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Secretariat

Independent Review of the EPBC Act

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Submission for the Review of the EPBC Act

I am the Publisher and Managing Editor of *Practical Hydroponics & Greenhouses* magazine. This brief submission is in response to the Independent Review of the *EPBC Act*. The *Act* in its current form lacks transparency, fairness and reasonable opportunity for applicants seeking to import live organisms. Of particular concern is the 'Precautionary Principle' adopted by regulators in the absence of 'Full Scientific Certainty'. There is also a lack of transparency between regulators, applicants and the general public, and conflicting regulations between State and Federal agencies.

With regard to the 'Precautionary Principle' versus 'Full Scientific Certainty', there is no such thing as zero risks: everything has some risks. It's a matter of how you handle the risks, i.e. by a fair and objective comparison of risks and benefits. Unfortunately, the Precautionary Principle is used selectively for political rather than scientific reasons, depending on the court of public opinion. The unfairness is that the Precautionary Principle is strongly influenced by environmental lobby groups who are not required to produce a shred of evidence to support their emotive claims. A cruder analogy is the biggest bully in the school yard gets to dictate the outcome. An example is the recent application to import bumblebees onto mainland Australia to pollinate commercial greenhouse tomato crops, where the public's perception of the bumblebee was vilified by environmental activists comparing it to flying cane toads, a label that stuck.

While it's important to have a review process, it's also important the process is transparent and fair. Currently, there is no obligation to post public and government

agency responses, or final submissions, on the Department's website for public scrutiny. Nor does the regulator have an obligation to reveal advice to the Minister from departmental and outside reviewers during the process. While the Minister is required to furnish a 'Statement of Reasons' for rejecting a submission, there is no requirement to make the applicant aware of this, or to inform the applicant of the time-limited appeal process.

Finally, there is the issue of conflicting regulations between State and Federal agencies. If the Federal Minister decides to allow the import of a live organism, applicants can still be hindered by State regulations that prohibit the import of that live organism. Listing species on the 'Threatened Species List' at a State level is a key strategy used by environmental lobbyist to circumvent unfavourable Ministerial decisions at a Federal level. There should only be one risk assessment for all of Australia.

I would like to take this opportunity to point the review committee to the New Zealand *Hazardous Substances and New Organisms Act*, an exemplary model for the import of live organisms which takes a 'Precautionary Approach' to the decision-making process.

I hope you find these comments useful for the review of the *Environment Protection and Biodiversity Conservation Act 1999*.

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Yours sincerely



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PUBLISHER & MANAGING EDITOR