Committee Secretary
Environment and Communications Legislation Committee

Submitted through Parliament of Australia website

CC: Environment Minister, Murray Watt: minister.watt@dcceew.gov.au

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**Submission to the Environment and Communications Legislation Committee Inquiry into the Environment Protection Reform Bill 2025 and six related Bills.**

Environmental Advocacy in Central Queensland (**EnvA**) appreciates the opportunity to make a submission to this inquiry.

**About Environmental Advocacy in Central Queensland**

EnvA is a Central Queensland community organisation committed to ensuring that all land use is sustainable and does not significantly impact on the environment. We are particularly concerned about the environmental impacts caused by new and expanding coal mining and coal seam gas projects in Central Queensland – particularly habitat loss, impacts on water quality and the significant production of greenhouse gas emissions which are contributing to accelerated climate change impacts on communities and the environment.

We acknowledge that the *Environment Protection and Biodiversity Conservation Act 1999* is failing our environment and welcome the Government's commitment to reform. However, we consider reform Bills (**the Bills**) to be seriously deficient and will likely result in even weaker environment protections. In particular, the proposed "streamlined assessment" pathways will significantly reduce the ability of community organisations like ours to ensure proper scrutiny of environmentally damaging projects.

For our national environmental laws to be effective, they must be strong, enforceable and grounded in the best available science. Our specific concerns are outlined below.

**Streamlined assessment pathways**

The Bills propose new streamlined assessment and approval pathways that would fast-track projects and remove already limited opportunities for public participation.

Under the proposed framework, projects assessed using Preliminary Documentation (PD) or Public Environmental Reports (PER) would not require public consultation. This is of serious concern to EnvA. Over recent years we have made — or intend to make — submissions on five PD projects and six PER projects in Central Queensland. Combined, these eleven proposals would clear approximately 4,000 hectares of koala habitat, in addition to large areas of habitat for many other threatened species and ecological communities.

Without guaranteed public consultation, community groups would be forced to rely solely on Queensland Government assessment processes, which often do not require public notification and have demonstrated weaknesses in protecting both Matters of National Environmental Significance (**MNES**) and Matters of State Environmental Significance (**MSES**).

Reform must guarantee that the community is notified of proposals and provided genuine opportunities for public consultation in all assessments, approvals, and environmental decision-making that affects local environments, climate, and communities.

**Devolution to the States – EPA**

The Bills promote expanded bilateral agreements and accreditation of state regulatory frameworks. While this system currently exists, EnvA's experience in Queensland is that it does not work as intended.

It is essential that the Commonwealth remains ultimately responsible for environmental approvals. State assessment officers:

- may be unaware of similar proposals in other jurisdictions or of relevant international agreements,
- may face conflicts of interest working under multiple Ministers and overlapping, sometimes conflicting, legislation and policy frameworks, and
- may have already issued Environmental Authorities that effectively lock in approval pathways for projects before they are properly reconsidered under national law.

We also note that the Government has proposed a National Environmental Protection Agency **(NEPA)** to oversee independent decision-making, compliance, and enforcement. The expansion of state assessment roles through bilateral agreements risks duplicating functions, creating conflict, and undermining the independence and authority of the NEPA.

The Commonwealth must retain a strong, central approval role if MNES are to be properly protected.

**Excessive Ministerial powers**

The Bills grant the Minister broad powers to override decisions of the NEPA based on the "national interest". However, the definition of national interest is open-ended and lacks meaningful constraints.

Section 157C of the *Environment Protection Reform Bill 2025* allows the Minister to consider Australia's defence, security, strategic interests, or international obligations — but explicitly states that these considerations do not limit the matters the Minister may consider.

In our view, such broad and undefined discretion invites political decision-making that may be inconsistent with the purposes of the legislation. Robust environmental laws require:

- clear statutory limits,
- transparent decision-making, and
- National Environmental Standards that guide consistent and evidence-based outcomes.

Excessive ministerial discretion undermines all three.

**Inadequate consideration of climate change**

The Bills require proponents to provide estimates of greenhouse gas emissions but do not provide any mechanism for this information to influence decision-making. Climate change is contributing to irreversible harm to MNES[1]. It is essential that these climate impacts are directly considered in environmental approvals.

EnvA acknowledges the Government's position that emissions are regulated through the

[1] Living Wonders. Explore how climate damage impacts thousands of Australia's living wonders.

Safeguard Mechanism under the *National Greenhouse and Energy Reporting Act 2007* **(NGER Act)**, and that it has ruled out a climate trigger in the EPBC Act. However, any future government could amend or weaken the Safeguard Mechanism, leaving MNES with no climate protection at all under national environment law.

New and expanded fossil fuel projects that undermine domestic climate targets and contribute to cumulative impacts on MNES would still be able to proceed without adequate scrutiny.

However, this should not negate the inclusion of mechanisms within the Bills that allow for the impacts of emissions on MNES to be factored into decision making. Serious consideration should be given to including a requirement that the Climate Change Minister confirms that any project is consistent with Australia's climate policies (without the use of offsets), emission reduction targets and international obligations prior to a decision on the project.

**Payment rather than protection**

The proposed Restoration Contributions Fund creates a "pay to destroy" offset model that allows proponents to pay into a fund in exchange for approval to damage threatened species habitat.

Queensland's experience with financial offsets for MSES demonstrates the problems with this approach. Funds accumulate because there are limited or no suitable offset opportunities, and the destruction of irreplaceable habitats continues unchecked. NSW has faced similar criticism.

Avoidance of impact must remain the highest priority. Offsets should be permitted only as a genuine last resort, and only where replacement habitat of equal ecological value actually exists. The proposed scheme risks normalising destruction while failing to deliver meaningful restoration or protection.

**Compliance and penalties**

Effective environmental laws require strong, independent, and well-resourced compliance and enforcement systems. The history of the EPBC Act has shown that inadequate monitoring, low penalties, and limited enforcement action have contributed to ongoing environmental harm, particularly from large resource projects.

EnvA has frequently observed the following issues in Queensland:

- Penalties that are too low to act as a genuine deterrent and are perceived as merely "the cost of doing business",
- Weak follow-up and poor transparency on compliance actions, making it difficult for the community to assess whether breaches have been properly investigated or rectified,
- Lack of Ministerial intervention to stop a project progressing while there is an ongoing investigation into non-compliance activities, and
- Extremely slow compliance investigations while allowing the proponent to continue to cause environmental damage.

The establishment of the NEPA is a positive step in managing compliance, as are the stronger penalties for non-compliance with an Environmental Protection Order.

For the EPBC reforms to be effective, the compliance framework must include:

- strong civil and criminal penalties that meaningfully deter non-compliance for projects which progress prior to approval or operate outside approved conditions - scaled to project size and environmental impact,
- must include 'stop work orders' while the investigation progresses,

- be investigated and enforced within a reasonable time frame, and
- include the **publication of compliance actions**, including investigations, findings, penalties, and rectification requirements, to ensure accountability.

Without a significantly strengthened compliance and penalty regime, even the strongest National Environmental Standards will be ineffective. Australia's national environmental laws must not only set high standards but ensure they are upheld in practice through robust and independent enforcement.

**Our conclusion**

The EPBC Act is Australia's national environment law. It is intended to prevent unacceptable destruction of the environment — yet it is no longer fit for purpose. With escalating climate and extinction crises and strong industry pressure for faster approvals and weaker protections, meaningful reform is urgent.

The Bills contain positive elements, including:

- establishment of a National Environmental Protection Agency,
- increased compliance and penalties for breaches of the EPBC Act, and
- development of National Environmental Standards, although their detail and strength remain unclear.

However, the Bills also contain significant deficiencies:

- no climate trigger or mechanism to refuse high-emissions projects which are inconsistent with Australia's climate commitments,
- excessive devolution of approval powers to the States, risking conflicts with the NEPA and inconsistent application of environmental law, and
- removal of public consultation requirements for many assessment pathways, reducing transparency and community participation.

EnvA urges the Committee to strengthen these Bills to ensure Australia's national environmental laws can genuinely protect biodiversity, climate, and communities.

Thank you again for the opportunity to comment on the proposed reforms. We appreciate your attention to these matters.

Kind regards

Dr Coral Rowston
Director
Environmental Advocacy in Central Queensland Inc.