

## Fact Sheet 2

### The Independent Review – Conclusions and Recommendations

Consultations for the review were extensive.

Public comments received by the Review were broadly supportive of the EPBC Act reflecting its significant contribution to environmental regulation in Australia. When enacted, the Act brought about many important reforms, and in many respects is still regarded as world leading.

There are many positive features that should be retained, including:

- clear specification of matters of National Environmental Significance;
- the Environment Minister's role as decision-maker;
- public participation provisions;
- explicit consideration of social and economic issues;
- statutory advisory mechanisms; and
- the strong compliance and enforcement regime.

The EPBC Act is, however, a product of its time.

Dr Hawke's Final Report contains 71 recommendations.

These can be summarised into a reform package revolving around a nine point plan:

- (1) redraft the Act to reflect better the Australian Government's role, streamline its arrangements and rename it the Australian Environment Act;
- (2) establish an independent Environment Commission to advise the government on project approvals, strategic assessments, bioregional plans and other statutory decisions;
- (3) invest in the building blocks of a better regulatory system such as national environmental accounts, skills development, policy guidance, and acquisition of critical spatial information;
- (4) streamline approvals through earlier engagement in planning processes and provide for more effective use and greater reliance on strategic assessments, bioregional planning and approvals bilateral agreements;
- (5) set up an Environment Reparation Fund and national 'biobanking' scheme;
- (6) provide for environmental performance audits and inquiries;
- (7) create a new matter of national environmental significance for 'ecosystems of national significance' and introduce an interim greenhouse trigger;
- (8) improve transparency in decision-making and provide greater access to the courts for public interest litigation; and
- (9) mandate the development of foresight reports to help government manage emerging environmental threats.

In a Poll taken by the Australian National University (ANU) in 2008, a period coinciding with the onset of the global financial crisis, the economy and the environment were viewed by respondents as the two dominant problems facing the country – outranking water management, health care and education by a large margin.<sup>1</sup>

In the same poll, it was reported that while environment issues dominate the public consciousness a significant portion of those surveyed – 56 per cent of respondents – consider that the Australian Government is doing too little. The implication is that the public has a higher expectation of the Government’s role in protecting the environment than is currently being delivered.

The aim during this Review has been to examine the operation of the Act and identify opportunities to reduce the regulatory burden while maintaining or enhancing the protections provided to the environment. The reforms proposed represent an integrated and balanced package. Their implementation will modernise Australia’s national environmental regulation framework.

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<sup>1</sup> The Australian National University, ANUpoll ‘*Public Opinion Towards the Environment – Results from the ANU Poll*’, (Report 3, October 2008), p.7:  
[http://www.anu.edu.au/anupoll/images/uploads/ANUpoll\\_report3\\_october2008.pdf](http://www.anu.edu.au/anupoll/images/uploads/ANUpoll_report3_october2008.pdf).