



14 March 2018

National Biodiversity Strategy Secretariat
Department of the Environment and Energy
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NBSecretariat@environment.gov.au

Dear Secretary,

This submission is from LEAN, the Labor Environment Action Network – a grassroots network of Australian Labor Party Members and supporters who are concerned about the future health of the planet, with a particular interest in climate change and the integrity of our systems.

The submission concerns: “Australia’s strategy for nature 2018–2030. Australia’s Biodiversity Conservation Strategy and Action Inventory DRAFT.”

We join with other leading organisations in environmental protection, conservation, enhancement, preservation, research and use in condemning this piece of work from the once great Australian Department of the Environment (and Energy) (DOEE).

We call on DOEE to deliver a thorough, robust, real-world and credible strategy, similar to the 2010 to 2030 strategy released by the Gillard Labor Government in October 2010 and subject to review in 2015 (of which little from this review appears to have been taken into account).

This new 17-page document containing a wish list of feel-good statements is not a strategy. Any strategy must have deliverables, deadlines, dates, measures and structures for delivery as a starting point. It must identify issues, name those accountable, assign priority and allocate funding.

Further, how can any government release a document titled “Strategy for Nature” without mentioning by name the issue of “climate change”? This simply begs belief. Climate change is the biggest medium to long-term issue facing this country, indeed the world, and will change economic, social and environmental aspects of life like no other issue.

We agree with others, such as the Places You Love Alliance, that the strategy:

- Fails to address Australia's crisis of dying wildlife and environmental destruction.
- Doesn't recognise that only one of the previous ten targets has been met.
- Contains no new funding, policies or significant commitments.
- Falls short on honouring Australia's international commitments.
- Undermines Australia's reputation for environmental leadership.

In short, LEAN's key recommendation is that this draft strategy be scrapped.

DOEE should start again. There's no argument with the sentiment of what has been tabled. But it is nothing more than that – sentiment. You can't argue against "Connecting all Australians with nature", "Care for nature in all its diversity" and "Build and share knowledge". This is simply 'core business' or given in any nature strategy. The supporting principles on page 16 would be a good starting point for new work by DOEE – take these and develop policy with targets, timetables, resources and accountability.

LEAN believes the vision of the strategy needs expansion, reflecting the broader policy framework that nature must be included in. Any strategy must recognise that climate change is the greatest economic, social and environmental threat facing Australia and the world. While there is some mention of the economic contribution of nature, any strategy must recognise the role of business in helping to deliver better nature for Australia. It should also be said that better nature has the potential to make an even greater contribution to nation's wealth through regenerative/restorative works, more sustainable farming, land use for solar and wind and carbon farming/sinks – all benefitting nature. And for every dollar spent now on conservation, preservation and restoration, many more dollars are saved in the future. Prevention is better than the cure.

As such, Australia would benefit from the establishment of National Environmental Accounts as decisions taken in areas such as water use and conservation; energy production and use; and control of emissions of greenhouse gases all impact on the environment and the socio-economy (ABS).

A key point missing in what was drafted was the lack of recognition that nature must have in all decision-making processes of business and government. DOEE seems to have ignored the recent commentary by the Reserve Bank and Australian Prudential Regulation Authority of the need for business, government and civil society to account for climate risk and improved natural resource outcomes as they reduce such risks. Any strategy needs to integrate with climate change, energy, economic, health, educational, industry, planning, population, and indigenous policies, amongst many others. And the Federal Government needs to come together as one on environment policy, an issue report after report from government recommends but this fundamental hasn't in recent years been taken up.

As stated, nature policy can't be seen in isolation - it must link with economic, social and other environmental policy. Management of nature needs to be an economic priority for this country. As such, we would like to see a new first goal in any strategy and with far more detail than what is contained in the current draft.

Goal

- Place the management of nature at the centre of economic and social policy.

Objectives:

- Integrate with all other policy areas of government.
- Establish national environmental accounts.
- Incorporate action on climate change, nature management and Sustainable Development Goals into all Cabinet and other government decision making processes.
- Undertake comprehensive review of environmental laws in Australia.
- Have nature management made a standing item for COAG.

Any strategy should also recognise the dire state of the environment at this time. The strategy should be honest, accurate and recognise how many species are now extinct and threatened, what the decline in fauna numbers are and how many square kilometres of vegetation has been cleared. It needs measures to address these issues, again with targets, deadlines, deliverables and accountabilities.

Two of the biggest initiatives in recent years on environmental protection, the Paris Climate Agreement and the Sustainable Development Goals get little attention in this strategy. Surely honouring Australia's relevant commitments in these should at least rate a mention in any strategy (not to mention myriad other international commitments signed by various Australian Governments).

LEAN urges DOEE to consider its work within Labor on strengthening Australia's environmental laws. There are three key design priorities for improving the laws.

1. Federal leadership and responsibility for pro-active environment protection. We need to set up plans and approaches to managing each of our natural assets. States will work with the Commonwealth to deliver these.
2. Clear and robust terms for Federal development approvals - to give business certainty and speed up the process.
3. Principles of democratic accountability and protection of rights for community involvement in environmental matters.

We need new strong institutions that are independent, well-resourced and empowered to deliver this bold new approach. An environment agency that is science-fuelled and politically empowered, could be tasked with ensuring the ambition of pro-active protection. It would be like the Reserve Bank for Environmental Management - highly skilled, well-resourced and independent. It would be a body the Australian public could trust. It would also act as a tough, independent watchdog, ensuring compliance with the laws. Too often our laws are ignored as the chance of being called to account is small.

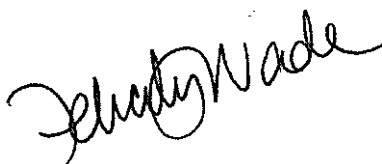
We also urge DOEE to consider the work of APEEL – the Australian Panel of Experts of Environmental Law. APEEL has developed a blueprint for the next generation of Australian environmental laws with the aim of ensuring a healthy, functioning and resilient environment for generations to come.

LEAN urges DOEE to review Labor’s National Platform and positions on relevant matters and consider them for inclusion in this strategy. It should be noted that Labor has a National Conference planned for July 2018 and Labor’s Platform will be updated following this conference. While many in politics and government quite rightly see Labor’s policy and platform in a political context, it must be remembered that the platform stems from grass-roots Labor branches across Australia that engage and consult with local communities on environmental and other matters.

Above all, this strategy and the work of DOEE must recognise that times have changed, and time is running out. Time is running out when it comes to climate change. Time is running out when it comes to the preservation of flora and fauna species. Time is running out for robust policy for government, business and society from the Australian Government.

The draft presented only further delays the process. It should be scrapped and robust policy that takes a broad view and contains detailed measures, deadlines, targets, accountabilities, dependencies, resources and a true reflection of the state of things as they stand should be the focus of the DOEE.

Yours,

A handwritten signature in black ink that reads "Felicity Wade". The signature is written in a cursive, flowing style.

Felicity Wade
National Co-convenor, LEAN

Appendix 1 – Online Resources

Labor National Platform

https://www.alp.org.au/national_platform

LEAN Environment Laws Campaign

http://www.lean.net.au/environment_laws_for_the_21st_century

Australian Panel of Experts on Environmental Law (APEEL)

<http://apeel.org.au>

DOEE Australia's strategy for nature 2018–2030: Australia's biodiversity conservation strategy and action inventory

<http://www.environment.gov.au/biodiversity/conservation/strategy/draft-revision>

Australian Environmental-Economic Accounts, 2017

<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4655.0>

Wentworth Group – Environmental National Accounts

<http://wentworthgroup.org/programs/environmental-accounts/>

Appendix Two - Environment Laws

Currently our environment laws are not up to the task of protecting our country. Business dislikes them too – development approvals are slow and expectations are unclear.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was written 20 years ago by the Howard Government. It was considered weak and inadequate at the time of adoption, with Julia Gillard describing it as a “hastily cobbled together legislative nightmare.”

The environmental health of Australia has continued on a downward trend since this Act was introduced – extinctions continue, plastic swamps our waterways, health is undermined by air pollution and clearing of bush occurs at rates that rival Brazil and Indonesia. Most alarming of all is that the Act doesn't even mention climate change.

Federal environment laws do two things:

1. Create the processes for assessment and approval of development proposals - everything from urban developments to mines to tourism infrastructure.
2. Set goals and processes for the proactive management of the health of the Australian environment – looking after our rivers, our bushland, our oceans.

Within the current Federal environment regime, most of the focus is on the first of these. Most of the environmental decline occurs because of the failure of the second.

Our current laws do not provide a framework for accountable, active environmental protection and management. The focus is on conditions for project approval or refusal. Our current laws are too species-focused which neither protects nor sustains our natural systems. We need an approach that considers the whole landscape. They are nothing like ready for the natural heritage challenges that climate change will bring. They are often too complex, slow and costly. This locks out local communities and innovative businesses, instead favouring those with deep pockets.

No level of Government has clear responsibility for halting Australia's environmental decline. The Federal Government must be given this task and the resources for delivering it.

There are three key design priorities for improving the laws.

1. Federal leadership and responsibility for pro-active environment protection. We need to set up plans and approaches to manage each of our amazing natural assets. States will work with the Commonwealth to deliver these.
2. Clear and robust terms for Federal development approvals – to give business certainty and speed up the process.
3. Principles of democratic accountability and protection of rights for community involvement in environmental matters.

The most perfect laws in the world mean nothing without the ability to deliver them. We need new strong institutions that are independent, well-resourced and empowered to deliver this bold new approach. An environment agency that is science-fuelled and politically empowered, could be tasked with ensuring the ambition of pro-active protection. It would be like the Reserve Bank for Environmental Management – highly skilled, well-resourced and independent. It would be a body the Australian public could trust. It would also act as a tough, independent watchdog, ensuring compliance with the laws. Too often our laws are ignored as the chance of being called to account is small.

Appendix 3 – Commentary by reference to findings of first five year review of Australia’s Biodiversity Conservation Strategy 2010–2030

Comments below are organised in response to the report published in 2016 of the findings of the first five year review of Australia’s Biodiversity Conservation Strategy 2010-30.

Overall comments: It would be a surprising and inappropriate response to a five year review of a 20 year strategy, which identified needs for a number of improvements and refinements for that strategy, to instead essentially abandon rather than improving the national strategy under review, and indeed to abandon essential characteristics of anything accurately termed a strategy - notably, priority actions to achieve identified objects and means for evaluating the success of those actions.

LEAN urges all jurisdictions involved to reject such an approach.

A more fundamental criticism is that, inconsistently with the findings of successive State of the Environment Reports that the state of Australia’s environment has been deteriorating on most indicators, notably biodiversity, the five year review report asserts that

While progress has been consistent with the intended objectives of the Strategy, the review revealed the Strategy has not has been a strong driver of these efforts

In other words, the apparent assertion is that the progress aimed for has been occurring although not driven by the Strategy. Impliedly, then, little might be lost in substantial reductions in bureaucratic exercises such as the Strategy.

The well documented reality is that much movement in Australia’s biodiversity outcomes has been backwards rather than in the direction of progress, and that enhancement of strategic frameworks, including improved legislative, economic and institutional measures is clearly needed.

1. The Strategy did not engage, guide, or communicate its objectives to all audiences in a useful way.

- The Strategy is long and often technical, limiting its ability to influence a broad audience.

Comment: This review finding cannot legitimately be used to justify the approach of the proposed revision, in stripping technical - and indeed most other - detail from the Strategy, leaving a document which - while short - could mean anything to anyone, or nothing to no-one; and leaving substantial content to be issued - or omitted - subsequently, either on a co-ordinated basis or by individual jurisdictions and by different levels of government.

A pamphlet is not a strategy, other than a strategy to avoid or postpone having a strategy.

A more appropriate approach can readily be found, for example, in the National Disability Strategy, as another shared national strategy, with a nested series of objectives and actions which cover progressively more detail from the promotional and inspirational, to the operational and accountable.

- The Strategy does not clearly articulate its intended use for different levels of government and other relevant sectors.

Comment: The proposed revision, while accurate in noting that civil society and the private sector can have important roles regarding biodiversity conservation, does not articulate what use those sectors might make of a national Biodiversity Conservation Strategy. Further, it retreats substantially from, rather than improving on, the efforts of the existing Strategy to articulate roles and expectations for any and all levels of government. A pamphlet exhorting greater public contact with nature does not constitute a strategy for action by, or accountability of, governments in promoting improved biodiversity conservation

- There is inadequate guidance for decision makers to determine how best to direct investment for biodiversity conservation.

Comment: It should be obvious that the proposed revision would reduce rather than enhance the guidance for investment decisions provided by the existing Strategy, unless guidance for investment decisions is taken solely as referring to encouraging expenditure on further content free pamphlets to distract from further reductions by the Commonwealth in particular in investment in actual environment protection programs.

- Overall, the Strategy's targets did not effectively guide the efforts of governments, other organisations or individuals. Some targets were unclear or difficult to measure, while others were not tightly tied to the Strategy's outcomes.

Comment: The complete abandonment of targets in the proposed revision is an astonishingly inappropriate response to findings of a failure of existing targets to effectively guide action and a need for improvements in those targets. Such a response would be more appropriately found in satirical treatments of public policy and administration such as "Utopia" or "Yes Minister" than in a document seriously advanced for endorsement by Australian governments.

2. The Strategy is too focused on preventing the loss of biodiversity in natural terrestrial environments and does not consider biodiversity contributions across all landscapes.

- The Strategy is generally focused on the restoration and protection of natural environments and does not provide a framework for biodiversity conservation in built or production landscapes.
- The Strategy does not clearly resonate with people living in urban or rural environments or make key linkages to livelihoods, and health and wellbeing.

Comment: Obviously, a large proportion of the Australian environment is dominated or strongly affected by human activities including agricultural and pastoral industries; and a high proportion of Australia's people live in urban environments. The National Biodiversity Conservation Strategy would be appropriately enhanced to adequately ensure protection of biodiversity in production landscapes and in urban landscapes now and into the future, including in increased focus by all levels of government regarding

- Improved frameworks for supporting, promoting and ensuring conservation on private land
- Improving permeability of urban environments for wildlife, and protection of biodiversity particularly in the interface between urban development and previously non-urbanised areas

Beyond referring to the importance of urban and production environments, however, the proposed revision does not do this.

Indeed, in its emphasis on getting people "out into nature", the proposed revision may reinforce impressions of the natural environment as something separate, and remote, from where the majority of Australia's people live and work.

We acknowledge that the proposed revision does assert, quite well, the importance of natural capital and ecosystem services and seeks discussion of enhanced commitment to valuing ecosystem services including through environmental accounts.

- The Strategy includes few outcomes designed to specifically improve the health and resilience of biodiversity in marine and aquatic environments.

Comment: Clearly the appropriate response to this finding would be to enhance the Strategy in its impact on marine and aquatic environments, rather than downgrading its provisions regarding terrestrial environments, even without having regard to the impacts of terrestrial activities on marine and aquatic environments.

- The Strategy does not adequately recognise that governments must achieve a balance between short and long term social, economic and environmental interests.

The proposed revision discusses the issue of trade-offs reasonably well, including in relation to valuing ecosystem services and further development of environmental

accounting, and the challenge of taking into account the intrinsic value of nature as well as socio-economic values..

However, more explicit acknowledgement appears appropriate that some short term trade-offs can preclude long term benefits. Most obviously, extinction is forever.

3. The Strategy has not effectively influenced biodiversity conservation activities.

- There was no ongoing oversight from jurisdictions to facilitate and coordinate implementation of the Strategy.
- An implementation plan, including allocation of responsibility for actions, has not been established and coordinated implementation of the Strategy has been ineffective.
- The expectation that a new, stand alone monitoring and reporting framework would be developed for the Strategy was ambitious and did not build on existing efforts.

Comment: It should be self evident that a Strategy without targets makes ongoing oversight, planning of implementation, allocation of responsibility, co-ordination, monitoring and reporting difficult or impossible. Necessarily, deferral of consideration of targets and implementation to subsequent unspecified processes defers action and diminishes accountability.

4. Alignment of the Strategy with the Convention on Biological Diversity, and other related international obligations, could be enhanced.

- Timing of the Strategy's release was not ideal as it preceded the adoption of the Convention's Strategic Plan, making its implementation through the Strategy challenging.
- The Strategy could more comprehensively align with the Convention's Strategic Plan and be adaptable to evolving themes and priorities.

Comment: Article 6 of the Convention on Biological Diversity requires that:

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

- (a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and
- (b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

It must be questioned whether a proposed revised "strategy" which lacks targets or measurable outcomes validly constitutes a strategy (or a plan or programme) for the purpose of compliance with Australia's obligations under Article 6 of the Convention.

It should be noted that the obligation on each Party to the Convention to develop national strategies, plans or programmes “in accordance with its particular conditions and capabilities”

- does not limit or exclude responsibility under the Convention on the Commonwealth as the level of Australia’s government which is internationally responsible - given that the Commonwealth clearly has constitutional capability to ensure performance of treaty obligations
- should be regarded in Australia's case not as a limitations clause (as might be asserted by some nations having limited financial resources and or governance capacities) but as imposing a particularly high level of obligation - given that Australia has both a relatively high level of economic development and a high level of biodiversity loss.

As noted above the report of the first five year review of Australia’s Biodiversity Conservation Strategy 2010–2030 expressed regret that the timing of the adoption of the Strategy had preceded the adoption of the Strategic Plan for Biodiversity 2011-20 by the Conference of the Parties to the Convention on Biological Diversity; and recommended that Australia’s National Strategy more closely align with the Strategic Plan for Biodiversity 2011-20 under the Convention.

In this respect it is perhaps sufficient to note that the Strategic Plan for Biodiversity 2011-20 under the Convention sets out twenty targets, whereas the proposed revision of Australia’s National Strategy proposes the removal of any targets. It is impossible to regard the proposed revision in this respect as a competent attempt to respond in good faith to the five year review or to the Strategic Plan for Biodiversity 2011-20.