

Submission to the Environmental Protection Authority's Environmental Offsets, Position Paper No. 9.

The Environmental Offset policy is one more means by which the EPA is abrogating its role to protect the environment. The Environmental Offset policy trades-off levels of environmental damage rather than establishes an environmental protection bottom line.

The environmental offset principle indicates the EPA is reinforcing its role as a facilitator/promoter of industrial expansion, and associated works, rather than re-establishing its suggested role of 'protecting the environment'.

The EPA should be concerned, as it notes on page 1 of the Environmental Offset Position Statement, about perceptions of the effect of this Environmental Offset principle. While Government will see it as a mechanism to validate otherwise environmentally unacceptable proposals, community members will be justified in seeing it as another cynical move designed to promote undesirable developments in environmentally sensitive areas.

The EPA should recognise that after some 200 years of European environmental exploitation it needs to ensure sustainability and environmental protection are its goals. Sustainability calls for strengthening environmental protection not devising new ways of trading away remaining environmental assets.

The Offset policy is not a 'last line of defence' as suggested on page i, but a further weakening of environmental protection.

For example, the Offset policy is completely at odds with the government policy of 'no net loss of wetlands'. The Wetland Offset package example on page 24 highlights how contradictory this offset policy is. The hypothetical case clearly conflicts with the Government policy of 'no net loss of wetlands'.

The principle of Environmental Offsets is problematic for the EPA and contrary to the implementation of sustainability and protection of the environment. As such it should be abandoned.

Problems with the EPA Environmental Offsets Principle.

The design and implementation of this policy is full of faults and problems some of which are outline below.

Current Offset Policy

The current environmental offset/compensation packages that are practiced today allow for offsets with often vague and unenforceable rehabilitation targets. The result is that 'suggested' rehabilitation targets are never realised and therefore a net environmental loss occurs.

Environmental Offsets Position Statement No. 9 makes general statements about establishing open and accountable administration. There should have been well-defined procedures for enforcement, auditing, devising rehabilitation goals and penalties in this document which community members could make a judgement on. Agreed offset targets for rehabilitation or environmental improvement are required to be achieved before trade-off occurs. Environmental financial bonds are needed until there is full compliance with stated goals.

The offset goals should have been audited and signed off not just by government departments but by relevant stakeholder community groups constituted under a Ministerial committee. This is important as the weak DoE and EPA are often too ready to accede to the demands of powerful departments like DoIR and Main Roads WA.

Offsets as a First or Last Option ?

Despite the EPA Environmental Offset document noting that environmental offsets should be considered as a last option, page 10 of the document notes that the EPA encourages consideration for environmental offsets in the early phases of a proposal.

Critical environmental assets

While critical environmental assets have been outlined as part of this Offset document they appear to have no real protection or 'critical' standing. As page 10 of the document notes, the EPA, or Government of the day, can allow projects to proceed in areas of 'critical' environmental assets.

This is despite page 10 also noting that 'critical assets' represent the most important environmental assets in the state that must be fully protected and conserved.

Special Circumstances and Strategic Development

The 'Special Circumstances' clause and the 'Strategic Development' clause would both result in abuse of the system. It eliminates any protection afforded the 'critical assets' category. It would permit government or departments to avoid and bypass appropriate scrutiny by claiming either 'Special Circumstances' or declaring 'Strategic Development' areas for projects. Private developers could also lobby Governments to enact such clauses. It puts government departments on a different level to other proponents, permits different environmental protection standards and also encourages abuse of these clauses by non-government proponents.

The 'Special Circumstances' and 'Strategic Development' escape clauses must not be exemptions for the protection of identified critical environmental assets. They eliminate the critical environmental asset category and ultimately leaves nothing protected.

Positive Environmental Offsets

Positive Environmental Offsets where risk of failure is apparent, as noted on page 16, seems to ignore the precautionary principle which is the foundation of environmental sustainability. The EPA Position Statement No. 7, Principles of Environmental Protection clearly states this. If there is risk of offset failure the project, and proposed offset, should not proceed.

Proportional offset arguments are a distraction, ignore precautionary principles and still do not guarantee net environmental benefits.

Environmental Offsets Assessment Process

The statement that environmental offsets must entail a robust and consistent assessment process, page 17, needed elaboration. The proposed assessment process and checks and balances should have been detailed in this document, after being developed through a public consultative process.

Environmental Offsets must be Enforceable

The enforcement process should have been detailed in this document, after being developed through a public consultative process prior to the publication of this Position Statement.

Environmental bonds should have been considered, returnable when all offset rehabilitation or goals have been determined achieved by a ministerial stakeholder committee.

This Environmental Offset position statement gives no security to any part of the natural environment and will not result in 'net environmental gain'.

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