

Date 15 October 2025

NBSAP Taskforce
Department of Climate Change, Energy, the Environment and Water
By email: nbssecretariat@dcceew.gov.au

Dear NBSAP Taskforce,

Submission: Implementing Australia's Strategy for Nature 2024 –2030

Thank you for the opportunity to comment on the Commonwealth Government's Discussion Paper 'Implementing Australia's Strategy for Nature 2024 – 2030'.

We are the national peak body for advancing Australian environmental law and policy. We are an independent, multidisciplinary, member-based association focused on environmental law and sustainability. NELA is managed by a national board that includes directors with expertise in international and domestic legal frameworks for biodiversity conservation, ecological restoration, environmental and carbon markets, environment and planning laws and regulatory theory, and natural resource management. NELA also has a Biodiversity Working Group and Climate Change Working Group which are made up of leading Australian experts on national biodiversity and climate law and policy, respectively.

One of NELA's core objectives is to provide a forum for, and to otherwise assist in, the discussion, consideration, and advancement of environmental law across the legal profession and the wider community. As a body with particular expertise and interest in environmental laws, NELA and its members recognise the importance of clear, strong, transparent and ambitious laws for safeguarding Australian environments, and we bring that recognition to bear in this submission.

Biodiversity in Australia is in a state of continued decline. Australia now has over 2200 threatened species and ecological communities currently listed under federal environmental law as threatened with extinction. Numerous assessments have shown that most of these species and communities are in a perilous state of decline. Legislative and policy measures at the state government level to address the biodiversity crisis is essential, but this must also be guided and supplemented by strong federal leadership. Strong federal leadership is demonstrated in two key ways:

1. Adequate federal funding and support;
2. Legal authority to act which necessitates federal environmental laws on the matters that Australia's Strategy for Nature covers.

Public investment in conservation, supported by strong legal frameworks, is inevitable if the Australian government is truly committed to international commitments and to halting and reversing trends of biodiversity decline.

Attached to this cover letter, we offer responses to some of the questions posed in the Discussion Paper. Overall, in summary, we submit:

Target - Protect and conserve 30% of Australia's landmass and 30% of marine areas by 2030

- a) **National government investment in 30 x 30:** To deliver 30 x 30 collaboratively, the Australian government needs to support state and territory governments and private community groups and environmental NGOs, through a specific and bespoke funding program for the National Reserve System (NRS). The recently announced 'Saving Australia's Bushland Program' could be directed towards an NRS program. In addition, the Australian government needs to develop a plan to generate more investment – from national, state, and territory governments; philanthropic organisations; and business – to meet the 30 x 30 target
- b) **National government co-ordination to deliver 30 x 30:** The Australian government must provide leadership in co-ordinating protected area managers and stakeholders to deliver a Comprehensive, Adequate, and Representative NRS. This co-ordinating role is missing from the Discussion Paper.
- c) **National government commitment to clarify outstanding tenure and land rights issues to support recognition of First Nations' legal rights and interests in meeting 30 x 30:** Adequate long-term funding for First Nations is critical and needs to be accompanied by reform to existing laws affecting First Nations' care of land and sea country to ensure that third party interest can only be granted following proper consultation processes with free, prior and informed consent of the impacted First Nations group.

Target – Priority degraded areas are under effective restoration by 2030

- d) **National government policy guidance on implementation of the restoration target:** The Australian government should clarify whether a baseline stocktake of 'degraded' land and water has been undertaken, and whether the 'priority degraded' areas equate to 30% of this total. In addition, the Australian government needs to develop a definition of 'degraded' and 'effective' and consider how restoration can be co-located with protected and conserved areas.
- e) **National government leadership to fund and remove regulatory barriers to restoration:** In the absence of funding and regulatory gaps for restoration being addressed, it will be very difficult for Australia to meet its restoration target, and to scale up investment under the Nature Repair Market.

Target – Eradicate or control invasive species in priority landscapes and minimise their introduction by 2030

- f) **Align the invasive species target with Target 6 of the Global Biodiversity Framework:** This includes a measurable target to reduce the introduction and establishment of new, potential, or emerging invasive species by at least 50% by 2030. This will enhance accountability and allow for better evaluation of detection and management strategies.

- g) **New invasive species must be listed as an emerging threat in accordance with processes under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*:** Reforms to the nomination process for key threatening processes will enable a more agile and precautionary response to such risks.

Target – no new extinctions

- h) **The Australian government will need to effective laws to remove threats to threatened species, ongoing investment in conservation strategies as well as an explicit and ambitious climate adaptation strategy for many species:** A climate adaptation strategy for native species will need to be implemented in phases over coming decades – with enough time to crystalise conservation efforts for these hard-to-save species.

Target – minimise the impact of climate change on biodiversity

- i) **Australian government NRS funding (see (a)) should also prioritise expanding and protecting climate-adapted habitat and ecological connectivity.**
- j) **Find opportunities for climate mainstreaming under EPBC Act regulations, policies and strategies:** Climate mainstreaming is similarly crucial for minimising the impact of climate change on biodiversity and all other sectors and endeavours

Enablers of change – First Nations representation and participation

- k) **The Australia government needs to support the development of ‘two ways’ approach to improve the recognition of Indigenous knowledges to nature conservation:** This includes governance and funding support for First Nations groups, as well as proper legal protections for the ownership and use of Indigenous knowledge and practice.
- l) **Biodiversity outcomes need to be embedded into all national policies, procurement, and regulatory frameworks to achieve biodiversity mainstreaming:** One specific example of biodiversity mainstreaming, is further work and commitment from the Australian government to reduce harmful subsidies (another target in the Global Biodiversity Framework).

NELA thanks the following Board Directors and Biodiversity Working Group members for their contributions to this submission: Professor Justine Bell-James, Sarah Brugler, Dr Paul Govind, Dr Phillipa McCormack, Faith Roche, Pip Abbott and Emma Garlett.

DETAILED RESPONSE TO DISCUSSION PAPER

Target – Protect and conserve 30% of Australia’s landmass and 30% of marine areas by 2030

Target 3 of the Global Biodiversity Framework urges signatories to:

‘Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.’

While commonly referred to as the ‘30x30’ target, it is important to recognise that this target includes quantitative elements (30% by 2030), but also qualitative elements (particularly important for biodiversity, connectivity, etc), and specifically requires both effective conservation and management.¹

Outcome 1 – public and private protected and conserved areas are expanded on land

We agree that delivering 30 x 30 needs to be delivered collaboratively and that all levels of government have programs and initiatives in place to support the expansion of protected areas. To achieve collaboration, the Australian government needs to support state and territory governments and private community groups and environmental NGOs, through **a specific and bespoke funding program** for the Natural Reserve System (NRS). Government expenditure on environmental programs is typically decreasing,² however, public investment in conservation is inevitable if governments are truly committed to international commitments and to halting and reversing trends of biodiversity decline. We also support the recognition of the importance of collaboration with First Nations groups to achieve this outcome. However, we urge the Government to commit to significant funding for First Nations groups to ensure their meaningful inclusion in these programs.

In the 1990s and 2000s, the Australian Government ran an NRS program under which incorporated private community groups and environmental NGOs could bid for up to two-thirds of the purchase price and short-term management costs. Over the life of the program, the Australian Government provided approximately \$200 million in funding to assist in the purchase of 371 properties which were added to the NRS (around 10 million ha).³ This model enabled large strategic NRS acquisitions, diversified land protection approaches, and increased under-represented ecosystems in the NRS. In 2012, the Australian Government announced it was ceasing ongoing funding for the program.⁴

¹ Justine Bell-James and James Watson, ‘Ambitions in national plans do not yet match bold international protection and restoration commitments’ (2025) 9 *Nature Ecology and Evolution* 417-424.

² Biodiversity Council, 2024/25 Pre-budget submission: *Aligning investment to international commitments* <<https://biodiversitycouncil.org.au/resources/2024-25-pre-budget-submission-aligning-investment-to-international-commitments>>. See also Paul Martin, Jacqueline Williams and Amanda Kennedy, ‘Creating next generation rural landscape governance: the challenge for environmental law scholarship’ in Paul Martin et al (eds), *Environmental Governance and Sustainability* (Edward Elgar Publishing, 2012).

³ James Fitzsimons et al, *Protecting Australia’s Nature: Pathways to protecting 30 per cent of land by 2030* (Report, The Nature Conservancy, WWF-Australia, the Australian Land Conservation Alliance, and the Pew Charitable Trusts, 2023) <https://alca.org.au/wp-content/uploads/2023/11/Report3030_FINAL_web.pdf>.

⁴ Australian Government, ‘One Land – Many Stories: Prospectus of Investment 2013-2014’ (Biodiversity investment prospectus, Australian Government, 2012) <<https://library.dbca.wa.gov.au/static/FullTextFiles/071563.pdf>>

We note that the Australian Government announced in March 2025 that it will contribute \$250 million to 'Saving Australia's Bushland'. This funding will be essential to contribute to implementing Australia's Strategy for Nature, however it is not clear from the Discussion Paper, how that funding will be deployed to assist in implementation of the Biodiversity Strategy. Re-establish a NRS Program with the 'Saving Australia's Bushland' funds would be beneficial. In addition however, and consistent with [NELA's submission](#) on the draft National Roadmap for achieving 30 x 30, the Australian government needs a plan to generate more investment – from national, state, and territory governments; philanthropic organisations; and business – to meet the 30 x 30 target. This needs to be a government priority for implementing Australia's Strategy for Nature.

Outcome 2 – protected and conserved areas on land are well connected, ecologically representative and include areas of particular importance for biodiversity

We commend the Australian government for ensuring that the qualitative elements of Target 3 are centred in its approach to expanding the protected area estate. For example, the NRS strategy relies on an agreed set of scientific principles for prioritising land eligible to be conserved under the NRS: the CAR (Comprehensive, Adequate, and Representative) principles. While in most cases this approach leads to the selection of high-quality conservation areas, at times it may result in the prioritisation of conservation areas that address rarity priorities including special species, groups or circumstances.

To deliver 30 x 30 effectively, strategic policy co-ordination amongst state and territory and national governments is necessary. The Australian government must provide leadership in co-ordinating protected area managers and stakeholders.

Outcome 3 – First Nations Peoples are supported to care for land and Sea Country

Recognising and respecting the rights of indigenous peoples and local communities is another core aspect of delivering 30 x 30 and we applaud the Australian government for exploring opportunities to expand caring for Country, including through cultural covenants and ILUAs. The carbon and biodiversity markets present another important opportunity for.⁵

The Samuels Review (2020) states:

'The current laws that protect Indigenous cultural heritage are well behind community expectations. They do not deliver the level of protections that Indigenous Australians deserve and the community expects. These laws should be immediately reviewed, and reform should be delivered in line with best practice requirements for Indigenous heritage legislation.'

In applying this recommendation to the delivery of 30 x 30, the Australian government will need to ensure that both carbon and nature repair market methods can enable projects to strategically support growing the protected and conserved area estate while also supporting local livelihoods and Indigenous communities.

The Australian government also needs to commit to work with First Nations groups and other stakeholders to clarify outstanding tenure and land rights issues to support recognition of First Nations' legal rights and interests in meeting this target. Sufficient, long-term funding for First Nations is critical to achieve this. The Australian government should also reform existing laws affecting First Nations' care of land and sea country to ensure that third party interest can only be granted following proper consultation processes with free, prior and informed consent of the impacted First Nations group.

⁵ Australian Government, 'Priorities for ACCU Scheme proponent led method development announced' (2024) <<https://www.dccew.gov.au/about/news/priorities-accu-scheme-proponent-led-method-development-announced>>.

Outcome 4 – Protected and conserved areas across land and sea are effectively managed

Effective conservation and management of protected and conserved areas is an essential component in achieving 30 x 30. Proper management of protected areas is critical to ensure that they continue to host and support biodiversity, and to avoid the phenomenon of ‘paper parks’, where areas are ‘protected’ on paper, but which, amongst other things, are not adequately managed.⁶ We commend the Australian government for recognising that effective management requires ‘appropriate resourcing’ as this is key to ongoing management. As per our recommendation under Outcome 1 above, a detailed and specific investment plan needs to be developed by the Australian government.

When the Australian Government funded the NRS Program, a core element of the program was the:

‘formulation and promotion of nationally consistent principles and best practice standards for the improved management of protected areas’⁷

In practice, this was mostly achieved through Australian government granting criteria or funding conditions. A similar approach could again be implemented through an Australian government funding program.

We also note that the Nature Repair Market is a new tool that is expected to assist in delivering 30 x 30 in Australia. It will be essential for the developing methods under the market to cater for projects in protected areas to allow for effective management (i.e. maintenance of biodiversity) and in some cases, restoration. New methods under the Nature Repair Market are also expected to ensure ongoing monitoring of projects including for example, being able to demonstrate whether maintenance or improvement of biodiversity has been achieved. This needs to be done in consultation and collaboration with state and territory protected area programs to ensure coherency with existing programs, rather than causing friction and complexity for existing state-based programs.

For private landowners, the Nature Repair Market offers a valuable way to encourage landholders to engage in conservation and potentially, delivery of 30 x 30. Under the Nature Repair Market, the Protect and Conserve Method is expected to be a core aspect in the Australian government’s commitment to achieving 30 x 30 and it is essential that the Protect and Conserve Method aligns with the NRS Strategy and the OECM Framework. In particular, the Protect and Conserve Method should be seeking to try and support state-based existing private land conservation programs that create privately protected areas, like conservation covenanting programs approved under the *Income Tax Assessment Act 1997* (Cth). For example, the Nature Repair Market should incentivise new landholders to establish PPAs through existing well established state conservation covenanting programs, while also offering to landowners with unfunded covenants, new funding opportunities to support positive conservation and land management activities. Consultation with those covenanting programs on how best this can be achieved, will be essential.

Target – Priority degraded areas are under effective restoration by 2030

Target 2 of the Global Biodiversity Framework urges signatories to:

‘Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.’

⁶ Di Minin, Enrico and Tuuli Toivonen, ‘Global Protected Area Expansion: Creating More than Paper Parks’ (2015) 65(7) *BioScience* 637-638.

⁷ Department of the Environment and Heritage, ‘The National Reserve System Programme’ (2006 Evaluation by Brian Gilligan, Australian Government, November 2006), 68.

Like the protection target this consists of both quantitative elements (30% by 2030), but also qualitative elements (to enhance biodiversity, etc), and also specifically refers to 'degraded' ecosystems being 'under effective' restoration.⁸

In designing their NBSAPs, a number of countries have taken the view that a stocktake of 'degraded' land and water is needed as a precursor to choosing 30% for restoration.⁹

Outcome 1 – priority degraded areas are identified to guide restoration where it will best support native species and ecosystem recovery

It is unclear how the reference to 'priority degraded' areas in the Strategy for Nature aligns with the language used in the Global Biodiversity Framework. It would be useful for the government to clarify whether a baseline stocktake of all degraded land and water has been undertaken, and whether the 'priority degraded' areas equate to 30% of this total.

In identifying these degraded areas, we urge the following:

- Provide an explicit definition of 'degraded', and articulate the baseline to which degradation is being measured. In doing this, we encourage the Australian government to take a broad and ambitious approach to defining 'degraded' so that this ambition can be matched in the extent of areas to be restored.¹⁰
- Explore opportunities to co-locate restoration within protected areas as this can both facilitate effective management of protected areas whilst also providing long-term protection for restoration sites, which is in alignment with best practice.¹¹
- Ensure that ambition is spread evenly across both land and water, as restoration has historically been much more difficult to do in coastal and marine areas due to cost and regulatory complexities.¹²

Outcome 2 – effective restoration is clearly defined to promote best practice

We applaud the Australian government's commitment to defining what actions contribute to 'effective restoration'. Like 'degraded', the term 'effective' is capable of multiple interpretations,¹³ and we encourage the government to take an ambitious approach to interpretation. That is, 'under effective' should be measurable by reference to a defined baseline, as opposed to simply any improvement relative to the status quo.

Outcome 3 – on-ground restoration is supported

We appreciate the government's commitment to enabling mechanisms to support restoration. In the marine and coastal context, there are two key factors consistently raised by potential restoration proponents as barriers to restoration – a lack of funding, and regulatory barriers.¹⁴

⁸ Justine Bell-James and James Watson, 'Ambitions in national plans do not yet match bold international protection and restoration commitments' (2025) 9 *Nature Ecology and Evolution* 417-424.

⁹ Ibid.

¹⁰ Bell-James, Justine et al, 'The Global Biodiversity Framework's ecosystem restoration target requires more clarity and careful legal interpretation' (2024) 8 *Nature Ecology & Evolution* 840-841.

¹¹ Gann, George D. et al, 'International principles and standards for the practice of ecological restoration. Second edition' (2019) 27(S1) *Restoration Ecology* S1-S46.

¹² Bayraktarov, Elisa et al, 'The cost and feasibility of marine coastal restoration' (2016) 26(4) *Ecological Applications* 1055-1074; Saunders, Megan I. et al, 'A roadmap to coastal and marine ecological restoration in Australia' (2024) 159 *Environmental Science & Policy* 103808.

¹³ Bell-James, Justine et al, 'The Global Biodiversity Framework's ecosystem restoration target requires more clarity and careful legal interpretation' (2024) 8 *Nature Ecology & Evolution* 840-841.

¹⁴ Saunders, Megan I. et al, 'A roadmap to coastal and marine ecological restoration in Australia' (2024) 159 *Environmental Science & Policy* 103808.

Regulatory barriers are especially pervasive. In the marine and coastal context in particular (but possibly also the terrestrial context), there are no specific permitting processes and pathways for restoration. This means that proponents need to engage with the development assessment system, which was designed to prevent harm, rather than consider ecological benefits. This process is time consuming, expensive, and not-fit-for purpose.¹⁵ Critically, it has resulted in proponents reporting that they have scaled back the size or scope of projects, or abandoned them completely.¹⁶ Even where approved, proponents might be stymied by onerous liability provisions that make carrying out the project unfeasible.¹⁷

Although these regulatory requirements exist primarily at the state government level, there is a clear role for federal government to take a leadership role in this space. In the absence of these funding and regulatory gaps being addressed, it will be very difficult for Australia to meet its Global Biodiversity Framework target, and to scale up investment under the Nature Repair Market.

Target – Eradicate or control invasive species in priority landscapes and minimise their introduction by 2030

To safeguard biodiversity and support the recovery of threatened species, it is essential to reduce and manage the impacts of invasive species. This includes eradicating or controlling established invasive species in priority landscapes and areas, and further preventing the introduction and establishment of new, potential, or emerging invasive species. Such actions are also vital for protecting associated cultural heritage values.

Over the last 60 years, invasive species—introduced both intentionally and unintentionally—have cost the Australian economy AUD\$389.59 billion, according to recent analysis. Without increased investment, improved monitoring, and more coordinated interventions, this cost is expected to continue rising. Invasive species have already contributed to over 80% of Australia's mammal extinctions and are projected to drive 85% of future vertebrate extinctions over the next two decades.

NELA welcomes the Australian government's commitment to the control and eradication of established invasive species. However, eradication becomes significantly more costly and difficult as invasive species expand in range and population. Early detection and rapid response to new or emerging invasive threats are far more efficient, cost-effective, and environmentally beneficial. Accordingly, the Commonwealth should place greater emphasis on identifying, eradicating, and controlling new and potential invasive species before they become widespread.

NELA recommends that the Australian government align its invasive species target with Target 6 of the Global Biodiversity Framework, including a measurable target to reduce the introduction and establishment of new, potential, or emerging invasive species by at least 50% by 2030. Establishing this numerical goal will enhance accountability and allow for better evaluation of detection and management strategies.

New invasive species must be listed as an emerging threat in accordance with processes under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**). Current legal frameworks often struggle to accommodate emerging threats that have not yet caused measurable harm or where evidence is still being gathered. NELA urges reforms to the nomination process for key threatening processes to enable a more agile and precautionary response to such risks.

¹⁵ Shumway, Nicole et al, 'Policy solutions to facilitate restoration in coastal marine environments' (2021) 134 *Marine Policy* 104789.

¹⁶ Bell-James, Justine, Rose Foster and Nicole Shumway, 'The permitting process for marine and coastal restoration: A barrier to achieving global restoration targets?' (2023) 5(12) *Conservation Science and Practice* e13050

¹⁷ Ibid.

Lastly, NELA highlights that the threat posed by invasive species will be further intensified by the impacts of climate change, underscoring the urgency of proactive and integrated management strategies

Target – no new extinctions¹⁸

This target reflects the overarching goal of that Australia’s environment laws – and similar laws around the world – which is to arrest biodiversity decline and work towards the recovery of the natural world. The two key threats to Australia’s biodiversity, which have caused the majority of species extinctions to date and which will continue to drive extinctions and the collapse of ecological communities are, overwhelmingly: the destruction and conversion of habitat; and the harm caused by invasive species and pathogens. This has been reinforced over and over again by studies that are summarised in State of the Environment reports, including the most recent report published in 2021.

Implementing this target across Australia will require some straightforward, yet apparently exceptionally difficult, actions. They include radically curtailing clearance of native vegetation across the continent, halting industrial clearfelling of native forests (but maintaining active forest management and upscaling restoration of previously cleared forest areas), maintaining or improving biosecurity controls at the national and state/territory borders to prevent new species and pathogen incursions, and actively managing and removing destructive invasive species such as cats, foxes, cane toads, fire ants, chytrid fungus, myrtle rust and others. Some invasive species or pathogens may not be able to be removed from a landscape, even with high investment and concerted action (though nothing short of *ambitious* investment and action should be satisfactory in this context), the Australian government must ensure that it continues to invest in conservation strategies to protect species most vulnerable to predation or infection.

Climate change is emerging as a serious threat to many species and ecological communities. While it is not yet the most substantial threat across all taxa, it is expected to become so over coming decades. According to the Australian Government’s recent national climate risk assessment, many native species will reach a point where there is no climatically suitable habitat left for them on the Australian continent. For these species, extinction appears all but inevitable. So, if the Australian Government wishes to meet this ‘no new extinctions’ target, it will need to lead an ambitious and explicit adaptation strategy for those species that will not have access to *any* suitable habitat ‘in the wild’ over coming decades. It will be too late to plan for those species when they are on the cusp of extinction. Moreover, such a scenario would be unacceptable because current evidence demonstrates clearly that many species already face this fate. As a result, we propose that, as a key plank of implementing this strategy, the Australian Government should actively and expressly prepare for that future with a clear strategy that can be implemented in phases over coming decades – with enough time to crystallise conservation efforts for these hard-to-save species. A proactive focus on such a strategy will give the government time to explain the effort to the broader community and build and resource the necessary collaborations (e.g., with conservation groups and organisations such as zoos, aquaria, botanic gardens and seed and gene banks).

Cities may provide opportunities for novel habitat to be constructed and maintained for some narrow range endemics that cannot survive in their native habitat. The Australian Government should also consider engaging with bodies such as the NSW Government Architect, to integrate planning for the engineering and management of climate adaptation-oriented habitat niches across Australian cities.

¹⁸ This section draws heavily on: McCormack PC (2023) Implications of extinction in law: Preventing, declaring and learning from species extinctions. *Cambridge Prisms: Extinction*, 1, e21, 1–9
<https://doi.org/10.1017/ext.2023.19>.

At present, environmental laws should (but typically do not) oblige and empower decision-makers to draw lessons from species extinctions, to ensure that we learn lessons from loss to avoid future extinctions and improve conservation management over time. Until very recently, no laws in Australia (or elsewhere, that we are aware of) have included a mechanism to facilitate learning from extinction. However, the South Australian Government recently passed a new *Biodiversity Act 2025* (SA) that includes, for the first time, an obligation on the threatened species scientific committee to initiate an inquiry into any native species extinction or native ecological community collapse. The details of this provision will be articulated in regulations that are yet to be written, but we urge the Australian Government to pay close attention to the operation of this mechanism and to consider establishing something similar in regulations to the amended EPBC Act.

Learning mechanisms of this kind are far from unknown in law. An extinction inquiry is framed in similar terms to obligations in every Australian jurisdiction for workplace deaths and unexplained deaths that are referred to coroners' courts – so that we can learn from these deaths and minimise the chances of them ever being repeated. Implementing something similar for nature could help to improve our performance against this 'no extinctions' target by eliminating repetition of errors and minimising future extinctions.

Target – minimise the impact of climate change on biodiversity

This target appropriately emphasises the need to 'minimise' rather than 'avoid' climate impacts on biodiversity. Avoiding climate impacts is clearly out of the question, based on the Australian Government's recently released Climate Risk Assessment. One of the most crucial interventions to minimise climate impacts on biodiversity will be for the Australian Government to meet and exceed its new climate mitigation target, relying as little as possible on offsetting, and maximising the speed of Australia's transition to net zero.

Other strategies for minimising the impact of climate change on biodiversity ought to include funding the NRS to ensure its expansion, providing climate-adapted habitat and ecological connectivity, as per our recommendation under the 30 x 30 target above. In addition, as we also noted above, the Australian Government could prioritise aspects of its program for restoring nature across landscapes and ecosystems on restoring features in the landscape that facilitate adaptation, such as ecological connectivity (e.g., through vegetation planting and removing barriers to species movement), reliable water sources (e.g. by removing dams and consistently enforcing water conservation and offtake prohibitions) and refugia from extreme events such as fire, flood, heatwave and storms (e.g., by protecting and/or creating landscape features such as 'green fire breaks', permeable landscapes to reduce water runoff during floods, and lifting the priority for nature's access to water, such as in the Murray Darling Basin, during droughts and heatwaves).

Just as mainstreaming nature across sectors and laws is crucial to facilitate conservation (as recognised in 'Enabler 3'), climate mainstreaming is similarly crucial for minimising the impact of climate change on biodiversity and all other sectors and endeavours. The importance of mainstreaming climate has been recognised at the global scale and in some Australian laws. Perhaps the best example is Victoria's *Climate Change Act 2017*. The Victorian legislation includes a range of provisions to mainstream climate across sectors and actors, including for the benefit of nature in that State, supplemented by a climate provision inserted into the *Flora and Fauna Guarantee Act 1988* (Vic) at around the same time. As a result of those provisions, decision makers across the Victorian Government, including in relation to most conservation-related activities, must seek to protect biodiversity from climate-related harm.

The Australian Government has, unfortunately, committed to exclude climate considerations from reforms to the EPBC Act. Nevertheless, regulations under that Act and policies and strategies for its

implementation could be readily equipped to actively integrate climate considerations in all aspects of that Act's implementation.

Enablers of change – First Nations representation and participation

We support the government's First Nations Engagement plan outlining how it adopts the principle of 'Free, Prior and Informed Consent' for better practice engagement with First Nations communities and people. We encourage the Australia government to take stronger action to embed these principles within its legal framework including procedural mechanisms for First Nations people when consultation and engagement have been inadequate.

We applaud the inclusion of the First Nation representation and participation in decisions relating to nature as one of the three enablers for the strategy. We note that (as outlined above) for proper inclusion First Nations require significant funding commitments and better recognition of their land and sea rights. Governance models should be designed to always include First Nations people.

The Australia government needs to support the development of 'two ways' approach to improve the recognition of Indigenous knowledges to nature conservation.¹⁹ This will include governance and funding support for First Nations groups, as well as proper protections for the ownership and use of Indigenous knowledge and practice. For instance, methodologies in the Nature Repair Market and Carbon Market should be designed with First Nations groups, particularly where these methods adopt First Nations practices or are predominately used by them.²⁰ The Australia government should also work with First Nations to improve and develop greater Blue Carbon opportunities.²¹

Ultimately First Nations legal rights need to be strengthened alongside adequate, long term funding commitments. In the absence of these, statements of inclusion and participation will remain tokenistic.

Enablers of change – Mainstream nature into government and business decision-making

We support the Australian Government's commitment to mainstream biodiversity across all levels of decision-making in the government and private sectors. Halting and reversing biodiversity loss requires a fundamental shift in how nature is valued, integrating environmental considerations into the core of policy and planning, beyond dedicated environmental portfolios. Mainstreaming biodiversity will be challenging, because it necessarily involves moving beyond "beyond as usual" and reimagining the priorities and assumptions that drive policy and economic growth:

*'biodiversity mainstreaming implies transformational changes in development models, strategies and paradigms'*¹⁹

We strongly support the Australian Government to lead by example by embedding biodiversity outcomes into policy, procurement, and regulatory frameworks. Nature-positive approaches must become standard practice throughout government operations, and further, policies should align across portfolios to ensure that biodiversity considerations are integrated into economic and social decision-making. For example, we note recent work by the Biodiversity Council on reducing harmful subsidies, another key target in the Global Biodiversity Framework.²⁰ To achieve a mainstreaming of biodiversity, further work by the Australian government on reducing harmful subsidies will be needed.

We further urge the Government to develop nationally consistent standards and tools for biodiversity integration within business decision-making. In doing so, it is important that these

¹⁹ Secretariat of the Convention on Biological Diversity, *Mainstreaming Biodiversity: Concept and Work Under the Convention* (United Nations Environment Programme, 2020) <<https://www.cbd.int/mainstreaming/doc/mainstreaming-reference-document-SCBD.pdf>>

²⁰ <https://biodiversitycouncil.org.au/resources/identifying-and-assessing-subsidies-harmful-to-biodiversity-in-australia>

frameworks are proportionate and scalable for business of different size and capacity. Differentiated expectations or tiered frameworks would support meaningful participation for both small and medium enterprises and larger corporations, which would be expected to meet more comprehensive disclosure and accounting obligations. To achieve national mainstreaming frameworks, the Government could:

- Establish comprehensive environmental-economic accounting frameworks and natural capital assessment methodologies;²¹
- Provide clear regulatory expectations and incentives for business; and
- Support the uptake and implement emerging disclosure frameworks, such as the Taskforce on Nature-related Financial Disclosures.

Education, capacity-building, and cultural change are equally critical to achieve genuine mainstreaming. Equipping decision-makers with the knowledge and tools to assess nature-related risks and opportunities will require targeted training and ongoing institutional support.

All of these actions, combined with further regulatory reform that embeds biodiversity considerations (and that also recognises the interdependence between climate and nature) into decision making across all government and private sectors, are needed to make tangible progress towards the goal of mainstreaming nature.

²¹ Michael Vardon et al., 'Putting biodiversity into the national accounts: Creating a new paradigm for economic decisions' (2018) 48(7) *Ambio* 726-731.