

MODERNISING THE EPA ACT

Thank you for the opportunity to make a submission. We are currently facing an environmental crisis in Australia due to wholesale land use changes leading to loss of wildlife habitats which in turn is resulting in the mass extinction of our unique wildlife. A major stressor is climate change which will only become worse if we continue with “business as usual”. It is therefore vital that the Environmental Protection Act is modernised to address 21st century challenges.

Climate change needs to be included in the Act. For example,

Clause (3A) Terms Used:

(3A) (1) *Pollution* should be amended to specifically include greenhouse gases (and clarify the gases included under that heading); and

(3A) (2) *Environmental harm* must also specifically include a sub-heading to incorporate the harm and impacts from the alteration of our environment due to the increase in greenhouse gases.

As well climate change must be incorporated into all the decision making processes under the Act. This should be self evident if the Object of the Act is to protect the Environment of the State. The environment of the State cannot be protected if climate change is not taken into consideration when decisions are made.

Currently there is a general feeling in the community that our governments are no longer working for the public good. In terms of environmental protection it appears that powerful vested interests receive greater consideration under the guise of “jobs”, “growth” and a “strong economy”. The balance needs to shift. The public need to have confidence that the processes are followed when decisions are being made. These decisions should be transparent and logical based on the Object and supporting principles and policies contained in the Act.

Clause (4A) states that the Object of the Act is to protect the environment of the State....having regard to a number of principles. These principles should be central to the decision making process (and not just taken into account as inferred) because unless they are adhered to then the environment of the State is not being protected. Stronger wording is required to ensure proper process.

It is important that the public have an opportunity to participate where possible in the processes of the EPA. For example, the public interest should be included as a further Principle under the Object of the Act because what is being protected are public assets. Also there are many members of the public who are dedicated to the protection of our environment and are knowledgeable about different aspects of our public natural assets. As such, these members of our community should be given the right as third parties to undertake enforcement proceedings. This provision is currently not available under the Act but should be.

When decisions are made by the EPA it is important that its reasons should be published to improve transparency and trust in the processes undertaken by the Authority. Furthermore whilst these decisions must be in accordance with the Principles set out under 4A they should also adhere to the EPA’s own policies. The Act should be strengthened to reflect this.

Western Australia should follow the lead of other states and set up an independent body to review decisions on appeal rather than leaving it to the Minister as is currently the case. This is another important factor in improving the public’s confidence in government and its statutory authorities.

Finally, land clearing of native vegetation needs much greater consideration. Land clearing in Western Australia continues despite the fact that so little native vegetation remains; that due to the extent of the clearing there has been significant environmental harm done; and that as a result of the deleterious human impacts on our remarkable and unique flora and fauna the State's southwest has been declared a biodiversity hotspot. Offsets have been the panacea for developers and industry but in fact have delivered little to the welfare of the environment or the flora and fauna lost in the process. I believe protection of our remaining native vegetation is of such importance that a purpose-specific native vegetation Act should be developed to regulate any clearing and to provide opportunities for the protection of our remaining native vegetation.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'L Stubbs', with a stylized, cursive script.

Leonie Stubbs

16 January 2020