
Committee Secretary
Senate Standing Committees on Environment and Communications
Parliament House
Canberra ACT 2600
Via email: ec.sen@aph.gov.au

26 November 2025

Dear Secretariat,

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

The Conservation Council SA welcomes the opportunity to provide a submission to the Senate Inquiry into the *Environment Protection Reform Bill 2025* and six related bills.

The Conservation Council SA is an independent, non-profit, and strictly non-party political organisation representing approximately 50 of South Australia's environment and conservation organisations and their 90,000 members.

Our submission focuses on the top priority issues for South Australia, which, like all jurisdictions in Australia, is facing the ongoing and accelerating decline of its biodiversity due to a lack of adequate legal protections and insufficient Federal and State Government investment in nature upon which Australia's community fundamentally relies on for its health, prosperity and cultural identity.

Given the ongoing failure and lack of resourcing of Federal environmental laws, we had high hopes for the Government to produce legislative amendments that would strengthen environmental protections rather than weaken them – sadly, despite a handful of welcome new provisions, this has not proved to be the case, and the laws are a step backwards despite the ongoing crisis facing Australia's nature.

The legislation *can* be salvaged through amendments but should not be passed in its current form by any party that recognises how important the environment is to the ongoing wellbeing of our people and our nation.

Conservation Council SA puts a particular call-out to South Australian Senators on the issue of the proposed water trigger amendments (see recommendations below), which would, unamended, allow an avenue for other States to dictate projects that impacts the Murray Darling Basin and our downstream state.

We remain hopeful that the Australian Labor Party Senators choose to stand for the environment rather than political expediency and uses the opportunity of the Senate Inquiry to urge its leadership to support amendments to the legislation to increase rather than reduce Federal protections for the environment. This is your opportunity to stand for something – our nature and people. Nature cannot be forever relied upon to simply 'bounce back' – it has limits that we are already breaking.

The Conservation Council SA is happy for its submission to be published.



Recommendations

Leave the water trigger alone

1. That amendments that affect the potential operation of the 'water trigger' be removed, including those relating to coal seam and unconventional gas projects.
2. Further, Conservation Council SA particularly calls upon all South Australian Senators to act on Recommendation 1 given the likelihood of serious adverse outcomes for South Australia that could result from upstream states being allowed to approve projects that would affect water resources in the Murray River Darling Basin.

Take climate change seriously

3. That a climate trigger be added to the legislation; if the Government claims to take climate change seriously, there should be no objection to adding this safeguard – claims that 'the safeguard mechanism addresses this issue' conveniently ignores that a climate trigger provides an opportunity to augment that policy approach, rather than seeking to replace it.
4. That if the climate trigger is not included – which is not Conservation Council SA's position – then climate considerations, specifically, that the Minister have a duty to have considered impacts upon climate change from projects under Commonwealth consideration, including those of 'national significance', and to publicly report the findings of those considerations.
5. New fossil fuel projects should be explicitly banned from accessing the proposed streamlined assessment process.

Put limits on Ministerial discretion

6. The wide-ranging Ministerial discretion proposed in the legislation should be curtailed to key decisions and should not in any case apply to matters of scientific fact.
7. The Minister's use of rulings should be explicitly limited to minor procedural clarifications.

National interest to be in the public interest

8. That the references to 'national interest' in the legislation be replaced with 'public interest' and/or otherwise be explicitly and legislatively constrained to matters that are in the public interest, rather than in the political interest.
9. That the legislation be amended to clarify that the mere fact that a proposed project is a fossil fuel project is not enough to invigorate the 'national interest'.

Ministerial decisions must be consistent with National Environmental Standards

10. The current test of 'subject to the Minister's satisfaction' for consistency with the National Environmental Standards does not deliver on the Samuel Review's central proposal that Standards need to be legally enforceable, and that "[d]ecisions should be made in a way that is consistent with the Standards."¹ Whether a decision is consistent with the Standards or not should be a matter of legal fact, not the mere opinion of the Minister – otherwise, the Standards will be largely unenforceable. Ministerial decisions

¹ page viii and elsewhere throughout the Review; see: [Independent Review of the EPBC Act – Final Report October 2020](#)



should instead be “consistent with (or comply with) the National Environmental Standards”, or similar legal language.

An independent National Environmental Protection Agency

11. In order to be genuinely independent, the National Environmental Protection Agency (NEPA) should have a board, and the NEPA CEO should be appointed by and be responsible to that board.

Fix the ‘pay to destroy’ offsets

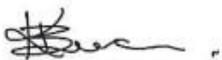
12. The option for proponents to simply pay into a fund to avoid having to deliver their own on-ground offsets – in the hope that the Government can source an on-ground offset for them – needs to be removed from the legislation. If like-for-like offsets cannot be delivered by the proponent, then the project should not proceed.
13. Like for like offsets must be identified and at least provisionally secured *prior* to project approval.
14. The delivery of offset projects must commence *prior* to any approved destruction of nature commences.
15. Net gain should be defined in the legislation and refer to measurable ecological outcomes through mechanisms such as regional plans or bioregional priority plans.

On behalf of all concerned South Australians, we urge the Parliament to dramatically amend the environmental legislation before them to increase rather than reduce Australia’s environmental protections.

In particular, we urge our fellow South Australians in the Senate to block any change to the application of the **water trigger** that would allow upstream states in the Murray Darling Basin to make decisions that will affect the water entitlements, livelihoods and environmental security of our downstream state.

If you require further information, please contact me at ChiefExecutive@conservationsa.org.au.

Yours sincerely,



Kirsty Bevan
Chief Executive

