



A critical moment for our national nature laws:

Where the EPBC Act reforms are up to and what is needed to address Australia's environmental crisis

Australia's national environment law — the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**) — is back on the table for reform. Environment Minister Murray Watt is moving quickly, and has committed to introducing, and possibly passing legislation to update the failing Act before the end of the year. This is pivotal moment: a failing system could be entrenched or made worse, *or* strong new laws could turn the tide on extinctions and prevent ecosystem and climate collapse.

What do we know so far about the likely reforms?

Minister Watt has made various public statements about what is currently being considered for the EPBC Act reforms. Piecing these together, we can see that the following elements are likely to be incorporated into the Bill at this stage.

The (potentially) good:

- **Creation of a national independent regulator (EPA)** – a new independent federal body to help oversee environmental regulation/enforcement is still on the table, with the Minister committing to a 'tough cop on compliance'. EDO has provided guidance on fundamental elements of a national EPA in our report [here](#).
- **National environmental standards to guide assessment and decision making**— Graeme Samuel recommended in his [Independent Review of the EPBC Act](#) that national environmental standards be developed to provide clearer rules or thresholds on how decisions should be made on applications proposing to impact environmental matters of national significance. This recommendation was made to provide more certainty and accountability in decision-making under the EPBC Act, with recommendations made to remove discretionary decisions which are leading the Act to fail to meet its objects. We understand standards are currently being developed, and some may be released when the Bill is introduced into Parliament.
- **Enhanced strategic planning** – Increased landscape scale planning is being proposed, through Regional Plans particularly, to facilitate mapping of areas which should be protected due to their conservation value, and areas which may be suitable for certain developments. As long as this is based on quality data and locks in protection for areas of high conservation value, landscape scale planning can assist in better quality decisions while facilitating more efficient processes.
- **“Stronger environmental protection and restoration, more efficient and robust project assessments and greater accountability and transparency in decision-making”** (see statement [here](#)), which are all laudable goals for environmental law reform which EDO supports.

The concerning:

- **Climate trigger ruled out:** The recent [National Climate Risk Assessment](#) set out the disastrous consequences for Australia if we fail to take urgent action to reduce greenhouse gas emissions. Minister Watt has confirmed that a 'climate trigger' requiring EPBC referral of projects based on greenhouse emissions is not being considered for these reforms. If meaningful climate impact assessments are not front and centre of new environment laws, we fail our international duty to prevent environmental harm occurring in or outside of Australia. The recent [Advisory Opinion of the International Court of Justice](#) outlined this obligation including a requirement of states to



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regulate all fossil fuel emitting activities in their jurisdictions. EDO has provided guidance on what meaningful climate action in the EPBC Act could look like in our Briefing Note [here](#).

- **Streamlining of assessment processes:** There is a concerning focus in statements about the EPBC Act reforms on streamlining of assessment processes. Comments so far have focused on supporting greater devolution of EPBC Act assessment and approval powers to state and territory governments, “faster yesses and faster nos” and piloting use of AI to simplify assessments. Where the EPBC Act is already failing to protect the environment, the EDO is concerned that shortening assessment timeframes risks weakening these laws even more. The proposal to introduce AI into assessment is also highly concerning, posing risks of entrenching bias in decisions and poorer quality consideration of whether impacts are acceptable.

Why reforms must focus on environmental protection

The latest [State of the Environment Report \(SoE\)](#) paints a stark picture. **Australia’s environment is in poor condition and deteriorating, with climate change, unsustainable resource use, habitat loss, invasive species and pollution** all driving this decline. The SoE reports that:

- **Australia has lost more mammal species to extinction than any other continent.**
- **The number of threatened ecological communities has risen by 20% in just five years**, with disastrous bushfires burning some places and species into endangerment.

The [Independent Review of the EPBC Act](#) by **Professor Graeme Samuel AC** made it clear: the current law is failing to stop environmental decline. We need to ensure the reforms being developed don’t risk repeating the same mistakes — prioritising faster approvals for industry over genuine environmental protection.

The EDO is calling for reforms that put **nature protection at the heart of our national environmental law**.

What meaningful EPBC Act reform must deliver

Having advised governments and conservation groups on strong nature laws for 40 years, EDO has identified the reforms required for the EPBC Act to truly protect Australia’s unique environment.

1. **Provide clear, accountable decision-making, prevent unacceptable impacts and protect areas of high environmental value** - Australia needs clear rules about when impacts on the environment are unacceptable — not vague discretion as exists in the Act currently.
 - a) **Provide greater certainty, accountability and integrity in decision-making and reduce discretion which is failing the current Act, as Professor Samuel found.**
 - b) **Define and prohibit “unacceptable impacts”** in the Act.
 - c) Create **legally enforceable National Environmental Standards** that focus on measurable outcomes for nature and reduce discretion in decision-making around our matters of national environmental significance.
 - d) **Identify and protect critical habitats**, require up-to-date recovery plans, and ensure all decisions align with conservation strategies.
 - e) **Respect and embed First Nations rights and knowledge** - True reform means First Nations’ rights, knowledge and culture are central to environmental planning and decisions, with self-determination and Free, Prior and Informed Consent entrenched. Current environmental laws do



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not respect the views and interests of First Nations and can lead to devastating impacts to the cultural heritage and wellbeing of Aboriginal and Torres Strait Islanders.

2. **Turn environmental decline into recovery** - Every decision under the Act should contribute to repairing the environment — not just slowing existing decline. This was supported by the Kunming-Montreal Global Biodiversity Framework in 2022 which Australia has signed up to support.
 - a) Require a ‘net gain’ in environmental condition across all decisions.
 - b) Embed a non-regression principle, ensuring laws and standards continuously improve environmental health over time.
 - c) Provide for landscape scale planning based on quality data to provide smart, well-informed planning, particularly to support fast, fair development of renewable energy projects.
 - d) Ensure cumulative impacts are required to be properly assessed at a landscape scale and through all project assessments.
3. **Make environmental offsets real and effective** - Offsets must be the **last resort**, not a payment to destroy. To date, the EPBC Act has been failing to protect against inappropriate impacts being allowed through ineffective offsets, allowing significant impacts to matters of national environmental significance (for example our World Heritage areas, threatened species and communities and water resources).
 - a) Require real, like for like offsets, and not cash payments that fail to deliver genuine outcomes.
 - b) Mandate the mitigation hierarchy in law (the obligation to first avoid impacts, then mitigate and only then consider offsets), with clear Standards outlining when impacts must be avoided and setting strict parameters on the use of offsets.
 - c) Ensure that a decision is required on whether offsets are appropriate and available *before* a project is approved.
4. **Create an independent, accountable national EPA** - Australians deserve confidence that our environment laws are being administered and enforced — without political interference.
 - a) Establish a fully independent Environment Protection Australia, with strong governance arrangements to ensure independence and accountability, and functions and duties to protect the environment.
 - b) Give it responsibility for assessments, approvals, compliance and enforcement.
 - c) Strengthen enforcement powers and increase penalties to truly deter harm.
5. **Make climate a core part of the EPBC Act** - Climate change is one of the key pressures driving the “poor and deteriorating” state of Australia’s environment, as highlighted by the State of the Environment Report. Our environment law must deal with this defining threat of our time.
 - a) Give decision-makers a clear requirement to refuse projects that cause unacceptable climate harm.
 - b) Require climate impact assessment for every project, including Scope 1, 2 and 3 emissions.
 - c) Ensure decisions are informed by advice from the Climate Change Authority and aligned with national emissions targets and the Safeguard Mechanism.



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- d) Support smart, safe planning for faster renewables without unacceptable impacts, using landscape-scale planning and putting renewable energy applications at the top of the pile.
- 6. **End harmful carve-outs and exemptions which allow impacts to go unassessed** - Some of Australia's most destructive deforestation activities are still exempt from the EPBC Act, it's time for this to change.
 - a) Remove or tightly limit exemptions for "continuing use" and native forest logging (e.g. regional forest agreements (RFAs), which allow unsustainable impacts to continue with no federal oversight over impacts to matters of national environmental significance.
- 7. **Restore integrity and accountability in environmental decision-making** - The Australian public has a right to know, to be heard, and to challenge unlawful decisions, when our environment is at stake.
 - a) Maintain and strengthen public standing, consultation, access to information and review rights.
 - b) Ensure Environment Information Australia provides transparent, publicly accessible data to track progress on environmental outcomes and hold decision-makers accountable.
 - c) Provide for transparent monitoring and reporting on the Act implementation and whether it is delivering improved environmental outcomes.
- 8. **Retain Federal leadership for a healthy environment** - National problems need national solutions, and matters of national environmental significance need national protection.
 - a) The Commonwealth must take greater responsibility for protecting nature, not devolve it to the states.
 - b) Accreditation of state systems should only be possible if it clearly delivers better outcomes for the environment, with stringent safeguards, not weaker oversight.

The government is expected to release the reform legislation and draft National Environmental Standards imminently. EDO will be ready with our analysis to assess whether these reforms will genuinely protect Australia's environment, or whether they simply make it easier for destructive projects to get the green light.

How to have your say on these reforms

Given the speed with which the government is looking to pass these laws, there may not be a public Inquiry held over the Bill to offer the chance for public input. This will be determined by the Senate.

In the meantime, you can write to and seek meetings with your local federal member of parliament, to let them know you want them to take action to strengthen environmental protection under our federal nature laws.

Stay tuned for more updates

EDO remains hopeful the 48th parliament will be able to achieve more than the last and finally turn the tide on the extinction and climate crises. There is so much that needs to be done to fix our broken nature laws, protect threatened wildlife and prevent further dangerous climate change. EDO is hard at work advocating across parliament on the laws we urgently need in this critical decade to deliver outcomes for nature, climate and community.