



Australian Lesbian Medical Association

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ALMA's SUBMISSION REGARDING THE 2020 REVIEW OF THE NATIONAL ENVIRONMENT LAWS (EPBC Act)

*Written by Dr Liz Rickman and Dr Sarah Burrowes
on behalf of the Australian Lesbian Medical Association's International
Issues and Human Rights Committee*

The Australian Lesbian Medical Association is a medical non-governmental organisation with special consultative status with the Economic and Social Council (ECOSOC), United Nations. We are very concerned regarding the effect of climate change on the environment and the resultant escalation of health issues for us all.

The current EPBC Act is failing to protect Australians from an escalation in climate-related disasters, such as the recent unprecedented and devastating bush fires. There is increasing evidence of the serious health implications of smoke pollution. Bushfire smoke from the catastrophic fires last summer was responsible for 417 excess deaths, and 1124 hospitalisations for cardiovascular problems and 2027 for respiratory problems across the ACT, NSW, Victoria and Queensland.

As climate change continues and Australia continues to increase its greenhouse gas emissions, we fail to take sufficient action on Climate change, lagging behind meeting our Paris Agreement targets.
(as detailed in the See Lancet Countdown Nov 16 2019, Vol 394 Issue 10211)

The current EPBC Act fails in its capacity to protect the environment by not prohibiting the opening of new coal mines, by allowing widespread deforestation and by failing to protect biodiversity. As a result we are already experiencing escalating climate change consequences with a reduction in

food production, likely permanent damage to healthy ocean habitats, and an increase in unprecedented environmental disasters.

Australia is the only developed nation identified as a global deforestation hotspot (by the World Wildlife Fund in their 2018 Living Planet report), yet reforestation and forest protection are key actions the EPBC Act could and should enforce to reduce the amount and impact of greenhouse gas emissions.

A stronger EPBC Act is required to prevent deforestation in large areas of old growth forests such as the 356,000 hectares of forest in Tasmania that became available for logging just last week on 8 April 2020.

Key areas that need to be addressed in the updated EPBC Act are:

a. National Leadership

There is a clear and essential need for national environment laws that ensure the federal government leads on the protection and recovery of our environment and cultural heritage. In Australia it is unclear who is ultimately responsible for ensuring our environment is managed well. The current system distributes responsibility across the federation, but no one jurisdiction is charged with coordinating efforts to protect our environment.

The federal government should retain responsibility for Matters of National Environmental Significance, and expand national oversight to:

- Guarantee the identification and protection of **critical habitats for threatened species** and the mandatory implementation of **wildlife recovery plans and threat abatement plans**.
- Provide national protections for **water resources and national parks and reserves**.
- Provide for the **mitigation and adaptation to climate change**, including a national climate trigger.
- Create a new classification for **Ecosystems of National Importance** that are essential for people and nature, such as critical water catchments, key biodiversity areas and climate refugia habitat.

- Implement controls on **deforestation** and mandate **incentives** for land managers who are willing to protect and restore natural ecosystems on their properties.
- Provide for **emergency listings and protections** for wildlife and heritage places that are subject to damaging events, such as the current bushfire crisis.
- Ensure binding national standards are set for **air pollution and plastic pollution**

A new national environment act should provide the federal government with all the powers it needs to actively protect and manage Australia's environment. This includes:

- Ensuring the federal government retains primary regulatory responsibility for an expanded list of matters of national environmental significance.
- Giving the federal government power to set binding national standards and objectives that all states must comply with.

b. Independent and Trusted Institutions

A key failure of the EPBC Act has been the current governance arrangements. ALMA asserts that effective new national environmental laws should:

- Establish **new institutions** to protect and manage Australia's precious wildlife
- Establish an **independent National Environmental Protection Authority** to administer national environmental law at arms length from government. A national EPA is essential to restoring integrity and improving transparency of environmental decision making under national law.

- Alongside an independent federal EPA, establish a **National Environmental Commission** to monitor trends in environmental health, set national standards and undertake bioregional planning so that we more effectively deal with the cumulative impacts on our natural environment and cultural heritage.

c. Community rights and participation

The health and stability of Australia's environment impacts all of us and Australia's citizens have a right to be involved in all decisions that affect the use and health of our environment. Our national environmental laws should:

- Provide for **community access to justice**, including ensuring open standing and merits review for environmental decisions, and providing for third-party enforcement rights to hold regulators to account.
- Ensure the mandatory **disclosure of all decision making information** and open access to environmental decision data.
- Guarantee accessible and open **community consultation processes** for environmental decision making.

Thank you for reading our submission and for taking into consideration the various important issues we have listed in this submission. ALMA looks forward to reading the outcome of the 2020 review of the EPBC Act and we hope that significant improvements will be made to strengthen the Act. We consider this strengthening to be vital given it has become clear from the work of vast numbers of climate scientists around the world that the next few years are crucial in preventing catastrophic climate change and protecting human health, human lives, wildlife, agriculture and ecosystems in the near future and also over the long term.

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