



**CONSERVATION
COUNCIL** ACT REGION

Submission to the Senate Standing Committees on Environment and Communications

Nature Repair Market Bill

June 2023

The Conservation Council ACT Region is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city. Working in the ACT and region to influence governments and build widespread support within the community and business, we put forward evidence-based solutions and innovative ideas for how we can live sustainably.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

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Introduction

The Conservation Council ACT Region appreciates the opportunity to provide comment on the Nature Repair Market Bill.

The Conservation Council ACT Region is calling for the Bill to be amended to exclude the Nature Repair Market being used as a biodiversity offset scheme and for reforms to the Environmental Protection Biodiversity Conservation Act to be prioritised.

In July 2022, a landmark State of Environment Report was released outlining that overall Australia's natural environment is "poor and deteriorating". The cause of this extreme loss: climate stresses, habitat loss and degradation¹.

The Government's intention to enable offset obligations to be acquitted through the Nature Repair Market will worsen the biodiversity crisis. The job of effecting repairs to Australia's environment is made more difficult with every decision to approve further destruction. A more efficient approach would be to actively prevent biodiversity loss and to stop approving further loss that requires compensation via offsets.

Nature in the ACT suffers the same fate as the rest of the country. Approximately 6.2% of Canberra's mature trees have been removed in the past 5 years; our beloved faunal emblem, the Gang-gang Cockatoo is endangered; and our natural areas are at increasing risk from development.

Adequate investment is essential to improve the state of biodiversity in Australia, and we support in principle the proposal to provide financial incentives to landholders for biodiversity stewardship, and to facilitate investment in biodiversity protection and restoration. However, offsets do not repair nature, and they destroy at least as much as they protect. To solve the extinction crisis we have to stop habitat destruction at its source, not continue to allow it by allowing offsets to act as 'compensation'.

Rule out the Nature Repair Market being used for offsets for nature destruction and carbon emitting projects

According to Professor Mark Howden at the Australian National University's recent annual climate update, the climate crisis "keeps on getting worse than we thought".² Australia is lagging at least a decade behind leading nations on action to tackle climate change and time is rapidly running out to have any chance of stabilising the climate within safe limits.

The Synthesis Report of the IPCC's Sixth Assessment Report (AR6-SYR) released in March 2023 is unequivocal in its statements about the urgency required in global emissions reductions.

*"Keeping warming to 1.5°C above pre-industrial levels requires deep, rapid and sustained greenhouse gas emissions reductions in all sectors. Emissions should be decreasing by now and will need to be cut by almost half by 2030, if warming is to be limited to 1.5°C."*³

¹ State of the Environment Report, 2022.

² Conservation Council ACT Region, 2023, 'Catch up on ANU's 2023 Climate Update'
<https://conservationcouncil.org.au/blog/2023/02/16/anu-climate-update-2023/>

³ IPCC, 2023, 'Urgent climate action can secure a liveable future for all', Press release, 20 March,
https://www.ipcc.ch/report/ar6/syr/downloads/press/IPCC_AR6_SYR_PressRelease_en.pdf

It is high time the Australian Government took substantive action to address fossil fuel pollution and development projects which unequivocally contribute to habitat clearing and biodiversity loss.

Every policy that the Australian Government implements to improve biodiversity and reduce emissions must be both ambitious and effective. We must stop giving concessions to the polluting and destructive industries that have caused the crisis. Companies must be forced to actually reduce or eliminate biodiversity loss, greenhouse gas emissions, and not be enabled to continue business as usual while greenwashing their polluting operations through the use of offsets. Offset schemes are notoriously questionable due to lack of transparency, rigour and long-term, verifiable additionality. Policies need to be discouraging biodiversity loss, not encouraging it by claiming it can be offset. The answer to reducing emissions and reducing biodiversity loss is the same – stop the problem at its source by doing less of it rather than pretending that offsets are the solution.

Offsets do not repair nature, and they destroy at least as much as they protect. To solve the extinction crisis we have to stop habitat destruction at its source, not continue to allow it by allowing offsets to act as ‘compensation’. The Samuel review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was also very critical of the how offsets have been used under the Act, concluding that “the current EPBC Act environmental offsets policy contributes to environmental decline rather than active restoration” and requires fundamental reform.⁴

Prioritise reforms of the Environmental Protection and Biodiversity Conservation Act

The Nature Repair Market Bill is premature in the absence of detail about EPBC Act reforms. The Council is supportive in principle of land managers being paid for stewardship efforts that go beyond their legal obligations. 48% of Australia’s threatened species habitat occurs on private land, so having better systems to support landholders to protect nature has a role to play in helping threatened species recover.

However, overall the Nature Repair Market is an unnecessary distraction from the urgent needs of new nature laws and much more public funding to protect and restore nature. Reforms to the EPBC Act including the development of new National Environmental Standards should be completed or at least significantly advanced before the Nature Repair Market Bill is finalised and introduced. Development and introduction of Nature Repair Market legislation should follow rather than precede reform of the EPBC Act. Environment Minister Tanya Plibersek’s Nature Positive Plan, which committed to introducing new, overhauled national nature laws to Parliament by the end of 2023 should be the focus of government resources and parliamentary time.

⁴ Samuel G, 2020, Independent Review of the Environment Protection and Biodiversity Conservation Act – Final Report, Chapter 8.

Summary and Recommendations

- The Nature Repair Market should not enable the expansion of existing polluting projects nor facilitate the establishment of new polluting projects. The Committee should recommend that **the Bill is amended to rule out allowing the Nature Repair Market to be used for offsets for nature destruction and continued greenwashing of carbon emitting projects.**
- The government should **prioritise reforms of our national nature laws.** The critical reforms of the EPBC Act must be done right and should take priority over the Nature Repair Market.
- The government should **provide public funding to support the protection and restoration of biodiversity by land managers.** Many of our most threatened species and ecosystems occur on private land, so incentivising land-holders to protect and restore habitat will help them recover. This should not be pursued by relying on private investment through the Nature Repair Market.