

# ALCA cautiously welcomes Commonwealth response to environmental law review

8 December 2022

Today's release of a Commonwealth response to the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) – Australia's national cornerstone environment law – sets a positive tone but leaves much of the detail on future reform yet to be determined.

More than 2 years after Professor Graeme Samuel handed his report to the federal government, today's response contained some significant highlights:

- A commitment to develop, implement and enforce stronger National Environmental Standards which cannot be amended to reduce environmental protection [Recommendations 3 and 4]
- The restatement of a commitment to independent oversight of Australia's environmental laws, through an Environment Protection Agency (EPA) [Recommendation 23]
- A commitment to leverage the views and knowledge of Aboriginal and Torres Strait Islanders more effectively [Recommendations 5 and 6]
- A strong focus on a region-by-region based approach ('regional planning') negotiated with relevant states or territories, as well as regional natural resource management bodies and local government [Recommendations 25 and 26]
- A commitment to investigate barriers and incentives for the protection and restoration of biodiversity on private land [Recommendation 28]

Dr Jody Gunn, CEO of the Australian Land Conservation Alliance (ALCA), Australia's peak body for private land conservation, cautiously welcomed the government's response.

"Australia's environment is on an escalating trajectory of decline, and the Commonwealth's response to the Samuel Review contains clear statements of positive intent to fix our failed environment laws," Dr Gunn said.

"The commitment to a ratcheting approach on National Environmental Standards – to take no step backwards for the environment – is a key piece of the legislative puzzle to drive better environmental protection.

"Of course, we still need to see the development of strong National Environmental Standards in the first place."

Dr Gunn was hopeful that additional detail on regional planning would be forthcoming.

"The government's response on regional planning – a region-based approach to environmental protection and development approvals – focuses on government-to-government negotiations and negotiations with nature resource management (NRM) bodies. Whilst there is a statement of intent to incorporate First Nations people's aspirations and knowledge, it would be a missed opportunity not to clearly articulate the role of First Nations peoples and conservation organisations in the negotiation of regional plans. ALCA looks forward to seeing the government's Regional Planning Framework."

Whilst encouraged that the government has committed to investigate the barriers and incentives for private land conservation, Dr Gunn noted that a formal review by Treasury or the Productivity Commission was required to do this commitment justice.

“Conservation is actively discriminated against in a range of state and federal tax laws – a full review by a federal economic agency is needed to, at minimum, treat conservation agnostically under the law, and preferably, given the escalating decline of Australia’s environment, adopt active tax and policy settings to encourage it,” Dr Gunn said.

“The government’s plans for a nature repair market – a national biodiversity market – won’t take off if we don’t get the accompanying tax settings right at the same time.”

Global leaders are now meeting in Montreal for the UN Biodiversity Conference (COP15) to hopefully set a strong and ambitious agenda to protect our environment for nature and people. As one of the planet’s most biodiverse countries, strong environmental laws will be particularly important for Australia to help us turn the tide on accelerating biodiversity decline.

The government response to the independent review follows the release of the 2021 State of Environment Report in July 2022, which highlighted that “*the state and trend of the environment of Australia are poor and deteriorating*” and that “[s]ocial, environmental and economic impacts are already apparent.”<sup>1</sup> In 2021, Australian scientists confirmed evidence that already 19 of Australia’s ecosystems have either collapsed or are collapsing<sup>2</sup>.

## About ALCA

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity and influence of private land conservation to achieve a healthy and resilient Australia.

ALCA member land conservation efforts stretch across over 3 million square kilometres with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$260 million.

Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance and funding, and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in regional communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spillover effects for community, wellbeing and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

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<sup>1</sup> See: Government of Australia, 2021 State of Environment Report; <https://soe.dcceew.gov.au/overview/key-findings>

<sup>2</sup> See: Bergstrom et. al, ‘Combating ecosystem collapse from the tropics to the Antarctic’, *Global Change Biology*, 2021; <https://onlinelibrary.wiley.com/doi/10.1111/gcb.15539>

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