

NEW LAWS AND INSTITUTIONS CASES FOR CHANGE

**MOVEMENT
FOR LIFE**



**THE
WILDERNESS
SOCIETY**

What will the solution look like?

1

As part of the New Laws campaign, we are advocating to overhaul the current environmental laws and replace them with a system that is more transparent, effective and fair.

At the moment, our environmental laws are broken—so problems that should have a common-sense solution are slipping through loopholes, and just getting worse. We need to fix our environmental laws and system before it's too late.

This booklet contains examples of how some of our biggest environmental problems could be fixed under the new system we're proposing.

The current system isn't enough to solve these problems—that's why we need the New Laws campaign.

This campaign isn't just about changes to policy and legislation; it's about real, tangible change for our incredible environment and all the animals and people who rely on it to survive.

If we can change these laws, we can change the future.



Threatened species: Leadbeater's possum

2

STATEMENT FROM THE STATE OF ENVIRONMENT REPORT

*'Some species face imminent extinction. The Leadbeater's possum has been listed as a species needing emergency intervention under the Australian Government's Threatened Species Strategy of 2015.'*¹

Failure of the current system

The Leadbeater's possum is listed as a Critically Endangered species under the federal *Environment Protection and Biodiversity Conservation Act (EPBC Act)*² and listed as endangered in Victoria.³

The critically endangered listing by the Federal Government should mean the Leadbeater's possum would be a Matter of National Environmental Significance under the federal *EPBC Act*. Unfortunately, the primary threat to the possums is the logging of their habitat. This logging is regulated through a Regional Forest Agreement which exempts logging from the *EPBC Act*.

So: the Faunal emblem of Victoria is critically endangered with their primary threat, logging, being an activity exempted from the federal law designed to protect critically endangered species.

How the new system will help the Leadbeater's possum

The primary threat for the Leadbeater's possum is loss of habitat. Most of this habitat loss is due to ongoing native forest logging operations.

Under the new *Environment Act* proposed by our New Laws campaign, there will be no exemptions for any sectors. Logging of native forests will be treated the same as any other activity which impacts on environmental values, for which the Federal Government is responsible.

If the Federal Government is responsible for the survival of the Leadbeater's possum, then it must act to remove the primary threats to the possum.

Every Australian who cares about the possum will receive all relevant information about the status of the possum via a public and easy-to-access website. The actions recommended by the National Environment Commission to the Federal Government to ensure the survival of the species will be public and the decisions made by the government will also be transparent.

1 <https://soe.environment.gov.au/theme/biodiversity/topic/2016/terrestrial-plant-and-animal-species-mammals>
2 http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=273
3 <https://www.wildlife.vic.gov.au/our-wildlife/leadbeaters-possum>



IMAGE: Leadbeater's Possum | Steven Kuitert

Pollution: Marine Debris

STATEMENT FROM THE STATE OF ENVIRONMENT REPORT

*'[T]he use of plastics continues to grow globally. As a result, the pressures being placed on the marine environment by dumped, discarded and lost debris continue to increase. This was reflected in a review of the threat abatement plan for the effects of marine debris on vertebrate marine life, which concluded that the objectives of the plan had not been met and the plan needed to be revised. Impacts on the marine environment associated with marine debris are high, with a deteriorating trend.'*⁴

Failure of the current system

Rubbish contaminating our oceans represents a significant pollutant and damages our marine wildlife. It comes from our waste—especially plastics, which do not biodegrade.

In order to address this problem, we would need policies to reduce the creation of waste. This means bans on many single-use plastic items, better waste management approaches, stormwater management and monitoring and investment in cleaning up waste.

The current approach is for local, state and federal governments in every state and territory to come up with their own solutions—with no individual level of government actually responsible for fixing the problem. The result is that the 'Threat Abatement Plan' for the impacts of marine debris on vertebrate marine life⁵ failed, and a new one⁶ is being drafted now.

How the new system will help fix marine pollution

Under the new laws, the Federal Government would be responsible for ensuring marine pollution is managed well. The Minister would have the power to work with local and state governments under Regional Plans to identify the best strategies in each region for fixing this problem.

Instead of hoping each state government or council or shopping mall will take steps to ban point-sources of plastic waste, we have one entity able to make this decision.

Every Australian who cares about marine pollution will receive all relevant information about the issue via a public and easy-to-access website. The actions recommended by the National Environment Commission to the Federal Government to ensure marine pollution is fixed will be public, and the decisions made by the government will also be transparent.

⁴ <https://soe.environment.gov.au/theme/marine-environment/topic/2016/marine-debris>

⁵ <http://www.environment.gov.au/system/files/resources/d945695b-a3b9-4010-91b4-914efcdbae2f/files/marine-debris-threat-abatement-plan.pdf>

⁶ <http://www.environment.gov.au/system/files/consultations/5101e251-39d3-4b07-92b0-c22289f5c437/files/draft-tap-marine-debris-2017.pdf>

IMAGE: Surveying on Montgomery Reef, now protected as a marine sanctuary in Camden Sound Marine Park. | Jenita Enevoldsen



Great Barrier Reef: Land Clearing

STATEMENT FROM KEY SCIENTISTS

*'Alarming, the data show that clearing in catchments that drain onto the Great Barrier Reef increased dramatically, and constituted 35% of total clearing across Queensland in 2013-14. The loss of native vegetation cover in such regions is one of the major drivers of the deteriorating water quality in the reef's lagoon, which threatens seagrass, coral reefs, and other marine ecosystems.'*⁷

Failure of the current system

Under the federal *EPBC Act*, the Great Barrier Reef is a Matter of National Environmental Significance. This means that any activity that would impact on the Reef should be referred to the federal Environment Minister.

Yet, under current Queensland land clearing legislation, tens of thousands of hectares of bush

is being cleared in catchments which drain into the Reef—without any federal oversight.

The Reef, as a World Heritage Area, has received a great deal of attention globally and may end up on the UNESCO 'in danger' list. UNESCO continues to be very concerned with clearing in Reef catchments.⁸

How the new system will help the Great Barrier Reef

The new, federal environment law would require the Federal Government to intervene in a case like this.

The Queensland Government is facilitating massive clearing of land in Reef catchments—one of the major threats to the health of the Reef.

The Australian Government would take control of clearing in Reef catchments, in a case where the state is so negligent and unwilling to change.

⁷ <https://theconversation.com/queensland-land-clearing-is-undermining-australias-environmental-progress-54882>

⁸ <http://www.bbc.com/news/world-australia-40515367>



IMAGE: Great Barrier Reef | Peter Eastway

Threatened Species: Koalas

STATEMENT FROM WWF

*'Habitat loss continues to be the key threatening process to the long-term survival of the koala and is being compounded by numerous other threats that are acting synergistically.'*⁹

Failure of the current system

Koalas are listed on threatened species lists in Queensland, NSW, the ACT and under the federal EPBC Act.¹⁰ Yet the catastrophic drop in numbers in these states continues. Between 2014 and 2016, the Queensland Government allowed 84,000 hectares of koala habitat to be cleared.¹¹

How the new system will help koalas

The new laws will require the Federal Government to take action to protect koalas, even if this means overriding states that are currently failing to do this.

Every Australian who cares about koalas will receive all relevant information about the status of the koala via a public and easy-to-access website. The actions recommended by the National Environment Commission to the Federal Government to ensure the survival of the species will be public, and the decisions made by the government will also be transparent.

⁹ <http://www.wwf.org.au/ArticleDocuments/353/pub-current-status-of-the-koala-in-queensland-and-new-south-wales-19may17.pdf.aspx?Embed=Y>

¹⁰ <http://www.environment.gov.au/cgi-bin/sprat/public/publicthreatenedlist.pl>

¹¹ <http://www.wwf.org.au/news/news/2016/84-000-hectares-of-qld-koala-habitat-destroyed-in-2-years#gs.ZQ6C6g0>



IMAGE: Koala | Wayne Lawler

Threatened Ecological Communities: Land Clearing

STATEMENT FROM WWF

'Almost 300,000 hectares of native bushland is cleared every year in Queensland. Eastern Australia is now one of 11 global deforestation fronts. Many of the ecosystems being cleared are protected as Matters of National Environmental Significance through Threatened Ecological Community (TEC) listings under the federal EPBC Act, and are incredibly important habitat for native animals.'

environment law, with the Minister assessing any clearing proposals 'when they have, will have or are likely to have a significant impact on a Matter of National Environmental Significance under federal environment law'.

The Federal Government has not taken any action to stop the large-scale clearing of Threatened Ecological Communities, like Brigalow, in Queensland.

How the new system will help species

The intention of our environmental law is not being realised.

The new laws will require the Federal Government to step in and take action to stop the clearing of threatened ecological communities, and ensure our most precious bushland is protected.

The new, independent national Environment Protection Authority we are proposing will have the power to identify illegal clearing and undertake prosecutions—independent from political influence.

Failure of the current system

The Queensland Government changed its land clearing laws in 2012 and, since then, clearing rates have skyrocketed.

Our most threatened habitat in Queensland between 2013 and 2015 was Brigalow (*Acacia harpophylla* dominant and codominant). Clearing this type of threatened bushland should trigger the federal

IMAGE: ABC News/Marty McCarthy



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