



Environmental  
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# Legal tools to aid biodiversity recovery?

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**The Bushfire Disaster and Australia's Biodiversity: Can It Recover? 4 February 2020, University of Sydney**



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What can the law do?

1. Immediate response
2. Existing tools for recovery
3. The need for law reform



# 1. Immediate response

## Victorian Supreme Court orders temporary halt to logging due to impact of Gippsland bushfires

By state political reporter [Richard Willingham](#)  
Updated Thu at 3:35pm



PHOTO: The Victorian Government has announced plans to phase out native timber logging by 2030. (ABC News: Richard Willingham)

*“...that's the area that I flagged that a royal commission from the Commonwealth would seek to do, see what is action on climate change? Building dams. What is action on climate change? Hazard reduction in these areas. It's native vegetation management. It's land clearing laws.”*

Prime Minister Scott Morrison, 20<sup>th</sup> January 2020



## 'Dinosaur trees' / Firefighters save endangered Wollemi pines from NSW bushfires

Remote air firefighters helped save the grove from the giant Gospers Mountain blaze

**Fire to rain** Flash floods and storms sweep over Victoria



## Court orders logging to stop in parts of Victoria's central highlands after fires

Conservation group wins case against VicForests to protect threatened species habitat after unprecedented bushfires



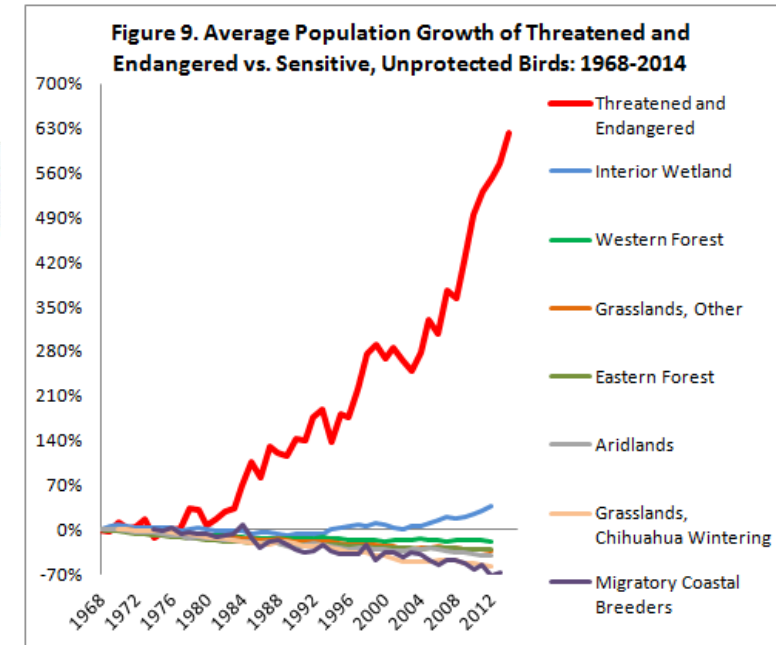
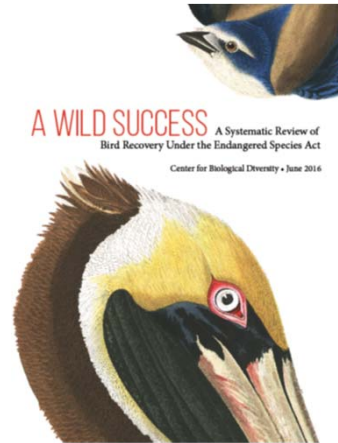
▲ Victoria's supreme court has ordered a halt to logging of unburnt forest habitat for the greater glider and other threatened species in the wake of bushfires. Photograph: Alamy Stock Photo

## 2. Existing tools



### Mountain pygmy possums

We have established food and water stations for endangered mountain pygmy possums in Kosciuszko National Park. These tiny possums live on the ground in rocky boulder fields and forage in the surrounding alpine heath. Their habitat was burnt in the 2019–2020 fires.



Department of Planning, Industry and Environment  
**Wildlife and Conservation  
Bushfire Recovery**  
Immediate Response January 2020



environment.nsw.gov.au

### National Recovery Plan for the Mountain Pygmy-possum *Burramys parvus*

Department of Environment, Land, Water and  
Planning



### SAVING OUR SPECIES

### Key threatening process strategy for Anthropogenic Climate Change

DRAFT Recovery Strategy, 19 August 2017

### Prevention

Prevention actions are needed to prevent the threat from entering NSW.

Action	Scale
No critical actions have been identified under a prevention response as climate change is a current global phenomenon.	State

# 3. The need for law reform

Legal tools we need:

Short – term:

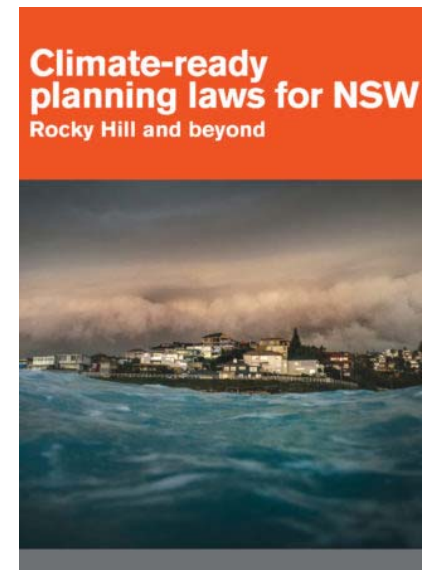
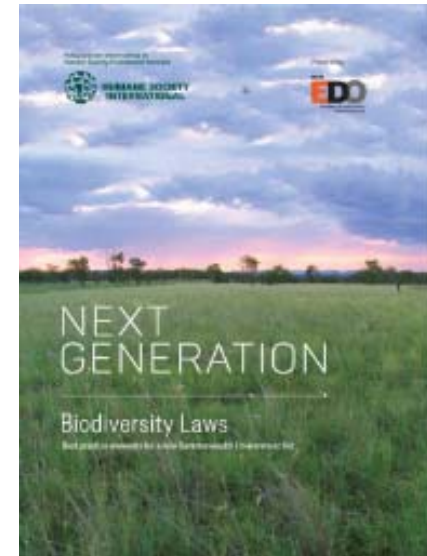
- Forestry and development moratoria in burnt areas
- Rapid assessment and up-listing of species and communities

Medium – longer-term

- National leadership: **a new Environment Act**
- Independent science-based decision-making: National Sustainability Commission, and a national EPA
- Strengthened biodiversity provisions and legal duties to protect, restore and recover, including emergency listing and mandatory timeframes
- Evidence-based landscape approaches to build resilience and address cumulative impacts: bioregional planning, climate refugia
- National ecosystem assessment & environmental accounts
- Adaptive management tools – conditions on approvals
- Long-term investment for recovery

**Whole of government:** A re-casting: **climate law reform** (state and national)

(**What not to do:** facilitate clearing in national parks, remove limits on hazard reduction, weaken bushfire codes, facilitate approval of fossil fuel developments...)





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**Thank you**

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Wollemi National Park, Source: Washington Post, 16 January 2020