



# PROTECTING AND RESTORING NATURE

## A new generation of environmental laws

We are at a crisis point. Action on climate change has stalled, over 1,800 Australian species are at risk of extinction<sup>1</sup>, remaining habitat is under threat and the environment budget continues to be cut.<sup>2</sup> Meanwhile, Australians have never been more environmentally conscious. They know there is no future on an unliveable planet, and that a healthy, thriving environment makes all of our lives better.

That's why record numbers of Australians have rooftop solar, join environmental groups, recycle, grow veggies at home, support their local farmers, help with bush repair, no longer use single-use plastics - the list goes on

Politicians need to catch up. We need to strengthen our environmental protection with a plan for a clean planet, a tough new independent environmental watchdog and a new generation of laws that stop corporations putting communities and our environment at risk.

### THE GREENS WILL:

- Introduce a new generation of environment laws to replace the EPBC Act
- Establish an Environmental Protection Authority - a tough new cop on the beat
- Establish an Environment Commission



## A NEW GENERATION OF ENVIRONMENT LAWS

The Environmental Protection and Biodiversity Conservation Act is a relic of the Howard era. We need a new generation of environmental laws that actually protect our shared natural resources, our wild places and our threatened species.

The Australian Panel of Experts on Environmental Law (APEEL) have developed a blueprint for the next generation of environmental law. We believe in taking the advice of experts and back APEEL and the Places You Love Alliance who have worked hard to come up with a framework that will support a healthy, functioning and resilient environment to benefit people for generations to come. You can find their blueprint [here](#).

Along with these experts, we argue for a refreshed and strengthened role for the Commonwealth Government to deliver national strategic leadership on the environment. It can deliver on this by exercising constitutional powers to achieve environmental outcomes, through federal environmental laws, through its expenditure on environmental programs, and through the establishment of new environmental governance arrangements. Together, these mechanisms would provide a substantial lever to bring State and Territory governments to the table for greater cooperation in implementing national and regional strategies.

The Greens would also make sure that First Nations Peoples are represented in decision-making when it comes to looking after country. First Nations Peoples have been the custodians of precious places for tens of thousands of years. It is important that our environmental governance is collaborative and takes into account the fact that many sensitive places fall under First Nations Peoples' law, custom and custodianship.



### Amongst other things, our new environmental laws will expand federal responsibility for:

- National parks and reserves, including critical habitats, climate refuges and national biodiversity hotspots;
- Vulnerable ecological communities;
- Impacts from land clearing;
- Greenhouse gas emissions and air pollution, including climate triggers for development assessments;
- Water resources (including rivers, wetlands, and aquifers);
- Ecosystems and wetlands of national significance;
- Invasive species.

The laws will include strong provisions to protect habitats and climate refuges for threatened species. Further, the laws will introduce a general duty under corporations law for companies to report on their environmental performance and adopt ongoing improvements in their environmental practices.

New governance arrangements would include the establishment of the Environmental Protection Authority as the primary regulatory body for federal environment laws and the Environment Commission to identify and plan for strategic environmental interests. We already have independent expert bodies, like the Productivity Commission, to advise on economic matters. Now is the time to extend this principle to the environment that sustains us.

The Commonwealth should produce a Declaration of Commonwealth Environmental Interests that defines both the environmental matters in which it has an interest and the strategic and regulatory functions related to the environment that it intends to perform. The Declaration of Commonwealth Environmental Interests and consequential Commonwealth environmental legislation should empower the proposed Commonwealth Environment Commission to develop and adopt Commonwealth Strategic Environmental Instruments.

These new laws will also allow increased community access to justice by implementing "open standing" for people and communities to challenge environmentally damaging decisions in court, without risking huge costs in public interest cases. They will provide greater opportunities for genuine community consultation on major projects and reasons published for all major regulatory decisions. The new laws will also reflect our international obligations, including the Paris Climate Agreement, the World Heritage Convention, the United Nations Sustainable Development Goals and the Convention on Biological Diversity.

## AN ENVIRONMENTAL PROTECTION AUTHORITY

The new generation of environment laws will be overseen by an independent regulatory body with real power to enforce environmental laws.

The EPA will operate at arms-length from government and big business, with responsibility for transparent environmental assessments and the provision of expert advice. Its functions will include monitoring, compliance, and enforcement as recommended by the Australian Panel of Experts on Environmental Law.

### The EPA will:

- Assess applications for all projects and provide expert, fearless advice to the federal Minister who must make the final decision under our national environment laws. All of the EPA's advice will be made public;
- Monitor and enforce our national environment laws;
- Fact-check and independently review all environmental impact assessments to make sure there is independent, evidence-based scrutiny of the claims made by proponents about the social and economic benefits of major projects;
- Establish and manage a certification scheme that ensures the work of environmental consultants preparing environmental impact assessments for proposals is unbiased and of the highest quality;
- Conduct inquiries and advise government and the wider community on major national environmental policy issues;
- Help give Australians the environmental democracy they deserve by establishing a community information unit to actively support community understanding and engagement under our national environment laws;
- Oversee timely delivery of comprehensive national environmental accounts and sustainability reports to Parliament.

## AN ENVIRONMENT COMMISSION

The Greens will also establish a new Commonwealth Environment Commission, which will **perform several key functions to protect our environment, including:**

- Oversight of the development, adoption, and implementation of national environmental strategies, programs, standards, and protocols;
- The provision of advice and recommendations to the Federal Environment Minister regarding funding assistance to states and territories, and the making of regulations to pre-empt the operation of state laws, if necessary, to make sure that environmental strategies, programs, standards, and protocols are implemented;
- Setting national threatened species recovery standards, including working with the Threatened Species Scientific Committee to identify and improve listing of critical habitat;
- Data collection;
- Monitoring, evaluation, and reporting of environmental outcomes;
- Environmental inquiries;
- Strategic advice.

