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AUSTRALIAN
CONSERVATION
FOUNDATION

Nature
needs us,
now

Environment Protection Reform Bill 2025 and six related bills

Submission to the Senate Environment and Communications Legislation Committee inquiry by the Australian Conservation Foundation.

12 November 2025

ACF welcomes the opportunity to make a submission to this inquiry.

EPBC reform – overdue, and a national priority

Strong nature laws are good for everyone: businesses, families, and nature. They protect the places we love, the water we drink and the air we breathe. They support regional jobs in tourism and land management, and they speed up approvals for renewables, housing and critical minerals by making the pathway clear from the start.

When we protect nature, we protect our prosperity; a future made in Australia in manufacturing, energy, agriculture and tourism relies on healthy nature. About \$900 billion (nearly half) of Australia's GDP has a moderate to high dependence on healthy nature. When nature suffers, people suffer — tourism operators on WA's bleached Ningaloo Reef are suffering. Businesses affected by South Australia's fossil fuel-charged algal bloom are down an average \$52,000 year on year.

Weak laws have allowed deforestation and destruction in Australia to continue at a shameful scale. Every two minutes a football field's worth of native forest is bulldozed, displacing threatened species and destroying their homes. Australia is the world leader in mammal extinctions and fourth worst for animal extinctions. 2,265 plants, animals and ecosystems recognised nationally as threatened with extinction, including the koala —on track to be extinct in NSW in 15 years. A new study by ACF revealed that more koala habitat has been approved for destruction under the national nature law in 2025 than in any other year.

Deforestation in catchments washes sediment and toxic pesticides into water, fuelling destructive marine outbreaks and algal blooms that smother seagrass and coral reefs. Reef damage from sediment run-off puts tens of thousands of those jobs at risk. It's already costing Australia over \$2 billion annually through erosion and lost productivity.

Polling for the Biodiversity Council found 96% of Australians want more action to protect nature. Around 75% want strong new nature laws. That number is even higher among Labor voters at 82%. These reforms are a once in a generation opportunity to fix the failures of the 25-year-old EPBC Act. Australians are strongly supportive of the Albanese government making stronger nature protection a core priority.

The proposed Bills do not protect nature - the Albanese government must do better.



The Albanese government will be responsible for ensuring that the overhauled EPBC Act delivers the government's commitment to better protection for nature. To deliver on this responsibility, the bills must be substantially improved, and arguments to weaken protections for nature must be rejected. As they stand, the Bills will not protect forests and reefs, they will not end extinction of the wildlife we love, and they will not ensure that healthy nature underpins our lives and our jobs.

We see four main priorities that are critical for these reforms to protect nature:

1. Clear, strong rules for nature protection

ACF supports:

- The move to National Environmental Standards as an approach to address the failures of the present EPBC Act which is overly discretionary and unclear as to the outcomes the legislation is intended to deliver. We support the move to include some elements of the Standards as recommended by Professor Samuel into the principal Act, especially the definition of unacceptable impacts and critical habitat, and the net gain test.
- The no regression principle is important as it should provide a foundation for continuous improvement of the Standards.

We have concerns with the current Bills which we believe need to be addressed to ensure that this new Standards based approach delivers:

- Flexible and subjective tests for applying the Standards and unacceptable impacts undermine these new instruments, and risk continuing the overly discretionary approach which has undermined the current Act. The direction taken by the Bill is contrary to the recommendations of the Samuel review, weakens the new protections, and limits scrutiny of decisions. It also runs counter to the objective of providing certainty and predictability for business.
- As subordinate instruments, the Standards themselves will only be developed after the legislation commences. This creates uncertainty as to the content of the final Standards. It is also unclear when initial Standards will be in place, and what this initial suite of Standards is likely to cover. We are concerned, for example, that the government is no longer committed to a Community Engagement and Participation Standard. The government needs to be clear on what Standards will be developed and when, preferably by setting these matters out in the Act.
- The "rules based approach" of new Standards and legislative definitions of unacceptable impacts is undermined by exemptions, particularly the national interest exemption and the proposed new "national interest approvals". The former should be limited to defined circumstances such as a national emergency; the latter should be dropped from the reforms.
- While reforms in the Bill and proposed Standard for offsets acknowledge the need for tighter rules and greater integrity, these improvements are undermined by the the fact that the same rules ultimately do not apply to the proposed Restoration Contributions Fund. As current

proposed the Fund clearly risks undermines nature protection. Strict constraints on the use of the fund are needed to remove this risk.

2. Close deforestation loopholes

Credible reform must address deforestation loopholes which undermine nature and habitat protection and create unequal coverage for different industry sectors under the current EPBC Act.

- The exemption for native forest logging under Regional Forest Agreements currently means there is no oversight of the impact of those operations on threatened species and communities that the EPBC Act is supposed to protect. If, as Minister Watt has confirmed, the government accepts the Samuel review recommendation to apply new National Environmental Standards to Regional Forest Agreements, then this requires legislative change now – it is not credible to say that EPBC Act National Environmental Standards will be applied to native forest logging if native forest logging is exempt from the Act. Without some mechanism in these Bills to apply Standards, the government commitment rings hollow.
- For agricultural deforestation (land clearing), a new EPA and increased penalties and enforcement powers will not on their own be enough to address the situation that has been allowed to develop over the 25 years of the EPBC Act where destruction of habitat for beef grazing and other agricultural activities is almost entirely unregulated. Remnant vegetation and regrowth capable of providing the functions of long-established forests (storing carbon, regulating water and soil, supporting diverse species and maintaining stable complex habitats) or critical to protect the Great Barrier Reef catchment for example will continue to be destroyed every year unless there is a change to the current regulatory settings. The exemption for continuations of use has passed its use by date and should be repealed or refined in a manner to ensure that it does not undermine habitat protection or the need to improve compliance with the EPBC Act.

3. Addressing climate harm

Climate change is one of the biggest threats to the Matters of National Environmental Significance the Act is supposed to protect, such as the Great Barrier Reef and threatened species habitat. The current Bills fail to add any explicit requirement to the EPBC Act to consider and account for the harm caused by climate change to nature, and this must be addressed by amendments to the Bills by including “climate considerations”.

The emissions disclosure requirements in the Bill do nothing to advance the protection of the Matters of National Environmental Significance that the Commonwealth has committed to protecting. Even the government’s claim to be implementing the Samuel review recommendations is questionable as limiting these disclosures to scope 1 and 2 emissions falls short of the review’s recommendation for “transparent disclosure” of the “full emissions profile” of developments put forward for approval.

Compounding this failure to engage with the climate harm caused by projects put forward for approval is the failure of the Bills and proposed Standards to engage at all with the recommendation of the Samuel review on considering impacts in light of different climate change scenarios. The review recommended that the Act “should also require that development proposals explicitly consider the

effectiveness of their actions to avoid, mitigate or offset impacts on nationally protected matters under specified climate change scenarios” but this recommendation has been ignored.

4. An independent regulator – the Environment Protection Authority

We welcome reforms to establish a new National Environment Protection Agency, and make the following comments on the Bills:

- EPA independence is critical. It should be accountable for its performance to an independent governance board.
- We remain of the view that the EPA should be the default decision maker on project assessments and approvals, and that the Minister should only be permitted to intervene in exceptional circumstances. The delegations model proposed is not the most optimal approach, even though it acknowledges that in fact as is the case now almost all decisions are made by a delegate rather than the Minister. The scope for the Minister to direct the EPA in the exercise of delegated functions simply invites lobbying political interference in decision making.
- The EPA’s assurance functions are critical to ensuring Commonwealth oversight of a range of accreditation mechanisms. The EPA should be given a clearer mandate in the legislation to carry out these functions, and the responsiveness of the EPA to public complaints should be improved.
- We have welcomed the increased penalties and new compliance powers (such as Environment Protection Orders) proposed as part of these reforms, while making the point that these reforms need to be complemented by stronger rules and especially reforms to exemptions which undermine enforcement.

Other matters

Accreditation

ACF does not support approval bilateral agreements and accreditation of authorisation frameworks. The best way for the Commonwealth government to provide assurance that Matters of National Environment Significance are protected is by maintaining the ultimate responsibility for approvals.

Efficient assessment processes and reduction in duplication is best achieved through integrated assessments through accreditation of State and Territory assessment systems. This assessment accreditation framework has been in place with all States and Territories for many years. As the Samuel review found, it is not working well. Fixing assessment accreditation should be the priority.

The current approach to Standards outlined above means that little confidence can be had in those Standards being a credible basis for the Commonwealth devolving responsibilities to State and Territory governments. As is also outlined above, a stronger assurance role for the EPA is at a minimum, critical.

We oppose the proposal in the Bills to remove the current prohibition on accrediting State and Territory governments to administer the water resources trigger. This trigger was introduced in 2013 by the Gillard government in recognition of community concerns about the impact of coal and gas projects on

water resources, and expanded in the first term of the Albanese government to include unconventional gas, also in response to community concerns. The proposal to remove the restriction on accreditation is dismissive of these community concerns. The only purpose of this change can be to facilitate the approval of coal and gas projects.

Streamlined assessment pathways

The government has committed to “Greater accountability and transparency in environmental decision-making” as one of their pillars for these reforms, but the current Bills fall short. The new streamlined assessment and approval pathway removes already limited opportunities for public scrutiny of decisions, reduces transparency, and creates integrity risks. Reforms must include standards that guarantee community consultation and engagement for assessments, approvals, and other decisions for this and all other decision pathways.

Bioregional planning

ACF wants to see a system of bioregional planning that works. We see it is an important approach to ensuring that renewable energy infrastructure is developed with the urgency that is required, while also protecting nature. While broadly supportive of the approach proposed in the Bills, improvements are needed.

Measures supporting certainty and flexibility in the provisions seem to lean toward developer interests, and against nature. Nature protections through zoning need to be clearer and subject to less exceptions. Flexibility to respond to new environmental data and changing circumstances to strengthen nature protection measures in plans are needed, particularly as climate change impacts increase.

Other improvements have been covered above in other contexts — clearer, less subjective tests for the application of standards, ensuring appropriate community consultation in all decisions through the application of a Community Engagement and Participation Standard, and ensuring that the EPA has an assurance role in relation to bioregional plans.

Rulings

The proposal to introduce a new power for the Minister to issue rulings effectively determining outcomes in advance of individual assessment and approval decisions needs more explanation and scrutiny. If such an extraordinary power is necessary, then it should be limited to defined circumstances and subject to greater procedural safeguards than currently proposed.

First Nations

ACF supports the commitment to develop a First Nations Engagement Standard. We also support proposed reforms to strengthen recognition of the role of the Indigenous Advisory Committee, and to ensure that this Committee is engaged in decisions in relation to listings and recovery planning. The Committee’s role in other decisions should also be considered. We urge the Committee to seek the views of First Nations representatives on these matters and on the reforms generally.

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This is the moment to protect what Australians love — not just for us, but for every child who discovers their first grand old gum tree; marvels at the reef and who will grow up to enjoy this country's glorious wild wonders.

YOU **must** protect it.

Thank you for the opportunity to make a submission to this inquiry.