

CLIMATE CHANGE IS THREATENING OUR NATURAL ENVIRONMENT

WE NEED A STRONGER LAW

WITH CLIMATE AT ITS HEART



Dear Minister Plibersek,

Australia's national environment law is fundamentally flawed because it does not explicitly address harmful climate change and its impact on our precious natural species and habitats. At a time when climate change is wreaking havoc on our natural world, our law remains woefully inadequate.

As joint signatories to this letter, we stand united behind Professor Jacqueline Peel's legal opinion, [Gaps in the Environment Protection and Biodiversity Conservation Act and other federal laws for protection of the climate](#). Professor Peel's analysis unequivocally shows that our Environment Protection and Biodiversity Conservation (EPBC) Act is ill-equipped to confront the climate emergency.

We endorse Professor Peel's key findings that:

- **Australia's current environmental law does not directly respond to one of the biggest threats our environment now faces**

The EPBC Act does not explicitly address climate change or the impacts of greenhouse gas emissions; and current proposals to enhance reporting and transparency do not address the lack of specific regulation of greenhouse gas emissions. Unless this is fixed, high polluting projects - like coal, oil and gas facilities - will continue to be waved through and put our environment at risk.

- **Greenhouse gas emissions from individual projects are not currently directly regulated anywhere in Australian law**

National instruments like the Climate Change Act and the Safeguard Mechanism do not cover the specific assessment and approval or rejection of projects on the basis of their environmental impacts. Further, they do not address full lifecycle greenhouse gas emissions of proposed projects. Australia's fossil fuels cause climate change, which harms our environment, no matter where in the world they are burned. Legal precedents in Australia and overseas already recognise the need to take all emissions into account when assessing environmental impacts.

• **Our environment and climate laws are disconnected**

Amendments to the Safeguard Mechanism have established a hard carbon budget for Australia’s biggest emitters collectively and a ‘pollution trigger’ requiring the Climate Change Minister to consider whether new projects can fit within this budget. But these rules only kick in once a project has already been approved under the EPBC Act. This leaves the door open to more environmental harm while creating major uncertainty for project proponents - a lose, lose scenario. We need integrated laws for protecting our environment and regulating harmful greenhouse gas emissions.

Australia is home to some of the most remarkable ecosystems on Earth – brimming with plants, and animals found nowhere else on the planet. Our shared expert advice is clear and unambiguous: we need a stronger national environment law with climate at its heart to protect Australia’s irreplaceable natural places. Anything less is endangering Australians and our precious way of life.

Sincerely,

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This statement is endorsed by each signatory as an individual and not on behalf of institutions or organisations with which they are associated.

