

I refer to the review of the EPBC Act and wish to comment as follows:

Although the Act has been formulated with good objectives it has demonstrably failed to protect the environment as intended, primarily due to State Governments failing to comply with the spirit of the Act and legislating to remove projects from proper detailed assessment of their impact. The provisions of the Act should therefore be strengthened to take precedence, as a minimum legislative requirement, over all current and future State legislation.

The requirements of the Environmental Impact Assessment contained within the EPBC Act involve "assessment and approval of activities that have, will have or are likely to have, a significant impact on matters of national environmental significance" however this does not appear to have been carried out in many instances.

For example, with regard to Gunns Pulp Mill proposal for Northern Tasmania, the State Government enacted the Pulp Mill Assessment Act after Gunns withdrew the project from the independent Resource and Planning Development Commission. The Act failed to provide assessment of fundamental issues such as the impact of toxic effluent on Tasmanian waters and beaches and the effect of logging of our native forests with the resultant negative impacts on biodiversity and habitats of threatened species such as the Tasmanian devil and wedge tailed eagle. To make matters worse the Act prescribed for the effect of emissions from the mill to be assessed against the guidelines by a Scandinavian company, Sweco PIC, which has vested interests in the industry. Even then, the project was subsequently approved by the State Government in spite of its failure to meet all the guidelines and massive ongoing public opposition.

It should also be noted that prior to the 2006 Tasmanian State Election all Labor and Liberal candidates undertook to support the mill provided it complied with the strict environmental guidelines under the RPDC assessment process. However, Gunns subsequently withdrew the project from the RPDC in March 2007 claiming the assessment process was taking too long and that they required a decision by the end of June 2007. Revealingly, their decision to withdraw from the RPDC came just after they were informed by the State Government that the RPDC considered the project to be in critical non-compliance. Gunns have subsequently put the project on hold indefinitely despite previously publicly claiming the urgency of meeting their required timeline.

The EPBC Act promotes ecologically sustainable development and requires consideration of the "precautionary principle" however, this does not seem to be reflected in some of the decisions that have been made by the Minister(s). For example, it seems incomprehensible how a chemical pulp mill can be approved when the impact of the toxic effluent (which includes dioxins) has not been proven to be safe as satisfactory hydrodynamic modelling has not been carried out by the proponent. I also understand that the Minister may impose further requirements with regard to this aspect prior to operation of the mill, but only after approval of all other conditions may be given to construct the mill. If the proponent has spent upwards of \$2 billion constructing the mill it is inconceivable that the Federal Government would not cave into pressure from the proponent and State Government to allow the mill to commence operations by watering down the conditions relating to discharge of effluent.

All information relating to the assessment and review of projects should be made publicly available and not prevented from release by companies such as Gunns under the guise of "privacy" and "commercial in confidence" reasons.

The scope of the EPBC Act should be extended to cover actions that do not presently require approval such as the Regional Forests Agreement (RFA) which was used by the proponent of the pulp mill in Tasmania as a means of avoiding proper scrutiny on the impact of increased logging operations in native forests.

The RFA has also been amended on 23 February 2007 by the Howard Federal and Lennon Tasmanian State Governments allegedly "to re-instate the policy intent of the Parties to the Agreement", following the Wielangta case (Brown vs. Forestry Tasmania (No 4) (2006) FCA 1729 (19 December 2006)). This was a blatant act of duplicity against the public interest and

spirit of the Agreement and was purely a ploy to circumvent a binding court decision against Forestry Tasmania requiring them to protect the habitat of the endangered swift parrot under the provisions of the EPBC Act. No public consultation was invited on these amendments which mean that logging can now be carried out of high conservation and biodiverse native forests in the area without proper protection under the Act.

In no instance should public submissions require to be made directly to the project proponent such as occurred with the pulp mill in Tasmania. This process relied on the honesty and goodwill of the proponent to assess the content of submissions for forwarding to the Minister which is quite clearly not in the public interest.

The assessment method should also be strengthened to ensure that projects which have clearly not been subject to proper scrutiny, such as Gunns pulp mill, undergo full assessment by public inquiry rather than on the basis of preliminary information provided by the proponent. This will ensure that the assessment of controversial projects is carried out in a fully accountable and transparent manner in consultation with the public. This will result in decisions which are far more likely to have full public confidence rather than the present situation where public distrust is paramount and the decisions of the Minister are subject to appeal through the Courts.

Now that Australia has committed to reduce carbon emissions under the Carbon Pollution Reduction Scheme, projects that require to be assessed under the Act should also undergo detailed independent assessment of their carbon footprints to ensure that they do not have a negative environmental impact. These should take full account of the effect of all consequential activities which in the case of Gunns pulp mill would include the additional logging of carbon rich native forests.

The Act should also ensure that proper provisions are made for the protection of World Heritage Areas such as the Tasmanian Wilderness and Macquarie Island. These provisions should include specific requirements that sufficient financial funds for ongoing maintenance, protective and preventive measures are provided by both Federal and State Governments.

For example, I have recently been informed by the Tasmanian Parks and Wildlife Service that they do not have the resources to fund restoration of the existing heritage buildings at Pumphouse Point in Lake St Clair National Park and this is being used as pretext to justify a private commercial tourist development within the World Heritage Area which will also deny public access.

Furthermore, the former Environment Minister, Paula Wriedt described Tasmania's unique World Heritage Areas as a cost "burden" during failed negotiations last year with the Federal Government to fund the pest eradication project at Macquarie Island:

This issue was only resolved when the public backlash forced the Tasmania Government to backtrack and belatedly accept joint financial responsibility with the Federal Government. However, the failure to act timeously has significantly worsened the horrendous environmental damage caused by introduced pests.

Our unique and iconic World Heritage Areas are also a major tourist drawcard which generate significant financial benefits to the country and the effectiveness of the EPBC Act to protect them should therefore be strengthened significantly.

I look forward to the results of the review and trust that my comments will be taken on board.

Regards

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