

What reforms could most improve EIA and approval processes?

052

(1/2)

Require cumulative effects assessments for all projects



58 %

Require proponents to share management plans and data related to project assessment and ongoing monitoring



54 %

Link statutory reporting on environmental conditions to process for expanding triggers



12 %

Add climate, land clearing and expanded water MNES triggers



40 %

Remove exemption for RFA forestry activities



8 %

clarify scope of governmental authorisations



8 %

limit operation of particular manner decisions



6 %

Require independent objective decision-making, through objective decision-making criteria (less discretion)



65 %

Establish public register of approvals



17 %

Revise Act's objectives to clarify goal



21 %

How can the Act better conserve biodiversity?

(1/3)

Expand the role of bioregional [regional] plans and strengthen process for developing



Allow Commonwealth to initiate bioregional planning



Ensure process for delineating a 'region' is flexible



Require offsets be identified BEFORE approval granted



effectively address land clearing



effectively address climate change



genuine protections for threatened species habitat



assess impacts on species in full context of that species



demonstrate effectiveness of offsets before clearing permitted



bring offsets regime into the Act (rather than operate under policy)



Expand protected area network to enhance corridors, connectivity, refugia



what are the priorities for reforming SEA? (1/2)

0 2 6

Expand so they are used more often



strengthen processes



Specify mandatory required information for strategic assessments



Insert an 'improve or maintain' test for the approval of a class of actions in accordance with an endorsed plan, policy or program



Enhance provision for public engagement



Make process truly strategic and deal with the spatial and temporal scale of the projects



Provide stronger focus on conservation planning



make SEA process faster



How can administration and enforcement be improved?

030

(1/2)

Improve resourcing and establish secure funding model
 77 %

Establish independent regulatory authority
 73 %

Make merits review available for key EIA/approvals decisions
 27 %

Enhance use of ADR under Act
 7 %

National/regional monitoring and reporting
 20 %

Enhance transparency in compliance and enforcement
 60 %

Report on and respond to trends (environmental accounts)
 33 %

What else must the EPBCA review address?

Data management

- Publishing information about outcomes of offsets as opposed to the existing system of conditions prescribing offsets being only listed within referrals on the referrals register.
- SOE should report on approvals to impact protected matters and cumulative consequences leading to decision rules on whether further impacts allowed
- Mapping – technologies, access, accuracy
- Cwth as a data repository - consistency, transparency, accessibility
- Development of a data repository / inventory, and generally improve consistency in data collection
- Ensure that all materials publicly available at one point (ie EIS' , policy docs, submissions, responses to submissions) are available in perpetuity in an organized way on a stable website.

Compliance and enforcement

- Improving environmental literacy amongst judiciary
- Resourcing agencies to properly undertake compliance & enforcement
- Refocusing effort and resources from writing and maintaining plans to delivering enforced environmental outcomes
- Accountability for decisions - if a species goes extinct, who was responsible? Can they prove they took reasonable action to prevent the extinction?
- Review scope for plans and other tools – can be so high level they are not enforceable and ineffective in actually protecting habitats
- Need for 'spot check' type auditing of compliance (like with tax system)
- Establishing inquest triggers for failures of the Act - e.g. extinction of a species could trigger a formal inquest
- Ensure there is a way to enforce SEAs

Impact assessment

- Asking how to better integrate the mitigation hierarchy within the EAA process. Currently, it seems to be too late within the EAA process to properly consider avoid or minimize environmental impact.
- EIA is inherently reactive - needs to be supported by proactive protected area, species recovery, land use planning mechanisms.
- The ability of the Act to effectively permit significant impacts to occur
- How to separate proponents from the undertaking of robust independent EIA (but still get them to fund them)
- All things social and economic – better integration with planning decisions, even where no “action” has taken effect

Resourcing

- Industry levies to fund related or beneficial environmental research to replace misplaced offset money
- Mechanism to ensure that existing and new funding is directed toward research to support recovery plans and other plans for management - recognise that these are 'National Science Priorities'
- Cost recovery through levies and fees
- Transition from reactive to progressive funding - should we be willing to do less, better?

Ecosystem management

- Genuinely use the mitigation hierarchy: avoid, mitigate, offset. Don't jump straight to offset
- Triggers to review recovery plans in response to new information, uplisting etc.
- Need to ensure management and protection of aquatic ecology / communities is reviewed
- How frequently recovery plans and conservation advices need to be updated in response to new research / cumulative impacts / pressures such as climate change
- Requirements for landscape restoration
- Ensure timely consideration and answer on a proposed new listed ecological community or species
- Lessons from RFAs about the limitations of multi-decade strategic assessments - is it possible for strategic/regional assessments to be enforceable, specific, measurable and also flexible and responsive to environmental change over such periods? If not, should enforceability and specificity be prioritised through use of other tools such as decision-rules to protect habitats?
- Extend protections for critical habitats to all matters, not just Cwlth reserve system
- Provide for specific decision rules e.g. around protection of critical habitat
- Support private conservation and protect private conservation land from conflicting land uses
- How to incorporate ecosystem function
- Listing / mapping of critical habitat

Other

- Clarifying what the Act is actually trying to achieve - are the objects of the Act appropriate or sufficient for the coming decades?
- Reviewing how the precautionary principle is being applied (funding for research / knowledge gaps)?
- Integrating the 70+ Cth enviro Acts - initial aim for EPBCA reform
- Release of EPBC Act agriculture review
- International regional collaboration initiatives & transparency obligations
- Align EPBC Act with best practice Acts in EU
- Optimising use of resources / Enforceable re-use & recovery obligations in critical areas eg plastics
- Review must address how recommendations should be implemented
- Integrate climate impact assessment in all aspects of policy development and regulatory process
- How can we adapt our enviro laws to deal with the impacts of climate change and other emerging threats?
- Appropriate roles and responsibilities of the states and territories
- Political donation law reform must happen in tandem with enviro law reform