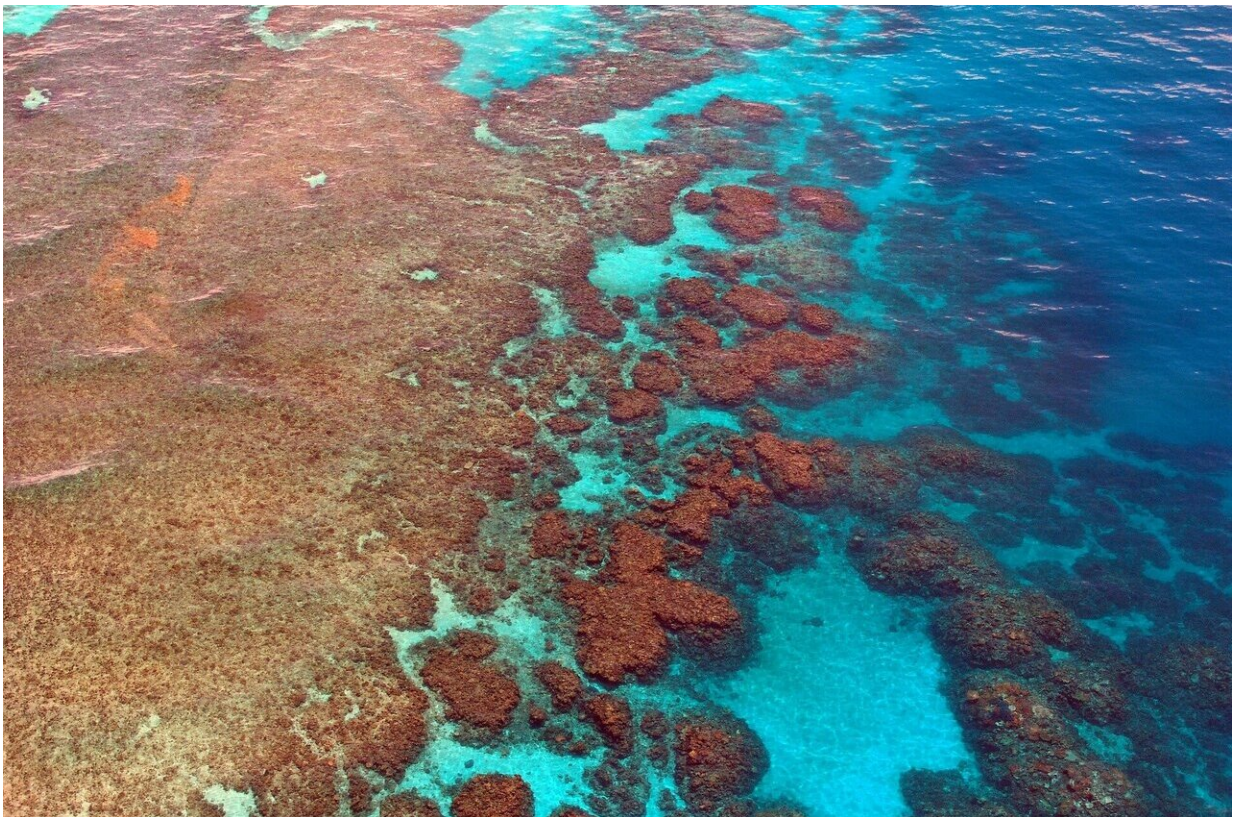


# Viewpoint: Five things we need to see in Australia's new nature laws

November 17 2023, by Euan Ritchie, Jack Pascoe, Kirsty Howey, Terry Hughes and Yung En Chee

---



Credit: CC0 Public Domain

Australia's abysmal rates of extinctions and land clearing since European colonization are infamous globally. Our national environmental

legislation has largely failed to protect biodiversity, including many threatened plants, animals and ecological communities. But change is afoot.

The [federal government](#) is [reforming our national environmental law](#). Following a scathing review in 2021, the legislation is being rewritten. While amendments to the Environment Protection and Biodiversity Conservation Act 1999 ([EPBC Act](#)) are yet to be tabled in parliament, the government says "[rolling consultation](#)" has begun.

About 30 [environment, business and industry groups](#) attended "targeted stakeholder workshops" last month. Public consultation begins with two webinars, on November 23 and 28. Government officials are offering to "explain how the proposed changes are designed to work and how they compare to existing laws." But they are not sharing the draft legislation yet.

How can we assess whether these [new laws](#) can prevent further species loss and [habitat destruction](#)? Here's an essential checklist of five things the law must include if we are to avoid calamity and hasten environmental recovery.

## 1. A climate trigger

The EPBC Act does not explicitly discuss and account for climate change and its impacts. So the federal environment minister is not legally bound to consider—or authorized to refuse—new or expanded coal mines and fossil gas fields based on their future climate impacts.

But climate change clearly [threatens biodiversity](#) and special places such as the Great Barrier Reef, as well as [human communities and culture](#).

## 2. Habitat means homes for wildlife

Protection of sufficient and connected habitat must be central to Australia's national environmental law. If homes for [swift parrots](#), koalas, greater gliders and other [threatened species continue to be destroyed](#) and fragmented, it is all but guaranteed Australia will fail in its stated quest to avoid further extinctions.

Northern Australia is home to exceptional but declining [biodiversity](#) that is increasingly [threatened](#) by development of pastoral, cotton and fracking industries.

Significant increases in [land clearing](#) and [water extraction](#) are seldom referred under the EPBC Act, let alone assessed.

Environmental law reform must stem the accelerating loss of biodiversity in this region and elsewhere. Reforms must include [expanding the water trigger to apply to shale gas fracking](#), and ensuring significant [land clearing](#) is referred and assessed.

It is also crucial that federal approval powers are not [devolved to states and territories](#), particularly in remote regions where so much damage occurs [out of sight and out of mind](#).

## 3. Setting clear objectives and measuring outcomes

The new laws must state policy objectives such as [no new extinctions](#) and no actions that accelerate climate change.

Decision-makers must be required to address direct, indirect and cumulative threats that undermine these objectives.

The new [National Environment Standards](#) (the centerpiece of this law reform) must stipulate red lines not to be crossed, such as no clearing of any critically endangered ecological communities or critical habitat of threatened species.

We should always seek first to avoid harm, then keep harm to a minimum, and [only as a last resort, offset remaining impacts](#)—and then only with credible offset plans that fully account for [uncertainties in delivering environmental compensation](#).

#### **4. An independent umpire**

We need a well-resourced, independent umpire, operating at arms length from government. This "[independent cop on the beat](#)" will need powers to prevent activities and developments deemed too harmful for biodiversity.

The government has vowed to create a national [Environmental Protection Agency](#). The functioning and powers of such an entity risk being severely undermined if the environment minister of the day has the ability to "call-in" projects and make unilateral decisions over whether they can proceed. That would also create concern regarding industry influence and [pressure on ministers to approve projects](#).

It's essential ministers not only have regard for environmental standards but also follow them to the letter of the law.

#### **5. 'A Voice for Country' and culture**

Our national environment laws must make room for genuine Aboriginal and Torres Strait Islanders participation in how matters of cultural and environmental significance are managed.

Our new nature laws must interact with federal cultural heritage laws, which are also under reform. Entities of cultural significance, such as humpback whales and dingoes, must be cared for in a way deemed appropriate by Indigenous Australians. Such a mechanism must be co-designed with Aboriginal and Torres Strait Islanders.

Policy must continue to be developed in partnership with Aboriginal and Torres Strait islander people. We suggest a Land and Sea Country Commissioner, "a Voice for Country," could lead this ongoing collaboration. We also need to ensure groups are adequately resourced and supported to Care for Country.

## **We must do better**

The time has come to lift our ambitions and truly protect our nation's precious environment and biodiversity.

Australians [want effective, urgent action](#) from government. For cultural, social, economic and environmental reasons, biodiversity conservation should be treated as a public good and receive bipartisan support. It's not an optional extra. We simply must invest in nature. We cannot [afford not to](#).

This article is republished from [The Conversation](#) under a Creative Commons license. Read the [original article](#).

Provided by The Conversation

Citation: Viewpoint: Five things we need to see in Australia's new nature laws (2023, November 17) retrieved 28 April 2024 from <https://phys.org/news/2023-11-viewpoint-australia-nature-laws.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.