

## Media Statement

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# New environmental laws weaken Traditional Owner decision-making for Country, but funding could still have impact

New environmental laws weaken requirements for governments to consult with Traditional Owners, but \$250 million committed in today's Federal Budget for their implementation could still involve Traditional Owners and create direct benefits for their communities if spent properly, says the statewide body advocating for Traditional Owner groups' rights and interests.

Federation of Victorian Traditional Owner Corporation CEO Kaley Nicholson said the package of environmental law reforms – passed in November – locked Traditional Owners out of decisions affecting their Country, by increasing ministerial discretion and weakening Federal consultation requirements.

“The environment minister has more of a say over our Country than mob, whose expertise and authority has kept Country abundant and in balance for a thousand generations. It's a disappointment and a concern. Fortunately, the \$250 million announced today for EPBC Act implementation could, and should, be used as the mechanism to enable Traditional Owners to play a central role in environmental decision-making and fill the gaps in these business-first reforms.”

The November reforms to the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) expand the minister's discretionary powers to hasten environmental approvals, and removes requirements for Federal environmental consultation in agreement with states – which the Federation believes prioritises business and political interest over respect for Country and its custodians.

“Traditional Owners' expertise and say over Country is already so weak in our environmental laws,” said Ms Nicholson.

“We want to see immediate development of a national standard for First Nations engagement, as recommended by the Samuel Review, which provides strong processes for First Nations' approval of projects on their Country, embeds principles of free, prior and informed consent, and reflects Traditional Owners' expertise and worldviews.”

The 2021 review of the EPBC Act led by Professor Graeme Samuel AC found the Act was not fulfilling its objectives relating to First Nations' knowledge and in biodiversity and heritage. It recommended legislating standards for First Nations engagement, which were not part of the November reforms.

Ms Nicholson said increasing engagement with Traditional Owners in environmental matters was a way the Federal Government could show its commitment to First Nations communities.

“We know the Federal Government wants to show genuine partnership and respect to Traditional Owners. It missed that opportunity by not immediately creating the National Standard for First Nations Engagement. Fortunately, there's still time for today's Budget investment to bring Traditional Owners back into environmental management processes – embedding our expertise and positively impacting our communities – and the Federation stands ready to assist.”

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## About the Federation

The Federation of Victorian Traditional Owner Corporations is the Victorian state-wide body that convenes and advocates for the rights of Traditional Owners while progressing wider social, economic, environmental and cultural objectives. It was established in 2013 by Traditional Owner Corporations – inclusive and representative family group-governed organisations with cultural authority to speak for Country and community – who recognised they could be stronger together in advancing shared interests in policy, economic opportunity and caring for Country.

**Media enquiries** – Sophie Raynor, 0434 578 933 or [sophie.raynor@fvtoc.com.au](mailto:sophie.raynor@fvtoc.com.au)