

21 November 2025

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
Via email - ec.sen@aph.gov.au

QCC Response to: Environment Protection Reform Bill 2025 and six related bills

Dear Senate Standing Committee on Environment and Communications,

The Queensland Conservation Council welcomes the Government's commitment to reforming Australia's national environment laws through the reform package of the Environment Protection Reform Bill 2025 and six associated Bills. The current Environment Protection and Biodiversity Conservation (EPBC) Act has long been recognised as failing to protect the environment. The independent review by Graeme Samuel AC (2020) identified the urgent need for reform.

The recently released Queensland State of the Environment Report highlights declining ecosystem health, the addition of 114 new threatened species, and ongoing degradation from deforestation, climate change, and land-use conflicts¹. It is well documented that we are in a climate and biodiversity crisis and urgent action is required to protect, restore and regenerate landscapes that provide crucial ecosystem services. Deforestation across Australia continues in threatened species habitat and there has been an estimated 1 million hectares of forest and woodland bulldozed in Queensland since the Albanese government took office². Much of this clearing has occurred without EPBC Act approval through continued use provisions under S43b of the EPBC Act. Current state and federal legislation, regulation and policies are failing nature with hundreds of threatened species without active recovery plans, funding or dedicated projects to protect and enhance remaining populations.

¹ Queensland Government (2024) [State of the Environment Report](#)

² Queensland Government (2025) [2022-23 SLATS Report Key Findings](#)

The Queensland Conservation Council acknowledges that we meet and work across the many lands of Queensland. We wish to pay respect to their Elders - past and present - and acknowledge the important role all Aboriginal and Torres Strait Islander people play in protecting, conserving and sustaining Queensland.

There is currently no clear line of unacceptable impacts even if actions are referred to the EPBC Act. The impacts of individual projects are not cumulatively assessed and the climate harm projects will cause is not taken into account at all. The lack of enforcement options, or will, at a State and Federal level allow companies to continue to flout the laws, as seen recently with clearing of threatened species habitat at the Gemini coal mine in Central Queensland without EPBC Act referral.

We support, in principle, the three pillars identified by the Department: stronger environmental protection and restoration; more efficient and robust project assessments; and greater accountability and transparency. We welcome some of the progress in the reform package, particularly:

- Setting up a National Environmental Protection Agency
- Introducing National Environmental Standards
- Defining unacceptable impacts based on irreplaceability

However, we are not convinced that the reform package in its current form will deliver genuinely better outcomes for nature. We are deeply concerned about the potential for significant environmental protections to be weakened under the guise of “streamlining” and that the reform package gives more discretionary power to the Minister of the day than in the current laws, despite the opposite recommendation in the Samuel Review.

Our recommendations to improve the reform package are:

Recommendation 1: Reduce deforestation by removing or significantly narrowing the continuing use provisions for clearing that impacts Matters of National Environmental Significance under S43b

Recommendation 2: Stop logging threatened species habitat by removing the exemptions for Regional Forestry Agreements or similar agreements such as the South East Queensland Forests Agreement

Recommendation 3: Make sure National Environmental Standards are upheld by setting clear, objective tests to ensure that National Environmental Standards apply to all environmental decisions and remove excessive Ministerial discretion

Recommendation 4: Set regional plans up for success by requiring regional plans to cover all types of development, providing meaningful opportunity for community consultation and First Nations input and requiring plans to deliver net biodiversity gain across the region with strict conservation zones that protect irreplaceable habitat for MNES.

Recommendation 5: Remove excessive ministerial powers by removing the ability to make rulings and decide on streamlined assessment pathways and tightly constraining any national interest exemptions or approval powers

Recommendation 6: Create an independent Environment Protection Agency which is governed by an independent board, not beholden to direction of the Minister and has decision making powers.

Recommendation 7: Keep Federal consistency: by not allowing States and Territories to

approve major projects particularly those invoking the water trigger and keeping these decisions at a Federal level

Recommendation 8: Take action on climate change: by requiring projects to disclose their Scope 1, 2 and 3 emissions, including climate adaptation and mitigation in the objects of the Act and embedding clear climate considerations in the Bill

Recommendation 9: Don't allow companies to pay to destroy our environment: by removing the pay to destroy offsets approach and requiring companies to source like for like offsets

Recommendation 10: Include First Nations knowledge from the beginning: by urgently developing the First Nations National Environmental Standards so it is ready to be implemented when the new laws commence

This submission addresses the implications of both the strengths and the shortcomings of the reform package that we see for Queensland's environment, and makes recommendations for improvement.

Recommendation 1: Reduce deforestation by removing or significantly narrowing the continuing use provisions for clearing that impacts Matters of National Environmental Significance under S43b

Deforestation and broadscale land clearing has destroyed Matters of National Environmental Significance (MNES) in Queensland for decades. In 2022-23 alone 332,015 hectares was cleared with 147,705 hectares, or 44% of clearing, occurring in Reef catchments³. Clearing of forests destroys koala habitat and results in sediment and nutrient flows that impacts the Great Barrier Reef. The majority of clearing has occurred without any assessment under the EPBC Act due to the continuing use exemption which landholders have relied upon to undertake broadscale land clearing in habitat mapped as likely to occur or may occur for MNES.

The majority of deforestation occurring in Queensland is in the Brigalow Belt Bioregion and there is now only 8 % of Brigalow woodlands remaining with much of this being regrowth⁴. Research has found that regrowth vegetation plays an important role in providing connectivity for threatened species across the landscape and regrowth vegetation as young as three years old does have the ability to provide suitable habitat for threatened species⁵.

This is why it is critical that the current continuous use exemption is removed from the EPBC Act.

³Queensland Government (2025) [2022-23 SLATS Report Key Findings](#)

⁴Bowen, M.E., McAlpine, C.A., Seabrook, L.M., House, A.P.N, Smith, G.C., (2009) *The age and amount of regrowth forest in fragmented brigalow landscapes are both important for woodland dependent birds*, [Biological Conservation, Volume 142, Issue 12](#)

⁵Thomas, H., Simmonds, J.S., Ward, M., Eyre, T.J., Maron, M., (2025) *The value of regrowth forests and woodlands for threatened fauna species*, [Biological Conservation, Volume 307, 2025](#)

Recommendation 2: Stop logging threatened species habitat by removing the exemptions for Regional Forestry Agreements

Native forest logging has been exempt from EPBC Act assessment under the Regional Forest Agreements, even though forestry activities have had significant impacts on many threatened species that rely on forests in Queensland including greater gliders and koalas. South East Queensland has operated as if under a Regional Forest Agreement despite no formal agreement and this exemption from the EPBC Act has allowed habitat for threatened species to be cleared without referral to the Act.

At the very least, the Matters of National Environmental Significance standard should apply to forests under a RFA.

Recommendation 3: Make sure National Environmental Standards are upheld by setting clear, objective tests to ensure that National Environmental Standards apply to all environmental decisions and removing excessive Ministerial discretion

We welcome the development of National Environmental Standards to improve clarity and accountability in environmental decision making, as recommended by the Samuel Review. However, we are concerned that the proposed reforms will not live up to the recommendations of the Review, because the language is weak and unclear, and opens up too much Ministerial discretion.

In order to be effective and achieve biodiversity conservation outcomes the National Environmental Standards need to apply across all landscapes, tenures and jurisdictions, including forestry and continuing use cases as discussed above.

The National Environmental Standards need to be binding and sufficiently protective to ensure that actions can only be approved if they comply strictly with these standards. We are concerned that the opportunity to override NES are left too broad in this Bill. The language that the Minister needs to be “satisfied” that a project is “not inconsistent” with the National Environmental Standards exacerbates a key concern raised by the Samuel Review of vague language in the current EPBC Act. There should be clear, objective tests to ensure that the National Environmental Standards will be met if projects proceed.

The Standards need to embed principles of best practice conservation science, and embed the mitigation hierarchy by first avoiding harm, then mitigation, followed by offset and restoration.

There should be a requirement for periodic review of the standards, at least every five years to ensure that they are informed by the latest available biodiversity and conservation science and traditional knowledge.

Recommendation 4: Set regional plans up for success by covering all types of development, providing meaningful opportunity for community consultation and First Nations input and requiring net biodiversity gain across the region with strict conservation zones that protect irreplaceable habitat for MNES.

The EPBC Act currently requires long development assessment processes that create uncertainty for community and industry but ultimately still lead to poor outcomes for nature. We welcome the approach to move towards regional planning and have been actively engaging with the pilot bioregional planning process that was established in Queensland in 2022. Regional planning can guide developments to areas of lower biodiversity, provide quicker responses on clearly unacceptable projects and manage cumulative impacts.

Across Queensland, communities fought long and hard against developments such as Toondah Harbour, KurWorld and the Chalumbin wind farm which would have had significant impacts on World Heritage Areas or Ramsar Wetlands as originally proposed. These projects were not formally stopped by the EPBC Act; KurWorld's proposal lapsed⁶ and Toondah Harbour⁷ and Chalumbin applications were withdrawn⁸. A regional plan which identified conservation areas including areas of irreplaceable and critical habitat, Ramsar wetlands and connectivity to World Heritage Areas could have stopped these projects from being proposed or at least provided a much quicker answer to communities instead of placing the onus on communities to fight for conservation areas.

These proposals came from vastly different industries which highlights the need for regional plans to protect conservation areas from all forms of development.

We strongly support the concept of irreplaceability being enshrined in the EPBC Act and the current definition. We support unacceptable impacts being defined as impacting areas of irreplaceable habitat for threatened species.

In South East Queensland, our research⁹ found that around 30% of the region could be classified as conservation zones, primarily driven by the presence of irreplaceable habitat for threatened species. However, development approvals for housing, tourism and infrastructure are continuing to be processed in these areas leading to unacceptable impacts on these threatened species. We urgently need a bioregional plan which ground truths desktop data and engages communities to safeguard these areas of irreplaceability which are being lost.

⁶ Environmental Defenders Office (2019) [Kuranda community wins against massive resort in sensitive wildlife corridor](#)

⁷ Walker Corporation (2024) [Walker withdraws its Toondah Harbour application](#)

⁸ Nicholson, D., (2024) [Ark Energy abandons its Chalumbin wind farm project](#) Cairns Post

⁹ Ward, M., Aska, B., Venegas Li, R., Watson, J.E.M. (2024) [Principles and Rules for Implementing Spatial Zoning under the EPBC Act: A technical report produced to help guide terrestrial regional planning efforts in Australia.](#)

These bioregional plans will be crucial for good environmental decision making and we are concerned that a 30 day timeframe for community consultation is not enough.

Recommendation 5: Remove excessive ministerial powers by removing the ability to make rulings and decide on streamlined assessment pathways and tightly constraining any national interest exemptions or approval powers

The rulings power and streamlined assessment pathway should be removed from the reforms as these provide increased risk that any benefits to environmental outcomes are undermined.

We are deeply concerned that the reforms introduce a broad loophole in the national interest test which could allow a Minister to approve projects which do not comply with National Environmental Standards. The national interest exemption and approval power must be tightly constrained to protect against future misuse. Without transparent criteria, public visibility, independent review or parliamentary oversight of such overrides, there is a risk that the national regime simply becomes a rubber-stamp for large scale developments that undermine biodiversity outcomes.

The reform package would also give the Minister and the CEO of the new NEPA the power to make rulings on how the law is interpreted. We are concerned that this provides potential for further politicisation that will not lead to better outcomes for nature. Where a similar power is granted in tax law, the decisions are made by the independent Commissioner of Taxation not an elected minister.

The reform package introduces a potential streamlined assessment pathway that would require decisions to be made within 30 business days. This is not enough time for community consultation and First Nations engagement in decisions. We are concerned that there is a broad interpretation of what projects would be able to be “streamlined” and this could lead to projects with significant environmental impacts, or even fossil fuel projects with significant climate impacts, being pushed through the streamlined assessment pathway.

Recommendation 6: Create an independent Environment Protection Agency which is governed by an independent board, not beholden to direction of the Minister

Queensland Conservation Council and member groups have been campaigning for an Environmental Protection Agency in Queensland for many years. The lack of an independent oversight body in Queensland is allowing companies to get away with flouting environmental laws.

Over the past two years, we have referred over 10 incidents of potentially illegal land clearing in MNES habitat to the Environment Minister and DCCEEW and we are yet to see any meaningful outcome or consequence that has deterred any further clearing events. This demonstrates the urgent need for a National Environmental Protection Agency with adequate resourcing to actively monitor threatened species habitat and respond rapidly to incidences of land clearing, as well as removal of the continuing use exemptions.

Case study: Magnetic South's Gemini Coal Project

Magnetic South's Gemini coal mine in Central Queensland shows how our current laws are not working. The mine has not been referred to EPBC, despite the DCCEEW writing to Magnetic South in 2022 asking them to refer the project under the EPBC Act due to the likely presence of Matters of National Environmental Significance. This has not happened.

Magnetic South began clearing the site earlier this year, and the Department has been unable, or unwilling, to take enforcement action to stop the clearing despite confirmed sightings of threatened greater gliders and squatter pigeons in the area. The Minister does have powers to refer the Gemini project for assessment under s70 of the EPBC Act, and the power to issue a stop order to prevent further activities on this land under s475(1).

Traditional Owners of the Ghungalu nation and local landholders are deeply concerned about impacts to their Country and the seeming lack of recourse to stop the project damaging cultural heritage and threatened species habitat¹⁰.

This underlines the need for an independent Environmental Protection Agency which could take swift and decisive action to stop instances like this where the laws are not being followed.

We welcome the creation of the National Environmental Protection Agency. However, we are concerned that the Bill currently requires the NEPA to abide by directions from the Minister if making delegated decisions. This significantly undermines the independence of the NEPA. The NEPA should be governed by an independent board and have decision making powers.

We support the increased penalties for transgressions against the EPBC Act so that failing to follow environmental laws cannot be seen as the cost of doing business.

¹⁰ https://www.queenslandconservation.org.au/endangered_greater_gliders_gemini_coal_mine

Recommendation 7: Keep Federal consistency by not allowing States and Territories to approve major projects particularly those invoking the water trigger

We are deeply concerned that the bills propose to allow devolution of some assessments to the State Governments, including projects which invoke the water trigger. Queensland's environmental laws and Government processes are not up to the task of protecting our environment from harm. Devolution of approvals to the state could result in weaker protection for nature and fewer opportunities for community consultation and input if sufficient resourcing, processes and compliance measures are not in place. We recommend the Federal Government to retain responsibility for project approval decisions, and assessment accreditation only being allowed where strict, objective tests of consistency with NES are met.

We also do not support offshore oil and gas projects being assessed by NOPSEMA instead of the EPBC.

Recommendation 8: Take action on climate change by requiring projects to disclose their Scope 1, 2 and 3 emissions, including climate adaptation and mitigation in the objects of the Act and embedding clear climate considerations in the Bill

Climate change is one of the key threatening processes affecting Queensland's environment. Extreme weather driven by climate change has contributed to many species being listed or uplisted as threatened species including the koala, greater glider and flying foxes. In 2018, a single heat wave killed an estimated 23,000 spectacled flying foxes in FNQ¹¹.

The Safeguard Mechanism is not working to stop new fossil fuel or emissions intensive projects being proposed in Queensland. The EPBC Act must address climate impacts more directly. At a minimum, projects must be required to disclose all their estimated emissions, Scope 1, 2 and 3.

The objects of Australia's premier environmental laws should include climate mitigation and adaptation, alongside reference to Australia's international climate obligations. There are existing sustainability principles within the Act and clear, legally enforceable climate considerations should be added to protect Australia's environment from the threats of climate change.

¹¹ Kim, S., and Stephen, A., (2018) [Extreme heat wipes out almost one third of Australia's spectacled flying fox population](#) ABC

Recommendation 9: Don't allow companies to pay to destroy our environment by removing the pay to destroy approach and requiring companies to source like for like offsets

Adopting a 'pay to destroy' approach to offsets has failed to deliver any quantifiable outcomes for the environment in Queensland since the offsets framework came into operation in 2014 as demonstrated in the review in 2020¹². We do not see how utilising this approach for national offsets will deliver any meaningful improvements for nature. Like for like offsets must be secured as part of a net gain to stop the decline of nature in Queensland. If offsets cannot be secured, the project must be deemed to have unacceptable impacts on irreplaceable habitat and not be approved.

Recommendation 10: Include First Nations knowledge from the beginning by urgently developing the First Nations National Environmental Standards so it is ready to be implemented when the new laws commence

Queensland's Indigenous peoples have deep knowledge, cultural connection, and co-management roles in many of the state's ecosystems (e.g., Wet Tropics rainforest, savanna, coastal/marine systems). The reform package must ensure strong mechanisms for First Nations involvement in assessment, decision-making, monitoring and restoration. This is especially important in Queensland, given the large area of state-managed lands and the role of Indigenous rangers and land-sea country management. Failure to embed this risks missing opportunities for culturally appropriate conservation outcomes.

We are deeply concerned that the First Nations National Environmental Standard has not yet been drafted, yet the reform package proposes significant reduction in consultation timeframes which are likely to make it harder for First Nations people across Queensland to participate in environmental decision making. Reducing opportunity for First Nations engagement may be in contravention of Australia's commitments to genuine partnership and free, prior and informed consent under Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In conclusion, the reform package represented by the Environment Protection Reform Bill 2025 and its related companion Bills offers a significant opportunity to modernise Australia's national environmental protection regime and deliver better outcomes for nature. The reforms are welcome in intent—particularly stronger national standards, a net gain focus, improved transparency and an independent agency. However, the success of this reform in safeguarding Queensland's globally important biodiversity will hinge on the detail of the legislation, the robustness of implementation and the integrity of the assessment and compliance systems.

¹²Queensland Department of Environment and Science (2020) [A review of Queensland's environmental offsets framework: Consultation and Response Report](#)

Given the scale and urgency of biodiversity decline in Queensland and across Australia, we cannot afford incremental or weaker protections. We need a reform regime that is capable of reversing decline, repairing ecosystems, and adapting to climate change. We urge the Senate Committee to give careful scrutiny to the amendments above, and to ensure that the final legislation is fit for purpose for a state like Queensland that hosts some of Australia's richest and most threatened ecosystems.

Thank you for the opportunity to make this submission. We would be pleased to provide further briefing or evidence should the Committee require.

Kind regards,



Anthony Gough
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