

# NEW LAWS 101

MOVEMENT  
FOR LIFE



THE  
WILDERNESS  
SOCIETY



## WHAT'S THIS CAMPAIGN ALL ABOUT?

Have you ever wondered whether all the various environmental campaigns you see—from banning plastic bags to halting logging, fixing air pollution and climate change—are connected? **Well: they are.** It's all about how governments regulate our environment.

The New Laws campaign is about creating a new system of environmental governance so that we can fix these problems—for good.

At the moment, state governments dominate environmental decision-making, and are often reliant on the money they make in royalties and taxes when they approve new projects. Approval processes 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.

**We need a simpler system.** We need a system where Australians can participate in key decisions in a nationally consistent way. We need all decisions to be transparent and for all Australians to have comprehensive legal rights. We need an accountable decision-maker ensuring major environmental issues are managed for the benefit of all.

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 take control of all major environmental issues.
- 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, 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](http://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. A new *National Environment Act* that:
  - a. defines a set of national environmental matters which the Federal Government is responsible for improving;
  - b. guarantees standing and 'merits appeals' rights for all Australians; and
  - c. provides the framework and power for the active protection and management of the environment.
2. An independent National Environment Commission with the authority to:
  - a. engage state and local governments, stakeholders and the community to make bioregional plans across Australia to deliver improvements in those matters;
  - b. to work with other jurisdictions to deliver, monitor and report every five years on the bioregional plans and annually on environmental indicators:
    - i. to Federal Parliament, providing recommendations on future actions to which the Federal Government is obliged to respond; and
    - ii. publicly via the newly created website ([ourenvironment.gov.au](http://ourenvironment.gov.au)) interface or similar.
3. Revise the way we assess projects which affect national environmental issues, so that the National Environment Commission:
  - a. provides publicly available advice on project approval to the Federal Environment Minister;
  - b. accredits and chooses organisations that deliver environmental impact assessments; and
  - c. gives public notice and conducts public consultation regarding any projects which will affect national environmental matters, both prior to and throughout the assessment process.
4. A new, independent national Environment 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.

IMAGE: Kevisato Sanyu

