nowhere near on track for 1.5 degrees. We are currently at 1.2 degrees with the current trajectory is 3-5 degrees by 2100 and beyond. We have had catastrophic bushfires at just 1.2 degrees, 5 degrees will be completely disastrous. We just can’t predict the cascading effects this might have on our environment, ecosystems and biodiversity.

Yet we continue to dig up and export vast amounts of fossil fuels. CO2 knows no boundaries. Australian coal burnt in India, will impact Australia.

While Australia urgently needs a Climate Change Act, the EPBC act must include climate change impacts of projects including scope 3 emissions. This is essential.

The true environmental costs of fossil fuel extraction are not built into the cost of sales of these resources. This means that the companies – mainly foreign multinationals are effectively not being

held accountable for restoration of future damage. The profits they are making now will not be available for us to repair future damage. It will fall to the Australian taxpayer to foot the bill.

An analogy is James Hardy and Asbestos. James Hardy accrued billions in profit. Disposal of asbestos contaminated material in NSW can be up to \$800 tonne. The total safe dismantling and disposal costs of asbestos will eventually be enormous. On a recent school construction project in Western Sydney from an AILA member – asbestos discovered in the topsoil burnt through \$2M out of the projects \$45M budget. It wasn't James Hardy that footed the bill. No it was the taxpayer – either that or we had to build less classrooms.

5. Which elements of the EPBC Act should be priorities for reform? For example, should future reforms focus on assessment and approval processes or on biodiversity conservation? Should the Act have proactive mechanisms to enable landholders to protect matters of national environmental significance and biodiversity, removing the need for regulation in the right circumstances?

All of the heading area outlined in the discussion paper need work. We would add that there also needs to be a focus on restoration and rehabilitation and not just protecting what remains of our natural systems and biodiversity.

Landholders should be required by law to protect matters of national environmental significance. Removal of regulation for landholders. As stated in question 15 we would oppose any removal for regulation, or self-management.

6. What high level concerns should the review focus on? For example, should there be greater focus on better guidance on the EPBC Act, including clear environmental standards? How effective has the EPBC Act been in achieving its statutory objectives to protect the environment and promote ecologically sustainable development and biodiversity conservation? What have been the economic costs associated with the operation and administration of the EPBC Act?

We support the concerns outlined by the EDO as outlined below. Furthermore on the matter of costs - The cost of managing and running the EPBC act should not be the question. The question should be what is the environmental cost. It is essential that the management not be seen as an economic cost or burden.

SCOPE AND NATIONAL LEADERSHIP

- The Act must elevate environmental protection and biodiversity conservation as the primary aim of the Act, consistent with Australia's international obligations.
- The Act must include clear duties on decision-makers to exercise their powers to achieve the Act's aims.
- The Act must effectively address the most significant environmental challenges: climate change, land clearing, and cumulative impacts with new triggers in the Act where required.

GOVERNANCE AND ACCOUNTABILITY

- Two new statutory environmental authorities should be established – a National Sustainability Commission and a National Environment Protection Authority.²³

- There should be accountability mechanisms to hold the regulator and decision-makers to account including:
 - o Access to information and data disclosure provisions to ensure greater transparency;
 - o Public participation in decision-making and planning; and
 - o Third party review rights (including merits review).
- Greater emphasis should be placed on Indigenous leadership and rights (including free prior informed consent requirements), land management and biodiversity stewardship, and formal legal recognition of Indigenous Protected Areas.

OUTCOMES AND EFFICIENCY

- National standards should be enacted to drive best practice including:
 - o a clear process for accreditation of assessment processes that meet strict national standards (e.g. biodiversity offsets), with retention of Commonwealth approval and call-in powers;
 - o clear upfront guidance on assessment requirements (including red lights) to improve certainty;
 - o clear objective decision-making criteria set out in legislation;
 - o strengthened strategic assessment and bioregional planning provisions; and
 - o independently appointed and accredited consultants to improve environmental assessment quality and information.

7. What additional future trends or supporting evidence should be drawn on to inform the review?

IMPACTS OF NON LINEAR GLOBAL WARMING, AND CLIMATE CHANGE:

Non-linear impacts of global warming, and climate change that could have unforeseen cascading effects through the biosphere.

For example, the sex of green sea turtles is dependent upon the temperature of the sand. With warming temperatures, recent studies have shown that up to 98% of hatchlings are female. The lack of male partners could have a significant impact on the population. [4] No one really know what the cascading effects of this might be throughout other parts of the reef ecosystem. Some impacts are going to be very hard to predict until perhaps it is too late.

[\[4\] https://www.nationalgeographic.com/news/2018/01/australia-green-sea-turtles-turning-female-climate-change-raine-island-sex-temperature/](https://www.nationalgeographic.com/news/2018/01/australia-green-sea-turtles-turning-female-climate-change-raine-island-sex-temperature/)

USE OF SATELLITE TECHNOLOGY

Low cost satellite mapping – cube satellite etc provide the opportunity to map in near real time. As a minimum all of Australia should be remapped annually and analysed by land use change

identification software, backed up by ground truthing. This would look in particular at coverage – land clearing – regrowth etc. Sensitive areas subject to approvals should be remapped at much closer intervals – i.e. monthly. Sufficient funding should be provided to manage this.

See also answers to question 1 and 4.

8. Should the EPBC Act regulate environmental and heritage outcomes instead of managing prescriptive processes?

The current EPBC Act lacks clear goals, aims and outcomes. It potentially needs a substantial new framework to make it work better. Refer to answers on structure in questions 9 and 10.

9. Should the EPBC Act position the Commonwealth to take a stronger role in delivering environmental and heritage outcomes in our federated system? Who should articulate outcomes? Who should provide oversight of the outcomes? How do we know if outcomes are being achieved?

Yes. Australia needs uniform nature laws that equally manage our environment across the nation. For example different land clearing laws mean there are substantially different impacts state to state. Environmental gains in one state should not be lost in another state through difference in local laws (eg planting and restoration in one state and land clearing in another).

The lack of clear and consistent national environmental goals, standards, targets, indicators and data is a major barrier to effective environmental decision-making in Australia.

The Act should require the establishment of national goals to achieve positive environmental outcomes under rolling National Environment and Sustainability Plans (National Plans).

National Plans would establish short and long-term environmental goals, standards, indicators and reporting to inform policy and decision-making, including for biodiversity conservation, air, land and water management (among other things).

Need for an independent National Environment or Sustainability Commission that has real powers

To back up our uniform nature protection laws, we need an independent commission. This has to be free of political influence and have real powers to enforce the environmental outcomes.

Overall changes

- Clear national goals
- National uniform nature laws that equally manage our environment across Australia and reflected down through the State and Territory legislation.
- A National environmental data set hub that is fully publically accessible, and funded to be kept up to date
- An independent agency to manage, guide and adjudicate (with the power to do so).
- Additional focus on restoration, not just protection from damage.
- Inclusion of green house gas emissions including scope 3 emissions
- Long term tracking and monitoring of outcomes

Refer also to answer to question 10.

10. Should there be a greater role for national environmental standards in achieving the outcomes the EPBC Act seeks to achieve?

In our federated system should they be prescribed through:

- **Non-binding policy and strategies?**
- **Expansion of targeted standards, similar to the approach to site contamination under the National Environment Protection Council, or water quality in the Great Barrier Reef catchments?**
- **The development of broad environmental standards with the Commonwealth taking a monitoring and assurance role? Does the information exist to do this?**

Yes. National environmental standards are essential for achieving outcomes. These also need to be reflected in the State and local legislation. An independent body needs to be the assessor of the environmental standards. To distribute the load, this could be managed at a local and state level where specialist local knowledge and expertise around specific local environments would exist, with some form of accreditation to ensure consistency.

See also responses to question 9

11. How can environmental protection and environmental restoration be best achieved together?

- **Should the EPBC Act have a greater focus on restoration?**
- **Should the Act include incentives for proactive environmental protection?**
- **How will we know if we're successful?**
- **How should Indigenous land management practices be incorporated?**

11.1 A GREATER FOCUS ON RESTORATION

Yes, The EPBC act should have a far greater focus on restoration. We would even suggest that the title of the act be amended to include the word restoration.

Australia is a land of great beauty and blessed with incredible and unique biodiversity. The last 232 years of European settlement, have however substantially impacted our natural environment. We are at a point now where we are pre-occupied by trying to retain what little we have left, and forget that we also need to be thinking long term about rebuilding of our nation's biodiversity and environment. The act needs to promote restoration and rebuilding. We would even suggest that the word "restoration" be added to the title of the Act.

11.3 HOW WIL WE KNOW WE ARE SUCCESSFUL

Zero destruction of primary, remnant, old growth or high conservation value forests and bushland.

At least fifty percent (50%) reduction in current land clearing rates of regrowth vegetation by 2020, near zero by 2025.

No more fauna or flora extinctions.

Measurable recovery of numbers or extent and quality of threatened, endangered and critically endangered species and ecosystems.

Measurable recovery of freshwater ecosystems, including the Murray-Darling Basin.

Measurable recovery of large, intact and functioning ecosystems (wilderness areas);

Twenty percent (20%) of every terrestrial and marine bioregion in Australia are protected in a nationally coordinated and consistent system of conservation agreements.

11.4 INDIGENOUS LAND MANAGEMENT PRACTICES:

It is essential that indigenous land management practices including cultural burns be incorporated. As these practices are ecosystem specific, greater indigenous involvement, knowledge sharing, training and development is needed. This will be a long-term process, that would have multiple, benefits to the environment, as well as cultural and social benefits of knowledge, skills and employment.

12. Are heritage management plans and associated incentives sensible mechanisms to improve? How can the EPBC Act adequately represent Indigenous culturally important places? Should protection and management be place-based instead of values based?

12.2 PROTECTION OF INDIGENOUS CULTURAL PLACES.

Culturally important indigenous places need to be represented. Mapping of these however on a national database (see answer for 15.4) needs to be culturally sensitive. For example, some sites are better protected if not identified. Mechanisms would need to be in place to ensure this. Aboriginal Consultation on appropriate methods and sensitivities of mapping would be required.

12.3 PLACED BASED VALUES

As landscape architects we would support the inclusion of placed based assessment and protection

13. Should the EPBC Act require the use of strategic assessments to replace case-by-case assessments? Who should lead or participate in strategic assessments?

No. These should be complementary. The question is how to structure the assessments, allowing them to fit into local, regional, state and national assessments.

14. Should the matters of national significance be refined to remove duplication of responsibilities between different levels of government? Should states be delegated to deliver EPBC Act outcomes subject to national standards?

14.2 DELEGATING TO STATES

Devolving federal responsibilities to eight separate State and Territory levels, will only work if all eight have consistent legislation and laws that align with national standards. With effective

accreditation, there are benefits in delegation where local expertise and specialist knowledge can be used in the assessment framework.

15. Should low-risk projects receive automatic approval or be exempt in some way? How could data help support this approach? Should a national environmental database be developed? Should all data from environmental impact assessments be made publicly available?

15.1 LOW RISK PROJECTS

We would oppose automatic approval or exemption. Lots of small interventions add up eventually to a large impact. This is particularly evident with land clearing. It might seem like just a few hectares on this property – but over thousands of properties this adds up.

Management of this needs to be carefully considered.

15.3 AND 15.4 FULLY SUPPORT NATIONAL DATABASE AND EIS DATA BEING PUBLIC

SEEING THE BIG PICTURE

Seeing the big picture is essential to making good decisions. Australia needs to invest more in an Australian wide data set / map that provides the big picture of our ecosystems and diversity. This would need to be updated by satellite mapping on ideally a quarterly basis. This would allow us to assess the cumulative losses and any gains over time.

We fully support the development of a national environmental data base. This should be fully publically accessible. This data set should be provided in digital map form, combining all available data sets, new mapping of missing data.

It should also link to detailed level all available data from project specific environmental impact statement and reviews of environmental factors.

It should provide easily understood layer sets with multiple overlays including for example:

- Regularly updated Aerial photo or satellite imagery:
- Topographic data / geological / water / ecosystems / ecological communities / threatened species / carbon storage / land clearing / significant cultural sites and landscapes / cadastral / etc
- National state and local significance overlays.
- Cultural Heritage Land Management Agreements (Registered Aboriginal Parties)-Map boundaries of local studies such as environmental impact statements, Review of environmental factors etc. You should be able to click that local study to access the resources file / submission data.

The user interface needs to be very simple, intuitive and easily accessible by to all.

It should be managed by an independent federal agency. It needs to input existing data from agencies such as the CSIRO and from multiple existing submission resources, and there needs to be sufficient funding to collate and manage this data set.

16. Should the Commonwealth’s regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections?

While species specific protections are useful we would support landscape scale management. This should look holistically at an ecosystem level. Natural systems are by nature geographic and interconnected. National mapping and database important here – see answer to Q15.

17. Should the EPBC Act be amended to enable broader accreditation of state and territory, local and other processes?

17.1 STATE AND TERRITORY ACCREDITATION

National leadership and consistent national laws are essential. As noted in question 14, broader accreditation at a State and Territory level would provide delegation, but needs to be matched with uniform objectives and laws at the State and Territory level.

17.2 OTHER PROCESSES:

Other processes such as outcomes based options would need to be matched my methods / mechanisms to ensure outcomes are actually met.

18. Are there adequate incentives to give the community confidence in self-regulation?

No. This is not something that can be left to self-assessment. There are very low levels of trust

19. How should the EPBC Act support the engagement of Indigenous Australians in environment and heritage management?

How can we best engage with Indigenous Australians to best understand their needs and potential contributions?

What mechanisms should be added to the Act to support the role of Indigenous Australians?

It is essential that Aboriginal Australians are engaged and their cultural knowledge be shared with appropriate permissions, acknowledgement and remuneration to guide land management. Both at a cultural heritage level and a land management level.

The recent catastrophic bushfires have placed a focus on aboriginal fire management practices.

Appropriate mechanisms need to be developed to include Indigenous Australians, and enough funding provided for advice, inclusion and ongoing engagement.

20. How should community involvement in decision-making under the EPBC Act be improved? For example, should community representation in environmental advisory and decision making bodies be increased?

Iterative community representation and consultation is essential throughout the whole process, from strategic planning to project assessment and compliance monitoring, reporting and enforcement.

And should allow for not just local community representation, but wider community concerns. Mechanisms need to be in place to allow community involvement and engagement. Transparency and access to information is important for community involvement. Clear mechanisms need to be provided to show how decisions have been made and how community concerns have been heard and addressed.

Sufficient time needs to be provided for community to review and consult. Often there is only 28 days for community to review and assess extremely complex EIS documents that would have taken many months to prepare.

Submissions need to be written in plain English with clear summaries for the community to easily understand the implications.

Final impacts statements and decisions should not allow opportunity for development to override the decisions and recommendations. For example, through the WestConnex Rozelle Interchange project in Sydney, protection of significant vegetation (e.g. mature fig trees) resulted from community submissions and was included as a requirement in the EIS. However, it included the words “subject to detailed design”. This effectively allowed the contractor to remove significant vegetation and still comply with the EIS requirements. The only way to verify that they looked at design options was through a freedom of information request. This can be very onerous for the community and individuals and must be avoided.

Web based reporting needs to be intuitive to locate, and be made easy to access and download. On the NSW major projects website, accessing environmental impact statements is not straightforward. For example, the appendices on biodiversity might be Appendices E, but the download page has it only listed as “Appendices E”. Not “Appendices E – Biodiversity”. You have to download a table of contents to find out what appendices to download. Sometimes the Appendices document is split into chapters and you then have to download each individual chapter of the appendices. Often there is no option to just download the entire document, or the entire appendices. These processes need to be made easy and efficient for the public.

There needs to be provisions that make it viable for members of the community to object or contribute, or to take environmental breaches of conditions to court, without fearing a lawsuit or legal costs that an individual property owner cannot possibly cover, when the proponent is a large company / multinational.

21. What is the priority for reform to governance arrangements? The decision-making structures or the transparency of decisions? Should the decision makers under the EPBC Act be supported by different governance arrangements?

No comment made

22. What innovative approaches could the review consider that could efficiently and effectively deliver the intended outcomes of the EPBC Act? What safeguards would be needed?

See answers to questions 9,10, 15 and 20

23. Should the Commonwealth establish new environmental markets? Should the Commonwealth implement a trust fund for environmental outcomes?

Further review required. Restoration focus. Incentives for carbon farming and biodiverse planting but how do you value the true cost of the environment?

24. What do you see are the key opportunities to improve the current system of environmental offsetting under the EPBC Act?

Nothing included here – insufficient of time.

25. How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?

- Could public sector financing be used to increase these investments?
- What are the benefits, costs or risks with the Commonwealth developing a public investment vehicle to coordinate EPBC Act offset funds?

Nothing included here – insufficient of time.

26. Do you have suggested improvements to the above principles? How should they be applied during the review and in future reform?

Covered in submission

27. Is the EPBC Act delivering what was intended in an efficient and effective manner?

How effective has the EPBC Act actually been? The cost of managing and running the EPBC act should not be the question. The question should be what is the environmental cost?

The 2016 State of the Environment report highlighted areas where the environment is being degraded. The issue is that after 232 years of cumulative impacts we are trying to save what little is left, but large scale development, from urban expansion, to coal mining in the Galilee Basin to fracking, all which huge environmental and water impacts, still seem to happen.

28. How well is the EPBC Act being administered?

No comment made

29. Is the EPBC Act sufficient to address future challenges? Why?

Nothing included here – insufficient of time.

30. What are the priority areas for reform?

See answers to question 21

31. What changes are needed to the EPBC Act? Why?

Refer to rest of document

32. Is there anything else of importance to you that you would like the review to consider?

ECOSYSTEMS DON'T SEEM TO HAVE LEGAL RIGHTS

For example, Ecuador has written nature's right to exist into its constitution. This means that the ecosystem itself can be named as a defendant in court. Does our environment have that?

ECOSYSTEMS HAVE VALUE BECAUSE OF THEIR BIODIVERSITY.

Value does not just come from iconic species like Koalas or Mountain ash, but from the ecosystem they live in. This means that insects that pollinate the eucalypts are just as valuable to that ecosystem and the survival of those iconic species.

WHOLE OF ECOSYSTEM APPROACH

Natural ecosystems don't reflect State and territory boundaries. The act should cover geographic ecosystems, as well as the whole of ecosystem.

POTENTIAL TARGETS – KEY PERFORMANCE INDICATORS

- Zero destruction of primary, remnant, old growth or high conservation value forests and bushland.
- At least fifty percent (50%) reduction in current land clearing rates of regrowth vegetation by 2020, near zero by 2025.
- No more fauna or flora extinctions.
- Measurable recovery of numbers or extent and quality of threatened, endangered and critically endangered species and ecosystems.
- Measurable recovery of freshwater ecosystems, including the Murray-Darling Basin.
- Measurable recovery of large, intact and functioning ecosystems (wilderness areas);
- Twenty percent (20%) of every terrestrial and marine bioregion in Australia are protected in a nationally coordinated and consistent system of conservation agreements.
- Federal Government leads the country in ensuring environmental indicators improve.

- Environmental regulation, planning and decision making independent from political parties. These are adequately resourced to achieve outcomes, conducted transparently and fully enforced.
- Community has legislated right to open standing, merits review and third-party enforcement rights under national environmental laws.
- Community and NGO sector have access to consistent, regularly updated and reliable government data on environmental values and greenhouse gas reporting on disaggregated by sector and between sequestration and emissions.

33. Do you give permission for your submission to be published?

(Required) Yes - with my name and/or organisation (if included) Yes - anonymously No - please keep my submission confidential (I understand that the fact that I have made a submission will be published on the review's website, but not the submission itself)

Answered: Yes – with my name and /organisation included

Any Additional information you wish to submit?:

See attached cover letter



Australian Institute of
Landscape Architects

EPBC Act Review Secretariat
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

1/5/2020

Dear Sir / madam

EPBC ACT REVIEW

Thank you for the opportunity to submit a response to the EPBC act review.

The Australian Institute of Landscape Architects (AILA) is the peak national body for the Landscape Architecture. AILA champions quality design for public open spaces, stronger communities and greater environmental stewardship. We provide our members with training, recognition and a community of practice to share knowledge, ideas and action.

With our members, we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design, planning and management of the natural and built environment.

In operation since 1966, AILA represents over 3,500 landscape architects and promotes excellence in planning and designing for life outdoors. Committed to designing and creating better spaces in Australia, landscape architects have the skills and expertise to improve the nation's liveability through a unique approach to planning issues via innovative integrated solutions. In doing so, landscape architects contribute towards better environmental, social and economic outcomes for all Australians.

As landscape architects we are always looking at the big picture. How does a project protect and enhance a broader landscape? It is through this big picture lens, that we see great opportunities for proposed changes to the EPBC act to inform the national level framework, build and manage data sets and provide national guidance.

We are fortunate to have an EPBC act, but at present it seems to be failing us.

The 2016 State of the Environment report identified a number of key issues for the Australian environment including a lack of overarching policy and vision, poor collaboration, a lack of data and monitoring, insufficient resources and a lack of an understanding of cumulative impacts.

<https://soe.environment.gov.au/theme/overview>

Australia is a land of great beauty and blessed with incredible and unique biodiversity. The last 232 years of European settlement, have however substantially impacted our natural environment. We are at a point now where we are pre-



occupied by trying to retain what little we have left, and forget that we also need to be thinking long term about rebuilding of our nation's biodiversity and environment. The act needs to promote restoration and rebuilding. We would even suggest that the word "restoration" be added to the title of the Act.

From a broader world view the impacts of global overheating from anthropogenic greenhouse gasses poses an existential threat to the Australian environment - this is currently not addressed in the Act.

Natural systems don't reflect State and territory boundaries, therefore we support a big picture holistic approach to the Act with it being substantially re-written or amended to address these issues. Key among these would be:

- Clear national goals
- National consistent nature laws that manage our environment equitably across Australia and that are reflected down through the State and Territory legislation.
- A national environmental data set hub that is fully publicly accessible, and funded to be kept up to date
- An independent agency to manage, guide and adjudicate (with the power to do so).
- Additional focus on restoration, not just protection from damage.
- Inclusion of greenhouse gas emissions including scope 3 emissions
- Long term tracking and monitoring of outcomes

If you have any questions please don't hesitate to contact me to discuss.

Yours faithfully

Ben Stockwin

Chief Executive officer

Australian Institute of Landscape Architects

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