



Submission to the Senate Environment and Communications Legislation Committee inquiry into Environment Protection Reform Bill 2025 and six related bills November 2025

Dear Committee Secretary

We welcome the Australian Parliament's decision to progress reform of the Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**) through the Environment Protection Reform Bill 2025 and six related bills.

Action for Dolphins is a community backed environmental organisation committed to protecting Australia's marine wildlife and marine ecosystems. Thousands of our supporters have called for Australia's new national nature laws to stop destructive projects before harm occurs, and to secure proper protections for marine wildlife and marine ecosystems we all rely on to survive.

Key elements of the bills play a role in protecting Australia's marine biodiversity and marine environment, and we are supportive of these being retained. These are as follows:

- Establishment of a National Environment Protection Agency (**NEPA**) with stronger compliance and enforcement tools.
- Higher penalties for those who break the law and stronger audit and enforcement provisions.
- Introduction of unacceptable impact criteria for protected matters.
- A framework for National Environmental Standards, with a no regression principle.
- The establishment of Environment Information Australia.

However, we are concerned that the objective of the reforms are undermined by existing loopholes, the absence of a climate test, the proposed offset framework and broad Ministerial discretions and. We outline our concerns below, along with suggested amendments.

A thriving natural environment is critical to Australia's economy

Nature underpins prosperity in Australia. A recent Nature Economics report prepared for the 30 by 30 Alliance estimates that nature contributes around \$511 billion a year to the Australian economy, equating to approximately 20% of Australia's GDP.¹

The Great Barrier Reef is a key example of how critical the marine environment is to Australia's economy. A 2025 Deloitte Access Economics report for the Great Barrier Reef Foundation, welcomed by the Department of Climate Change, Energy, the Environment and Water,² finds the

¹ Fraser Thompson, Shaun Chau and Mai Nguyen, *Nature Economics: Analysis of the Case for Australian Government Investment in Nature (30 by 30 Alliance)*, available at <https://30by30.org.au/nature-economics-report/>.

² Minister for the Environment and Water, "Great Barrier Reef valued at \$95 billion and supports 77,000 jobs, report finds" (Media Release, 30 October 2025), available at <https://minister.dcceew.gov.au/watt/media-releases/joint-media-release-great-barrier-reef-valued-95bn-and-supports-77000-jobs-report-finds>.

Reef now has an estimated value of \$95 billion dollars, contributes about 9 billion dollars a year to the national economy and supports roughly 77,000 full-time jobs.³

Coastal tourism, shipping and offshore renewable energy all depend on healthy oceans. Healthy seagrass meadows, mangroves and coral reefs also protect shorelines from storms, store blue carbon and support food security. Strong national nature laws are part of Australia's economic infrastructure. Therefore, they should be designed to protect assets worth billions of dollars, support jobs and reduce the risk of ecological harm for Australians.

Close loopholes that allow native forest clearing, deforestation and shark nets to continue without proper assessment

Australia continues to clear bush and native forestry at an alarming rate, which has ramifications for the marine environment.⁴ A key example is the impact that deforestation has on the Great Barrier Reef. A report by the Australian Marine Conservation Society⁵ explains that between 2018 and 2022, about 684,000 hectares were cleared across the Great Barrier Reef catchment area. This was a major cause of sediment and nutrient runoff into the waters of the Great Barrier Reef, which can degrade water quality, smother seagrass meadows and coral reefs, and undermine the habitats of dolphins, turtles, dugongs and inshore fish.

Despite this, the reform bills retain loopholes that allow this damage to continue. The exemption for native forest logging under the Regional Forest Agreements allows logging operations to proceed without assessment under the federal nature law framework.

The continuation of use and prior authorisation exemptions allow activities that were underway before year 2000 to continue without fresh assessment. These carve-outs have been applied to agricultural land clearing and to shark-control programs in New South Wales and Queensland.

These loopholes leave some of the most biodiverse and threatened plants and animals without effective federal oversight, and ignore the downstream implications of clearing these habitats. These exemptions also permit lethal shark nets and drumlines to repeatedly harm turtles, whales, dolphins that are listed as protected species without being subject to contemporary federal review. This is no longer acceptable given the scientific criticism about the ineffectiveness of shark nets in reducing shark bites, and the recognition of the program as a key threatening process in New South Wales.

We recommend the Regional Forest Agreement exemption be removed, so native forest logging in coastal catchments faces the same assessment as other industries. We also recommend the legacy prior authorised use and continuous use carve outs be removed so large scale land clearing and shark control programs are scrutinised under the EPBC Act.

³ Great Barrier Reef Foundation, *The Value of the Great Barrier Reef* (October 2025), available at <https://www.barrierreef.org/uploads/GBRValue-FullReport-Oct25.pdf>

⁴ Australian Conservation Foundation, "Hundreds of citizen scientists uncover 90,000 hectares of threatened species land clearing, much linked to agriculture" (2023), available at <https://www.acf.org.au/news/hundreds-of-citizen-scientists-uncover-90-000ha-of-threatened-species-land-clearing-much-linked-to-agriculture>.

⁵ Australian Marine Conservation Society, *Tree Clearing in Great Barrier Reef Catchments: Impacts and Trends* (2024), available at <https://www.marineconservation.org.au/tree-clearing-gbr-catchments-report/>.

Climate impacts

Climate change is a current threat to most matters of national environmental significance. Offshore fossil fuel projects affect marine wildlife directly through noise, spill risk and habitat disturbance, and through emissions that drive ocean warming and acidification.

However the bills do not require decision makers to consider the impact of climate change when assessing a project. Instead, the bills require disclosure of Scope 1 and Scope 2 emissions above a certain threshold. This means that only direct emissions are disclosed, and the complete environmental impact of a project is not a factor in approving a project under Australia's national nature laws.

We recommend that a climate test (commonly referred to as a 'climate trigger') be incorporated when assessing and approving every decision. Given the impact that climate change has on our global environment and Australia's emission reduction targets, assessment of Scope 1, 2 and 3 emissions should be required for all relevant activities under the EPBC Act.

At the same time, the bills allow new routes to weaken oversight of offshore oil and gas projects. A new loophole allows the Minister to switch off important safeguards for offshore gas and petroleum projects regulated by NOPSEMA, which risks weaker consultation with First Nations communities and less robust assessment. We recommend this loophole be removed or severely curtailed so that offshore oil and gas projects remain subject to the same assessment as other projects under the EPBC Act and proper First Nations consultation.

Restoration contribution offsets

The bills establish a restoration contributions framework that permits the payment of a fee instead of securing direct offsets. The Biodiversity Council warns that projects which damage protected animals, plants and places could be approved under the EPBC Act without any guarantee that genuine offsets will ever be delivered or that real environmental outcomes will be achieved.⁶ This is a real risk in projects that impact the marine environment, where suitable restoration sites are scarce or uncertainty about outcomes is high.

The New South Wales Auditor-General has criticised a similar offset framework in New South Wales for effectively failing, finding that 96% of the demand from developers for species credits had not been met by supply.⁷

We suggest the bills include the following amendments:

- Remove the option to meet offset duties through restoration contribution payments.
- Require the Threatened Species Scientific Committee to identify matters that must not be subject to offsets at all and prohibit offsets and restoration contributions for those values.

⁶ Biodiversity Council, *EPBC Reforms: Summary of Key Issues and Recommendations* (13 November 2025), available at https://biodiversitycouncil.org.au/admin/uploads/Biodiversity_Council_2025_EPBC_Reforms_factsheet_13_Nov2025_01418100aa.pdf.

⁷ Australian Broadcasting Corporation, "NSW biodiversity offset schemes criticised by Auditor-General" (ABC News, 1 September 2022), available at <https://www.abc.net.au/news/rural/2022-09-01/nsw-biodiversity-offset-schemes-criticised-by-auditor-general/101391042>.

- Maintain offsets as a true last resort, after transparent application of the mitigation hierarchy: avoid, minimise, then offset.

Proper safeguards

The reforms retain, and at times expand, the level of Ministerial discretion that has undermined effective environmental protection in the current EPBC Act. The reform package was expected to fix this by embedding clear, objective tests. However many core safeguards still hinge on subjective tests that weaken the intended reforms. The reforms rely on tests that are met to the 'satisfaction' of the Minister, or rely on being 'not inconsistent' with stated criteria. This language appears throughout the reforms, including in provisions governing National Environmental Standards, unacceptable impacts, net gain, and accreditation.

The reforms also give the Minister and the CEO of the NEPA the ability to issue legally binding rulings that determine how the law should be interpreted. Interpretation of the law is ordinarily a judicial function. Allowing the Minister to publish rulings that bind decision makers creates a risk that politically sensitive developments could be guided by political preference rather than statutory standards or scientific evidence.

The new framework for protection statements introduces further risks. These statements give the Minister broad discretion to interpret or effectively override recovery plans, conservation advice and threat abatement plans. Protection statements risk weakening long-standing requirements that decisions align with full recovery plans and could leave threatened species without the same holistic protection the EPBC Act currently provides.

The bills introduce a new national interest proposal pathway that permits projects to be approved even if they don't meet the key safeguards in the EPBC Act. As this national interest exemption is broad, it undermines the principle that such powers should be used rarely and only for genuine emergencies.

To address these issues, the Senate should amend the bills to remove or narrow overly broad Ministerial powers. This includes the following.

- Replacing Ministerial satisfaction tests and "not inconsistent" tests with objective compliance requirements.
- Removing or strictly limiting the rulings power.
- Ensuring protection statements must complement, not override or diminish the role of existing conservation planning documents.
- Confining national interest exemptions to genuine emergencies with transparent, reviewable criteria.

Thank you for considering our submission.

Action for Dolphins