

Submission to fix Australia's National Environment Laws

General points

- There are 59 coal and gas projects, and 148 proposals that clear koala habitat going through the EPBC assessment process now. These will proceed unless the EPBC is strengthened substantially now.
- The Government promised to overhaul our environment laws. This promise must be kept. Bending to pressure from the WA mining industry is unacceptable - there is no time to waste to protect our climate, water and biodiversity.
- Having an EPA will not change the trajectory of decision-making under our current laws, which were brought in by John Howard and which lead to approval for 99% of projects. Having the EPA 'enforce' broken laws won't protect our environment either.

Major amendments needed now

Some of the key weaknesses in the EPBC Act 1999 can be fixed with amendments to these Bills. The Bills should be amended to:

- Finally implement an effective 'climate change trigger', which requires the decision maker to consider total lifecycle greenhouse gas emissions from a project and their impact on the Australian environment.
- Improve integrity and accountability by prohibiting political donations from project proponents and providing rights for communities to challenge the merits of decisions in court;
- Provide upfront protection for irreplaceable habitat by deeming clearing of habitats that are critical to the survival of listed species and ecological communities defined in Recovery Plans or Conservation Advices as an unacceptable impact;
- Substantially strengthen protections for First Nations cultural heritage and cultural knowledge and enable free, prior and informed consent

Specific problems with the Bills as drafted

- The Nature Positive (EPA) Bill does not include an independent board for the EPA. Instead the agency will be run by a CEO who is handpicked by the Minister. To ensure independence the EPA should have an independent board of directors.
- Schedule 12 of the transitional provisions Bill includes an effective 'fast track' for projects by only allowing the clock to be stopped on decision timeframes to require more information if the proponent agrees. This fast track should be removed.

Yours faithfully,

Personal submission

Inquiry: The Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills

My foremost issue is that the EPBC act does not consider climate/greenhouse gas emissions when considering whether to assess a project, but I have further outlines specific concerns below.

The Albanese Government promised to overhaul these laws in a significant way to actually change things for our biodiversity, water and climate. I am deeply disappointed that this plan seems to have been severely watered down by pressure from the oil & gas and mining industries, especially from my home state of WA.

A National EPA to 'enforce' broken laws (from Howard's era!) won't protect our environment. 99% of projects get approved under the current laws!

Our current EPBC act does not seem to take into account the cumulative impacts on MNES on a regional scale to the extent needed. Because we are clearly still losing a lot of habitat for key species overall.

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- Improve integrity and accountability by prohibiting political donations from project proponents and providing rights for communities to challenge the merits of decisions in court;
- Provide upfront protection for irreplaceable habitat by deeming clearing of habitats that are critical to the survival of listed species and ecological communities defined in Recovery Plans or Conservation Advices as an unacceptable impact;
- Substantially strengthen protections for First Nations cultural heritage and cultural knowledge and enable free, prior and informed consent

Some of the specific issues with the currently drafted Bills:

- The Nature Positive (EPA) Bill does not include an independent board for the EPA. Instead the agency will be run by a CEO who is handpicked by the Minister. To ensure independence the EPA should have an independent board of directors.
- Schedule 12 of the transitional provisions Bill includes an effective 'fast track' for projects by only allowing the clock to be stopped on decision timeframes to require more information if the proponent agrees. This fast track should be removed.

Thanks for considering my submission.

I commend the Senate Inquiry into proposals to address failings resulting from our outdated Environmental Protection and Biodiversity Conservation Act 1999 (the Act).

As a local leader of grassroots movements imploring our governments to take urgent action to halt the species extinction and climate change crises we face I must, however, record my view that establishing two federal agencies without strengthening the Act will provide little additional safeguarding of our precious environment.

The Government promised to overhaul our environmental protection laws –the promise must be kept for the sake of all Australian people and the broader economy that will benefit from a transition to renewables-based industries. The electorate sees the Government bending to the wishes of the fossil fuel extraction and mining industry without sending the appropriate signal that there is no time to waste to protect our climate, water and biodiversity. This is unacceptable.

Ongoing expansion of coal and gas extraction

As this Inquiry sits, there are 59 coal and gas projects and 148 proposals that plan to clear koala habitat going through assessment processes under the Act. Unless the Bills proposed to address the weaknesses of the existing Act are strengthened now, all of these projects will be allowed to proceed despite assessment and despite this being out of step with Australia's international commitments and the evidence base for what we must do to halt climate change and biodiversity loss.

An environmental protection agency empowered only with the measures of the existing law that approves almost all referred projects will be a toothless, pointless waste of money. It will be a squandering of natural resources and the ecosystem services that keep us all alive.

Amendments to the proposed Bills

The proposed 'Nature Positive' Bills could address key weaknesses in the Act if amended to:

Create and implement a climate change trigger which requires an ultimately responsible agency to consider the total lifecycle greenhouse gas emission from a referred project and the impact of these emissions on the Australian environment.

Prohibit political donations from project proponents.

Introduce rights for communities to challenge the merits of any resulting agency's decisions in court.

Enable free, prior and informed consent and introduce protections strong protection for First Nations cultural heritage and cultural knowledge.

Deem the clearing of habitats critical to the survival of listed species and ecological communities defined in Recovery Plans or Conservation Advices as an unacceptable impact.

Problems with the Bills as drafted

The Nature Positive (Environment Protection Australia) Bill does not include an independent board for the proposed Environment Protection Australia agency (EPA) it will create. The EPA must have an independent and capable board of directors rather than be run by a chief executive selected by the minister.

The ability to ‘fast track’ decisions under Schedule 12 of the Nature Positive (Environment Law Amendments and Transitional Provisions) Bill should not be included.