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11 July 2024

Hon Tanya Plibersek MP  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Dear Hon Ms Plibersek MP,

## SUBMISSION TO THE INQUIRY INTO THE NATURE POSITIVE BILLS 2024

### INTRODUCTION

The Tree Projects are an environmental outreach organisation that advocates for the conservation of trees, forests, and the wildlife that inhabits them.

We commend the Government's initiative in proposing the Nature Positive legislative package aimed at enhancing environmental protection and sustainability in Australia. Our recommendations focus on ensuring robust governance, transparency, effective information management, and comprehensive legal reforms to address urgent environmental challenges.

This submission outlines comprehensive recommendations aimed at enhancing the effectiveness and integrity of the proposed Nature Positive legislative package, ensuring it meets the urgent environmental challenges facing Australia today.

### RECOMMENDATIONS FOR THE NATURE POSITIVE (ENVIRONMENT PROTECTION AUSTRALIA) BILL 2024

1. **Independence and Accountability of the EPA:** The EPA must operate independently from government influence to uphold its environmental protection mandate effectively. We recommend the establishment of clear, enforceable duties and guiding principles that outline its role and responsibilities. Transparency in operations is crucial to fostering community trust, necessitating independent oversight mechanisms.

2. **Transparency and Accountability:** Addressing the shortcomings of the current EPBC Act, the new legislation should mandate transparency in environmental decision-making processes. This includes public access to information and clear justification for decisions, promoting accountability and public engagement.

3. **Environmental Justice and Protection:** Embedding substantive environmental goals and objectives within the EPA's duties is essential. This should include provisions for civil enforcement to uphold environmental integrity and promote adherence.

## RECOMMENDATIONS FOR THE NATURE POSITIVE (ENVIRONMENT INFORMATION AUSTRALIA) BILL 2024

1. **Nature Positive Definition and Baseline:** Define "nature positive" with a measurable baseline to track environmental improvements accurately. Capture and manage data effectively to support nature protection and recovery efforts, including monitoring threatened species and climate change impacts.

2. **First Nations Knowledge Prioritisation:** Prioritise the inclusion and utilisation of First Nations knowledge systems in environmental management and decision-making processes. This acknowledges their custodial responsibilities and enhances the effectiveness of environmental policies.

## RECOMMENDATIONS FOR THE NATURE POSITIVE (ENVIRONMENT LAW AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2024

1. **Comprehensive Legislative Reform:** Emphasise the urgency of comprehensive legislative reforms to reverse Australia's extinction trends. Commit to passing the full package of nature positive reforms during the current parliamentary term.

2. **National Environmental Standards:** Empower the Minister to establish robust National Environmental Standards (MNES) safeguarded by a non-regression clause to prevent weakening of environmental protections in subsequent standards.

3. **Climate Change Integration:** Introduce a standalone climate MNES to assess actions with significant climate impacts under national environmental laws. Mandate consideration of direct and downstream emissions from proposed actions and ensure alignment with emission targets.

4. **Biodiversity and Habitat Protection:** Strengthen provisions to identify and prevent unacceptable impacts, including on critical habitats. Restrict the use of biodiversity offsets and ensure rigorous assessment of destructive and illegal deforestation under nature laws.

5. **Enhanced Enforcement and Review Mechanisms:** Introduce third-party merits review for decisions on project referral, assessment, and approval. Facilitate community requests for project referrals under the EPBC Act and enhance civil enforcement through open standing and civil penalties.

## CONCLUSION

In conclusion, we urge the Committee to consider these recommendations to strengthen the proposed Nature Positive legislative package. By prioritising independence, transparency, data management, and robust legal frameworks, Australia can effectively protect its natural heritage and meet its environmental obligations. These measures are crucial in safeguarding biodiversity, mitigating climate impacts, and fostering sustainable development for current and future generations.

Thank you for the opportunity to contribute to this important inquiry.

Best wishes,

Dr Jennifer Sanger

The Tree Projects

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