



Australian Government

**Department of Climate Change, Energy,
the Environment and Water**

Environment Protection Reform Bill 2025 and six related bills

Submission to the Senate Environment and
Communications Legislation Committee inquiry into
Environment Protection Reform Bill 2025 and six
related bills

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Purpose of this submission

The Department of Climate Change, Energy, the Environment and Water (the department) is pleased to provide this submission to the Senate Environment and Communications Legislation Committee.

This submission provides context for the Environment Protection Reform Bill 2025 (Reform Bill), the National Environmental Protection Agency Bill 2025 (National EPA Bill), the Environment Information Australia Bill 2025 (EIA Bill), the Environment Protection and Biodiversity Conservation (Restoration Charge Imposition) Bill 2025 (Restoration Charge Bill), the Environment Protection and Biodiversity Conservation (General Charges Imposition) Bill 2025 (General Charges Bill), Environment Protection and Biodiversity Conservation (Customs Charges Imposition) Bill 2025 (Customs Charges Bill), and the Environment Protection and Biodiversity Conservation (Excise Charges Imposition) Bill 2025 (Excise Charges Bill).

It highlights the extensive consultation that informed the development of environmental law reforms to date and summarises the key elements and intended operation of the bills. The department would be pleased to engage further with the Committee to assist in its consideration of the bills.

Background and context

Following the 2025 federal election, the Australian Government re-committed to reforming Australia's national environmental laws and establishing a National Environmental Protection Agency (National EPA). These commitments respond to the second independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), undertaken in 2020 by Professor Graeme Samuel AC (the Samuel Review).

The Samuel Review found that the EPBC Act was not working for the environment or for business and recommended a range of reforms to strengthen and streamline the EPBC Act. The Reform Bill and six related bills (the reform package) deliver on the recommendations of the Samuel Review. The department has prepared a document at **Attachment A** identifying how and where each recommendation is addressed.

In the five years since the Samuel Review, there have been several targeted amendments to the EPBC Act, however these amendments have been limited in scope and have not addressed the fundamental structural issues identified by the Samuel Review. If passed, these reforms would be the most substantial reforms to the EPBC Act since the EPBC Act's commencement.

This reform package is the culmination of years of continued effort to deliver environmental law reform following the Samuel Review. The package of reforms is informed by extensive feedback on the operation of the EPBC Act from a wide range of stakeholders and the public, summarised in the next section of this submission. The final section of this submission provides an overview of each bill in the reform package.

Clarifying aspects of the reform package

In the process of developing this submission, the department has received feedback with concerns about how particular aspects of the reform package will impact existing and future proponents under the EPBC Act. The department would like to take the opportunity to clarify these below.

Application of new provisions to previous decisions

As a general rule, the new requirements for approval decisions, including unacceptable impacts, National Environmental Standards and compensation to net gain, can only apply to projects referred on or after the commencement day. This means that new projects will need to meet new approval tests, while those already under assessment, or already approved, will continue under the existing settings. This is set out at item 690(1) of the Reform Bill.

This includes the provisions relating to the application of national environmental standards, unacceptable impacts and net gain tests to variations to approvals – these new requirements won't apply to existing approvals, even where a variation to conditions is made on or after commencement.

The new lapsing provision for not controlled action (NCA) or not controlled action if taken in a particular manner (NCA-PM) decisions only applies to projects receiving an NCA or NCA-PM decision after commencement of the new laws. Projects with a decision made prior to commencement would not be subject to lapsing. This is set out at item 682 of the Reform Bill.

Environment protection orders

The Reform Bill includes a new section 474G clarifying that the CEO is not required to observe any requirements of the natural justice hearing rule in relation to the issue or variation of an environment protection order.

Environment protection orders are intended to be utilised only in urgent circumstances where the CEO reasonably believes serious damage to the environment is likely to occur or has occurred. Environment protection orders are based on comparable orders that are used in State and Territory jurisdictions.

There would be no provision for a person who is subject to an environment protection order to have the order reviewed on its merits. Allowing appeals to be heard in such circumstances would likely result in delay in giving the order, which in turn is likely to result in serious damage to the environment.

The Administrative Review Council has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraph 4.50 of *What decisions should be subject to merits review?*¹). Accordingly, observing the requirements of the natural justice hearing rule in these circumstances would undermine the purpose and utility of these orders and increase the risk of serious damage to the environment.

¹ Administrative Review Council publication, URL: <https://www.ag.gov.au/legal-system/publications/arc-what-decisions-should-be-subject-merit-review-1999>

The provisions in the Reform Bill would not limit the right of a person aggrieved by a decision to give or vary an environment protection order from seeking judicial review of the decision under the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903* or the Australian Constitution.

Unacceptable impacts

As recommended by the Samuel Review, the Reform Bill will introduce unacceptable impact criteria for protected matters.

The EPBC Act currently refers to unacceptable impacts in a number of contexts. However there is no definition for the term ‘unacceptable’ or any criteria for how a Minister would form a view about which actions would have unacceptable impacts. With the Act regulating many diverse nationally protected matters, this leads to considerable discretion on the part of the Minister.

By clarifying which impacts cannot be approved, for each nationally protected matter, this reform acts as a critical safeguard against the irreversible loss of Australia’s biodiversity and heritage.

The criteria also provide greater certainty and predictability for proponents by indicating which impacts must be avoided in the design stage before a project progresses to the referral stage.

The criteria have been designed in consultation with scientists, environmental and business stakeholders. They reflect those proposed in the Samuel Review, and are based on existing impact assessment guidelines such as *Significant impact guidelines 1.1 Matters of National Environmental Significance*.²

Streamlined Pathway

The EPBC Act currently includes 6 assessment approaches, or ‘pathways’ for project approvals. These are:

- Accredited assessment
- Assessment on referral information
- Assessment on preliminary documentation
- Assessment by public environment report
- Assessment by environmental impact statement
- Assessment by inquiry

The Reform Bill rationalises these pathways, as recommended by the Samuel Review. The Assessment on Referral Information and Assessment on Preliminary Documentation pathways are being replaced with a new Streamlined Assessment pathway, that shortens statutory timeframes for projects where there is sufficient information provided upfront to enable a quicker decision. The over 60% of projects that currently go through these previous pathways will be eligible for the quicker streamlined assessment pathway.

The public environment report (PER) and environmental impact statement (EIS) assessment pathways are duplicative, containing the same provisions and statutory timeframes. The Reform Bill combines these two pathways into a single improved EIS pathway to remove this duplication. The single EIS pathway will be able to flexibly accommodate less complex

² DCCEEW, URL: <https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>

projects that would currently use the PER pathway, and more complex projects that use the current EIS pathway. Guidelines for the preparation of environmental impact statements will scale with complexity of the projects, with less complex projects having simpler information requirements. Proponents who use the current EIS and PER pathways will be better off under the improved EIS pathway.

These changes will simplify and clarify the assessment pathway process to make it easier for proponents to navigate and know which is likely to apply to their project.

- **Accredited assessment** for projects covered by an accredited arrangement with a state/territory government or other commonwealth process
- **Streamlined assessment** for projects that provide sufficient information within the referral stage to enable a quicker decision
- **Environmental impact statement assessment** for projects where further information is needed

The **Public Inquiry** pathway has never been used, however is being retained in the Act as it is functionally distinct from the other pathways.

The government will work with stakeholders to set an appropriate transition period. The transitional provisions in the Bill will allow the Environment Minister to gradually phase out the old pathways, providing opportunity for proponents to become familiar with the new pathways before the old ones are removed.

Flexibility on offsets

Changes to the offsets system will provide proponents the flexibility to propose how they compensate for residual significant impacts to protected matters. This could include one or a combination of offset activities or a restoration contribution payment. The Minister will be the decision maker on the suitability of proposed offsets by determining whether it passes the legal tests for approval, including the new net gain requirements.

Offset requirements will be detailed in regulations and the Offset Standard. Key components in the Reform Bill that would feature in the primary legislation include compensation to a net gain, the functions of the Restoration Contribution Holder, advanced offsets and changes to the Nature Repair Market Act to facilitate the use of eligible biodiversity certificates for offsetting purposes.

The new power to make National Environmental Standards would also enable the Minister to make an Offset Standard to clarify requirements for offset activities, such as, requirements for securing offsets and requirements for offset management to commence before the impact occurs. The Offset Standard would also provide greater detail on the limited circumstances in which indirect offsets are suitable. The proposed Offsets Standard will be published on the department's website for public consultation.³

³ DCCEEW Have Your Say, URL: <http://consult.dcceew.gov.au/natl-environmental-standards-mnes>

Consultation on the Australian Government's environment law reforms

Extensive consultation informed the recommendations contained in the Samuel Review, including over 100 stakeholder meetings, 30,000 public submissions, and a high-level working group of leaders from across the environment, business and academic sectors as well as First Nations organisations.

To inform the Government's response to the Samuel Review, comprehensive consultation was undertaken, including engaging with over 40 peak organisations from across business and environment groups, State and Territory governments and First Nations representatives.

To guide policy development to implement the recommendations of the Samuel Review, further consultation and engagement commenced in 2023, which included:

- Working groups to inform the design of initial National Environmental Standards.
- Direct engagement on key policy issues and proposed policy changes with key stakeholders including government, business and environment groups.
- Four consultation sessions on the details of the proposed policy and legislative aspects of the reforms, undertaken between October 2023 and March 2024 that were attended by over 40 business, First Nations, scientific, legal and environment organisations, as well as statutory committees and government representatives.
- Public webinars, publication of information on reforms and the opportunity for public feedback through the department's website.

In mid-2024, there was substantial consultation with stakeholders as part of the Senate Inquiry into legislation introduced into Parliament in early 2024. This Senate Inquiry attracted over 200 submissions, many of which included broader feedback relating to environmental law reforms, beyond the bills introduced to Parliament. A public hearing was also held on 26 July 2024 in Canberra.

Since May 2025, the Minister and the department undertook significant consultation leading up to introduction of the reform package to Parliament on 30 October 2025. This included consultation with over 100 stakeholder organisations representing a range of sectors across business, environment groups, governments, First Nations organisations and others. Departmental officials attended over 160 meetings with stakeholders to discuss details of the proposed reforms, and the Minister attended about 100 stakeholder meetings. A list of stakeholders the department met with during this period is provided at **Attachment B**.

Key engagement activities undertaken during 2025 include:

- Regular roundtable meetings, initiated and facilitated by the Minister for the Environment and Water, for stakeholders to reach consensus on key policy reform matters.
- Regular technical working group meetings with cross sector representatives to work through and resolve technical details.
- Meetings with State and Territory Government agencies and Ministers, both collectively and bilaterally.

- Regular meetings with other Commonwealth agencies with interests in the reforms.
- Meetings with individual stakeholders and peak organisations.

In addition, the department provided extracts of the draft legislation to key stakeholders prior to introduction of the reform package to Parliament on 30 October 2025 for their review and feedback. Details about the reforms have been published on the department's website.

As a result of the many years of stakeholder engagement, broad consensus has been reached on most of the key proposed reform positions. For example, there are significant areas of consensus across industry and environment groups on the need for clear national environmental standards, streamlined assessments, bioregional planning, better environmental data and improved environmental offsetting.

Noting the significant consultation that has occurred to date, the bills before Parliament are the first step in delivering the government's environmental legislation reforms. Should the reforms receive passage through Parliament, the department will turn its focus on subordinate legislation including the next National Environmental Standards, regulations and rules to operationalise the amended EPBC Act and operational policy changes to assist decision makers and the community. Many of these elements, including the proposed framework for National Environmental Standards, also have legislated requirements for public consultation.

The department will continue to communicate and engage with stakeholders to deliver the full suite of national environmental reforms. This will include close engagement with states and territories to negotiate bilateral agreements to reduce duplication in assessment and approval processes while ensuring that environmental protections are maintained.

Overview of Environment Protection Reform Bill 2025 and six related bills

This section of the submission provides details of the provisions in the seven bills that comprise the reform package. The reform package includes bills to amend the EPBC Act, establish a new statutory agency, known as the National Environmental Protection Agency (National EPA), and establish a statutory Head of Environment Information Australia (EIA). A further four bills establish a charging framework for restoration charges to support offsets reform and provide for appropriate cost recovery arrangements for regulatory activities under the EPBC Act.

Environment Protection Reform Bill 2025

The Reform Bill proposes a balanced set of measures intended to strengthen and streamline the EPBC Act.

The Reform Bill is designed to deliver the core recommendations of the Samuel Review (refer **Attachment A**) and achieve the Government's three key pillars for environmental law reform:

- Stronger environmental protection and restoration.
- More efficient and robust project assessments.
- Greater accountability and transparency in environmental decision making.

Pillar 1: Stronger environmental protection and restoration

National Environmental Standards framework

The Samuel Review recommended setting clear outcomes for decisions under the EPBC Act through new, legally enforceable National Environmental Standards that set the boundaries for decision-making to deliver appropriate protections for matters of national environmental significance.

The Reform Bill delivers on the Samuel Review recommendation by establishing a legislative framework for making, applying and reviewing National Environmental Standards. National Environmental Standards will deliver improved environmental outcomes, provide certainty for business and improve the quality and consistency of decision-making.

The framework for National Environmental Standards will include a no-regression clause, ensuring continuous improvement by requiring that any changes to a National Environmental Standard do not lessen environmental protections.

National Environmental Standards would apply to decision-making across the EPBC Act, including decisions to approve an action or class of actions, or accredit a Commonwealth, State or Territory process.

Unacceptable impacts

As recommended by the Samuel Review, the Reform Bill will introduce unacceptable impact criteria for protected matters. By clarifying which impacts cannot be approved, this reform is designed to act as a critical safeguard against the irreversible loss of Australia's biodiversity and heritage.

The EPBC Act currently refers to unacceptable impacts in a number of contexts, however does not define the term ‘unacceptable’ or clearly set out criteria for unacceptable impacts. This can lead to worse outcomes for the environment and uncertainty for proponents.

The unacceptable impact criteria provide measure and meaning to those impacts to MNES that are so serious and long-term they cannot be approved. For example, seriously impairing the viability of a listed threatened or migratory species, or causing serious damage to their irreplaceable habitat. These criteria have been designed in consultation with scientists, environmental and business stakeholders.

The reforms require the Minister to be satisfied that an impact is not unacceptable before approving an action, class of actions or other relevant decision. This means that the Minister must assess an impact against each element of the relevant criteria, taking into account a range of information about the protected matter, as well as project information and other information received during the assessment to reach a decision. For example, in considering whether an action may have an unacceptable impact on the habitat of a threatened species, the Minister would need to be satisfied that there would be serious damage to critical habitat, and that habitat was irreplaceable, and that the habitat was necessary for the listed threatened species to remain viable in the wild. If an impact did not meet each element of the criteria, it would not be an unacceptable impact.

The proposed reforms also introduce measures that will support the application of the unacceptable impact criteria, including rulings, National Environmental Standards and protection statements. These tools are designed to provide more certainty and predictability over how these tests will be applied and create consistency in decision making.

Environmental offsets

Offsetting impacts to protected matters (net gain)

The Samuel Review recommended changes to the environmental offsets regime to ensure that offsets do not contribute to environmental decline. The Reform Bill would create a legislative requirement to compensate for residual significant impacts to protected matters. This would require the Minister to be satisfied that significant impacts to protected matters have been appropriately minimised, and that any residual significant impacts are fully offset to achieve a ‘net gain’ (leaving the environment in a better state than without the impact).

Requiring compensation to achieve a net gain is consistent with the recommendation of the Samuel Review that offsets contribute to active restoration of the environment. Net gain is not defined in the primary legislation, rather the Minister will have the power to prescribe requirements relating to net gain or offsets for each protected matter in the EPBC regulations. Detailed requirements for offset delivery will be set out in a National Environmental Standard for Environmental Offsets.

Restoration contribution system

The Reform Bill provides for new restoration contribution arrangements that enable proponents to acquit offset obligations by either delivering an offset themselves, paying for the government to do so through an offset contribution, or a combination of both.

A new independent statutory office holder (Restoration Contributions Holder) would be established to ensure integrity and transparency in offset fund expenditure and deliver on actions to a net gain, supported by a newly established advisory committee. This delivers on the Samuel Review recommendation to establish a central trust or point of coordination for

private and public investment in restoration. Requirements on the office holder's expenditure of funds, reporting and assurance will also be legislated.

The office holder will be required to deliver restoration actions that provide a net gain to the affected protected matter in the affected bioregion. These are called general restoration actions. Where this is not feasible or will not result in the best environmental outcome, the office holder would instead consult with their expert advisory committee and deliver an alternative restoration action that provides a net gain to a protected matter in the same class of protected matter that, so far as is reasonably practicable, is located in the affected bioregion.

These requirements ensure that the office holder delivers genuinely beneficial restoration actions but does not accrue funds that cannot be spent if a general restoration action is not feasible. Further requirements for both general and alternative restoration actions can be prescribed by regulations. The department will consult on proposed updates to regulations.

The reform package also includes separate charging bills to enable the charging of restoration contributions (outlined further below in this submission). The method for determining the cost will be prescribed in the regulations of the charging bill. A calculator is being developed to provide clarity and detail of the cost calculations, in accordance with the regulations. Consultation will be undertaken prior to implementation.

Consequential amendments to the Nature Repair Act

The Reform Bill would amend the *Nature Repair Act 2023* to allow biodiversity certificates issued under the Nature Repair Market to be used as environmental offsets if certain requirements are met. Nature Repair Market methods would need to explicitly allow for certificates to be used as offsets. Further requirements could also be set out in the method and legislative Rules. The Nature Repair Market would continue to support voluntary action on nature repair.

The Nature Repair Market ensures biodiversity projects meet robust integrity requirements, and deliver long term, measurable biodiversity benefits. The intent of enabling the Nature Repair Market to generate offsets is to increase the supply of environmental restoration projects that provide real, lasting environmental benefits. It will also provide stronger incentives for land managers to protect species on their land.

This change delivers on the Samuel Review recommendation to leverage existing markets to deliver restoration projects at scale.

Conservation planning for threatened species and ecological communities

The Reform Bill proposes to amend and update provisions related to conservation planning for listed threatened species and ecological communities by:

- Providing for protection statements to be made for a listed threatened species or a listed threatened ecological community and applied to regulatory decisions relating to such a species or community.
- Providing for a new definition of critical habitat to be applied consistently throughout the EPBC Act.

- Allowing recovery plans to be made for the whole of a listed threatened species or a listed threatened ecological community, or one or more parts of the species or community. This amendment delivers on the Samuel Review recommendation to develop regional recovery plans to reduce cumulative impacts on threatened species and ecological communities.
- Allowing listed key threatening processes to be redefined and a threat abatement plan or plans to be made for the whole of a key threatening process, or one or more parts of the process.
- Modernising recovery plan and threat abatement plan processes by removing hard-copy publication requirements and clarifying the ability of the Minister to vary an existing plan.

Heritage

The Reform Bill would streamline and update National Heritage and Commonwealth Heritage listing processes. These changes would allow greater flexibility for nominations and assessments, and for listings to be more easily updated to make minor corrections or name changes, or to reflect the addition of heritage values and areas.

Compliance and enforcement

The Samuel review recommended changes to enable independent compliance and enforcement, with a full suite of modern regulatory powers and tools. The Reform Bill delivers on this recommendation, proposing amendments to provisions related to compliance, enforcement and penalties by:

- Introducing a new compliance tool – an Environment Protection Order (EPO), otherwise known as a ‘stop work order’ – that can be used in urgent circumstances to respond to and manage a contravention, or likely contravention of the EPBC Act that create an imminent risk of serious harm to the environment, or where damage has already occurred.
- The amendments provide a high bar for the issue of an EPO – to do so, the CEO must form a ‘reasonable belief’ that each of the criteria at new subsection 474A(1) have been met. ‘A reasonable belief’ is a legal threshold, and is a higher bar than a mere suspicion. The CEO may specify a date that the EPO is in force until. They may vary or revoke an EPO after it is issued.
- The CEO must revoke an environment protection order if the CEO reasonably believes that the order is no longer necessary.
 - The effect of the proposed amendments is that the CEO is under an ongoing obligation to review the circumstances associated with the issue of the EPO because they are required at law to revoke it where they reasonably believe it is no longer necessary. A proponent may provide information to the CEO to demonstrate their compliance with the EPO, or any other information they consider relevant to the reasons for its issue.
- Introducing new compliance audits that can be applied broadly across the EPBC Act. This is a flexible tool that allows more effective monitoring of compliance under the legislation. Compliance audits could be conducted without a requirement to provide notice first and used in relation to a broad range of activities.
- Directed environment audits are currently limited in the EPBC Act to the holder of an environmental authority (an approval of an action under Part 9 or a permit under Chapter 5

of the EPBC Act). The Reform Bill would expand this to allow directed environmental audits to apply to persons who are subject to an EPO, a conservation order, a remediation determination, or a remediation order.

- Introducing a new register of independent auditors. Auditors on the register can be appointed to carry out directed environmental and compliance audits.
- Introducing a new civil penalty formula for the most serious offences under Parts 3, 9 and 12 of the EPBC Act to allow the court to consider other ways of determining a penalty, by imposing a penalty amount; calculating the benefit derived or harm caused by the offence, or additionally, in the case of a body corporate, a percentage of its annual turnover.
- Increasing maximum financial penalties for criminal offences from 400 penalty units to 1,000 penalty units (\$330,000) for an individual. A body corporate would be liable for up to a maximum of 2.5 million penalty units (\$825,000,000). These penalty ranges are to assist courts, which determine what penalties to apply following legal proceedings and a finding that the legislation has been breached, to respond proportionately to the conduct.

The National EPA's approach undertaking compliance activities, including the use of these new compliance provisions, will be outlined in the National EPA Compliance Policy.

The current Compliance Policy published by the department outlines a proportionate compliance response model, which assesses non-compliance with legislative requirements to determine an appropriate response. The department considers a range of factors, including the risk of harm, the seriousness of the contravention, the apparent intent of the regulated entity (inadvertent, negligent, reckless or deliberate), their compliance history and the frequency of the issue occurring.

Pillar 2: More efficient and robust project assessments

Streamlined assessment pathways

The Reform Bill will add a new streamlined assessment pathway for proponents who provide sufficient information at the referral and assessment stage, and remove three redundant and duplicative pathways—assessment on referral information, assessment on preliminary documentation and assessment on public environment report (PER).

Streamlining and rationalising the existing overlapping and duplicative assessment pathways was a recommendation of the Samuel Review. Over 60% of projects currently go through the EPBC Act's 2 quickest pathways, assessment on referral information and preliminary documentation. These projects will be eligible for the streamlined assessment pathway. As is the case now, the Minister can request specific further information prior to making a decision to use the streamlined pathway. This allows the proponent to provide information that would enable them to access the streamlined assessment pathway, if it was missing from the referral. The environmental impact statement (EIS) assessment pathway would remain, with some improvements, for referrals that are not suitable for the streamlined assessment pathway. The timeframes and process for EIS and PER pathways are the same. Proponents who currently use PER will be better off under the improved EIS pathway.

The streamlined assessment pathway is a faster and more efficient process than the current pathways, that rewards proponents for clear upfront information. The EIS pathway provides a scalable and flexible process to ensure projects that need more time to compile project information. Many states and territories have EIS pathways. Retaining this pathway provides

consistency and opportunities to reduce duplication for project assessments. Over time, with greater clarity on requirements through better standards and guidance, we expect more and more projects would be able to provide enough information up front to utilise the streamlined pathway.

Landscape scale assessments

The Samuel Review recommended amendments to support more effective planning that accounts for cumulative impacts and past and future key threats and builds environmental resilience in a changing climate. The Reform Bill aims to encourage an increased uptake of bioregional planning and strategic assessments, which allow for assessment and approval of classes of actions at a landscape scale.

Bioregional planning

The Reform Bill would clarify the process for making and administering guidance bioregional plans. Guidance bioregional plans must be considered when making other approval decisions – providing better information upfront to allow proponents to better site and design projects and access streamlined pathways.

The Reform Bill also proposes to create a new pathway for bioregional plans with regulatory zones. These plans will designate development zones where eligible developments can proceed following registration, provided they meet the conditions outlined in the plan. In certain circumstances, this approach will avoid the need for project-by-project EPBC Act approval. Any residual significant impacts from such developments will be compensated to a net gain through a program of strategic offsets required to be delivered under the plan. This planned approach to offsets achieves better environmental outcomes than would be achieved by uncoordinated offsets delivered under single project approvals.

Plans will also include conservation zones where certain development (restricted actions) will be prohibited. Conservation zones will be capable of prohibiting any classes of action that, when taken as a whole, would have a significant impact on protected matters. These zones will, in concert with the development zones, benefit the environment by steering development away from areas of higher environmental value and toward areas of less environmental sensitivity.

Bioregional plans take time to develop. Throughout the plan development process, key stakeholders and the local community will be consulted. The Reform Bill also requires public consultation for at least 30 business days before making or changing a bioregional plan. This includes before varying, suspending or revoking a bioregional plan, or exempting an action from the prohibition on taking a restricted action in a conservation zone.

Strategic assessments

The Reform Bill would amend strategic assessment provisions to improve the flexibility and efficiency of the strategic assessment agreement, endorsement, approval and post approvals processes, as well as to improve consistency with other pathways.

This includes allowing minor variations to an endorsed policy, plan or program and associated approval, allowing surrender of a strategic assessment approval, clarifying the application of various post approval powers, such as variation of conditions, suspension and revocation, and requiring the Minister to obtain and consider advice from the Independent Expert Scientific

Committee (IESC) where a strategic assessment involves unconventional gas or large coal mining development.

These changes address known issues and feedback from stakeholders and would make strategic assessments more fit-for-purpose.

Accreditation and bilateral agreements

The Samuel review recommended improving the framework for accreditation, to ensure it is underpinned by National Environmental Standards and strengthened mechanisms for ongoing assurance and oversight. The Reform Bill would deliver on this recommendation and improve the flexibility and operation of bilateral agreements with states and territories by:

- Ensuring that environmental protections under bilateral agreements, including National Environmental Standards, are consistent with the rest of the reforms.
- Strengthening ongoing assurance mechanisms to ensure that environmental protection requirements are being met.
- Improving flexibility by allowing accredited processes to incorporate documents as in force from time-to-time and allowing minor amendments to accredited processes without having to formally remake the agreement. This means existing agreements are less like to 'break' with changes in state laws.

Further amendments are proposed to enable a broader range of processes to be accredited, including processes that assess unconventional gas and large coal mining developments that may have impacts on water resources (water trigger projects) and decisions to accredit a process may consider parts of that process that exist outside of legislation (for example, policies and guidelines). An existing provision limiting approving entities to State and Territory Ministers or agencies would be removed – meaning expert panels or independent bodies are able to approve actions under an accredited process.

The reforms would improve clarity for proponents and stakeholders by preventing referral under the EPBC Act when an approval bilateral agreement is in place (preventing 'regulator shopping') and allowing the Commonwealth to recognize the assessment work already done when an action has to be returned to the Commonwealth.

Rulings

The Samuel Review recommended clearer up-front guidance to assist proponents and support consistent assessment and decision making. To deliver upon this recommendation the Reform Bill proposes to introduce a new rulings power, a legislative mechanism that provides for clearer guidance. Rulings could be made by the Minister to set out the Minister's opinion on how the law, regulations or subordinate instruments (for example, National Environmental Standards) should be applied in particular circumstances, such as project approval decisions. The CEO of the National EPA can also make Rulings in relation to their conferred powers (i.e. compliance and enforcement).

The amendments also mandate that the Minister, CEO of the National EPA, or delegated decision-makers must act consistently with a ruling unless it would be inappropriate to do so considering the individual circumstances of the decision.

Rulings are intended to create confidence within the public and regulated community in how aspects of the EPBC Act will be applied, increasing consistency and certainty in decision-making.

National interest considerations

National interest exemption

The existing national interest exemption (section 158) allows the Minister to exempt actions from assessment and approval under the EPBC Act. The exemption is intended for exceptional and emergency situations in the national interest such as bushfire response, flood response and species capture where required for captive breeding.

The Reform Bill would grant the Minister the power to impose conditions, vary or revoke an exemption. Exemptions would be subject to a levy (to the Restoration Contributions Account), and the Minister would have discretion to waive a levy where appropriate. Amendments will also allow enable the Environment Minister to initiate an exemption, or for other Commonwealth, State and Territory Ministers to request an exemption.

These changes are intended to make the national interest exemption a more responsive mechanism, better equipped to respond to emergencies.

The power to vary or revoke an exemption would allow the Minister to adapt the exemption to changing circumstances, including where the exemption holder fails to comply with conditions.

Strengthened control measures would ensure exemption holders meet their obligations and environmental harms are minimised.

National interest approval

The national interest approval delivers on a recommendation of the Samuel Review that the Minister should be able to approve projects that do not meet the new environmental tests, where the circumstances are “a rare exception, justified in the public interest”.

The national interest approval responds to this recommendation, providing appropriate discretion for the elected government of the day to make decisions in the national interest, while ensuring there are strict controls on this decision.

The Reform Bill creates a framework for the designation of national interest proposals. A proponent, or, with the proponent’s consent, the Environment Minister or another Minister (including of a State or Territory), could apply for a national interest proposal designation. The Minister could, on application or on their own initiative, designate a national interest proposal if satisfied the action will result in an outcome that is in the national interest.

Projects designated as national interest proposals would still be subject to full environmental assessment, including public consultation, however would be subject to modified tests for approval.

The Minister would be able to approve a national interest proposal that does not meet new environmental tests (unacceptable impacts, National Environmental Standards and net gain) only where the inconsistency is reasonably necessary for the action to achieve an outcome in the national interest. The intent of these provisions is to ensure that tests are met as far as possible without preventing the national interest outcome, rather than switching off the tests entirely.

In deciding whether an inconsistency is reasonably necessary, the Minister must consider whether the inconsistency could be reduced or eliminated while still achieving the national interest outcome. The Minister must also consider whether conditions could be applied to reduce or remove the inconsistency with normal tests.

The national interest approval has been designed to provide more transparency and greater controls than the existing national interest exemption. Unlike the exemption, it requires a full assessment to take place, including public consultation, so there is a thorough and transparent understanding of the impacts and trade-offs being made to achieve the national interest outcome.

National interest approvals would still be required to comply with Australia's international obligations and recovery plans, consistent with requirements for approval under the current system.

Consistent with the Samuel Review's recommendation, the process will be transparent, and the Minister must publish a statement of reasons for granting the approval. Amendments would prevent the Minister from delegating decisions relating to national interest proposals.

Reconsiderations

The Reform Bill proposes to amend provisions of the EPBC Act which provide for reconsideration of decisions in some circumstances in response to new or changing environmental information.

The amendments would give a discretionary power to the Minister to determine that, following reconsideration, certain actions (not controlled actions and actions that are not-controlled if taken in a particular manner (NCA-PM)) may continue to be taken during an assessment if particular conditions are met (the action had already commenced and was not inconsistent with Australia's international obligations).

The amendments would insert a timeframe of 28 business days from publication of a Minister's controlled action decision within which a reconsideration request of a controlled action must be made by a third party.

The amendments would also insert a power for the Minister to reconsider a decision about the particular manners associated with an NCA-PM, after receiving an application from the proponent who believes the relevant particular manner is no longer appropriate.

Nuclear trigger

The Reform Bill proposes to amend the nuclear trigger to reduce regulatory duplication with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and avoid the unintended capture of Naturally Occurring Radioactive Materials while maintaining environmental protections. The amendments ensure that management of radiological exposure actions better aligns with regulatory requirements and codes managed by the ARPANSA and continue to reflect international best practice. These changes deliver on a recommendation of the Samuel Review to align the EPBC Act with ARPANSA requirements.

Regulation of offshore projects by NOPSEMA

The Reform Bill proposes to allow the Environment Minister to declare that offshore petroleum and greenhouse gas projects in Commonwealth waters do not require separate approval under the EPBC Act, if the Minister is satisfied that the *Offshore Petroleum and Greenhouse*

Gas Storage Act 2006 (OPGGS Act) and OPGGS Environment Regulations provide the same environmental protections as the EPBC Act. These projects are currently approved under a strategic assessment, however the Samuel Review identified significant limitations with current arrangements.

The Environment Minister will be able to suspend or revoke the declaration if they believe that the criteria for making the accreditation declaration are no longer being met.

This is consistent with the Samuel Review's recommendation to use appropriate legislative amendments to accredit the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

Consequential amendments to the OPGGS Act

The Reform Bill would amend the OPGGS Act to establish reporting and information-sharing requirements and ensure adequate transparency and assurance for the Environment Minister and community stakeholders.

Amendments are also required to the OPGGS (Environment) Regulations 2023 to operationalise this reform by incorporating EPBC-like environmental protections into the requirements for environment plans under the OPGGS regulatory framework.

Improvements to wildlife trade laws

As recommended by the Samuel Review, the Reform Bill would update the EPBC Act to align with Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) processes. This includes:

- Extending the review timeframes on fishery-specific assessments and Wildlife Trade Operation approvals, from three years to five years.
- Removing the requirement to create our own list of CITES specimens, instead referring directly to the CITES Appendices which is a globally adopted list.
- Providing more flexible permit options and more streamlined administrative processes, such as allowing for electronic as well as paper-based documentation.
- Automatically lapsing applications when requested information has not been received.

Pillar 3: Greater accountability and transparency in decision-making

First Nations engagement in decision-making

The Reform Bill codifies the involvement of First Nations people into environmental governance and decision-making through the Indigenous Advisory Committee (IAC).

The amendments would ensure the Indigenous Advisory Committee is involved at key points in the listing process for threatened species and ecological communities.

The Minister and Threatened Species Scientific Committee would also be required to specifically invite First Nations knowledge during the public consultation process.

These changes are consistent with the Samuel Review's recommendation to require greater consideration of First Nations knowledge and science in decision making.

Greenhouse gas emissions information disclosure

The Reform Bill requires proponents to provide information on estimates for Scope 1 and 2 greenhouse gas emissions as part of the assessment of a controlled action decision under the streamlined assessment, environmental impact statement, and public inquiry pathways. Requirements for disclosure of information on estimates of greenhouse gas emissions would also apply across landscape-scale pathways – strategic assessments, bioregional planning and accreditation (including bilateral agreements).

Proponents would also be required to report associated emissions mitigation measures and abatement targets along with the estimated emissions.

These information requirements will improve transparency and accountability and support the effective operation of the Safeguard Mechanism and Australia to meet its climate targets.

The Safeguard Mechanism is the government's mechanism for reducing greenhouse gas emissions at Australia's largest industrial facilities. Under the *Climate Change Act 2022* the Environment Minister is required to give certain emissions estimates they have received to the Minister for Climate Change, as well as the Climate Change Authority and the Secretary of the Climate Change Department.

These new requirements support the Safeguard Mechanism without creating duplication, consistent with the approach recommended by the Samuel Review.

Administrative fixes

The Reform Bill makes several minor administrative fixes, including to:

- Update section 516A reporting to expand and clarify the scope of matters which can be required under Commonwealth entity annual reporting.
- Clarify the legislative basis for Commonwealth spending on environment protection, conservation, restoration and recovery programs.

Information sharing

The Reform Bill introduces a new information sharing regime, intended to support flexible information sharing for the effective and efficient administration of the legislation while ensuring appropriate protections and controls are in place to minimise the potential for misuse of information.

The reforms would permit the use and sharing of information collected under the EPBC Act within the department and between the department (including the Head of EIA) and the National EPA.

It would also allow, under certain circumstances, the use and sharing of information with other Commonwealth, State or Territory governments and third parties.

Statutory committees

The Samuel Review recommended amendments to the operation of statutory committees under the EPBC Act.

The Reform Bill creates new statutory advisory functions for the Indigenous Advisory Committee (IAC) in the development of National Environmental Standards, species listings

and conservation planning. These changes would support greater inclusion of First Nations knowledge and expertise in environmental governance and decision-making.

The reforms would ensure capacity and capabilities of the Independent Expert Scientific Committee (IESC) are commensurate with its expanded function to provide advice on Unconventional Gas Development.

The reforms would also allow the Minister to issue a public Statement of Expectations to any Advisory Committee, and for each to respond with a Statement of Intent, embedding greater transparency and accountability.

Repeal of sections 160-164

As recommended by the Samuel Review, the Reform Bill would repeal sections 160-164 of the EPBC Act, removing an alternate pathway that allows the Commonwealth Government to assess and approve certain projects without the usual referral and assessment process that applies to most other developments.

The effect of repealing these sections would be that any new actions previously captured under these provisions will be subject to the same EPBC Act assessment pathways as all other projects.

Consequential amendments to the Airports Act

The Reform Bill would amend the *Airports Act 1996* (Airports Act), to repeal section 96D(7) as it relates to prescribed actions under section 160 of the EPBC Act.

These amendments are required to support the repeal of section 160 of the EPBC Act.

The effect of these changes is that actions that would previously have been subject to the section 160 process will now be subject to the ordinary process for the assessment and approval of actions under the EPBC Act.

Repeal of section 505E(2)

The Reform Bill would repeal section 505E(2), allowing the Minister to declare any State or self-governing Territory to be a 'declared State or Territory' and to, consequently, request and obtain advice from the IESC in accordance with its functions. This would allow the Minister to ensure all States and Territories have access to the best available science in relation to water resource issues.

Cost recovery

The Samuel review recommended uplift to cost recovery systems to enable fair charging, including for administration of the EPBC Act. The Reform Bill proposes minor amendments to enable the collection and recovery of charges imposed by the four charging bills (outlined further below in this submission). Consistent with the Australian Government Charging Framework these changes would allow cost recovery of prescribed matters relating to administration of the EPBC Act.

The Reform Bill itself does not set the amount of the charges and will not impose any financial impacts on businesses. Charge methodologies will be prescribed in the regulations and are subject to further decisions of government. The department will consult with relevant stakeholders on proposed charges as part of consultation on updated regulations and Cost Recovery Implementation Statement.

Conferral of functions and powers

The National Environmental Protection Agency Bill 2025 (outlined further below in this submission) would establish Australia's first National Environmental Protection Agency (National EPA).

The Reform Bill provides for the National EPA to undertake regulatory and implementation functions under a range of Commonwealth environmental laws, including the EPBC Act. Following establishment of the National EPA, the CEO will also be able to take on other functions relating to administering the EPBC Act, in addition to compliance and enforcement.

These could include delegation by the Minister to:

- Undertake environmental assessments.
- Decide project approvals and conditions, as a delegate for the Minister.
- Educate industry, business and the community to help them navigate our environment laws.

Ultimate decision-making power for approvals would remain vested with the Minister.

The Minister would also retain responsibility for direction-setting and government policy under national environmental laws, including the determination of nationally protected matters.

The Reform Bill would also confer certain powers on the Director of National Parks (DNP). This includes the power to apply to the Federal Court for an injunction, remediation order or civil penalty order in relation to conduct affecting Commonwealth reserves and conservation zones.

The CEO of the National EPA will also be able to delegate relevant powers to the DNP for use in Commonwealth reserves and conservation zones.

Transitional arrangements

The Reform Bill includes transitional arrangements for single projects, strategic assessments and accreditation.

For single projects, the following transitional arrangements would apply:

- Actions that have been referred to the Minister under Part 7 before the commencement of the reforms will continue to be assessed in accordance with the current legislation.
- Actions referred under Part 7 after commencement of the reforms will be assessed under the new legislation.
- Proponents will have the choice to 'opt in' to the new settings, by withdrawing their project and re-submitting. The department would provide a facilitated process will be available to take into account the level of assessment already undertaken.

For strategic assessments, the department would work with strategic assessment partners to ensure a smooth transition to the new arrangements. Where a strategic assessment has had terms of reference finalised in accordance with a strategic assessment agreement before commencement, the partner would have the option to continue assessment under the existing EPBC Act or transition to the new settings.

For accredited arrangements, the Commonwealth would work with state and territory bilateral partners and proponents to ensure a smooth transition to the new arrangements.

The Reform Bill also includes a rule making power, enabling the Minister to make rules about transitional arrangements for a period of 12 months from the commencement of the legislation. The intent of this power is to enable further clarification and minor adjustments to transitional arrangements where needed.

Consequential amendments to other legislation

The Reform Bill includes consequential amendments to other Commonwealth legislation that are required to implement the reforms such as the Airports Act, OPGGS Act and Nature Repair Act. These consequential amendments are included above, alongside the corresponding reform measure.

National Environmental Protection Agency Bill 2025

The National EPA Bill will establish a National Environmental Protection Agency (National EPA) as a new independent agency. The National EPA Bill contributes to the reform pillar of greater accountability and transparency in environmental decision making, and intends to support the delivery of accountable, efficient, outcomes-focused and transparent environmental regulatory decision making.

The National EPA Bill would establish the role of the Chief Executive Officer (the CEO) of the National EPA, who would have functions conferred on them under a range of environmental Commonwealth laws including the EPBC Act and laws regulating sea dumping, ozone protection and synthetic greenhouse gas management, hazardous waste, product emissions standards, recycling and waste reduction and underwater cultural heritage.

Functions conferred on the CEO would include undertaking education, compliance and enforcement activities, issuing permits and licences, monitoring and auditing the operation of accreditations, bilateral agreements and bioregional plans under the EPBC Act. These powers would be directly conferred on the CEO, and would not be subject to the direction of the Minister.

Separately, the Minister could delegate certain functions and activities to the CEO, including assessments and decisions on approvals under the EPBC Act. Delegated functions would be undertaken under the direction of the Minister, consistent with current arrangements for delegation within the department.

By bringing together the regulation of Australia's key national environmental laws under one organisation, the National EPA would have the capability and capacity to be a modern national environmental regulator.

The National EPA Bill includes a range of transparency and accountability requirements, such as requirements for the establishment and maintenance of electronic registers of decisions and publication of documents relating to the operations and performance of the National EPA.

The National EPA Bill also includes provisions to balance the appropriate role of the Environment Minister with the independence of the CEO, including requiring the Minister to issue the CEO with a Statement of Expectations, which must not direct the CEO or the National EPA, and requiring the CEO to respond with a Statement of Intent.

The National EPA Bill provides the institutional foundations to allow for a smooth transition of responsibilities from the current Department of Climate Change, Energy, the Environment and Water to the new agency, with existing departmental staff and functions migrating to the National EPA.

Environment Information Australia Bill 2025

The EIA Bill will establish the Head of Environment Information Australia (EIA) as a new statutory office holder in the department with functions to collect, produce and provide clear, high-quality environment data and information and independent reporting.

The Samuel Review recommended improvements to the environmental informational system. The EIA Bill delivers on this by establishing the Head of EIA as a dedicated role to lead coordination, cooperation and collaboration to improve the supply of environmental data. Improved data and information will support more efficient and robust project and assessments and better, more transparent environmental decisions.

The EIA Bill contains provisions that would enable the sharing of information for the performance of the functions and powers of the Head of EIA. The facilitative approach is balanced with the need to protect sensitive information, including through placing conditions on use and disclosure.

The Head of EIA would also be responsible for publishing a State of the Environment Report (SoE), which currently sits with the Minister for the Environment. Requirements around the SoE would be updated to report every two years, contain an analysis of environmental trends, report on progress toward national environmental goals, and require the Environment Minister to publicly respond. This reporting will help sustain conversations about the environment and inform priority actions for protection and restoration.

The Head of EIA would also be responsible for delivering environmental economic accounts, supporting the understanding of environmental impacts across government policy, planning and decision making.

Charging bills

The reform package includes four charging bills. These are the Restoration Charge Bill, the General Charges Bill, the Customs Charges Bill and the Excise Charges Bill.

Restoration Charge Bill

The Restoration Charge Bill proposes to establish four types of charges: a restoration contribution charge, a bioregional plan registration charge, a national interest exemption charge and a Part 13 exemption charge.

These charges will support reforms to the offsets regime under the EPBC Act consistent with the Samuel Review, as outlined under the Reform Bill.

These charges would be credited to a new Restoration Contributions Special Account under the EPBC Act, able to be spent by the new Restoration Contributions Holder to deliver benefits for protected matters.

The Restoration Charge Bill does not set out the amount for any of these charges. Rather, the method for charges would be prescribed in the regulations. The department will consult on a proposed method before it is prescribed by the regulations.

General Charges Bill, Customs Charges Bill and Excise Charges Bill

The General Charges Bill, Customs Charges Bill and Excise Charges Bill would allow for the imposition of cost recovery charges for prescribed matters connected with the administration of the EPBC Act.

Matters connected with the administration of the EPBC Act that may be subject to charging include receiving and assessing applications for an environment approval or permits, and compliance and enforcement.

The charging bills themselves do not set the amount of the charges and will not impose any financial impacts on businesses. Charge methodologies will be prescribed in the regulations and are subject to further decisions of government. The department will consult with relevant stakeholders on proposed charges as part of consultation on updated regulations and Cost Recovery Implementation Statement.

Attachment A: Government action to address recommendations of the Samuel Review

The recommendations from the Samuel Review are set out below with the actions taken by the Australian Government to address them.

1. Matters of national environmental significance should be focused on Commonwealth responsibilities for the environment.

- a. The water MNES (section 24D/24E) should be amended to apply only to cross-border water resources. Any action that is likely to have a significant impact on cross-border water resources should be subject to the trigger. Restrictions should be removed where they prevent other parties from being accredited to undertake approvals of proposals assessed under the water trigger. This amendment should occur in the second tranche of reforms.***
- b. The nuclear MNES (section 21/22A) should be retained. In the first tranche of reforms, the government should immediately adopt the recommended National Environmental Standard for the protection of the environment from nuclear actions. In the second tranche of reform, the EPBC Act and the regulatory arrangements of the Australian Radiation Protection and Nuclear Safety Agency should be aligned, to support the implementation of best-practice international approaches based on risk of harm to the environment, including the community.***

Action taken - changes to legislation:

- The water trigger (1a) was updated in 2023 as part of the previous package of reforms. There are no changes in this package of legislation.
- 'Nuclear actions' (1b) will be retained as a matter of national environmental significance under the EPBC Act.
- The nuclear trigger (1b) will be updated to align with Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) - this includes repealing reference to 'nuclear actions', substituting with 'radiological exposure actions' throughout the EPBC Act and updating definitions and provisions to reflect contemporary terminology and regulatory alignment.
- This will clarify that lower-risk activities won't need to be referred, including those involving natural radioactive materials below a certain threshold.

2. National Environmental Standards recommended by this review should require development proposals to:

- a. Explicitly consider the likely effectiveness of avoidance or mitigation measures on nationally protected matters under specified climate change scenarios.**
- b. Transparently disclose the full emissions of the development.**

Action taken - changes to legislation:

- Proponents will be required to disclose estimates for Scope 1 and 2 greenhouse gas emissions as part of the assessment of a controlled action decision under the streamlined assessment, environmental impact statement, and public inquiry pathways.

3. The EPBC Act should be immediately amended to enable the development and implementation of legally enforceable National Environmental Standards.

- a. The Act should set out the process for making, implementing and reviewing National Environmental Standards. The Act should include specific provisions about their governance, consultation, monitoring and review.**
- b. The Act should require the activities and decisions made by the minister under the Act, or those under an accredited arrangement, be consistent with the National Environmental Standards.**
- c. The Act should include a specific power for the minister to exercise discretion to make a decision that is inconsistent with the National Environmental Standards. The use of this power should be a rare exception, demonstrably justified in the public interest and accompanied by a published statement of reasons which includes the environmental implications of the decision.**
- d. National Environmental Standards should be first made in a way that takes account of the current legal settings of the Act. The National Environmental Standards set out in detail in Appendix B should be adopted in full. The remainder of the suite of standards should be developed without delay to enable the full suite of 9 standards to be implemented immediately. Standards should be refined within 12 months.**

Action taken - changes to legislation:

- The reforms will create a new ministerial power to make National Environmental Standards. The individual National Environmental Standards will be made as legislative instruments.
- Specifically, the reforms will:
 - Establish a legislative framework for making and applying National Environmental Standards.
 - Ensure National Environmental Standards are subject to consultation and regularly reviewed.
 - Include a clause of no-regression.

- Two priority National Environmental Standards have been developed for public release alongside the legislation, to enable stakeholders to understand how the reforms will operate.
- The draft Standard for Matters of National Environmental Significance and the draft Standard for Environmental Offsets are available on the department's website for consultation.
- Further standards will be a matter for government following passage; but are likely to include National Environmental Standards for:
 - First Nations Engagement, and
 - Data and Information.
- The reforms will introduce a new pathway for national interest approvals for exceptional circumstances where there is an overwhelming national interest outcome at stake. This will enable the Minister to approve projects in cases where it is necessary to for an action to be inconsistent with new tougher environmental protections in order to achieve an outcome in the national interest (recommendation 3c).

4. In the second tranche of reforms, the EPBC Act should be amended to deliver more effective environmental protection and management, accelerate achievement of the environmental outcomes and improve the efficiency of National Environmental Standards. Parts 3 to 10 should be completely overhauled to enable:

- a. National Environmental Standards to evolve and be set in a way that delivers ecologically sustainable development, through the collective contributions of the actions, decisions, plans and policies of the Commonwealth and accredited parties.***
- b. A proactive focus on managing matters of national environmental significance. The Act should require that matters of national environmental significance be protected, conserved, recovered and enhanced.***
- c. All decisions to be targeted towards achieving the environmental outcomes set out in National Environmental Standards***
- d. National Environmental Standards to be more efficiently applied to decision-making, including accredited arrangements.***

Action taken - changes to legislation:

- The legislative reform package addresses this recommendation through the National Environmental Standards Framework as outlined at recommendation 3, above.

5. To harness the value and recognise the importance of Indigenous knowledge, the EPBC Act should require decision-makers to respectfully consider Indigenous views and knowledge. Immediate reform is required to:

- a. Amend the Act to replace the Indigenous Advisory Committee with the Indigenous Engagement and Participation Committee. The mandate of the Committee will be***

to refine, implement and monitor the national environmental Standard for Indigenous engagement and participation in decision-making.

- b. Adopt the recommended National Environmental Standard for Indigenous engagement and participation in decision-making.***
- c. Amend the Act to require the Environment Minister to transparently demonstrate how Indigenous knowledge and science is considered in decision-making.***

Action taken - changes to legislation:

- Reforms to the statutory committee provisions and introduction of the National Environmental Standards framework will require that the Indigenous Advisory Committee be consulted on the development and content of any National Environmental Standard relating to engagement with First Nations peoples.
- Reforms to statutory committee provisions will ensure the Indigenous Advisory Committee is involved at key points in the listing process for threatened species and ecological communities, and that the Minister and Threatened Species Scientific Committee will also be required to specifically invite First Nations knowledge during the public consultation process.

6. The department should take immediate steps to invest in developing its cultural capability to build strong relationships with Indigenous Australians and enable respectful inclusion of their valuable knowledge.

Action taken – legislative changes not required:

- There is no legislative change required to address this recommendation, work is underway by the department including through its First Nations Strategy. The First Nations Strategy 2025-2030 can be found on the department's website.

7. The Commonwealth Government should immediately initiate a comprehensive review of national-level cultural heritage protections, drawing on best practice frameworks for cultural heritage laws.

Action taken - changes to legislation:

- Reforms to the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSHIPPA) are being progressed in parallel to the reforms to the EPBC Act.

8. The Commonwealth Government, through the Director of National Parks, should immediately commit to working with Traditional Owners to co-design reforms for joint management, including policy, governance and transition arrangements. The Commonwealth Government should ensure that this process is supported by amending the EPBC Act when needed and providing adequate resources.

Action taken – legislative changes not required:

- There is no legislative change to address this recommendation as this will be addressed during implementation.

9. Legislative reforms should be redrafted in line with modern, best practice drafting guidance. Immediate amendments should be made to:

- a. Fix inconsistencies, gaps and conflicts in the EPBC Act to make it easier to understand and work with.**
- b. Implement enforceable National Environmental Standards; improve the durability of bilateral agreements; independent oversight and audit; and compliance and enforcement.**

Action taken - changes to legislation:

- The package of reforms includes a range of administrative changes across the Act to improve efficiency, transparency and operation, including across bilateral agreements. The National Environmental Protection Agency (National EPA) will be responsible for undertaking regulatory functions and implementing new environmental laws.

10. Over a 2-year transition period, a comprehensive reworking of the EPBC Act should be undertaken to fully implement the reforms recommended by this review and to deliver an effective legislative framework.

- a. The Act should be restructured to clarify and simplify the functions of the Act and how they interact.**
- b. Redrafting and restructuring of the Act should explicitly consider its interaction with other Commonwealth legislation to remove inconsistency and to improve operational efficiency. To deliver the full results, this may require consequential changes in other legislation.**
- c. Redrafting should include consideration of dividing the Act, such as creating separate pieces of legislation for its key functional areas.**

Action taken - changes to legislation:

- The legislative package will amend the EPBC Act to simplify provisions and add greater clarity to functions and how they interact, including transitional arrangements. The Act will not be divided (10c), though this may be considered in future.

11. The Commonwealth Government should increase the transparency of the operation of the EPBC Act by:

- a. immediately improving the availability of information as required by the National Environmental Standards**
- b. immediately improving the accessibility of the Act through plain English guidelines and targeted communication**
- c. immediately implementing arrangements to publish reasons for Commonwealth decisions under Parts 9 and 10 of the Act**
- d. in the second tranche of reform, amend the Act to require publication of all information relevant to, and the reasons for, decisions made under the Act. Processes and systems should be implemented to support greater transparency.**

Action taken - changes to legislation:

- The legislative package will amend the information request and publication requirements, including requirements to publish reasons for key decisions, improving transparency and accountability (see also, response to recommendation 18).
- Improved guidance and information will be developed to support implementation of the reforms, including the development of an assurance framework.
- The department is also undertaking a review of the current suite of guidance to streamline and modernise the guidance available to proponents.

12. The EPBC Act should be immediately amended to recast the statutory committees to create the Ecologically Sustainable Development Committee, the Indigenous Engagement and Participation Committee, the Biodiversity Conservation Science Committee, the Australian Heritage Council, and the Water Resources Committee. The Ecologically Sustainable Development Committee should be an overarching committee with responsibility for providing advice on National Environmental Standards, planning and implementation, and coordination across all the committees.

Action taken - changes to legislation:

- Changes to the legislation will be made to:
 - Create new statutory advisory functions for the Indigenous Advisory Committee in the development of National environmental standards and in species listings and conservation planning.
 - Ensure decisions can be supported by independent expert advice on all forms of unconventional gas, and that the environmental and water impacts of these proposed developments are managed
 - Ensure the requirements around statutory committee chairs are appropriate and relative to the roles and functions of each committee.
 - Ensure capacity and capabilities of the Independent Expert Scientific Committee (IESC) are commensurate with its expanded function to provide advice on Unconventional Gas Development.
 - Allow the Minister to issue a public Statement of Expectations to any Advisory Committee, and for Committees to respond with a Statement of Intent.

13. The EPBC Act should retain the current extended standing provisions. In the second tranche of reform, the Act should be amended to provide for limited merits review for development approval decisions but be restricted:

- a. by set time frames for applications***
- b. to the papers at the time of the original decision***
- c. to matters that will have a material impact on environmental and heritage outcomes***

d. to where senior counsel advice is that there is a reasonable likelihood of the matter proceeding.

Action taken - legislative changes not required:

- There is no legislative change for this recommendation, however the reforms align with this as the current extended standing provisions are retained.

14. Immediately amend the EPBC Act to provide confidence to accredit state and territory arrangements to deliver single-touch environmental approvals in the short-term. Accreditation should be:

- a. underpinned by legally enforceable National Environmental Standards***
- b. subject to rigorous, transparent oversight by the Commonwealth, including comprehensive audit by the independent Environment Assurance Commissioner.***

Action taken – changes to legislation:

- This is addressed through the reforms as the National Environmental Standards will apply to the accreditation process. The National EPA will have audit powers as outlined at recommendation 30.

15. Increase the level of environmental protection afforded in Regional Forest Agreements (RFAs).

- a. The Commonwealth should immediately require, as a condition of any accredited arrangement, states to ensure that RFAs are consistent with the National Environmental Standards.***
- b. In the second tranche of reform, the EPBC Act should be amended to replace the RFA ‘exemption’ with a requirement for accreditation against the National Environmental Standards, with the mandatory oversight of the Environment Assurance Commissioner.***

Action taken - legislative changes not required:

- There is no legislative change for this recommendation, however it is intended that National Environmental Standards would apply to RFAs.

16. In the second tranche, the accreditation model should be applied to arrangements with other Commonwealth agencies, where they demonstrate consistency with the National Environmental Standards and subject themselves to transparent independent oversight. Specifically:

- a. The complex requirements for ministerial advice on certain Commonwealth authorisations (sections 160–164) should be removed. These arrangements should be subject to the accreditation model, or the standard assessment and approval provisions of the EPBC Act.***
- b. The accreditation model should be applied to the National Offshore Petroleum Safety and Environmental Management Authority and the Australian Fisheries Management Authority using appropriate legislative amendments.***

c. Where relevant, a broader application of the National Environmental Standards to other Commonwealth decisions and management plans, beyond those already provided for under the current settings of the Act, should be considered.

Action taken - changes to legislation:

- The reforms will repeal Sections 160-64 of the EPBC Act to ensure all actions that impact on nationally protected matters are subject to the National Environmental Standards, required to avoid unacceptable impacts and can offset all residual significant impacts to matters of national environmental significance.
- The reforms will improve the framework for Commonwealth accreditation, including requiring consistency with National Environmental Standards, and strengthening ongoing assurance to ensure that requirements are being met.
- Specific amendments will be made to allow the Minister to declare that offshore projects regulated by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) do not require separate approval under the EPBC Act. This declaration can only be made if the Minister is satisfied that NOPSEMA's processes provide the same environmental protections as the EPBC Act, including consistency with relevant National Environment Standards.

17. In the second tranche, a National Environmental Standard for actions impacting on Commonwealth land and Commonwealth actions should be developed to provide a national benchmark for effective environmental protections. The Commonwealth should promote the broader application of this standard by encouraging other jurisdictions to adopt it.

Action taken - legislative changes not required:

- There is no legislative change for this recommendation as the National Environmental Standards are under development and will be consulted on.

18. In the second tranche, Commonwealth assessment pathways should be rationalised to enable a risk-based approach to assessments that is proportionate to the level of impact on matters protected by the EPBC Act.

Action taken – changes to legislation:

- The reforms add a new Streamlined Assessment pathway for proponents who provide sufficient information at the referral and assessment stage.
- The Streamlined Assessment pathway will replace three existing pathways – assessment on referral information (ARI), assessment on preliminary documentation (PD) and assessment on public environment report (PER).

19. In the second tranche, the implementation of Commonwealth assessment should be supported by providing clear guidance, modern systems and appropriate cost recovery.

Action taken – changes to legislation:

- The reforms include provisions for the power to make rulings.
- Rulings will clarify for the regulated community how laws, regulations or subordinate instruments apply in specific circumstances.
- Other non-legislative changes for this recommendation include the provision of guidance, investment in systems and cost recovery.

20. Amend the EPBC Act to ensure wildlife permitting requirements align with Australia's international obligations related to:

- a. species listed under Appendix I and II of the Convention on the Conservation of Migratory Species (Bonn Convention)***
- b. import permitting requirements for Appendix II listed species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)***
- c. requirements to ensure the humane transport of live fish and live invertebrates.***

Action taken – changes to legislation:

- The reforms will modernise the EPBC Act in line with the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) to provide more flexible permitting options and deliver more streamlined administrative processes to assist business planning and cost recovery.

21. Amend Part 13A Division 2 and 5 of the EPBC Act, EPBC regulations and association definitions to streamline and reduce regulatory burden on wildlife trade permitting processes and to enable proportionate compliance and enforcement responses.

22. Reduce instances under the EPBC Act and EPBC regulations where wildlife trade permitting may be subject to abuse by applicants.

- a. Tighten the definitions for the non-commercial categories of exhibition and travelling exhibition, including what can be classified as a zoo.***
- b. Apply a fit-and-proper-person test as broadly as possible to wildlife permitting approvals under the Act.***

Action taken - legislative changes not required:

- For recommendations 21 and 22, there are no legislative changes, however the reforms include updates to wildlife trade laws (recommendation 20).

23. Immediately establish, by statutory appointment, the position of Environment Assurance Commissioner with responsibility to:

- a. oversee audit of decision-making by the Commonwealth under the EPBC Act, including the Office of Compliance and Enforcement***
- b. oversee audit of an accredited party under an accredited arrangement***
- c. conduct performance audits, like those of the Auditor General and set out in the Auditor-General Act 1997***
- d. provide annual reporting on performance of Commonwealth and accredited parties against National Environmental Standards. This report should be provided to the Environment Minister, to be tabled in the Australian Parliament in a prescribed timeframe.***

Action taken – changes to legislation:

- The package of reforms includes the legislation required to establish the National EPA. This will bring together the regulatory functions of the EPBC Act into one independent agency.
- Compliance, enforcement, permitting and licensing powers will be vested in the CEO of the National EPA. This means these powers cannot be revoked from the CEO of the National EPA except by amendment to the legislation.

24. In the second tranche, the EPBC Act should be amended to remove outdated bilateral agreement processes and replaced with robust and efficient accreditation processes, based on National Environmental Standards, that include:

- a. self-assessment of arrangements by the party proposing to be accredited***
- b. independent advice of the Environment Assurance Commissioner***
- c. the opportunity for the Australian Parliament to disallow a proposed accreditation***
- d. accreditation agreement by the Commonwealth Environment Minister***
- e. escalation processes to resolve disputes between the Commonwealth Environment Minister and the accredited party***
- f. the Commonwealth Environment Minister's unfettered right to make a decision***
- g. scheduled formal review.***

Action taken – changes to legislation:

- The reforms will improve the flexibility and operation of bilateral agreements with states and territories, making the framework more responsive to change and more durable in the long term.
- The changes will also ensure that environmental protections under bilateral agreements are consistent with the rest of the reforms and strengthen ongoing assurance mechanisms to ensure that environmental protection requirements are being met.

25. In the second tranche of reform, the EPBC Act should be amended to support more effective planning that accounts for cumulative impacts and past and future key threats and build environmental resilience in a changing climate. Amendments should enable:

- a. strategic national plans to be developed, consistent with the National Environmental Standards, to guide a national response and effectively target action and investment to address nationally pervasive issues such as high-level and cross-border threats***
- b. regional recovery plans to be developed, consistent with the National Environmental Standards, to support coordinated threat management and investment to reduce cumulative impacts on threatened species and ecological communities***
- c. ecologically sustainable development plans to be developed and accredited, consistent with the National Environmental Standards. These plans should address environmental, economic, cultural and social values and include priority areas for investment in the environment***
- d. strategic assessments to be approved, consistent with the National Environmental Standards and regional recovery plans and provide for a single approval for a broad range of actions***
- e. the Commonwealth to accredit plans made by other parties, where these plans are consistent with National Environmental Standards and other relevant plans***
- f. plans to be made consistent with key principles for quality regional planning***

Action taken – changes to legislation:

- Regional recovery plans will be able to be made under the EPBC Act, with targeted amendments to allow a plan to be made for one or more parts of a listed threatened species habitat or ecological community.
- Reforms to bioregional planning (25c) will require that the Minister must not approve a bioregional plan unless satisfied that it is not inconsistent with National Environmental Standards. Bioregional plans will include development zones for priority actions. They will address environmental values and may also address other economic, cultural and social values.
- The Minister must not approve a strategic assessment (25d) unless satisfied the approval is not inconsistent with National Environmental Standards. The existing requirement for no inconsistency with recovery plans will be maintained (unless protection statement applies).
- The package of reforms includes the provision for Rulings to be created that will address 25e. The reforms will also clarify the requirements for making bioregional guidance plans (25f) and set out the requirements for bioregional plans with regulatory zones. The Minister must not make a bioregional plan unless satisfied it is not inconsistent with the National Environmental Standards.

26. In the second tranche, the Commonwealth should establish a dedicated program to develop and implement strategic national plans and regional plans with a focus on key Commonwealth priorities, including:

- a. strategic national plans for key, new and emerging threats of national significance***
- b. regional plans in biodiversity hotspots, areas foreshadowed as national priorities for economic***
- c. development and areas where matters of national environmental significance are under greatest threat.***

Action taken – changes to legislation:

- Pilot regional plans are already underway.
- The reforms will clarify the requirements for making bioregional guidance plans and create a new pathway for bioregional plans with regulatory zones, allowing priority actions to register to use development zones.

27. The Commonwealth should reform the application of environmental offsets under the EPBC Act to address decline and achieve restoration.

- a. The EPBC Act environmental offsets policy should be immediately amended (or a National Environmental Standard for restoration that includes offsets should be made) in accordance with the recommendations in Box 2.***
- b. As part of the second tranche of reform, the Act should be amended or standalone legislation passed to legislate the revised offsetting arrangements, providing the certainty required to encourage investment in restoration***

Action taken – changes to legislation:

- The reforms will embed a requirement to that approved developments must leave the environment better off, through environmental offset arrangements that deliver a ‘net gain’ for impacted matters.
- A National Environmental Standard for Environmental Offsets is also under development, to provide certainty over offsetting requirements.
- A new Restoration Contributions system also provides for strategic government-led restoration.

28. To foster private sector participation in restoration, the Commonwealth should formally investigate and consider:

- a. co-investment with private capital to improve the sustainability of private land management***
- b. establishing a central trust or point of coordination for private and public investment in restoration to be delivered (including offsets)***
- c. opportunities to leverage existing markets (including the carbon market) to help deliver restoration***

d. changes to the tax code that can deliver environmental restoration

Action taken – changes to legislation:

- The Nature Repair Market was established in 2023 and enables individuals and organisations can undertake nature repair projects and attract investors.
- The new package of legislation will include the Restoration Contribution system which will provide a central trust and point of coordination function for offset-related investment and restoration.

29. Immediate reforms are required to ensure that compliance and enforcement functions by the Commonwealth, or an accredited party are strong and consistent.

- a. The recommended National Environmental Standard for compliance and enforcement should be immediately adopted.***
- b. Commonwealth compliance and enforcement functions and those of any accredited party should be required to demonstrate consistency with this standard.***
- c. The Commonwealth should retain the ability to intervene in project-level compliance and enforcement, where egregious breaches are not being effectively dealt with by the accredited party.***

Action taken – changes to legislation:

- The National EPA will be responsible for undertaking regulatory functions and implementing new environmental laws.

30. The Commonwealth should immediately increase the independence of and enhance Commonwealth compliance and enforcement. This requires:

- a. Simplified law and a full suite of modern regulatory surveillance, compliance and enforcement powers and tools, including targeted stakeholder resources to build understanding and voluntary compliance.***
- b. Assigning independent powers for Commonwealth compliance and enforcement to the Secretary of the Department of Agriculture, Water and the Environment, with compliance functions consolidated into an Office of Compliance and Enforcement within the department. This office should be provided with a full suite of modern regulatory powers and tools, and adequate resourcing to enable the Commonwealth to meet the National Environmental Standard for compliance and enforcement.***
- c. An increase in the transparency and accountability of activities, including clear public registers of activities, offsets and staff conflicts of interest.***

Action taken – changes to legislation:

- The reforms will establish the National EPA as a strong independent environmental regulator with a mission to improve trust and transparency in the operation of national environmental laws.

- New Environment Protection Orders, expanded penalties and updated audit powers will assist in building a suite of modern regulatory powers and tools.
- The reforms will establish the National EPA as a strong independent environmental regulator with a mission to improve trust and transparency in the operation of national environmental laws.
- A National Environmental Standards for compliance and enforcement may be considered in the future.

31. The Commonwealth should initiate immediate improvements to the environmental information system by:

- a. adopting a National Environmental Standard for data and information to set clear requirements for providing best available evidence, including requiring anyone with environmental information of material benefit to provide it to the environmental information supply chain***
- b. appointing an interim supply chain Custodian to oversee the improvements to information and data***
- c. designating a set of national environment information assets to ensure essential information streams are available and maintained to underpin the implementation and continual improvement of the National Environmental Standards for MNES***
- d. expanding the application of existing work with jurisdictions on the digital transformation of environmental assessments and ensuring it is aligned with implementation of the national environmental information supply chain***
- e. commencing the overhaul of the department's information management systems to provide a modern interface for interactions on the EPBC Act and support better use and efficient transfer of information and knowledge.***

Action taken – changes to legislation:

- The reforms will also establish a statutory Head of Environment Information Australia to improve the availability and accessibility of environmental data and information.
- The Head of EIA will have a function to declare national environmental information assets.
- A National Environmental Standard for Data and Information is under development.

32. The Commonwealth should build, maintain and improve an efficient environmental information supply chain to deliver the best available evidence to improve the effectiveness of the EPBC Act. Aligned with the second tranche of reform, the supply chain should:

- a. have a clearly assigned Custodian responsible for providing long-term stewardship and coordination***

- b. have a legal foundation with provisions in the Act that details responsibilities, governance, National Environmental Information Assets and reporting to ensure accountability***
- c. be underpinned by a long-term strategy and roadmap prepared and maintained by the Custodian, with the first strategy due within 12 months***
- d. be supported by a coordinated effort to improve national ecosystem and predictive modelling capabilities***
- e. have adequate up-front and ongoing funding***

Action taken – changes to legislation:

- This recommendation will be addressed through the reforms establishing a statutory Head of EIA to provide national leadership to improve the environmental information system.

33. To monitor and evaluate the effectiveness of the EPBC Act the Commonwealth should immediately:

- a. Establish a National Environmental Standard for environmental monitoring and evaluation of outcomes to ensure that all parties understand their obligations to monitor, evaluate, report on and review their activities.***
- b. Assign the Ecologically Sustainable Development Committee responsibility for the oversight and management of monitoring, evaluating and reporting on the outcomes of the Act. Immediate priorities of the Ecologically Sustainable Development Committee should be developing a monitoring and evaluation framework and preparing monitoring and evaluation plans for the National Environmental Standards for MNES***

Action taken – changes to legislation:

- This recommendation will be addressed through a new Ministerial power to make National Environmental Standards. Reviews of individual National Environmental Standards will be required at least every 5 years.
- The Head of EIA will have responsibility for preparing and publishing independent State of the Environment reporting every two years. The reporting will include environmental trend analysis and progress towards achieving national environmental goals.

34. In the second tranche, the EPBC Act should be amended to require formal monitoring, evaluation and reporting on the effectiveness of the Act in achieving its outcomes. Specifically, amendments should include requirements to:

- a. deliver a comprehensive and coherent monitoring and evaluation framework that includes appropriate mechanisms for embedding the framework including governance***
- b. require a long-term strategy to identify and achieve systematic monitoring required to understand the trend and condition of MNES***

- c. deliver an annual statement by the Ecologically Sustainable Development Committee to the Environment Minister and the Environment Assurance Commissioner. The statement should evaluate environmental performance under the Act, how the outcomes for MNES are tracking, and make recommendations for adjustments are required.***

Action taken - legislative changes not required:

- The department will work to develop an assurance framework (including the Monitoring, Evaluation, Reporting and Improvement framework with states and territories).

35. The Commonwealth should immediately agree to deliver a published response to the 2021 State of the Environment Report. The response should provide a strategic national plan for the environment, including annual reporting on the implementation of the plan.

Action taken – changes to legislation:

- This recommendation will be addressed through the reforms by establishing a statutory Head of EIA to independently prepare and publish regular State of the Environment reports underpinned by robust data and science that include trend analysis.

36. In the second tranche, the EPBC Act should be amended to provide a sound legislative basis for the Commonwealth's national leadership and reporting role including amendments to:

- a. Set out the purpose of the national State of the Environment report to provide the national story on environmental trends and condition, and require that it be independent, based on a consistent, long-term set of environmental indicators, and align the timing of the report to enable it to be used as a contemporary input into the decadal review of the Act.***
- b. Require a government response to future State of the Environment reports that should be tabled in the Australian Parliament in the form of a strategic national plan for the environment and annual reports on the implementation of the plan.***
- c. Require a set of national environmental-economic accounts to be tabled annually in the Australian Parliament alongside traditional budget reporting.***

Action taken – changes to legislation:

- As part of the changes to legislation, the Minister will be required to table in the Parliament a response to State of the Environment reporting within 6 months of the Head of EIA publishing the reports.
- The Minister's response must specify the environmental targets to be achieved and the timeframe for achieving them.
- The Minister will also be required to table in the Parliament an annual statement of environmental economic accounts prepared by the Head of EIA.

37. As part of the third tranche of reform, the Commonwealth, in its national leadership role, should build on its own reforms by pursuing harmonisation with states and territories to streamline national and international reporting by delivering:

- a. a national environmental monitoring and evaluation framework, developed in collaboration with jurisdictions, to better understand the performance of the different parts of the national environmental management system***
- b. a nationally agreed system of environmental-economic accounts to support streamlined environmental reporting. These accounts should be continuously improved over time.***

Action taken – changes to legislation:

- The Head of EIA will have independent functions to provide 2-yearly State of the Environment reports and to establish and maintain environmental economic accounts.
- The Head EIA will continue to collaborate with State and Territory agencies as part of its leadership role to improve national environment data and information.

38. In the third tranche of reform, the Commonwealth should instigate a refresh of intergovernmental cooperation and coordination to facilitate collaboration with the states and territories, including:

- a. greater consistency and harmonisation of environmental laws***
- b. finalising a single national list of protected matters to facilitate streamlining under the common assessment method***
- c. a shared future program of regional planning and strategic national plans***
- d. leveraging Commonwealth reforms in data and information***
- e. consolidating monitoring and reporting on environmental outcomes across Australia through the State of the Environment Report and other reporting***

Action taken - legislative changes not required:

- The recommendations at 38 are covered by improvements to the accreditation processes and/or are already available under existing legislation.

Attachment B: Stakeholders consulted on the reforms between 13 May 2025 and 29 October 2025

ACT City and Environment Directorate

ACT Environment Protection Authority

Akaysa Energy

Arup Australia

Association of Mining and Exploration Companies

Attorney-General's Department

Australian Agricultural Company

Australian Aluminum Council

Australian Chamber of Commerce and Industry

Australian Climate and Biodiversity Foundation

Australian Conservation Foundation

Australian Energy Producers

Australian Fisheries Management Authority

Australian Forest Products Association

Australian Industry Group

Australian Land Conservation Alliance

Australian Marine Conservation Society

BHP

Biodiversity Council Australia

Birdlife Australia

British Petroleum

Business Council of Australia

Cape York Land Council

Carpentaria Land Council Aboriginal Corporation

Cement Concrete and Aggregates Australia

Central Desert Native Title Services

Central Land Council
Chamber of Commerce and Industry of Western Australia
Chamber of Minerals and Energy Western Australia
Clean Energy Council
Clean Energy Investor Group
Climate Action Network Australia
Climate Council
Coal Australia
Conservation Council of Western Australia
Department of Agriculture, Fisheries and Forestry
Department of Defence
Department of Finance
Department of Foreign Affairs and Trade
Department of Home Affairs
Department of Industry, Science and Resources
Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
Department of Natural Resources and Environment Tasmania
Department of the Prime Minister and Cabinet
Department of the Treasury
Department of Transport and Planning Victoria
Department of Water and Environmental Regulation, Western Australia
Embassy of Japan
Environment Defenders Office
Environment Justice Australia
Environment Protection Authority Tasmania
Environment Protection Authority Victoria
Environmental Health Standing Committee
Environmental Protection Authority NZ

First Nations Heritage Protection Alliance

First Nations Legal & Research Services

Fortescue

Fraser's Property

Greenpeace

Gur A Baradharaw Kod Torres Strait Sea and Land Council Torres Strait Islander Corporation

Housing Industry Association

Humane World for Animals

Iberdrola Australia

Indigenous Advisory Committee (as established under the EPBC Act)

INPEX

Kimberley Land Council

Lendlease

Macquarie Group

Minerals Council of Australia

Mirvac

National Farmers Federation

National Indigenous Australians Agency

National Offshore Petroleum Safety and Environmental Management Authority

Native Title Services Goldfields

North Queensland Land Council Native Title Representative Body Aboriginal Corporation

Northern Territory Department of Environment, Parks and Water Security

Northern Territory Department of Lands, Planning and Environment

Northern Territory Environment Protection Authority

NRM Regions Australia

NSW Department of Climate Change, Energy, the Environment and Water

NSW Department of Planning Housing & Infrastructure

NSW Environment Protection Authority

NSW Minerals Council
NTSCORP Limited
Office of Parliamentary Counsel
Origin Energy
Places You Love Alliance
Property Council of Australia
Queensland Conservation Council
Queensland Coordinator-General
Queensland Department of the Environment, Tourism, Science and Innovation
Queensland Department of Primary Industries
Queensland Law Reform Commission
Queensland Resources Council
Queensland South Native Title Services
Smart Energy Council
South Australian Department for Energy and Mining
South Australian Department for Housing and Urban Development
South Australian Department of Environment and Water
South Australian Department of Primary Industries and Regions
South Australian Environment Protection Authority
South Australian Native Title Services
Stockland
Tilt Renewables
University of Melbourne
University of Queensland
Urban Development Institute of Australia
Victorian Department of Energy, Environment and Climate Action
Western Australia Department of Premier and Cabinet
Western Australia Department of Water and Environmental Regulation

Western Australian Environmental Protection Authority

Wilderness Society

Woodside

World Wildlife Fund

Yamatji Marlpa Aboriginal Corporation