

Independent EPA Program team
Queensland Government
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Dear Independent EPA Program team,

RE: Survey response regarding an independent Environment Protection Agency for Queensland

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to submit a response to the Queensland Government's survey on a potential independent Environment Protection Agency (EPA).

Please note that ALCA is happy for this survey response be published in full.

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity and influence of private land conservation to achieve a healthy and resilient Australia. Our eleven members are:

- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Bush Heritage Australia
- Greening Australia
- Landcare Australia
- Nature Foundation
- Queensland Trust for Nature
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)

ALCA land conservation efforts stretch across over 3 million square kilometres with more than 3,000 landholders. We have over 50,000 supporters and our combined annual turnover exceeds \$200 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance and funding and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in regional communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spillover effects for community, wellbeing and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.

Survey responses

Question 1: Please rank in order of priority what you think are the most important factors for an environmental regulator?

Rank 1–6, where 1 is ‘top priority’

- ① Independence (decisions the regulator makes are not subject to external influence)
- ③ Accountability (the regulator’s roles, responsibilities, and decisions are clear and transparent)
- ⑤ Financial (the funding for the regulator is stable)
- ④ Efficiency (the regulator’s services are delivered efficiently)
- ② Effectiveness (the regulator’s actual achievement against the objectives of government and environmental legislation)
- ⑥ Economic (the regulator enables sustainable development)

-> ALCA notes the lack of an equivalent factor for the environment (the regulator acts to minimise harm to the environment). This would have been ALCA’s top priority.

Question 2: How much do you agree that adopting the EPA brand would improve awareness of the role of Queensland’s environmental regulator?

- ... Strongly agree
- Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Independence questions

Question 3: How much do you agree that establishing an EPA as an independent organisational form would improve the independence of the environmental regulator?

- Strongly agree
- ... Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Question 4: How much do you agree that an independent organisational form would improve community confidence in the integrity of the environmental regulator?

- Strongly agree
- ... Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Question 5: How important is it to you that a regulator providing oversight to both public and private entities is established in a form that is independent and at ‘arms’ length’ from government?

- Very important
- ... Important
- ... Neutral
- ... Not important
- ... Not at all important
- ... Not sure

Accountability questions

Question 6: How much do you agree establishing a Board to oversee an independent EPA would improve accountability?

- ... Strongly agree
- Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Question 7: If Queensland were to adopt a model with a Board or Committee, what areas of expertise do you think are most important to be represented?
Rank in order 1–9 where 1 is 'top priority'.

- ⑥ Business/industry
- ③ Cultural
- ① Environmental/natural resources management
- ⑦ Finance/accounting
- ⑧ Legal
- ④ Local government
- ⑤ Management
- ② Science
- ⑨ Technology

Question 8: Are there any other areas of expertise that you think should be represented on a Board or Committee?

- Yes -> Indigenous cultural representation
- ... No
- ... Unsure

Question 9: How much do you agree that the environmental regulator should publish its own separate annual performance report distinct from the broader department?

- Strongly agree
- ... Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Financial questions

Question 10: What level of risk (in terms of a conflict of interest) do you think would exist if an independent EPA fully controlled its own industry-sourced revenue?

- ... Very high risk
- ... High risk
- Neutral -> Depends upon the revenue model; e.g. licence fees, application fees, etc. and how concentrated the revenue sources are
- ... Low risk
- ... Very low risk
- ... Not sure

Question 11: How much do you agree that funding of environmental regulation should be supported by revenue collected from regulated industries through fees (e.g. licence fees)?

- ... Strongly agree
- Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Question 12: How much do you agree that inclusion of an EPA's financial reporting within departmental financial statements would provide sufficient transparency of financial performance?

- ... Strongly agree
- ... Agree
- Neither agree nor disagree -> It depends upon the detail of the actual reporting requirements.
- ... Disagree
- ... Strongly disagree
- ... Not sure

Efficiency questions

Question 13: How much more efficient do you think an environmental regulator would be if it was independent?

- ... Much more efficient
- More efficient
- ... No difference/unchanged
- ... Less efficient
- ... Much less efficient
- ... Not sure

Question 14: Would making an independent regulator accountable to a multi-skilled Board further improve its efficiency?

- ... Yes
- No -> Although the predominant reason for having a multi-skilled board would not be efficiency.
- ... Not sure

Question 15: Would separating the policy and regulatory functions create any risks for your sector?

- ... Yes (please specify—free text box)
- No
- ... Not sure

Question 16: Where do you think the following functions are best located?

(One selection is permitted for each function)

	Department	Independent EPA	Neither	Not sure
Policy/legislation development	✓			
Program delivery (e.g. grants)	✓			
Assessment (recommendation)		✓		
Approval (decision)	✓			
Compliance monitoring		✓		
Enforcement (decision)		✓		

Effectiveness questions

Question 17: How much more effective do you think an environmental regulator would be if it is independent?

- Much more effective
- ... More effective
- ... No difference/unchanged
- ... Less effective
- ... Much less effective
- ... Not sure

Question 18: Would making an independent regulator accountable to a multi-skilled board further improve its effectiveness?

- Yes
- ... No
- ... Not sure

Question 19: Would establishing Advisory Committees for specific focus areas, such as environmental science, improve the effectiveness of the environmental regulator?

- Yes
- ... No
- ... Not sure

Question 20: Which of the following do you feel would be more effective?

... An EPA with a targeted focus regulating against the risks to environmental values associated with industry and development

... An EPA with a broader remit of responsibilities, incorporating nature conservation and natural resource management functions

-> The answer depends on whether the broader remit refers to programmatic responsibility, or to matters that would be captured under a State equivalent of the Federal jurisdiction's Matters of National Environmental Significance. If the latter, then ALCA would prefer "An EPA with a broader remit of responsibilities, incorporating nature conservation and natural resource management functions."

Economic questions

Question 21: How important is public trust in the regulatory framework to industry's social licence to operate?

- Very important
- ... Important
- ... Neutral
- ... Not important
- ... Not at all important
- ... Not sure

Question 22: How much do you agree that establishing an independent environmental regulator would improve Queensland's environmental reputation?

- ... Strongly agree
- Agree
- ... Neither agree nor disagree
- ... Disagree
- ... Strongly disagree
- ... Not sure

Question 23: How important do you think Queensland's Environmental Social and Governance (ESG) credentials are to its future economic prosperity and job creation?

- Very important
- ... Important
- ... Neutral
- ... Not important
- ... Not at all important
- ... Not sure

Final questions

Question 24: How supportive are you of establishing an independent EPA in Queensland?

- Very supportive
- ... Supportive
- ... Neutral
- ... Unsupportive
- ... Very unsupportive
- ... Not sure

Question 25: On the balance of information presented within the discussion paper do you see a preferred model?

- ... No preference
 - ... Model 1 create EPA identity in departmental form
 - Model 2a Statutory Authority (with board)
 - ... Model 2b Statutory Authority (without board)
 - Model 3a Statutory Body (with board)
 - ... Model 3b Statutory body (without board)
 - ... Maintain current state
- > ALCA holds no strong preference between Model 2a (statutory authority with board) or Model 3a (statutory body with board), noting this does indicate a clear preference for the establishment of a board for additional independent oversight.

Question 26: Are there any final comments you would like to make about an independent EPA in Queensland?

Yes (free text)

-> Whilst an independent, highly transparent, accountable, and well-resourced Environmental Protection Agency cannot *by itself* deliver meaningful environmental protection for Queensland – this also requires active, forward-leaning programs, activities, and improved standards within legislative environmental protections – it is of course an utterly necessary part of the environmental protection puzzle.

Additional notes:

Question 1: The absence of an equivalent factor for the environment (the regulator acts to minimise harm to the environment) was particularly striking, and potentially telling about the expected priorities of a forthcoming EPA. Unsurprisingly, this environment factor would have been ALCA's top priority.

Question 8: The board should include Indigenous cultural representation.

Question 10: The answer depends upon the revenue model that is actually adopted; e.g. licence fees, application fees, etc. and how concentrated the revenue sources are.

Question 12: The answer depends upon the detail of the actual reporting requirements.

Question 14: The assumption that the predominant reason for having a multi-skilled board would be for efficiency is misplaced; the predominant reason would be effectiveness, i.e. realising the aims and goals of an Independent Environment Protection Agency.

Question 20: The answer depends on whether the broader remit refers to programmatic responsibility, or to matters that would be captured under a State equivalent of the Federal jurisdiction's Matters of National Environmental Significance. If the latter, then ALCA would prefer "*An EPA with a broader remit of responsibilities, incorporating nature conservation and natural resource management functions.*"

Question 25: ALCA prefers either of Model 2a (statutory authority with board) or Model 3a (statutory body with board), noting this does indicate a clear preference for the establishment of a board for additional independent oversight.

ALCA looks forward to ongoing engagement with the Queensland Government to ensure that the Environment Protection Agency that is established is independent, accountable, and delivering for the environment and our community.

Australian Land Conservation Alliance