

Submission to the Senate Inquiry into the Environment Protection Reform Bill 2025 and six related bills

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Joint submission by the:
Climate and Health Alliance &
Public Health Association of Australia

Addressed to the:
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About CAHA

The **Climate and Health Alliance (CAHA)** is a national health promotion charity and the peak body on climate change and health in Australia. CAHA is an alliance of organisations within the health sector working together to raise awareness about the health risks of climate change and the health benefits of emissions reductions. The membership of CAHA includes a broad cross-section of health sector stakeholders with over 100 member organisations, representing healthcare professionals from a range of disciplines, as well as healthcare service providers, institutions, academics, researchers, and consumers.

About PHAA

The **Public Health Association of Australia (PHAA)** is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

We believe that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

Our mission is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Our vision is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

Acknowledgement

The Climate and Health Alliance and Public Health Association of Australia recognise Aboriginal and Torres Strait Islander People as the traditional custodians of the land on which we live and work, and acknowledge that sovereignty of the land we call Australia has never been ceded. We commit to listening to and learning from Aboriginal and Torres Strait Islander people about how we can better reflect Indigenous ways of being and knowing in our work.

Our Recommendations

- Protecting and promoting human health is included as a core object of the Reform Bill.
- The provision for the Minister to approve projects that do not meet National Environmental Standards or devolve powers to states and territories should be excluded from the proposed legislation.
- Fossil fuel projects should be explicitly excluded the national interest test as well as the streamlined approvals process.
- Strong provisions should be introduced to facilitate the participation of Aboriginal and Torres Strait Islander peoples in decision making on proposed developments, as well as in monitoring the impact of approved projects.
- Human health impact assessments be mandatory for all developments.
- The cumulative harms of a proposed development on the environment, human health and emissions output of a proposed development must be considered holistically and account for other activities and approved projects impacting populations and sites over time.
- Human health impacts on air, soil and climate change should be included in the unacceptable impacts identified in the Reform Bill, as well as water.
- Projected scope 1, 2 and 3 greenhouse gas emissions be mandatorily disclosed and independently verified for all development proposals, with power for NEPA to refuse projects inconsistent with Australia's climate commitments and international obligations.
- Public health considerations and expertise should be represented in decision-making, assessments, and auditing at the National Environmental Protection Agency (NEPA).
- Remove all exemptions for prior authorisations and continuations of use that exempt activities with significant environmental impacts from EPBC Act assessment.
- The National Environmental Standards must be explicit, detailed, clear and enforceable, with strict compliance checks and appropriate penalties for infringing on Standards.
- Strengthen the independence of the National Environmental Protection Agency (NEPA) and ensure its decision making is transparent and accountable.

Introduction

Health under threat from environmental damage and climate change

The 2020 *Independent Review of the EPBC Act – Final Report* by Professor Graeme Samuel AC (“The Samuel Review”) stated plainly that, “Australia’s natural environment and iconic places are in an overall state of decline and are under increasing threat... The impact of climate change on the environment will exacerbate pressures and contribute to further decline. In its current state, the environment is not sufficiently resilient to withstand these threats. The current environmental trajectory is unsustainable.”¹ In short, the existing Environmental Protection, Biosecurity and Conservation Act 1999 is not fit for purpose.

The Earth's ecosystems are fundamental to human health, wellbeing and prosperity. The health of individuals and populations is inextricably linked to and dependent upon well-functioning ecosystems. Polluted, damaged and destroyed ecosystems due to poor environmental protection regulations and industrial incidents harm human health directly and indirectly,²⁻⁶ and contravene the right of individuals and communities to nature. Recognising and legislating to protect the right of nature is key to moving towards an ecocentric framework and away from unsustainable practices.⁷

The 2021 Australia State of the Environment report concluded that *‘Overall, the state and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction.’*⁸

Climate change and the poor and deteriorating state of our environment are threatening the physical and mental health of individuals and communities in Australia.

‘Climate change is compromising the integrity of our environment, which has direct impacts on human health and wellbeing. Climate change is already affecting the health of individuals and communities across Australia and it is now widely accepted that climate change is a global public health emergency. Our environmental laws must reflect this degree of impact to be meaningful.

The direct and indirect effects of climate change are far-ranging, causing irreversible impacts on public health.⁹⁻¹² Climate change exacerbates inequities, as those experiencing poorer standards of health and who have the least resources to adapt are disproportionately impacted.¹³ More frequent and severe heatwaves, bushfires, floods, storms, floods and droughts have major impacts on affected communities and cause a wide range of short and long term physical and mental health problems.⁹ Climate change is driving the spread of infectious diseases, including diarrhoeal and mosquito-borne diseases such as Japanese encephalitis.^{12,14} Extreme weather and altered environmental conditions also threaten the security of food, water and shelter and to displace communities.^{9,11} For Aboriginal and Torres Strait Islander communities, whose holistic conceptualisation of health is rooted in connection to Country, this has particularly profound implications.¹¹ Climate-related distress and eco-anxiety are now prevalent throughout the Australian population, especially among young people.¹⁵ The recent National Climate Risk Assessment concluded that Australia’s health and social support systems are already experiencing moderate-to-high risks, with risks expected to increase to severe within 25 years.¹⁶

We urgently need to strengthen Australia's environmental protection laws to protect and restore ecosystems, prevent dangerous climate and pollution and safeguard human health.

Healthy ecosystems with rich biodiversity mitigate climate change through carbon sequestration and also reduce the harms to individuals and communities from climate impacts.^{2,3} For example extreme heat kills more people than all other extreme weather events in Australia combined,¹⁷ but urban green spaces substantially reduce urban heat islands.¹⁸ Healthy environments also reduce pandemic risk, provide shelter, improve water quality and supply, are an important source of medicines and promote mental and physical health benefits.^{2,3}

Our response to the Inquiry

We welcome the Australia Government's stated goals of the proposed reforms to deliver stronger environmental protection and restoration, more efficient and robust project assessments, and greater accountability and transparency in decision making.

However, we hold major concerns that the current proposed legislation will not deliver stronger environmental protection and restoration or adequate accountability and transparency in decision making. The current proposed reforms are likely to result in further environmental degradation, pollution and global heating with grave risks for individual and community health. The proposed reforms also fail to recognise the role of the environment in mitigating climate change.

In this submission, we focus on the amendments to the proposed reforms that are necessary to ensure the protection and restoration of ecosystems and mitigation of climate change to avert further harms to human health and wellbeing.

Proposed amendments

Make protecting and promoting human health an object

The EPBC Act, as well as the current Reform Bill do not adequately address the clear consequences of environmental pollution and ecological degradation for human health. Human health is almost entirely missing from the legislation, yet impact on industry is identified as a defining factor the Minister may use to override an approval decision. However, alongside preserving natural heritage and ecosystems, protecting human health from environmental pollutants and climate impacts is a key outcome for having environmental protection laws and regulations.

As outlined, human health is inextricably linked to the health of the environment and also plays a key role in the mitigation of climate change. We therefore recommend that protecting and promoting human health is included as a core object of the Reform Bill.

Remove the subjective application of National Environmental Standards and the ability for the Minister to devolve approval powers to states and territories

We oppose the provision in the Reform Bill 2025 that grants the Minister broad powers to approve projects even if they do not meet the requirements of the EPBC Act. The Reform Bill's current provisions allow exemptions for designated projects that the Minister considers to be in the national interest to be approved despite failing to meet National Environmental Standards (NES).

The ability to bypass NES, based on subjective interpretation of the Standards, fails to recognise the intergenerational impacts of our deteriorating environment and the exacerbation of climate change. Decisions we make today have significant impacts on not only current, but future generations. As such, environmental laws and standards must be rigorous and evidence-based, and not up to the whim of the government of the day. Consistency in determinations under the Standards can safeguard the public from politicisation of Australia's environmental laws and standards

Additionally, allowing exemptions based on a subjective assessment of 'national interest' will create the potential for abuse and exploitation, undermine the purpose of the EPBC Act and endanger public trust in environmental protection laws. This major loophole will increase the potential for developments being approved that endanger environmental protection and restoration, climate mitigation and the health, wellbeing and livelihoods of nearby communities.

The national interest proposal exemptions should be tightened and include strict safeguards such that it can only be applied in situations of national emergencies, as recommended by the Samuel Review. Fossil fuels projects should be explicitly excluded from the national interest test.

We oppose the devolution of powers from the federal Minister to states and territories. This could result in inconsistent application and weakening of the implementation NES and purpose of the EPBC Act. We recommend that these provisions be excluded from the EPBC Act.

Explicitly exclude fossil fuel projects from the national interest test and from the streamlined approvals process

Fossil fuels are driving the climate health emergency. Further increases in greenhouse gas emissions from fossil fuel projects could have potentially catastrophic impacts for health. Fossil fuels are also responsible for direct harms to health. Air pollution from fossil fuels (PM2.5) is estimated to cause over 3200 deaths in Australia each year,¹⁹ and to be responsible for one-in-five deaths globally.²⁰ Air pollution increases the risk of asthma, chronic obstructive pulmonary disease, lung cancer, ischaemic heart disease and stroke and is also associated with increased risk of diabetes, pre-term birth, low birth weight and dementia.⁵ To prevent further escalation of climate health impacts, as well direct harms from local pollution, it is necessary to cease the proliferation of new and expanded fossil fuel projects and phase out existing use of fossil fuels, to transition to renewable energy sources. We therefore recommend that fossil fuel projects to be explicitly excluded the national interest test as well as the streamlined approvals process.

The Reform Bills propose moving regulation of offshore gas to an accredited framework, instead of the strategic assessment that currently applies. This risks undermining existing procedural rights under the current framework, particularly for First Nations peoples, and weakening of the regulation of offshore oil and gas projects. The standalone National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) accreditation provisions should be removed.

Strengthen provisions to support the participation of Aboriginal and Torres Strait Islander Peoples to uphold the principle of free, prior and informed consent

We support the proposal for greater engagement with Aboriginal and Torres Strait Islander peoples in decision making under the EPBC Act and Reform Bill. However, we urge the Government to extend the proposed reforms beyond consultation with the Indigenous Advisory Committee. The Indigenous Advisory Committee should be empowered to lead the development of the National Environmental Standard relating to meaningful engagement with First Nations peoples. Strong provisions should be introduced to facilitate the participation of Aboriginal and Torres Strait Islander peoples in decision making on proposed developments, as well as in monitoring the impact of approved projects. We support the recognition of traditional Indigenous knowledges in decision making under the EPBC Act and Reform Bill.

Introduce mandatory health impacts assessments for all major projects

We recommend human health impact assessments be mandatory for all developments. Health impact assessments should be robust, undertaken by appropriately qualified independent health experts and incorporate the health effects of climate change, biodiversity loss and air, water and soil quality, as well as the cumulative health burdens on affected communities.

Assess environmental, health and climate change impacts cumulatively

It is essential that projects are not considered on a project-by-project basis as has been done under the current EPBC Act. As per the Samuel Review, we recommend that the harms of the development on the environment, human health and emissions output must be considered holistically and account for the cumulative impacts of the proposed development alongside other activities and approved projects impacting populations and sites over time.

Ensure all relevant human health impacts are included in the defined ‘unacceptable impacts’

The unacceptable impacts outlined in the proposed reforms address human health in reference to water “to the extent that critical human water needs can no longer be provided from the water resource.” However, the Bill fails to identify unacceptable impacts on air, soil and climate change and the consequence of these impacts on human health.

We recommend including impacts on air, soil and climate change to the unacceptable impacts identified, as harmful impacts on air, soil and climate change poses as much of a risk to human health and survival as harmful impacts on water.

Enact a ‘climate trigger’ and mandate that emission disclosures include scope 1, 2 and 3 emissions

We support the Reform Bill requirement for proponents to disclose associated emissions mitigation measures and abatement targets along with the estimated emissions. However, we do not support the provision requiring proponents to only disclose estimates for scope 1 and 2 greenhouse gas emissions as part of the assessment of a controlled action.

Scope 3 emissions make up the vast majority of emissions in Australia. Not requiring scope 3 emissions estimates will create a major blind spot in the potential developments to contribute to climate change and undermine Australia’s commitments to climate change mitigation and adaptation. Scope 3 emissions estimates are critical to understanding the full climate impact of an industry, a proposed development or existing facility.

We recommend that projected scope 1, 2 and 3 greenhouse gas emissions be mandatorily disclosed and independently verified for all development proposals, with power for NEPA to refuse projects inconsistent with Australia's climate commitments and international obligations. This recommendation is aligned with the Samuel Review recommendation and aligns with the new mandatory scope 3 reporting requirements for large companies.

Ensure health expertise from appropriately qualified and independent health professionals is structurally embedded in decision making

We recommend elevating the importance of protecting and promoting human health at the National Environmental Protection Agency (NEPA) by ensuring public health is represented in decision-making, assessments, and auditing. This could be achieved through the establishment of a public health unit within NEPA and ensuring at least one member of the CEO's advisory body has independent public health expertise.

Remove prior authorisation and continuous use exemptions that undermine health

To ensure the protection of nature that supports the protection and promotion of human health, we recommend that it is necessary to remove all exemptions for prior authorisations and continuations of use that exempt activities with significant environmental impacts from EPBC Act assessment. This must include activities involving land clearing, native forest logging, and other impacts on matters of national environmental significance.

Implement robust, objective and enforceable National Environmental Standards

We support the development and implementation of evidence based, objective and enforceable NES. The Samuel Review recommended that the creation of NES would be the centrepiece of fundamental reform in Australian environmental law and address a severe lack of national guidance on planning and regulation. Creating and implementing national environmental law and standards is a positive step towards protecting environmental health and mitigating climate change, and thus, protecting the health of all people living in Australia.

These Standards should be the foundation of environmental regulation, and therefore must be explicit, detailed and clear; as well as enforceable, with strict compliance checks and appropriate penalties for infringing on Standards.

Additionally, if proposed projects cannot meet the NES, the project should not proceed. This is critical, as the Samuel review identified that the financial benefits gained from contravening national environmental laws allowed penalties for non-compliance to be perceived as 'the cost of doing business.' In addition to causing environmental destruction and degradation, non-compliance with environmental laws can have devastating impacts on the health of local communities and increase greenhouse gas emissions – exacerbating climate change.

We support the introduction of independent audits conducted by the NEPA and civil and criminal penalties that will act as a deterrent to failing to comply with NES.

Strengthen the independence of the National Environmental Protection Agency (NEPA)

We support the decision for NEPA to be created as an independent agency, and the Act's provisions that support transparency.

We also support the stipulation that the chief executive officer (CEO) of NEPA is not subject to direction by any person, only the environmental laws of Australia, and that the CEO should be a person that “does not have any interests, pecuniary or otherwise, that conflict or could conflict with the proper performance of the CEO’s functions.”

These important specifications will help build public trust in NEPA and reduce the risk of harmful developments being approved that may negatively impact on the health of individuals, communities and ecosystems, or undermine Australia’s emission reduction efforts.

To further strengthen the independence and transparency of NEPA, we recommend:

- Altering section 56 of the National Environmental Protection Agency Bill to ensure that when the advisory group provides advice to the CEO, this advice must be published - rather than ‘may’ be published on the NEPA website.
- The CEO’s advisory group/s members should be identified on the NEPA website, including short biographies and former and current interests and affiliations.
- Correspondence to the NEPA is published regularly on the website

CAHA and PHAA appreciate the opportunity to provide a response to the National Environmental Protection Agency Bill 2025 and Environment Protection Reform Bill 2025.

Please do not hesitate to contact us should you require additional information or have any queries inrelation to this submission.

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