



Australian Government

Australian Government response to the
Environment and Communications Legislation
Committee report:

Nature Positive (Environment Protection Australia) Bill
2024 [Provisions] and related bills

April 2026

Introduction

The Australian Government thanks the Environment and Communications Legislation Committee (the Committee) and those individuals and organisations who contributed to the inquiry on the *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills* (together referred to herein as the *Nature Positive Bills*).

The Nature Positive Bills formed Stage 2 of a proposed three-stage package of reforms intended to address the key recommendations of the Independent Review of the EPBC Act by Professor Graeme Samuel AC (the Samuel Review). The Bills were withdrawn from Parliament on 5 February 2025 following commitments by the Prime Minister that the Government would continue to build on the extensive consultation already undertaken and revisit environmental law reform during the next term if elected.

A new package of legislation – the Environment Protection Reform Bill 2025 and six related bills (Environment Protection Reforms) – was introduced to Parliament on 30 October 2025. The Environment Protection Reforms comprised targeted amendments to the EPBC Act to deliver three core principles of the Samuel Review: stronger environmental protection and restoration, more efficient and robust project assessments and greater accountability and transparency in decision-making. The package included a Bill to establish the statutory position of the Head of Environment Information Australia (HEIA), and a Bill to deliver on the Government’s 2025 election commitment to establish the National Environmental Protection Agency, superseding the key provisions of the Nature Positive Bills.

The *Environment Protection Reforms* passed the Parliament on 28 November 2025, delivering on the Government’s commitment to strengthen and streamline Australia’s national environmental laws. The changes will deliver stronger protections for the environment, while supporting national productivity, including through projects of national importance, such as critical minerals, renewable energy and housing. Details of the reforms are available at <https://www.dcceew.gov.au/environment/epbc/epbc-act-reform>.

In light of these developments, the Government has noted the recommendations of the Committee’s report on the *Nature Positive Bills*.

Nature Positive Bills

The *Nature Positive Bills* were introduced into Parliament on 29 May 2024. The package included:

- the Nature Positive (Environment Protection Australia) Bill 2024, which proposed to establish a statutory agency to be known as Environment Protection Australia, to be led by a Chief Executive Officer (CEO); and
- The Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024 proposes to amend nine environmental laws to provide the CEO with a range of powers and functions under those laws, and to amend the *Environment Protection and Biodiversity Conservation Act 1999* to confer compliance powers on the EPA, introduce protection order and audit powers, and provide for the Minister and Secretary to delegate powers to the CEO of the EPA; and
- The Nature Positive (Environment Information Australia) Bill 2024 proposed to establish the Head of Environment Information Australia (EIA) as a statutory officer within the Department of Climate Change, Energy, the Environment and Water.

On 27 June 2024, the Selection of Bills Committee referred the *Nature Positive Bills* to the Committee.

On 9 September 2024, the Committee released its [final report](#). The report included 40 recommendations, 35 of which are contained within dissenting reports from the Coalition, Australian Greens, Senator David Pocock and Senator Lidia Thorpe.

Environment Protection Reforms

The Environment Protection Reforms were introduced on 30 October 2025. The reform package included legislation that amends the EPBC Act, establishes a new statutory agency, known as the National Environmental Protection Agency (National EPA), and establishes a statutory Head of Environment Information Australia (EIA) and charging arrangements. The Acts are:

- *The Environment Protection Reform Act 2025* (Reform Act).
- *The National Environmental Protection Agency Act 2025*.
- *The Environment Information Australia Act 2025*.
- A further four Acts that 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.

On 30 October 2025, the Senate referred this package of bills for inquiry and report to the Committee. The Department of Climate Change, Energy, the Environment and Water provided a submission and a supplementary submission to the Senate Inquiry and appeared at hearings of the inquiry on 14 November 2025 and 27 February 2026. Details of that inquiry are available at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/EPRBill48P.

The Government will respond to the Committee's report on the Environment Protection Reforms when it is finalised.

Committee recommendations

Recommendation 1

The committee recommends that the Australian Government undertake further consultation regarding the definition of 'nature positive' to ensure that it is consistent with Australia's international commitments, including the Global Biodiversity Framework.

Recommendation 2

The committee recommends that the Minister consider measures to encourage the incorporation of First Nations traditional environmental knowledge into Environment Information Australia and in particular, in determining the baseline for nature positive, and in the register of national environmental information assets, with appropriate protections for Indigenous Cultural and Intellectual Property and the confidentiality of culturally sensitive information.

Recommendation 3

The committee recommends that amendments be made to the Nature Positive (Environment Law Amendments and Transitional Provision) Bill 2024 to consider introducing greater procedural safeguards for the issuing of Environmental Protection Orders (EPO), including considering requirements for limited merits review, and requiring the Minister (and subsequently the CEO of the EPA) to disclose the underlying facts that have led to the issuing and scope of an EPO.

Recommendation 4

The committee recommends that amendments be made to the Nature Positive package of bills to introduce a new National Environmental Standards making power to enable the Minister to make, review and amend National Environmental Standards as disallowable legislative instruments.

Recommendation 5

The committee recommends, subject to the other recommendations found in this report, that the Senate pass the Nature Positive (Environment Protection Australia) Bill 2024, the Nature Positive (Environment Information Australia) Bill 2024, and the Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024.

Response to Committee recommendations

The Government **notes** these recommendations.

Coalition Senators' Recommendations

Recommendation 1

The Coalition recommends that major and far-reaching amendments would need to be made to these three Bills before they should be passed.

Recommendation 2

The Coalition also recommends that the passage of these three Bills be deferred until after the finalisation of Labor's promised wider overhaul of the Environment Protection and Biodiversity Conservation Act 1999.

Response to Coalition Senators' Recommendations

The Government **notes** these recommendations.

Australian Greens' Recommendations

Recommendation 1

This package of bills is insufficient and fails to protect Australia's environment. The Senate should amend this legislation to implement stronger protections for forests, critical habitat and the climate.

Response to Australian Greens' Recommendations

The Government **notes** this recommendation.

Senator David Pocock's Recommendations

Recommendation 1

Amend Schedule 2 of the Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024 to bring forward amendments to close the loophole exempting native forest logging from the Environment Protection and Biodiversity Conservation Act 1999.

Recommendation 2

Amend Schedule 2 of the Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024 to include the following amendments to the Environment Protection and Biodiversity Conservation Act 1999: Y Repeal the exemption for continuous uses of land in section 43B of the EPBC Act; and Y Add new provisions to compel referral and assessment of planned deforestation greater than 20 hectares in threatened or migratory species habitat, a threatened ecological community, or in Great Barrier Reef catchments, and require the assessment and approval decisions to consider the cumulative impacts of a native vegetation clearing on each threatened species or listed MNES impacted.

Recommendation 3

The Nature Positive (Environment Protection Australia) Bill 2024 should be amended to ensure the independence of the Environment Protection Australia by requiring an independent governance board. The functions of the Board should include the appointment of a Chief Executive Officer.

Recommendation 4

The Nature Positive (Environment Protection Australia) Bill 2024 should be amended to establish clear objectives for the EPA in the exercise of relevant functions, powers or duties. These objectives must include: to enhance the protection and restoration of Australia's environment, and prevent the degradation of the environment and reduce risks to human health.

Recommendation 5

The Nature Positive (Environment Protection Australia) Bill 2024 should be amended to set out clear, legislated duties for the EPA. Duties must include a duty to protect the environment and human health from the harmful effects of pollution, destruction, degradation and waste, through assessment, enforcement, monitoring, reporting and standard setting.

Recommendation 6

The Nature Positive (Environment Protection Australia) Bill 2024 should be amended to increase transparency and accountability by establishing a legislative presumption in favour of publication of key information and decisions, including delegation of functions and powers by the Minister to the EPA.

Recommendation 7

The committee recommends that the Minister consider measures to encourage the incorporation of First Nations traditional environmental knowledge into Environment Information Australia and in particular, in determining the baseline for nature positive, and in the register of national environmental information assets, with appropriate protections for Indigenous Cultural and Intellectual Property and the confidentiality of culturally sensitive information.

Recommendation 8

The Environment Protection and Biodiversity Conservation Act 1999 should be amended to create a legislated definition of 'unacceptable impacts' on a matter of national environmental significance and a requirement that the Minister cannot approve an action which will have unacceptable impacts.

Recommendation 9

The impact of climate change on the Australian environment must be captured in national environment laws. The bills should be amended to include amendments to the Environment Protection and Biodiversity Conservation Act 1999 requiring full disclosure of all direct and indirect emissions likely to be caused by projects seeking approval under the Act, and an explicit requirement to consider the climate impacts of these projects should be included in the assessment and approval provisions of the Act.

Response to Senator David Pocock's Recommendations

The Government **notes** these recommendations.

Senator Lidia Thorpe's Recommendations

Recommendation 1

The Stage 2 Nature Positive bills should not pass in their current form, and should only be passed once they are amended in a way that will genuinely improve the health of Country.

Recommendation 2

The Federal Parliament and its committees must fundamentally change their procedures, practices and policies around consultation to ensure that First Peoples and other strategically under-represented populations can meaningfully contribute and provide evidence in an accessible, timely and appropriate manner.

Recommendation 3

The development of all environmental legislation, policies and resourcing arrangements must include a broad consultation process with First Peoples, their communities and knowledge-holders on a grassroots level. This must occur in a way that adheres to the rights and obligations set out in the United Nations Declaration on The Rights of Indigenous Peoples (UNDRIP), including the principles of self-determination and Free, Prior and Informed Consent.

Recommendation 4

The Federal Government must begin Treaty negotiations with all Sovereign First Peoples as a matter of urgency to enable all language groups to uphold their cultural authority over the Country, self-determine their own aspirations and have greater control over decisions relating to the management of Country.

Recommendation 5

The Federal Government must progress its work program for strengthening protections for Country and First Peoples' tangible and intangible cultural heritage as a matter of urgency, including the establishment of transparent timelines and broad public consultation processes that allow for appropriate scrutiny and accountability.

Recommendation 6

The Federal Government must implement in full all recommendations from the 2021 A Way Forward report into the destruction of Juukan Gorge, including the introduction of new standalone cultural heritage legislation as a matter of urgency. This must include broad consultation to ensure that cultural heritage laws align with all new environmental laws, and National Environmental Standards to protect any further destruction of First Nations tangible and intangible cultural heritage.

Recommendation 7

In accordance with its commitments under the Nature Positive Plan and the recommendations of the Samuel Review, the Albanese Government must immediately release the draft National Environmental Standard for First Nations Participation and Engagement in Decision-Making and engage in a broad consultation process, including the provision of a clear timeline for development and implementation of the Standard in this term of government.

Recommendation 8

The Federal Government must ensure that First Peoples' perspectives and ecological knowledge is embedded in all environmental policy, practices and approaches to nature protection, including the Nature Reform package and Environment Protection and Biodiversity Conservation Act 1999, to prevent the ongoing destruction of First Peoples' cultural, intangible and tangible heritage. This must include appropriate protections for culturally sensitive information and Indigenous Cultural and Intellectual Property, in recognition of the fact that First Nations knowledge is not a resource to be extracted.

Recommendation 9

First Peoples must have a greater role in decision making about Country, including strengthening the role of the existing Indigenous Advisory Committee (IAC) by:

- clearly specifying the functions of the IAC in legislation, including tasking it with overseeing the development, implementation, monitoring and review of the National Environmental Standard (NES) for First Nations Engagement and Participation in Decision Making;
- providing that the IAC may provide advice to other statutory decision makers and relevant agencies, including the CEO of Environment Protection Australia (EPA), any advisory body established by the EPA, the Head of Environment Information Australia (EIA), the Threatened Species Scientific Committee, and the Australian Heritage Council;
- improving transparency of the IAC's work, including publication of advice provided by the IAC to the Minister and other statutory decision-makers; and
- providing for the frequency and procedures of meetings, including publishing of its agendas and records of meeting minutes on the Department's website (subject to non-disclosure of confidential or sensitive matters).

Recommendation 10

Amend the EPA Bill to legislate a 'board with CEO' model, with adequate provisions to ensure a strong and independent EPA and that the CEO carries out their functions consistently with clear duties and purposes of the EPA.

Recommendation 11

Amend the EPA Bill to legislate Objects of the EPA Act and clear duties on the CEO, including duties to deliver nature positive outcomes, halt and reverse the decline of listed threatened species, and adhere to the principles of Free, Prior and Informed Consent in engaging with First Nations.

Recommendation 12

The Data and Information National Environmental Standard must be prioritised alongside the First Nations National Environmental Standard and EIA must be legislatively required to act consistently with these standards to appropriately deal with First Nations knowledge and protect Indigenous Cultural and Intellectual Property, in accordance with Article 31 of the UNDRIP.

Recommendation 13

Amend the EIA Bill to insert a definition of nature positive based on the Global Biodiversity Framework.

Recommendation 14

The Nature Positive baseline should be established as a matter of urgency in the EIA Bill to avoid Country and cultural heritage being destroyed by any further delays, to be implemented using the 2021 State of the Environment Report and prioritising areas under threat due to exploration and expansion, rather than relying on the CEO to establish a baseline.

Recommendation 15

Amend the EPBC Act to include a strong legislative framework for the development and implementation of legally binding National Environmental Standards in the form of disallowable legislative instruments, in accordance with the Government's commitment and the recommendations of the Samuel Review. This framework must include:

- a legislated timeline within which priority Standards must be developed, beginning with the First Nations Engagement and Participation in Decision Making, Data and Information, and Matters of National Environmental Significance;
- allow for the application of Standards to decisions and function under the EPBC Act;
- arrangements around the governance, implementation, monitoring and review of the Standards;
- a non-regression clause so that future Standards cannot weaken existing Standards; and
- appropriate provisions to take effect in the event that the legislated timeline is not met.

Recommendation 16

Amend the EPBC Act to strengthen critical habitat protections and provide clear definitions of unacceptable impacts for each Matter of Environmental Significance.

Recommendation 17

Amend the EPBC Act to repeal the exemption for Regional Forestry Agreements and ensure the EPBC Act can apply to native forest logging to halt the destruction of our sacred sites, our totems, and so many threatened forest-dependent species.

Recommendation 18

Amend the EPBC Act to ensure appropriate referral of land clearing for impact assessment and requirements for the consideration of cumulative impacts in decision-making under relevant sections of the Act.

Recommendation 19

Repeal the continued use of land exemption at section 43B of the EPBC Act to end the agricultural sector's exploitation of this loophole and allow for EPBC regulation of deforestation in threatened species habitat.

Recommendation 20

Amend the EPBC Act to insert provisions to restrict the use of biodiversity offsets in line with best practice.

Recommendation 21

The Nature Positive bills must be amended to require explicit consideration of climate impacts and full emissions contributions of new projects, aligning the legislation with our climate targets under the *Climate Change Act 2022* and the reformed Safeguard Mechanism.

Recommendation 22

Amend the EPBC Act to expand the existing water trigger to include consideration of the cultural values of water resources and ensure it applies to carbon capture and storage projects.

Recommendation 23

The Minister for Environment and Water must use their powers under the EPBC Act to protect Country by:

- calling in Tamboran and Empire Energy's gas fracking wells for assessment under the EPBC water trigger;
- repealing the EPBC approvals for Defence Housing Australia's unlawful and destructive development at binybara/Lee Point;
- adequately assessing the Hunter Gas Pipeline, which will have devastating impacts on Gomeri Country, including groundwater, biodiversity, and the climate; and
- calling in Adani's coal mine for review under the EPBC water trigger in light of new scientific studies revealing the mine's devastating impacts on water resources.

Response to Senator Lidia Thorpe's Recommendations

The Government **notes** these recommendations.