

9 April 2024

Nature Positive Taskforce
Department of Climate Change, Energy, the Environment and Water
Australia

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Dear Nature Positive Taskforce

NATURE POSITIVE PLAN: NATIONAL ENVIRONMENTL LAWS

CMPA is the premier representative body for the Victorian extractive resources industry. It represents a broad spectrum of those involved in construction material processing businesses and has a membership base consisting of over 200 quarries across the industry. Together, these members employ approximately 2000 Victorians which underpins the construction industry of almost 240,000 employees (<https://liveinmelbourne.vic.gov.au/connect/victorian-industries/transport-defence-and-construction>).

CMPA members are typically small to medium sized family and private businesses, public companies, local government, and utility providers. Many are regionally based employers and service local construction, infrastructure and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2022/23, the sector supplied approximately 73 million tonnes of construction materials (25% of total freight movement in Victoria) to the market, at a value of approximately \$1.2 billion directly supporting Victoria's \$80 billion Big Build (<https://bigbuild.vic.gov.au/about>) and the estimated 1.6 million new homes required by 2050 (<https://earthresources.vic.gov.au/geology-exploration/industry-investment/joint-ministerial-statement-on-extractive-resources>). Small to medium quarries account for over half of this production and is submitted to be a vital industry supporting the ongoing economic prosperity of Victorians.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia including the protection of resources that enable extraction of construction materials that is cost efficient to market and to the taxpayer who is ultimately the end consumer and beneficiary of that resource.

Nature Positive Plan

Page number	Nature Positive Plan	CMPA Comments
p. iii	<p>Essential principles</p> <ul style="list-style-type: none"> • <i>“Delivering better environmental protection and laws that are nature positive,</i> • <i>Speeding up decisions and making it easier for companies to do the right thing,</i> • <i>Restoring integrity and trust to systems and environmental laws.”</i> 	<p><i>“The preference to achieve simple solutions in complex environments often leads to the mistake of trying to achieve multiple different policy targets from a single policy instrument, breaching the Tinbergen Rule”</i> (Knudson, 2088).</p> <p>Knudson W.A. (2008) <i>The Environment, Energy and the Tinbergen Rule</i>. Journal of Ethnobiology 29(4) pp. 308-312.</p>
p.1, 3 rd para	<p><i>“The Australian Government has committed to protect 30% of Australia’s land and seas by 2030,”</i></p>	<p>Whilst this is an aspirational value does this figure include or exclude wind farms, solar farms and supporting electricity transmission networks? Was thought given to the current high rate of immigration and the new homes and infrastructure as well as increased food production, water, electricity in landing on the 30% figure?</p>
p.2, 1 st para	<p><i>“All standards will be made under law and subject to regular review, with future amendments able to strengthen but not weaken environmental protection.”</i></p>	<p>What happens in the case where unattainable, impracticable standards are made?</p>
p.3, 2 nd column, 1 st para	<p><i>“The government has committed to establishing an independent EPA to be a tough ‘cop on the beat’.”</i></p>	<p>Inappropriate commitment.</p>

p.12 last para	<i>"The government will pursue a modern data management platform that enables efficient production of conservation planning documents that are more accessible, searchable and informative."</i>	The modern data management platform will have a huge upfront cost (\$millions) and ongoing maintenance of the platform.
p.14 1 st para	<i>"A new National Environmental Standard for First Nations Engagement and Participation in Decision-Making will be developed as a priority to enable First Nations views and knowledge to be considered in all project approvals and planning decisions under national environmental law."</i>	There will be a delicate balance between attaining the recommendations (e.g. better, faster decision-making) in the Nature Positive Plan and incorporating First Nation views without overburdening the human resources of the First Nations.
p.18 1 st para	<i>"Well-designed and well-implemented laws promote certainty and minimise costs for business and the community."</i>	Agree with statement but no evidence is given of how this will be achieved.
p.24 4 th dot point	<i>"ensure charges to business more accurately reflect the cost of regulation."</i>	This is neither fair nor just if the regulation is unworkable / impracticable.

Submission

Support is given to the three essential principles (as detailed above); however, it is apparent from reading the National Environmental Laws that they may be contradictory. For example:

- The CEO of the EPA does not have any set statutory time frame in which to make a decision for strategic assessments.
- Whilst a 60 business day (20 business days for a low impact pathway) for decision by EPA is stipulated, no action is required to be taken by EPA until the application is accepted once all information prescribed by the rules has been provided.

Whilst this is a worthy aspirational value (30% of Australian Land and Seas protected by 2030) scant information has been made available as to the costs of such attainment i.e. social and economic development.

The 30% figure was landed on prior to the current high rate of immigration and the new homes and infrastructure as well as increased land for food production, water, electricity etc. that is now being required.

It is unclear whether the 30% figure includes or excludes wind farms, solar farms and supporting electricity transmission infrastructure.

Conclusion

There would have been more informed comments on the National Environmental Laws if an impact assessment had also been conducted and included.

Please do not hesitate to contact me if you would like to discuss further.

Yours sincerely



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