

## **Nature Positive Plan: *better for the environment, better for business***

In October 2020, Professor Graeme Samuel AC submitted his independent review into the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). His review concluded that the EPBC Act, Australia's central piece of national environmental law was outdated, ineffective, and requires fundamental reform.

During her Press Club Address in July 2022, the Federal Minister for the Environment and Water, the Hon. Tanya Plibersek MP formally acknowledged Professor Samuel's review and committed to reforming the EPBC Act.

These reforms were guided by 3 essential principles:

- Delivering better environmental protection and laws that are nature positive
- Speeding up decisions and making it easier for companies to do the right thing
- Restoring integrity and trust into systems and environmental laws.

### **An independent Environment Protection Agency**

The government has committed to establishing an independent Environment Protection Agency (EPA) to provide assurance and restore public trust in Australia's national environmental law.

It will be responsible for project assessments, decisions, post-approvals and for assuring the operations of states, territories and other Commonwealth decision-makers under accreditation arrangements.

The EPA will be resourced and empowered to ensure compliance and enforcement under the new EPBC Act.

The government will also establish a Data Division within the Department of Climate Change, Energy, the Environment and Water to provide clear authoritative sources of high-quality environmental information.

The Data Division will have a legislative mandate to provide environmental data to the EPA, the minister and the general public.

The Data Division will be responsible for expanded State of the Environment reporting, including regular interim reports and analysis of progress towards environmental goals.

### **National Environmental Standards**

National Environmental Standards will improve environmental protections and guide decision-making by setting clear, demonstrable outcomes for regulated activities under the new Act.

The initial standards for development will cover:

- Matters of National Environmental Significance (MNES)
- First Nations engagement and participation in decision-making
- Regional Planning

- Community engagement
- Environmental offsets.

The standard for Matters of National Environmental Significance will be the subject of early consultation with stakeholders, including state and territory governments, and will be released in draft form alongside new legislation.

An improved national conservation planning framework for wildlife and places will be underpinned by National Environmental Standards. It will prioritise on-the-ground action based on the latest science.

### **Faster, better decision-making and clear priorities**

States and territories will be able to apply to become accredited under national environmental law to allow for single-touch decision-making. A decision to accredit a state or territory must be made by the minister.

The government will remove overly prescriptive processes and duplication in conservation and management planning for species, communities and, where relevant, heritage.

### **Working with First Nations partners**

The role of First Nations partnerships will be enhanced to give First Nations peoples a stronger voice in Australia's system of environmental protection, including new standalone First Nations cultural heritage protection laws.

The role of the EPBC Act's Indigenous Advisory Committee will be enhanced to give First Nations a stronger voice in our system of environmental protection.

A National Environmental Standard for First Nations engagement and participation in decision-making will be developed as a priority.

### **Regional planning projects**

The Regional Planning Initiative is a key government commitment to help restore, protect and manage the environment.

Regional plans will be built around a three-level (traffic light) map, designed to pre-identify areas for protection, restoration and sustainable development.

Regional plans will also identify priority areas for action and investment and help ensure Australia meets its biodiversity outcomes including the 30x30 target.

### **Environmental offsets reform**

A National Environmental Standard for environmental offsets will be made under law to provide certainty and confidence in its application.

The government will reform offset arrangements to ensure they deliver gains for the environment and reduce delays for project proponents.

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Project proponents will need to first demonstrate attempts to avoid and mitigate harm to protected matters before resorting to environmental offsets.

Conservation payments will be sufficient to achieve a net positive environmental outcome. This will establish a clear price signal and give proponents an effective incentive to avoid and mitigate environmental impacts from their projects.

An evidence-based investment strategy, developed at arms-length from government, will ensure that conservation payments are used to deliver optimal biodiversity outcomes for relevant bioregions.

## **Further Government Initiatives**

The government will establish a nature repair market to make it easier for businesses and individuals to invest in nature.

The Government will work with stakeholders and relevant jurisdictions towards applying National Environmental Standards to Regional Forest Agreements

## **Next Steps**

A package of new national environmental legislation will be prepared in the first six months of 2023 to implement these reforms.

During this period, there will be extensive consultation with stakeholders around the detail of the legislation. Draft legislation will be released to enable further consultation and detailed feedback.

The legislation will be released as an exposure draft prior to being introduced into the Parliament before the end of 2023.

The five initial National Environmental Standards will also be the subject of consultation with stakeholders, including states and territories.

The Nature Positive Plan: Better for the Environment, better for business is available [here](#)

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