



Wilderness Society Submission:

Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill 2024

7 March 2024

About the Wilderness Society

The Wilderness Society is an independent, community-based, not-for-profit environmental advocacy organisation. Our vision is to transform Australia into a society that protects, respects and connects with the natural world that sustains us. We are committed to protecting, promoting and restoring wilderness across the continent for the survival and ongoing evolution of life on Earth. From community activism to national campaigns, we seek to give nature a voice to support the life that supports us all. We are powered by more than 150,000 supporters from all walks of life.

Focus of this submission

This submission focuses on “other measures” contained in Schedule 2, Part 2 of the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill 2024 (the Bill)*, as well as implications for the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, and proposed changes to that Act currently being prepared. Specifically, we are concerned with the proposed addition of s 790E - “Approval under [EPBC Act]—interaction with this Act and Environment Regulations”.

Position

As stated in the explanatory memorandum for this Bill, the addition of s 790E would ensure “that an approval of taking actions in accordance with a policy, plan, or program under section 146B of the [EPBC Act] remains effective following any amendments to the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023*”. The memorandum goes on: “This item therefore enables amendments to be made to the OPGGS Act or prescribed regulations made under the OPGGS Act, that may be inconsistent with aspects of the endorsed Program, while preserving the approval under section 146B of the EPBC Act and the effect of the approval under section 146D of the EPBC Act.”

The Bill therefore intends to enable future changes to the Offshore Petroleum and Greenhouse Gas



Storage regime without any need for reconsideration or reissuing of EPBC Act accreditation of that regime. This flies in the face of accreditation requirements under:

- The current EPBC Act, which require that changes to laws, policies or regulations be endorsed by the Environment Minister
- Proposed reforms to the EPBC Act, which envision a similar requirement of endorsement by Environment Protection Australia.

The Wilderness Society is opposed to this provision.

Such a change would subvert not only the EPBC Act currently in operation, but also the suite of proposed reforms to the Act currently being undertaken as part of the Commonwealth Government's nature positive reforms. In doing so it would undermine oversight and scrutiny, create challenging inconsistencies, and further erode public trust and confidence in environmental decision-making.

Such a change at this time would also undermine the current, ongoing review of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations.

Rationale

The Wilderness Society has long campaigned on, and defended regressive attacks against, the EPBC Act, and is currently engaging in the government's stakeholder consultations on proposed reforms to it.

The community expects nature laws that work. And delivering strong reforms to the EPBC Act is within the government's grasp. Such reforms couldn't come soon enough. Following the "lost decade" under the coalition, Australia's world class nature deserves laws that actually protect forests and stop extinctions.

The Bill would undermine those reforms before they are even finalised by effectively inoculating any changes to the OPGGS regime from standards and accreditation arrangements subsequently arrived at under the nature positive reforms.

Australia's nature needs robust, new national nature laws that actually work to protect the environment. Such laws must:

1. **Be effective.** The priority must be reversing the environmental decline already occurring. They need to actually change the status quo and stop environmental destruction.
2. **Be fair.** They need to apply across all projects and sectors, without sectoral carve outs.
3. **Have integrity.** The community and First Nations must have a fair say in environmental decisions that affect them.
4. **Be forward-looking.** Nature needs help to thrive in the future, including funding and recovery planning.



The Bill would undermine the above priorities by creating a sectoral carve-out for offshore oil and gas projects. Far from ensuring that the nature positive reforms create the effect of “a rising tide carrying all boats” as has been promised, the Government would be passing a Bill that would enable future regressive changes to the OPGGS regime entirely out of alignment with the forthcoming reformed EPBC Act.

Offshore oil and gas projects would thus not benefit from what we hope and intend will be a comprehensive suite of reforms to the EPBC to better protect nature and enshrine best practice in community and First Nations consultation. Any move to have offshore oil and gas decision making excluded from a reformed EPBC framework would undermine the government’s commitments to no new extinctions and rebuilding public trust and confidence in environmental decision-making.

Recommendation

Schedule 2 Part 2 should be removed from the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill 2024*.

ENDS

For more information about this submission, please contact Sam Szoke-Burke, Biodiversity Policy and Campaign Manager [REDACTED]