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Dear EPBC Act Review Committee,

The following is a reproduction of my responses made through the online form. This submission represents my personal views and was not prepared on behalf of the Institute for Sustainable Futures or the University of Technology Sydney. My affiliation is included only for transparency.

For context, I have approached this from the perspective of someone who is a consumer of Environmental Impact Assessments (EIA). As part of my research over the past decade to understand and benchmark the environmental performance of mineral and metal production processes, I have read and compiled data from many of the EIAs that were prepared for Australia's major mineral projects. Through this process I have formed the opinion that the major elephant in the room, climate change, is not being adequately addressed through Australia's state and federal project planning and approvals policies. And that much of the broader (non-local) community controversy surrounding some projects has occurred because the approvals processes don't adequately consider climate change or net greenhouse gas emissions.

4. Should the matters of national environmental significance within the EPBC Act be changed? How?

The low hanging fruit from my perspective would be to amend the list of matters of National Environmental Significance to include climate change, with this being justified by the Commonwealth's ratification of the Paris Agreement in 2016. This would demonstrate Australia's commitment to the spirit of the agreement, help ensure consideration of climate change during development of major projects, and would indirectly work to further build climate change mitigation expertise within Australia. The trigger could take a few forms, but one option would be to define the trigger based upon activity that may significantly alter a major carbon source, store or sink. This definition would also provide an additional indirect avenue for assessing land-clearing, as this is primarily only considered indirectly through the Act as a 'key threatening process' to threatened species. Exemptions could be made for activities such as fire prevention or control.

A key benefit of this would be that decisions on some major projects, such as the Carmichael Coal Mine, would be able to directly consider the major issue (climate change) that is underlying much of the broader controversy within the community regarding these types of projects.

22. What innovative approaches could the review consider that could efficiently and effectively deliver the intended outcomes of the EPBC Act? What safeguards would be needed?

Further amendments are required to provide critical checks that project controls and improvements have been implemented correctly and that the science underpinning the initial impact assessments were sound. Something akin to mandatory 5 year followup studies to assess the effectiveness of controls for approved projects and to ensure that initial environmental response modelling was accurate.

7. What additional future trends or supporting evidence should be drawn on to inform the review?

Into the future it is likely that fossil fuel related projects will become more controversial rather than less. Particularly as we start to see the impact of climate change unfold. Changes to our climate are now being recognised as something that will have large, widespread impacts on ecosystem function and biodiversity. Therefore the EPBC Act should be amended so that approval decisions for activities that may substantially alter Australia's net greenhouse gas emissions can actually account for this important aspect of project impact. This would allow the elephant in the room to be directly addressed, so that projects that significantly alter carbon sources, stores or sinks can be properly assessed based on their relative costs and benefits. Importantly, this would go a long way towards demonstrating Australia's commitment to the spirit of the Paris Agreement, which Australia ratified in 2016, and may also bolster Australian's trust in decision making processes - as a key area of environmental impact would no longer be ignored.

Finally, thankyou for your hard work in performing this review of the EPBC Act. It's quite an ambitious undertaking so I wish you the best of luck in achieving positive and lasting outcomes.

Regards,

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