

Dear Professor Samuel and Independent Review Panel,

Lawyers for Forests (“LFF”) are a non-profit organisation dedicated to providing legal support, advice, advocacy and representation to community groups opposed to the ongoing clear-fell logging of Australian native forests with high conservation values. We are writing to make a submission into the 2019-2020 independent review of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBCA).

Australia's weak environmental laws - the EPBCA, combined with the Regional Forestry Agreements (RFA) which exempt logging of native forests in Australia from the statutory protections of the EPBCA - have resulted in Australia becoming an unenviable world-leader in extinction and deforestation. The current statutory framework guarantees that iconic native species, such as the critically endangered Leadbeaters possum, Greater glider and Swift parrot (to name but a few) are being pushed to the brink of extinction due to clear-fell logging of their critical habitat being remnant native old forests with outstanding conservation values. Such poor mismanagement and toothless environmental regulation of our native forests has amounted to an ecological disaster which diminishes all Australians.

Far from protecting the environment and wildlife, the current EPBCA is working to help industry secure approvals for large-scale development and extraction industries which are harmful to native flora and fauna. Almost all projects (99.7%) assessed by the Federal Government are rubber stamped, with just 2% later knocked back by the courts, usually after a local community group has been forced to take action. The current EPBCA doesn't even mention or deal with the escalating environmental problems of climate change.

The Federal and State governments need to be held accountable for this appalling situation. Through the EPBCA and the RFAs governments have repeatedly prioritised the interests of industry and the flailing logging industry over the interests of our threatened species and remnant native forests, much of which have been devastated by the catastrophic 2019-2020 bushfires.

LFF submits that such species and habitat ought to be prioritised over the short-term, rapacious interests of the logging and development industries, so that they may survive to ensure that future generations have the chance of experiencing such majestic forests and their unique flora and fauna. Even now, logging of precious, unburnt areas of native forests in Victoria, NSW and Tasmania is continuing unabated, despite those remaining areas being absolutely vital as habitat for our native species. Allowing such logging to be immune from environmental regulation thanks to the exemption for RFA forests in the EPBCA is a national disgrace.

Australia cannot return to a 'business as usual' approach after the catastrophic bushfires of 2019-2020. The same laws that have failed wildlife over decades and done nothing to address climate change can't be relied upon to help wildlife recover after the fires.

In order to address this ecological emergency, LFF proposes the following:

1. A new National Environment Act must be enacted which enshrines Federal Government leadership over nature protections, contains safeguards against extinction, including ending the destruction of endangered species habitat. The Act should also set out clear rights of appeal and provide for strong third party consultation rights so that the community can ensure that the Act is being properly implemented;
2. An Independent National Environment Commission must be established to ensure we develop a fit-for purpose, coordinated national (state and federal) system of environmental protections and policy responses necessary to support a restoration of our environment to health and ensure regulatory resilience to future impacts, which publicly report every year on the impact of conservation action and funding and shows clearly whether natural values are recovering.
3. Recovery plans for all threatened species must be developed and implemented as a matter of great urgency, which the Act has largely failed to do in its 20 years.
4. The new environment legislation must require all development decisions to take into account of the climate emergency.
5. An Independent Federal Environment Protection Agency, equipped with statutory compliance and enforcement powers, must be established to act as a watchdog over government and ensure our laws are properly enforced.

At the very least the EPBCA exemption for RFA forests from the scrutiny afforded by that Act (as deficient as that is) must be removed immediately.

With the 10 year review of the Act in 2020 Australia has a once in a decade chance to deal with Australia's deforestation and extinction crisis. Now is the time for Australia to ramp up the EPBC Act to properly protect our endangered native flora and fauna.

Thank you for your consideration of our submission. If you wish to contact us about the contents of our submission, we can be reached at: lawyersforforests@gmail.com

Yours faithfully,

Lawyers for Forests Inc.