

EIANZ Board Statement

EPBC Act Review Interim Report

The Environment Institute of Australia and New Zealand (EIANZ) welcomes the **Interim Report** on the Samuel Review of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), released on 20 July. However, in advance of Professor Samuel's final report, pressure is building to reduce environmental approval times, as one of the Australian Government's post-COVID-19 economic recovery measures.

Recent statements from the Prime Minister and the Minister for the Environment regarding the reasons for delays in the decision-making process for environmental assessments concern the EIANZ.

The EIANZ is also concerned about the continued decline of Australia's natural and cultural heritage, and firmly supports the intent of the EPBC Act to protect and enhance Australia's unique environment; however, there is no doubt its administration could be improved. EIANZ members use the EPBC Act, plus supporting State / Territory legislation on a daily basis, and are generally supportive of the processes required for project approvals, notwithstanding 11 recommendations for improvements in **our submission** to the **EPBC Act Independent Review's discussion paper**.

The Institute raises concerns regarding the ability for the Commonwealth and State / Territory departments to adequately assess applications, which are consistent with the findings of the **Auditor-General's June report** on the administration of the EPBC Act. Departments are under-funded, under-resourced and struggle to retain technically competent staff, who are often moved between divisions before developing effective understanding of environmental issues and project knowledge.

The Interim Report has identified 30 areas for improvement and flags that the EPBC Act is insufficient to protect the environment and Australia's iconic places in the national interest. It goes on to conclude that the operation of the EPBC Act is archaic, inefficient and not fit-for-purpose for neither today's, nor the future's, environmental challenges.

The Interim Report is consistent with the recommendations of the EIANZ in its April submission. The EIANZ welcomes the Interim Report and endorses the findings of the review. In particular, the recognition that regulators are under-resourced, offsets are inadequate for providing the required habitat restoration, duplication between State / Territory legislation is hindering the objectives of the EPBC Act and that the EPBC Act has failed to fulfil its obligations as they relate to Indigenous Australians and their cultural heritage. The EIANZ strongly supports the development of National Environmental Standards and the establishment of an independent compliance and enforcement regulator.

The EIANZ urges the Australian Government to allocate increased funding to dedicated environment departments. Consistent with the findings of the EIANZ submission to the EPBC Review, the Institute recommends focussing on strategic environmental assessments to minimise environmental risk and the development of regional sustainability action plans.

Although an additional \$25 million is being allocated to ease the backlog of environmental approvals, the Institute considers that this is insufficient and additional and ongoing funding is urgently required to deal with the fundamental failures of the department. Legislative reform, guided by the Samuel Review, is not the only solution to this nationwide challenge. Only by investing in our environment, can we hope to protect it.

The EIANZ and our Certified Environmental Practitioner (CEnvP) Scheme is well placed to assist the Australian Government in making recommendations for practical outcomes to systematic challenges that have been identified through the media, the Samuel Review, the Auditor-General's findings and the vast experience our over 2,000 members provide.

