



Law Council  
OF AUSTRALIA

*Legal Practice Section*

25 August 2022

Committee Secretary  
Senate Standing Committees on Environment and Communications – Environment and  
Communications References Committee  
PO Box 6021  
Parliament House  
Canberra ACT 2600

By email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Committee Secretary

### **AUSTRALIA'S EXTINCTION CRISIS**

1. This submission has been prepared by the Australian Environment and Planning Law Group (**the Group**) of the Law Council of Australia's Legal Practice Section. The Group welcomes the opportunity to make a submission to the Senate Standing Committees on Environment and Communications—Environment and Communications References Committee in relation to Australia's Extinction Crisis.
2. The Group notes that the Inquiry's Terms of Reference have been broadened to include consideration of both faunal and floral extinction and to include consideration of the outcomes of the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) by Professor Graeme Samuel AC (**Independent Review**) and the recently released State of the Environment Report.
3. The Group notes that it made submissions to this Inquiry in September 2018 and November 2021. The Group also notes that the Law Council made a number of submissions to the Royal Commission into National Natural Disaster Arrangements<sup>1</sup> and made an extensive submission to the Independent Review.<sup>2</sup> The Group commends these submissions to the Inquiry.
4. The Group notes that the State of the Environment Report 2021 emphasises the need for action to address Australia's deteriorating environment. A key finding from that Report states that "Australia currently lacks a framework that delivers holistic

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<sup>1</sup> Law Council of Australia, submission to the Royal Commission into National Natural Disaster Arrangements (30 April 2020) available at [3813 - Royal Commission - National Natural Disaster Arrangements.pdf \(lawcouncil.asn.au\)](#); supplementary submission (29 June 2020) available at [Supplementary submission: Royal Commission into National Natural Disaster Arrangements - Law Council of Australia](#)

<sup>2</sup> Law Council of Australia, submission to the Statutory Review of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) available at [Statutory Review of the Environment Protection and Biodiversity Conservation Act 1999 \(Cth\) - Law Council of Australia](#)

environmental management to integrate our disconnected legislative and institutional national, state and territory systems”.<sup>3</sup>

5. The Group reiterates its previous calls for the reform of the EPBC Act in accordance with the Law Council submission to the Independent Review, and for the Commonwealth Government to respond to and implement the reforms of the EPBC Act proposed by report of the Independent Review.<sup>4</sup>
6. The Group also notes the recommendations made by the Independent Review in relation to the importance of integrating Indigenous knowledge into the processes and decision-making points under the EPBC Act and the consultation that has been done to date under the Partnership Agreement on the Modernisation of Aboriginal and Torres Strait Islander Cultural Heritage Protection between the Commonwealth (through the Minister for the Environment) and the First National Heritage Protection Alliance. It is essential that there be genuine engagement with First Nations peoples to ensure that their knowledge of country is acknowledged and utilised in the protection and enhancement of that country.
7. It is the view of the Group that progressing the reforms proposed by the Independent Review without delay will represent a substantial step forward in the ongoing protection of Australia’s unique biodiversity and the commitments that Australia has made under various international conventions on biodiversity protection and conservation.
8. The Group would welcome the opportunity to discuss this submission with the Committee. In the first instance, please contact the Group’s Chair, Robyn Glindemann on [robyn.glindemann@lantegy.com.au](mailto:robyn.glindemann@lantegy.com.au).

Yours sincerely

**Geoff Provis**  
**Deputy Chair, Legal Practice Section**

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<sup>3</sup> Cresswell ID, Janke T & Johnston EL (2021). *Australia state of the environment 2021: overview*, independent report to the Australian Government Minister for the Environment, Commonwealth of Australia, Canberra, page 11

<sup>4</sup> See in particular, Law Council of Australia, Call to Parties – Improvements to laws and the administration of justice in a post-pandemic society (April 2022), page 48; available at [Call To Parties Final-Web.pdf \(lawcouncil.asn.au\)](#)