

New Nature Laws 101



What's this campaign all about?

Have you ever wondered whether all the various environmental campaigns you see—from ending deforestation, saving endangered animals, fixing air pollution and stopping the effects of runaway climate change—are connected? **Well: they are.** It's all about how governments protect our environment.

At the moment, Australia's extraordinary forests, wildlife and environment are disappearing before our eyes – and once they're gone they're gone. The life that supports us and where we create so many unique and incredible experiences with family and friends is at risk unless there is strong, long-term national leadership and action.

The National Nature Laws campaign is about changing the way Australia takes care of its environment, including fixing our failed laws and institutions so that we can fix these problems—for good.

Big corporations are exploiting loopholes in weak and ineffective environment laws. Governments aren't doing their job when it comes to protecting our wildlife: Australia is the worst in the world for mammal extinction, and #2 for biodiversity loss in general. Approval processes for big damaging projects are complex and convoluted—and, while there is usually some form of public consultation, this rarely meets the expectations of those who engage. It's hard for the average person to know how to have their say or whether decisions are based on evidence, not politics.

We need a simpler system. We need a system in which all decisions are transparent; where Australians can participate in key decisions in a nationally consistent way and most importantly, we need a system which is

designed so that Australia's major environmental issues can be fixed and we don't keep fighting the same battles, again and again.

Some fundamentals about the new laws and institutions we're proposing include:

- The Federal Government will lead the country protecting and improving our environment.
- Our national environment laws will be up to date and capable of dealing with major threats to our wildlife and species, including climate change.
- We will have an independent watchdog for the environment, an accountable decision-maker ensuring major environmental issues are managed for the benefit of all.
- The Federal Environment Minister will have the resources to ensure all major environmental indicators are improving in a transparent and accountable way.

All Australians will have full access to the relevant information, have comprehensive legal rights, be engaged in the planning and have the ability to hold to account the decisions and performance of the government.

We have drawn from the expertise of the environmental law experts and advisers known as the Australian Panel of Experts on Environmental Law (APEEL—find out more about them at apeel.org.au). We have also drawn from examples of successful environmental law-making in other countries. We know this system will work; we just have to show the government that their constituents—and the Australian community—want it.

So what will these new laws look like?

The basic architecture of the new laws and institutions is as follows.

1. Establish a new National Environment Act that:

- Provides the framework and power for the active protection and management of the environment.
- Defines a set of National Environmental Matters (NEMs) for which the Federal Government is responsible for enhancing or maintaining, including protected areas, High Conservation Value forests and bushland; and critical habitat for critically endangered or endangered species and communities.
- Takes climate change impacts and adaptation into account in the setting of plans, targets and performing assessments.
- Ensures environmental regulation, planning and decision making independent from political parties, adequately resourced to achieve outcomes, conducted transparently and fully enforced.
- Community has legislated right to open standing, merits review and third-party enforcement rights under national environmental laws.
- Provides mechanisms for protection against major threats and ensures environment law provides minimum national standards that apply equally across industries and sectors, with no exemptions.

2. Establish an independent National Environment Commission with the authority to:

- Develop a National Environment Plan that sets out goals and objectives for improving indicators of environmental health.

- Engage state and local governments, stakeholders and community to make sure national and state laws are consistent and work together
- Develop a national set of definitions, standards and methodologies for environmental indicators.

3. Establish a new independent National Environmental Protection Authority to act as watchdog over the system, with the authority to audit projects without notification, require mediating actions, monitor compliance with those actions and prosecute offenders.

We'll know the laws are working – and that our environment is properly protected – if we see:

- Zero destruction of primary, remnant, old growth or high conservation value forests and bushland.
- No more fauna or flora extinctions.
- Measurable recovery of numbers or extent and quality of threatened, endangered and critically endangered species and ecosystems.
- Measurable recovery of freshwater ecosystems, including the Murray-Darling Basin.
- Measurable recovery of large, intact and functioning ecosystems (wilderness areas).
- Twenty percent (20%) of every terrestrial and marine bioregion in Australia are protected in nationally coordinated and consistent system of conservation tenures.



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