

Independent review of the *Environment Protection and Biodiversity Conservation Act 1999*

Submission by Natural Impact Group Pty Ltd

26 March 2020

Thank you for the opportunity to provide the following submission on the statutory review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Background:

Natural Impact Group Pty Ltd is a private Australian entity engaged in delivering new business models for global sustainability. As founder, I have over 30 years of blue- and white-collar experience mostly in forestry, mining, agribusiness and construction throughout Australia. I also have a broad skill set across corporate legal, finance and capital markets with a strong ethics and governance basis. My core role in these, and other, industries was as a creative problem solver conducting business and project development and turnarounds. My mandate now is to use these creative problem-solving and corporate skills to develop market-based solutions to solve some of the world's environmental problems. I have developed two new constructs to help achieve our goals, The Environmental Impact NurseryTM and the EIN ModelTM. We specialise in natural capital, otherwise known as nature or the environment. We prefer the term natural capital as it highlights that fact that it is a form of capital. Natural capital underpins the five other forms of capital and is therefore the basis for all biological, social and economic activity on Earth. Based on these facts its clear we must make long-term decisions that protects our natural capital. This will ensure we protect our standard of living, quality of life and prosperity for all generations of Australians. To do otherwise is foolish, selfish and apathetic.

I believe strong environmental laws are not only imperative for a sustainable planet, but provide the basis to develop significant economic activity for Australia and the world. Strong environmental laws also provide the opportunity for Australia, the Commonwealth and State Governments to provide leadership in innovation and capture the opportunities available to restructure our economy. We have done this in the past and we must not miss this critical opportunity to deliver a significant and positive step change in Australian society for the future.

This statutory 10-year review is a critical opportunity to strengthen our environmental laws and provide global leadership to address climate change and Australia's biodiversity extinction rate.

As part of my research into Australia's environmental law situation I have read the *Blueprint for the Next Generation of Australian Environmental Law*. This was developed by the Australian Panel of Experts on Environmental Law (APEEL) and backed by 57 Australian environmental groups as a clear and succinct message on Australian environmental law reform. I believe it would be folly to ignore this comprehensive work, therefore **I fully agree with the 57 recommendations put forward in the *Blueprint for the Next Generation of Australian Environmental Law* and believe they should be implemented in full as part of this 10-year review.** I will not answer the specific questions put forward by the panel, as I believe they could deliver mission drift, but will simply reinforce the key points of the Blueprint in this submission.

The key points are:

- First and foremost, any changes to the EPBC Act should be under the principles of non-regression. That is, there should be no reduction in the level of environmental protection provided by the law.
- Secondly, in line with our view that strong environmental laws will create economic opportunity, any changes to the EPBC Act should also follow the principles:
 - Precautionary Principle (with specific provision also for the engagement of the public concerning the level of acceptable risk and potential harm) and the Prevention Principle.
 - A principle of environmental restoration;
 - A principle of flexible and responsive environmental governance;
 - A principle requiring the achievement of a high level of environment protection; and
 - A principle requiring the application of the best available techniques.
- Thirdly, the Commonwealth should establish the following statutory bodies:
 - The Commonwealth Environment Commission, modelled on the Reserve Bank of Australia;
 - A Commonwealth Environment Protection Authority;
 - A Commonwealth Environmental Auditor;
 - A Commonwealth Environmental Investment Commission; and
 - An Environment Future Fund, modelled on the Clean Energy Finance Corporation.
- In light of the critical situation with the Australian environment, biodiversity loss, climate change and bushfire disaster, the Commonwealth should implement a wide-ranging, national consultative process for the purpose of building substantial agreement on a new societal goal for Australia to replace the current (and outdated) National Strategy for Ecologically Sustainable Development 1992 (NSES).

Yours faithfully,



Rod Holden
Managing Director