

# How to write a great a submission to strengthen our national environment laws

## This is an important opportunity

Australia is one of the most biodiverse places on the planet. With such incredible plants, wildlife and ecosystems, we have a vital responsibility to look after them, safeguard the air we breathe, the water we drink and the people and places we love.

But right now, our nature protection system is failing. Our national environment law – the Environment Protection and Biodiversity Conservation or EPBC Act – is weak, outdated and full of holes. It is too weak to stop logging companies bulldozing critically important forests. It is failing to stop coal companies digging mines, polluting our air and water – and doesn't even mention the word 'climate change'.

Under these laws, Australia has become a global deforestation hotspot, with one of the worst rates of mammal extinction in the world. Climate damage is bleaching our reefs and our oceans are choking with plastic. Each year, 3000 people in Australia die from air pollution from cars, factories and coal-burning power plants. As the recent bushfires so starkly remind us, Australia is particularly vulnerable to climate impacts. We urgently need strong environment laws to protect the places and people we love, and bring our wildlife and ecosystems back from the brink.

**Our federal environment law – the Environment Protection and Biodiversity Conservation Act (EPBC Act) – is currently undergoing a once-in-a-decade review. This is an important opportunity for concerned citizens to advocate to strengthen this law so it properly protects nature in Australia.**

If enough of us demonstrate how our laws are failing, then they will have to be strengthened.

## This guide contains:

- > [How to make a submission](#)
- > [How to structure your submission](#)
- > [Discussion points: Sample responses](#)
- > [Useful resources](#)

# How to make a submission

The independent panel reviewing the EPBC Act is keen to hear your views and insights on our national environment law, how it has operated, the challenges ahead it should address, and your ideas for the future. All Australians are invited to participate.

## **Make your submission at:**

<https://epbcactreview.environment.gov.au/get-involved#make-a-submission>

## **Be sure to send in your submission before the due date – Friday 17 April.**

If you have questions or would like tips on writing your submission, email ACF at

[contactus@acf.org.au](mailto:contactus@acf.org.au)

## How to structure your submission

### 1. Introduce yourself

Start your submission by briefly telling the Review who you are, why you care about our environment, and why you have taken the time to write your submission.

If you can, try to establish yourself as a kind of 'expert' by emphasising your personal experience or unique perspective. Maybe you have advocated to save a place – like the Franklin River or you local nature corridor/green belt – and encountered unchecked, excessive development.

Maybe you have spoken out to save an Australian species or a local wildlife population – like the Black-Throated Finch or the Leadbeater's Possum – and did not have the resources or political will to protect it.

Maybe you're a member of a local revegetation group, you build nesting boxes and insect hotels, or are passionate about echidnas.

All reasons to care about our environment are good reasons.

Don't go into too much detail here – you'll need to draw on your personal experiences later when talking about the issues that matter to you.

**Remember:** keep your submission polite and respectful. The Review will dismiss submissions that are rude or target individual public servants or Members of Parliament.

### 2. Discuss your views on how our environment laws are currently working

#### A. Clearly identify the issues that matter to you

It's important to signal to the Review which issues matter most to you. **Try to focus on one or more of the Review's key questions:**

- Is the EPBC Act delivering what was intended in an efficient and effective manner?
- How well is the EPBC Act being administered?
- Is the EPBC Act sufficient to address future challenges? Why?
- What are the priority areas for reform?
- What changes are needed to the EPBC Act? Why?

Remember, you don't have to answer all the questions. Just focus on the questions and terms you can and want to address. You might find it helpful to turn your chosen issues into headings to guide your submission writing.

For more information, check out the Review's [Discussion Paper](#).

## B. Discuss the current situation regarding this issue

Outline why this is a significant issue, locally and/or nationally. For guidance, see the detailed examples below.

## C. Elaborate, drawing on your perspective, experience and evidence to substantiate your claims

Drawing on your personal experience with environmental issues is one of the most powerful ways to make an impactful submission. Our environment laws are meant to protect our animals, plants and nature. If the laws are failing to do this in the examples you raise, then our laws are not doing their job and this is exactly what the Review wants to learn from your submission.

Another way to show our laws are failing and bolster your claims on an issue is to use hard evidence – think numbers and statistics.

While your experiences will provide the Review with good local examples and case studies on a particular issue, it's also helpful to provide evidence of our laws failing on a bigger scale – whether that's regional, state or national.

## D. Identify what is driving these problems

See the same responses below for guidance, and check out the useful resources below.

## E. Link the issue back to the EPBC Act

Remember, the fact that the issue is occurring suggests our environment laws are not doing their job!

You can also make recommendations to strengthen our environment laws, so the issues you raise can be fixed. If you'd like some guidance, here are some of [ACF's recommendations to the Review](#).

## Discussion points:

Here are ACF's views on the operation of the EPBC Act and reforms areas. You can draw on this information for your submission – but don't feel limited to the matters raised below.

### Discussion point: Operation of the EPBC Act

Is the EPBC Act:

- delivering what was intended;
- being administered well
- sufficient to address future challenges?

While there are some good elements of the EPBC Act, ACF is of the view that the legislation has failed to deliver on its intended purpose and is not fit for the significant environmental challenges we face.

A significant overhaul is needed and we do not think this can be achieved by amendments to the EPBC Act. Instead, a new generation of strong environment laws and institutions are required that genuinely protect our rivers, reefs, forests and wildlife, increase biodiversity and regulate pollution. A new adequately resourced legal framework would guarantee environmental decisions are transparent and that governments and vested interests could be held to account when they fail to meet their obligations

Some facts you may wish to include:

- Australia leads the world on mammal extinction. We have experienced three animal extinctions since 2009, including the first made extinct by climate change (the Bramble Cay Melomys).<sup>1</sup>
- Since the EPBC Act came into operation, 7.7 million hectares of threatened species' habitat has been destroyed.<sup>2</sup>
- Australia is the only developed nation identified as global deforestation hotspot.<sup>3</sup>
- The 2016 State of Environment report highlighted that the outlook for Australia's biodiversity is "poor and worsening"<sup>4</sup>

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<sup>1</sup> [Australia's Faunal Extinction Crisis Inquiry Interim Report](#)

<sup>2</sup> [ACF Fast-tracking Extinction Report](#)

<sup>3</sup> [WWF 2018 Living Planet Report](#)

<sup>4</sup> [Australia's State of the Environment Report 2016](#)

- Only five critical habitats have been protected in the past 20 years of the EPBC Act<sup>5</sup>
- Our emissions continue to rise and we are failing to take sufficient action on climate change to meet our Paris targets.<sup>6</sup>
- The federal environmental department has been hit heavily by budget cuts, leading to extended delays and poor decision making under the EPBC Act.<sup>7</sup>
- The EPBC Act is prone to political interference that erodes the public's trust in the legislation. A recent example is the [Toondah Harbour development proposal](#).

## Discussion point: Reforms needed

What are the priority areas for reform?

What changes are needed to the EPBC Act? Why?

### 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.

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<sup>5</sup> [ACF Critical Habitat Report](#)

<sup>6</sup> [ACF Background Brief: National Greenhouse Gas Inventory](#)

<sup>7</sup> [ACF Background brief: Environment spending in Australia](#)

- 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. 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

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.

# Further information

[About the EPBC Act](#)

[About the Independent Review of the EPBC Act](#)

If you have questions or would like tips on writing your submission, email ACF at [contactus@acf.org.au](mailto:contactus@acf.org.au)

## Useful resources

Australia's Faunal Extinction Crisis Inquiry [Interim Report](#)

ACF's [Fast-tracking Extinction Report](#)

ACF Background Brief: [National Greenhouse Gas Inventory](#)

ACF Background brief: [Environment spending in Australia](#)

Australian Panel of Experts on Environmental Law [Report](#)

Places You Love [Reports and Resources](#)

Senate Standing Committees on Environment and Communications [Interim Report on Australia's faunal extinction crisis](#)

State of Environment [2016 Report](#)

WWF's 2018 [Living Planet Report](#)