

**INQUIRY INTO PERFORMANCE OF THE NSW
ENVIRONMENT PROTECTION AUTHORITY**

Name: Mr Ray Kearney

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Dear Sir/Madam,

New South Wales needs a fearless and independent Environment Protection Authority that puts the interests of the community and natural environment first.

The failure of 'Biosecurity' to contain the newly introduced Tomato Red Spider Mite allegedly because of lack of funds and resources is a dereliction of a duty of care. Crops such as potato, tomatoes, cotton etc., are at risk.

Who becomes the beneficiary? We note in a Ministerial response to our reported findings (2014) of the Tomato Red Spider Mite, the Minister for Primary Industries quoted a "Consultative Committee" had advised the Minister it was "...technically not feasible to contain and eradicate this pest...". The 'do nothing' option that followed, we believe, was reckless advice and tantamount to maladministration.

The multi-billion dollar chemical companies peddling their highly toxic products and turning agricultural threats/diseases into a cash-cow venture. Where is 'prevention' in the legislative objectives?

Furthermore, the regulatory system NSW EPA does not adequately protect listed threatened species, populations and ecological communities.

Government amended the Public Service Act to allow Department Heads and policy advisers (entry points for lobbyists) to be appointed by the Minister and to be responsible to the Minister. Today, there are no external mechanisms to prevent nepotism. Outsourcing (recipe for avoiding responsibility and accountability) and the excessive use of private consultants has rendered Departments impotent leading to irrational and wasteful proposals. Because of fear, bureaucrats have lost a former capacity to give frank and fearless advice. Some private consultants charge exorbitant fees and often tell what government wishes to hear to ensure another commission.

Regarding air pollution - Remember the WHO declared diesel fumes to be a Level-1 human carcinogen. NSW EPA etc have done NOTHING to reduce such risks! For example, the failure of EPA to incorporate 'correction factors' into its TEOM PM10 air-quality measurements causes levels to be UNDERESTIMATED by up to 40% dependent on temperature. Consequently reporting of air quality is falsified and modelling for e.g., NorthConnex tunnel is fabricated i.e., scientific misconduct.

It is high time NSW EPA was investigated by ICAC for alleged 'breach of trust' i.e., a criterion in the definition of "corrupt conduct" by ICAC.

Why has not EPA implemented its statutory authority to enforce the law regarding pollution by polluters?

The law is clear - where there is a foreseeable and preventable risk of harm to your neighbour (community) the owner (e.g., Transurban - NorthConnex) has a duty of care to remove that risk e.g., install filtration and NOT shift costs of health impacts (community) to taxpayers - to augment corporate profit!.

Most importantly, NSW EPA incl. 'biosecurity' must be adequately resourced so that it can effectively meet its objectives and enforce compliance with conditions of licence or approval, defend regulatory policies and actions through law when required, or prosecute offenders.

Increased growth and industrial development are placing enormous pressure on the air we breathe, the water we drink and the ecosystems which support our well-being and survival.

The EPA has an important role to play in protecting, restoring and enhancing the quality of the environment in New South Wales. However a number of recent incidents highlight the EPA's failure to regulate or prosecute polluters and stop environmental breaches. Following these incidents there is strong public perception that the EPA has been captured by industry, and does not act in the public interest.

We look to this inquiry to address the specific concerns raised by the community and to make recommendations to ensure that the EPA is capable of putting the environment and healthy communities ahead of polluters.

Yours sincerely,
Ray Kearney