

18 November 2020

By email: ec.sen@aph.gov.au

Dear Sir/Madam

**Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020**

Lawyers for Forests (LFF) is an independent, non-profit organisation dedicated to providing legal support, advice, advocacy and representation to community groups opposed to the on-going clear-fell logging of Australian native forests with high conservation values.

LFF is writing to make a submission to the Senate inquiry into the Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 (Bill).

LFF opposes the underlying objective of the Bill, which is to transfer Commonwealth government responsibilities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to state governments. We believe the Bill will weaken national environmental protections and exacerbate Australia’s extinction crisis.

Australia's environmental laws are already weak. The EPBC Act, combined with the Regional Forestry Agreements (RFAs) that exempt logging of native forests in Australia from the statutory protections of the EPBC Act, 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. Poor mismanagement and toothless environmental regulation of our native forests has amounted to an ecological disaster which diminishes all Australians.

LFF submits that our endangered species and their habitat ought to be prioritised over the short-term, commercial interests of the logging and development industries, so that future generations have the chance of experiencing our 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 vital as habitat for our native species. Allowing such logging to be immune from environmental regulation due to the exemption for RFA forests in the EPBC Act is a national disgrace.

The Bill that is the subject of this inquiry will facilitate the federal government handing over its powers to protect matters of national environmental significance, such as threatened species, to state governments.

Instead, the federal government should be demonstrating leadership in biodiversity conservation and environmental protection. Sitting at the apex of government in Australia, the federal government’s independence of particular state interests means it has a critical role in protecting matters of national environmental significance. Importantly, it is the responsibility of the federal government to adhere to our commitments under the Convention on Biological Diversity and the many other environmental treaties and protocols Australia is a signatory to.

LFF does not believe the states can be entrusted to properly and thoroughly apply national environmental protection measures. The serious problems with creating bilateral management arrangements with the states are evidenced by the RFAs, which have led to long term controversy and conflict in every forest region, and the destruction of critical habitat and loss of endangered native wildlife throughout Australia.

LFF’s other concerns include that the Bill:

* contains no safeguards to establish or enforce national environmental standards;
* does not establish a national regulator;
* does not increase transparency or accountability of decision making.

LFF is also concerned by the exceptionally short timeframe for this committee to undertake its work. Establishing this committee to have hearings and report in only two weeks is essentially a box ticking exercise, and does not enable proper scrutiny or accountability.

Finally, it is LFF’s submission that the government should not be moving any legislation to amend the EPBC Act prior to the public release of the final report of the statutory review of the EPBC Act by Professor Graeme Samuel.

We encourage the government to withdraw this Bill and prepare a complete reform package that addresses the decline of biodiversity and protects Australia’s incredible natural and cultural heritage. Any EPBC legislation amendments should include an independent regulator and strong national environmental standards, put together as a package to go to Parliament.

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.