

To fix Australia's environment laws, wildlife experts call for these 4 crucial changes

February 3 2021, by Don Driscoll, April Reside, Brendan Wintle, Euan Ritchie and Martine Maron



Credit: Sabel Blanco from Pexels

The independent review of Australia's [main environment law](#), released last week, provided a sobering but accurate appraisal of a dire situation.

The review was led by Professor Graeme Samuel and involved consultation with scientists, [legal experts](#), industry and conservation organizations. Samuel's report concluded Australia's biodiversity is in decline and the law (the EPBC Act) "[is not fit for current or future environmental challenges](#)".

The findings are no surprise to us. As ecologists, we've seen first hand how Australia's nature laws and [governance failure](#) have permitted [environmental degradation](#) and [destruction](#) to the point that [species](#) face extinction. Even then, continued [damage is routinely permitted](#).

And the findings aren't news to many other Australians, who have watched wildlife and iconic places such as [Kakadu](#) and [Kosciuszko national parks](#), and the [Great Barrier Reef](#), decline at rates that have only *accelerated* since the act was introduced in 1999. Even globally recognizable wildlife, such as the platypus, now face [a future that's far from certain](#).

To reverse Australia's appalling track record of protecting biodiversity, four major reforms recommended by Samuel must be implemented *as a package*.

1. Setting standards

One of the many failings of Australia's environmental laws is there has never been a point beyond which no further impacts are acceptable.

The government almost never says "enough!", whether it's [undermining wetlands](#) for a new mine, or clearing woodlands for agriculture. Species continue to suffer death by a thousand cuts.

For example, the original distribution of the endangered southern black-throated finch of southern and central Queensland has shrunk to less

than 10% due to land clearing and habitat degradation. Yet, [further clearing](#) was approved for coal mines, housing developments and sugar cane farms.



Land clearing and cattle grazing are among the threats black-throated finches face. Credit: Stephanie Todd, Author provided

Biodiversity offsets, which aim to compensate for environmental damage by improving nature elsewhere, have for the most part been dreadfully [ineffective](#). Instead they have been a tool to facilitate biodiversity loss.

The centerpiece of Samuel's report are proposed new National

Environmental Standards. These would provide clear grounds for drawing a line in the sand on environmental damage.

Legal, rigorous enforcement of these standards could turn around Australia's centuries-long record of destroying its natural heritage, and curb Australia's appalling extinction rate—while also providing clarity and certainty for business.

Vital features of the standards Samuel recommends include:

- avoiding impacts on the critical habitat of threatened species
- avoiding impacts that could reduce the abundance of threatened species with already small and declining populations
- no net reduction in the population size of critically endangered and endangered species
- cumulative impacts must be explicitly considered for threatened species and communities
- offsets can only be used as a last resort, not as a routine part of business like they are at the moment.

Under the proposed National Environmental Standards, any new developments would need to be in places where environmental damage is avoided from the outset, with offsets only available if they're ecologically feasible and effective.

2. Greater government accountability

The federal environment minister can make decisions with little requirement to publicly justify them.

In 2014, then environment minister Greg Hunt controversially approved an exemption to the EPBC Act for [Western Australia's shark cull](#). This was despite evidence the cull wouldn't make people safer, would harm

threatened species and would degrade marine ecosystems. Hunt could shirk the evidence, deny the impacts and make a politically expedient decision, with no mechanisms in place to call him to account.



Credit: AI-generated image ([disclaimer](#))

Samuel's report states the minister *can* make decisions that aren't consistent with the National Environmental Standards—but only as a "rare exception." He says these exceptions must be "demonstrably justified in the public interest," and this justification must be published.

We think this epitomizes democracy. Ministers can make decisions, but they must be open to public and robust scrutiny and explain how their decisions might affect environments and species.

Improved accountability will be one of the many benefits of Samuel's proposed independent Environment Assurance Commissioner, which would be backed up by an Office of Compliance and Enforcement. Samuel says these must be free from political interference.

These are absolutely critical aspects of the reforms. Standards that aren't audited or enforced are as worthless as an unfunded recovery plan.

3. Decent funding

Samuel urges improved resourcing because to date, funding to protect species and the environment [has been grossly inadequate](#). For example, experts recently concluded up to [11 reptile species are at risk of extinction](#) in the next 50 years in Australia, and limited funding is a key barrier to taking action.

And it has been proven time and again that lack of action due to under-resourcing leads to extinction. [The recent extinction](#) of the Christmas Island forest skink, the Christmas Island pipistrelle, and the Bramble Cay melomys were all attributable, in large part, to limited funding, both in the administration of the threatened species listing process, and in delivering urgent on-ground action.

We need only look to the COVID pandemic to know when faced with emergencies, [the government can rapidly deploy](#) substantial sums of money for urgent interventions. And we are well and truly in an environmental emergency.

Spending to care for the environment is not a cost that delivers no return. It's an investment that delivers substantial [benefits](#), from [creating jobs](#) to [cleaner water](#) and [healthier people](#).



Victoria's grassland earless dragon (*Tympanocryptis pinguicolla*) is one of 11 reptile species identified as at risk of extinction. Credit: Michael Mulvaney/Wikimedia, [CC BY-SA](#)

4. Increase ecological knowledge

Engaging experts is key to achieving Samuel's long-overdue proposed reforms. He calls for the immediate creation of expert committees on sustainable development, Indigenous participation, conservation science, heritage, and water resources. This will help support the best available data collection to underpin important decisions.

Ultimately, though, much more investment in building ecological knowledge is required.

Australia has more than 1,900 listed threatened species and ecological communities, and most don't [even have active recovery plans](#). Ecologists will need to collect, analyze and interpret new, up-to-date data to make biodiversity conservation laws operational for most threatened species.

For example, while we know [logging and fires threaten greater gliders](#), there's still no recovery plan for this iconic forest possum. And recent [research](#) suggests there are actually three—not simply one—species of greater glider. Suspected interactions between [climate change](#), fire and logging, and [unexplained severe population declines](#), means significant new effort must be invested to set out a clear plan for their recovery.

Samuel recommends Regional Recovery Plans be adequately funded to help develop some knowledge. But we suggest substantial [new environmental capacity is needed](#), including new ecological research positions, increased environmental monitoring infrastructure, and appropriate funding of recovery plans, to ensure enough knowledge supports decision making.

Cherry picking recommendations condemns our species

Samuel's report has provided a path forward that could make a substantial difference to Australia's shocking track record of biodiversity conservation and land stewardship.

But Environment Minister Sussan Ley's response so far suggests the Morrison government plans to cherry pick from Samuel's recommendations, and rush through changes without appropriate

safeguards.

If the changes we outlined above aren't implemented as a package, our precious natural heritage will continue to decline.

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