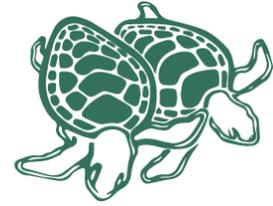


# Environment Centre NT

protecting nature | living sustainably | creating a climate for change



## Submission Writing Guide – Federal Nature Law Reform

The Senate is holding an Inquiry into proposed changes to federal nature laws. Along with many other environment organisations and grassroots groups, we are deeply concerned that the proposed changes will fail to deliver for nature, communities, and climate.

The NT's nature is under threat from the twin biodiversity and climate crises, as well as massive proposed expansion of gas extraction and harmful industries like cotton. It's important that this Inquiry hears from Territorians how important it is to strengthen, not wind back, our federal nature laws.

### Background

Our national environment laws (the *Environment Protection and Biodiversity Act 1999*, or *EPBC Act*) were first drafted 25 years ago, under John Howard, and they are not fit for purpose. They have failed to halt our national deforestation crisis, curb our climate emissions, protect our water or prevent the extinction of threatened species.

The Albanese Government is in the process of reforming our federal nature laws, but instead of strengthening them, Labor has suggested laws that will take us backwards – backwards on protecting environments, backwards on integrity, and backwards on community rights and interests.

The NT is teeming with wildlife and some of the most iconic natural places in the world. From Kakadu, to Uluru, to Litchfield, we've got the best bloody nature in Australia, and we deserve strong federal laws that protect our environment, not destroy it.

ECNT is calling on the Australian Parliament to reject the Albanese government's new laws and the many components of them that will take us backwards.

### What's wrong with the proposed new nature laws?

**The new “streamlined” assessment process will prevent impacted communities, Traditional Owners and the public from having a say on decisions about major projects.**

The new laws introduce various new pathways designed to fast-track development approvals, which will result in less public scrutiny and a weakening of the assessment process.

It appears that these streamlined processes could be used even if a project is likely to have a significant negative impact on the environment. This could mean that, under current drafting, even large-scale fossil fuel or open cut coal mining projects could be hurried through the assessment process without input from affected communities.

ECNT analysed fossil fuel projects assessed by the Albanese Government 2022, and we found that if the proposed new laws were in place, approximately 20 fossil fuel projects would have likely been fast-tracked under the streamlined assessment process. That's 20 new fossil fuel projects facilitated with very limited opportunity for public participation and scrutiny.

**The new laws will allow project proponents to pay a “restoration contribution charge” – essentially permitting environmental destruction if you can pay for it.**

Where environmental offsets are used, they must always be in line with best practice principles to ensure that offsets can achieve real environmental outcomes that compensate for the impacts of projects. This is not reflected by the proposed new laws.

As proposed, the new Offsets Framework contains too much flexibility, including a new option to pay a “restoration contribution charge” instead of securing direct, upfront offsets and inadequate accountability measures.

The ability to pay money into a fund is not offsetting; it is essentially “payment for destruction”.

**Giving decision-making power to the states and Territories – including decisions about impacts on water – reduces oversight and puts more power in the hands of Governments that have shown they can't be trusted on the environment.**

Since the election of the CLP Government in the Territory in 2024, we have seen sweeping attacks on environmental regulation and oversight that have demonstrated a reckless disregard for the environment and our climate – and it has meant that strong Federal oversight is more important than ever.

Proposed federal nature reforms would hand powers to the Finocchiaro Government to make decisions under the EPBC Act, including when to use the ‘water trigger’ to assess risks to the Territory’s most important resource.

The entire purpose of the “water trigger” (recently [expanded](#) to cover fracking of shale gas) – to create federal oversight of water resources for certain projects - would be

completely undermined by handing decisions back to state and territory governments. This would put waterways, groundwater and agriculture at even greater risk from coal and gas fracking projects.

**More loopholes and more Ministerial discretion will decrease transparency and accountability.**

Under the proposed reforms, the Minister will have unprecedented power to decide how and when to apply the law.

For example, the Environment Minister would have powers to create ‘protection statements’ which could override species recovery plans or conservation advice.

The Minister and the CEO of the new National EPA would have the power to make “rulings” on how nature laws should be interpreted. This is usually the job of the judiciary – by handing this power to the Minister, it creates opportunity for political interference that compromises commitments to protecting nature.

Almost any project could be approved using a ‘national interest’ loophole – regardless of the impacts of the project on the environment.

**Silence on climate change will condemn the Territory to unliveability.**

The Federal Government’s Climate Risk Assessment finds that [much of Northern Australia may become unliveable](#) within the next 45 years, but the proposed laws fundamentally fail to address the existential threat of climate change.

The proposed new laws simply don’t do enough to protect our environment and communities from harm – projects would have to describe their Scope 1 and Scope 2 emissions and how they would ‘manage’ them, but there’s no requirement to disclose the full emissions impact of projects or act to reduce emissions. The Minister, in making decisions, would not be required to take emissions into account.

**Scrutiny of offshore project and [hard-fought consultation rights](#) for First Nations communities are on the chopping block.**

Our oceans are under threat from massive expansion of gas extraction and risky carbon dumping scams, but changes to federal nature laws would mean that the impact of these projects may not be assessed.

Under the current legislation, the offshore gas regulator, NOPSEMA, is accredited to make decisions about impacts on the environment in line with federal environmental laws. Any changes to this accreditation need to be consulted upon. This is important – it means that decision-making on offshore projects can't be changed to drift away from the principles of federal environmental laws.

The proposed changes to the Act would mean that NOPSEMA's assessment and approval framework could be changed significantly, without a strategic assessment or consultation– potentially excluding certain projects from assessment.

It's a special carve out for the gas industry – and our oceans and communities deserve better.

**Only when these backward steps have been fixed will there be an opening to then take the reforms forward for the benefit of all Australians.**

Positive reform of our federal nature laws would include:

- Ensuring that Aboriginal cultural values are a key part of all assessments and requiring Free, Prior and Informed Consent from Traditional Owners on project decisions;
- Better protecting water catchments, groundwater, forests and wildlife habitat;
- Ensuring all polluting activities are subject to stringent assessments of full climate impacts;
- Giving all communities the right to challenge decisions on their merits.

## **What to write in your submission**

You don't have to be an expert in environmental regulation to have a say on the proposed changes to federal nature laws.

In your submission, you should:

- Introduce yourself and your motivation in securing stronger protections for nature/your connection to the Territory's nature.
- Voice your concerns about the impacts of the proposed laws on nature and climate, transparency and accountability, First Nations consultation rights, and the rights of the whole community to have a say.
- Make a recommendation to the Environment and Communications Reference Committee, which is conducting the Inquiry, about what conclusions they should make about the proposed laws.
- Keep your points concise and clear.
- Sign off with your name and email address.

You might find the following resources useful in preparing your submission:

[Environment law reform scorecard - Environmental Justice Australia](#)

[EPBC Act reforms make it to parliament – EDO's first impressions - Environmental Defenders Office](#)

[Submission toolkit: Environment law reform package - Environmental Justice Australia](#)

## **How to make a submission**

Submissions close 5 December 2025, but to ensure yours has an impact, lodge it by 14 November (the date of the first public hearing).

The reform Bills have already passed the House of Representatives, and the Senate is able to vote on the Bills despite the fact there is an inquiry in progress – so we need to act quickly.

You can read the Bills and make your submission [here](#). If you have trouble navigating the website, EJA have produced a step-by-step guide, available on page 3 of [their guide](#).