

Nature laws that work

Q&A seminar on national environmental laws for The Wilderness Society – 6/12/18

Presented by Dr Chris McGrath

Levels of government in Australia and some of their major areas of responsibility



*1 Federal /
Commonwealth
/ Australian
Government*

FEDERAL MATTERS SUCH AS:

SECURITY DEFENCE

IMMIGRATION

ENVIRONMENT



*6 state and
2 mainland
territory
governments*

STATE MATTERS SUCH AS:

ROADS PRISONS

HOUSING PUBLIC TRANSPORT

POLICE and AMBULANCE SERVICES



*~540 local
governments*

LOCAL MATTERS SUCH AS:

TOWN PLANNING

RUBBISH COLLECTION

WATER and SEWAGE

DOG REGISTRATION

LOCAL ROADS

Source: adapted from the Australian Parliamentary Education Office

<https://theconversation.com/australias-scrambled-egg-of-government-who-has-the-environmental-power-9582>

Key points:

- Every level of government has powers for environmental protection, but the Commonwealth is ultimately in control where and when it chooses to be.
- Think of our national environmental laws as a vital **safety net** to protect us, the places we love, and our prosperity.
- Australia's principal current national environmental laws are the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act):
 - It was enacted in 1999 (by the Howard Government)
 - Its main provisions protect 9 “matters of national environmental significance”, including:
 - World Heritage properties
 - Listed threatened species and listed threatened ecological communities
 - Water resources from large mines & CSG
 - It reflects a political compromise under the Howard Government.
 - It does **not** represent the limits of Commonwealth environmental powers.
- Current laws and regulators are failing badly.
- **We need to reboot our national laws.**
- Dangerous climate change and loss of threatened species reflect systemic failures for which the Commonwealth is ultimately responsible.
- The key findings of the recent (September 2018) report co-authored by TWS, *Fast Tracking Extinction: Australia's national environmental law* are:¹
 - Australia needs:
 - National leadership
 - New national environmental laws
 - A new independent National Environmental Protection Agency (NEPA)
- There is no quick fix and there will be a need for ongoing work even if new national laws and an independent NEPA is created. But new laws and a new NEPA are a critical step.
- New national leadership and new laws depend upon political will, but, as Al Gore said, “Political will is a renewable resource.”

¹ Available at https://www.acf.org.au/threatened_species_habitat_environment_law